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Transcriber's Office

Transportation and Telecommunications Committee
January 27, 2014

[CONFIRMATION LB736 LB911]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Monday, January 27, 2014, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB911, and LB736, and gubernatorial appointments. Senators present: Annette Dubas, Chairperson; Lydia Brasch; Galen Hadley; Charlie Janssen; Beau McCoy; John Murante; and Dan Watermeier. Senators absent: Jim Smith, Vice Chairperson.

SENATOR DUBAS: I think we'll go ahead and get started. It is a little after 1:30, and we have some confirmation hearings today. And a couple of them are going to be conducted via telephone, and we already have one of our confirmands on the phone so I'd like to be able to get to him as soon as possible. So I will call the committee hearing to order and begin by introducing committee members. I am Senator Annette Dubas from Fullerton; I am the Chair of the Transportation and Telecommunications Committee. Starting to my far left is Senator Lydia Brasch from Bancroft. Then we have Senator Galen Hadley from Kearney. To my immediate left is Anne Hajek; she is the committee clerk; she keeps accurate records of everything that transpires here today. Just joining us is Senator Beau McCoy from Omaha. To my immediate right is Joselyn Luedtke; she is the committee counsel. And then we have Senator Dan Watermeier from Syracuse. Senator Jim Smith is the Vice Chair of the committee; he will be absent today. We also have Senator John Murante from Gretna and Senator Charlie Janssen from Fremont. Please don't be offended if senators come and go throughout the course of the afternoon. They likely have bills that they may be presenting in other committees. So that just tends to be the course of action. It's not that they don't appreciate what you're saying; it's just...we have to learn to multitask as legislative senators. We do have the benefit of a page who is out running an errand for us right now. Jonathan Beck is originally from Centreville, Virginia; he currently resides in Seward, Nebraska, and he is a senior at UNL majoring in political science with a minor in communications. We really do appreciate the work that our pages do for us; they help keep things running orderly and keep us organized as possible. Just a little bit of information about how the hearing will proceed. We have the agenda, and as I said, we'll have some confirmation hearings; those will take place first, and then we'll get into the bills as they are listed on the hearing notice outside the door. The introducer will introduce the bill. Then we will follow with proponents, then opponents, and then neutral. If you are planning on testifying today on either of the bills or any of the confirmands, I ask that you fill out this green sheet; they're on a table back there by the door with all of the pertinent information. Then you can hand that in when you come up to the table and testify; the page will take that from you. If you have handouts that you would like to distribute to the committee, we would ask that you have at least 12 copies. If you need more copies, again, the page will help get those made and get them distributed to the committee. If you want to be on the record, but don't plan on coming forward to testify, we have a pink sheet on the table back by the door, and you can just go back and fill in that information

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on the pink sheet, and that will get into the record. When you come forward to testify, we ask that you speak clearly into the microphone. I know there's that natural tendency to take the microphone and kind of move it around and adjust it, but the microphone is more for transcribing than it is for amplifying. So it is very sensitive. So the more you kind of mess with it, the more difficult it makes for the transcribers' job because then they hear a lot of interference and other noise. So if you can resist that temptation as much as possible, we would appreciate that. State and spell your name for the record, even if it's a simple name. Again, that helps with the clerk's work, and if there need to be any clarification, they can get ahold of you to take care of that. Ask that you turn any cell phones or electronic devices to silent, so again, not to interfere with the transcribing equipment. And if you do need to have any conversations, we'd ask that you please take those out into the hallway to keep the hearing room as quiet as possible for those who are testifying and listening. I think that has taken care of most the housekeeping duties. And as senators join us, I will be introducing them so that you know who they are. So we are going to begin. As I said, we have four confirmation hearings today for the State Highway Commission. Two of those are going to take place via telephone. And the first one that we have joining us on the phone today is Jerome Fagerland. Are you with us, Jerome? [CONFIRMATION]

JEROME FAGERLAND: Yes, I am. [CONFIRMATION]

SENATOR DUBAS: All right. Well, we would ask, again, that you just state and spell your name and then just give us a little bit of information about your background and service on the State Highway Commission. [CONFIRMATION]

JEROME FAGERLAND: (Exhibit 1) Okay. My name is Jerome Fagerland, Fagerland is spelled F-a-g-e-r-l-a-n-d. I reside in Atkinson, Nebraska. And I have served on the Highway Commission since 1999. I was gratefully appointed or reappointed by the Governor again this year, and that is what this confirmation, I think, is about. I have been in the banking business, as well as private industry. But I have been in the banking business, including the role as the CEO since 1991. I have resided in Nebraska since '91. I, originally, was in from South Dakota. And I have seen a lot of changes on the role of the highway commissioner over the past 15 years, particularly the tightening of funding and the inflationary costs of road construction. I'm a very firm believer that we need to maintain our existing infrastructure as a priority, but I'm also very sensitive to the growth areas in Nebraska and certainly feel that we need to meet the needs for the public with public transportation in those areas. With that said, I probably, Senator, open it to questions. [CONFIRMATION]

SENATOR DUBAS: All right, well, thank you very much. We appreciate you taking the time to visit with us today. Are there any questions from the committee? Senator Brasch. [CONFIRMATION]

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SENATOR BRASCH: I wanted to thank you for your willingness to be reappointed and serve on this board. And if there is just one thing that over the years you consider a highlight, would you share that with us, please. [CONFIRMATION]

SENATOR DUBAS: Hello? [CONFIRMATION]

JEROME FAGERLAND: Yeah, I'm here. I'm thinking over the last 15 years. Perhaps two or three of the highlights would be completion of the Missouri River bridge crossings in two or three different locations. I think, probably, also seeing through some of the expressways being completed, not all of them. Of course, you're all aware that we've fallen short of our goal there. I think the low light here, during these years, has been the concerns I have for not having funds available to support roads in high economic development areas, and I think that's a very strong need. [CONFIRMATION]

SENATOR BRASCH: Very good. I, again, want to thank you for serving and your service and your willingness to continue. I've no other questions. [CONFIRMATION]

SENATOR DUBAS: Other questions? Senator Hadley. [CONFIRMATION]

SENATOR HADLEY: Mr. Fagerland, I spent 20 years at the University of South Dakota, and I know where Aberdeen, Sturgis, and Milbank...but I don't know where Langford is. Could you tell me where Langford, South Dakota is? [CONFIRMATION]

JEROME FAGERLAND: Langford, South Dakota, is 35 miles mostly east of Aberdeen. [CONFIRMATION]

SENATOR HADLEY: Okay. [CONFIRMATION]

JEROME FAGERLAND: And by the way, all three communities you just mentioned, I've lived in all three of them. [CONFIRMATION]

SENATOR HADLEY: Well, I'm reading from your resume, so I've been to all of them, but I don't believe I've been to Langford. [CONFIRMATION]

JEROME FAGERLAND: Well, it's pretty small. (Laughter) [CONFIRMATION]

SENATOR HADLEY: Thank you. [CONFIRMATION]

SENATOR DUBAS: Other questions? I would have one for you, and you have touched on this already a couple of different times with having adequate funding for roads. When you're out and about and talking to people out across either your district or in Nebraska, do they talk to you about what they would like to see as far as roads or ask you questions as far as why aren't certain roads projects moving forward or what would it

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take to get roads projects going forward? What kinds of conversations do you have with citizens across the state? [CONFIRMATION]

JEROME FAGERLAND: You know it really varies. Serving as a commissioner, I think, naturally most of your contact is going to be from the public that has complaints. The district I serve is very rural. And I think we need to compliment the Roads Department on the job they've done because the complaints in my district are very limited. [CONFIRMATION]

SENATOR DUBAS: That's good to hear, and I know we do like to...we do appreciate the work that our Roads Department puts into keeping our roads as well maintained as they do. One of the things...you know, I'm from a rural district as well, and one of the things that I've noticed, and I would appreciate some of your input on this, the changes in how we farm these days and the types of machinery and equipment that we use. Very few people use straight trucks anymore. Our tractors and our combines and all of those things are so much bigger and... Where do we need to be as far as getting our roads infrastructure up to speed to take care of those changes in our farming practices as well as other things? And do you see that as a real issue out in the rural areas? [CONFIRMATION]

JEROME FAGERLAND: It is an issue from a safety standpoint, just because the equipment is substantially larger. The last I have read, and this is probably more of an informational thing that makes sure that everyone is on the same wave length, but a semi tractor-trailer, fully loaded to the legal limits, I believe is...it causes the same amount of wear on the roads system as 800 passenger vehicles. And so when you take that in to consideration, the farm to market roads throughout the state of Nebraska need to be maintained to substantially support our farm economy. I think it's a high priority on our list. To say that the existing state roads are not serving our rural areas I don't believe is a correct statement. I don't see out of my district a convoluted or a problem with traffic flow with the modern farm equipment. But from a safety standpoint, I think it's something that we're all going to need to continue to be aware of and rely on the studies that are done to make future decisions on rural development and rural areas. [CONFIRMATION]

SENATOR DUBAS: Does that make the maintenance and preservation part of our program a little more difficult with the changes in the types of equipment that we're using? [CONFIRMATION]

JEROME FAGERLAND: I'm not sure I'm qualified to really answer that. I don't...I haven't spent a lot of time with the actual maintenance crews to understand what this heavy equipment is doing to our roads. But once again, I would state that I think our rural roads have been maintained adequately well. [CONFIRMATION]

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SENATOR DUBAS: I really appreciate those answers to those questions. Are there any other questions? We, again, appreciate you taking the time to visit with us today and your willingness to serve on the commission, your past service, as well as what you're willing to do in the future. So thank you again. [CONFIRMATION]

JEROME FAGERLAND: Thank you. [CONFIRMATION]

SENATOR DUBAS: Okay with that, do we have anyone who would like to come forward and testify in support of Mr. Fagerland? Anyone in opposition? Anyone in neutral? Okay, have we had our next phone call yet? [CONFIRMATION]

CHUCK HUBKA: (Inaudible). [CONFIRMATION]

SENATOR DUBAS: Five minutes? [CONFIRMATION]

BREAK

SENATOR DUBAS: Thank you for your patience as we try to accommodate all of our confirmation hearings today. [CONFIRMATION]

SENATOR HADLEY: Do we have any experts in the audience that know anything about telephones? (Laughter) [CONFIRMATION]

SENATOR DUBAS: Hello, Mr. Leafgreen. [CONFIRMATION]

DOUG LEAFGREEN: Hello. [CONFIRMATION]

SENATOR DUBAS: Hello, this is Senator Dubas, and you are now on the speakerphone in front of the Transportation and Telecommunications Committee. We appreciate you joining us this afternoon. What I would ask is you just state and spell your name and then just tell us a little bit about yourself, as well as your service on the Highway Commission. [CONFIRMATION]

DOUG LEAFGREEN: (Exhibit 2) All right. Douglas Leafgreen, L-e-a-f-g-r-e-e-n, Douglas is D-o-u-g-l-a-s. I am 66 years old. I've been on the Highway Commission since 2000, appointed by then Governor Mike Johanns. I have been in the insurance industry for 40 years. I was with a company called Lincoln National for 15 years selling life and health and annuities. Then I worked for a company out of Omaha called Insurance Consultants; was a third-party administrator and doing fully insured and self-funded plans. I did that for 5 years, and then for the last 20 years worked for a third-party administrator out of Scottsbluff called Regional Care, Incorporated. I just retired in September from Regional Care after 40 years in the business. Still doing a little bit of individual brokerage service for a small group and keeping my hands in it. I'm married;

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my wife, Melody, and I have been married for 40 years. I've got two kids and five grandchildren. I've served for 28 years in government. I've served for 12 years on the Gering City Council as a council member, serving 8 of those as president of the council. And then I served for one term as mayor of the city of Gering. And then I ran for county commissioner, and I served for 12 years as the county commissioner. So I wear a lot hats. During that time, I also served for many years on the county tourism board and have been greatly involved in tourism. Also served on and am currently serving on the Heartland Express committee. So, you know, very aware of how important both signage and roads have to tourism and to economic development. Have enjoyed serving on the Highway Commission. I think it's unfortunate that funding has began to lack. I'm excited about your bill, Senator, for bonding. We had a good discussion about that the other day in our Highway Commission meeting. And I've been a proponent of bonding since I got on the Highway Commission. I've always felt that bringing a project to fruition earlier than later has a huge economic impact. It has the potential of savings due to higher inflation rate of construction, so very excited. Hope that that bill goes somewhere and would like to see some of those projects moved out. So very happy for your leadership there. [CONFIRMATION]

SENATOR DUBAS: Thank you very much. Are there questions for Mr. Leafgreen? Well, I would have one for you in relation to the Heartland Expressway. I'm going to guess that you hear comments about that, maybe on a regular basis? [CONFIRMATION]

DOUG LEAFGREEN: All the time. It's every meeting that we have out here with the Highway Commission or any kind of meeting about economic development, I hear a lot about the Heartland. [CONFIRMATION]

SENATOR DUBAS: And you did touch on this somewhat when you made your comments about the frustrations with, perhaps, not having the kind of money that you would like to see these project move forward. Is that, probably, your biggest...what you see as our biggest challenge in Nebraska as far as getting projects going. What are some of the other challenges or frustrations you may have experienced as a member of the Highway Commission? [CONFIRMATION]

DOUG LEAFGREEN: Well, I have...I mean, probably my greatest frustration is lack of funding. And I see that as a future problem, not only for Nebraska, but for the entire country unless Congress does something about funding. It's a source of revenue that is drying up with cars being more efficient and hybrids and electric cars. So there's got to be a long-term solution there. And the other thing I think is that we need more vision as far as the way we build roads and where we build roads. I think that on a national scale, I mean, I look at the way the interstates were built connecting the east to the west. But north to south, I think the Heartland and other north-to-south trade corridors will make a lot of sense because, as we look at Canada and Mexico and the trade that's going there, there needs to be something done there. One of my big frustrations with the

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Department of Roads and Department of Tourism is signage. I think we're awfully conservative when it comes to allowing signage for tourist-related activities. And small communities need to attract travelers into their community, and signage, I know, helps a great deal. So the other area that I kind have been pushing is to try to get more consistent speed limits in the state. I find it very frustrating to drive a highway with 55-mile-an-hour speed limit, and then you can cross a county line and go to 60 and 65, and you're never quite sure how consistent they are. And so I've been pushing the department to try to come up with more consistency there. [CONFIRMATION]

SENATOR DUBAS: Thank you. Are there other questions? Well, we really appreciate you taking the time out of your day to join us by phone. This certainly helped on your travel time. And we try to accommodate you as much as possible. Appreciate your service in the past and your service into the future. Thank you so much. [CONFIRMATION]

DOUG LEAFGREEN: Thank you, Senator. [CONFIRMATION]

SENATOR DUBAS: So do we have anyone who would like to testify in support of Mr. Leafgreen? Anyone in opposition? Anyone in the neutral? All right, we will move on to our next appointments. We have Mr. E.J. Militti, Jr. and Mr. Ronald Books. Are they in the audience with us today? Okay. One of you want to come forward? No particular order. Welcome. [CONFIRMATION]

RONALD BOOKS: (Exhibit 3) Well, thank you very much. Good afternoon, Senators. My name is Ronald Books, R-o-n-a-l-d B-o-o-k-s, not Brooks. Anyway, I'm in my 19th year on the Highway Commission. They think I'll get through the introductory session this year and the training program. But anyway, I've been around quite some time. And...but have certainly enjoyed it, and it's certainly a way I can feel like I can contribute to the state and the public. I live in North Platte, Nebraska, where I have lived since I was, I guess, in the 5th grade. I joined my father in the collection business when I returned home from Vietnam, and I spent 42 years doing that; had an office in North Platte and then, I don't know, late '80s, sometime along there I bought an office in Kearney and ran that, ran both offices until I retired a year ago. And so in addition to working, I've...in the Highway Commission, I've done other kinds of things. I've served on the Board of Public Works in North Platte which, at that time, oversaw the operation of municipal light and water there and did that for nine or ten years. And served on NEBRASKAland Days Board for 12 years and chaired the Cattle Baron's Ball in North Platte in '95. And so I've done lots of things. But have certainly enjoyed the Highway Commission and feel like we contribute. [CONFIRMATION]

SENATOR DUBAS: Very good. Are there questions for Mr. Books? Senator Hadley. [CONFIRMATION]

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SENATOR HADLEY: Mr. Books, welcome. [CONFIRMATION]

RONALD BOOKS: Thank you. [CONFIRMATION]

SENATOR HADLEY: Sometimes there's confusion about the Highway Commission and what its role is in picking particular projects to be done in the state. Could you, maybe, just amplify what the role is of the Highway Commission in deciding whether highway XYZ from B to C is going to be built or not built. [CONFIRMATION]

RONALD BOOKS: Okay, quite frankly, we really don't have anything to do with that, other than when they ask us, of course; we always give our opinion. The Highway Commission, basically, is tasked with making sure that there is public input to the Department of Roads on any project or every project. So a lot of what we do is hold chair hearings out in our districts when a specific project, particularly the larger ones, or ones that may be more controversial. And so we, certainly we give our opinion, but, basically, I suspect we get the most input in that when we help them set policies and so forth. For example, in the last few years, as you all know, we've had to slightly lower our standards of maintenance just because the funds weren't there to be able to do all the things that Department of Roads would like to do. So, you know, they're always very good to include us in those discussions to take...get our opinion about how those policies ought to be set. And then that somewhat determines what projects are done. But in terms of...you know, they'll certainly ask for our opinion, but the final decision is left up to the Department of Roads. [CONFIRMATION]

SENATOR HADLEY: You know, I just think that's a very important part of the process because I know...sometimes in our legislative districts they think the Legislature is involved in picking whether we're going to have this interchange or this road and...or the Highway Commission is involved in it. And I think it's very important that the people of Nebraska understand that we try to keep politics out of those decisions as much as possible and let the professionals help us by making those decisions. [CONFIRMATION]

RONALD BOOKS: Well, I think that's exactly right. And, of course, those of us who live out in the western part, the rural part of the state, tend to feel that. And I think it's one of the important things. And I know that all the commissioners agree with this, that an important part of our job is to take the politics out of it, or try to, so that we all understand that all Nebraskans deserve to have good roads, not just the big cities or the little towns. And so we have to work on policies that allow us to take the resources we have and do the best we can for all of Nebraskans. And, again, the interstates, as several of my predecessors mentioned, a good example, doesn't do any good to have a good interstate through my district if the next district has a lousy one because people won't drive it then. [CONFIRMATION]

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SENATOR HADLEY: Thank you, Mr. Books. [CONFIRMATION]

SENATOR DUBAS: Other questions? I would kind of pick up where Senator Hadley left off. I know sometimes I have conversations with rural constituents who say: all the money is going to Lincoln and Omaha; we just aren't getting what we need out here. And then I'll have conversations with some urban people who say: well, all the money should come to Lincoln and Omaha because that's where all the people are. But I think you sort of answered that question with the way that the commission works. But just how do you put those perceptions to rest? [CONFIRMATION]

RONALD BOOKS: Well, and again, a lot of it is an education process, I think. And a lot of times, just like you all, I mean, you all deal that in every bit of what you do here is having to weigh how the state's resources are used and so forth. And so a lot of that I think is an education process and having people listen to the fact that...and understand the fact that, you know, all Nebraskans, no matter where they live, need to have...maybe we don't get as many roads, maybe, out in my district as they do in the Lincoln and Omaha district, but they're certainly as good a quality...you know, and we don't need as many. And so it...there is quite a difference. And I think, by and large, most people understand that. Always the street in front of your house is the most important one in the world, but, you know...and we do feel that some. But, you know...I, certainly, have never felt any pressure from anybody, the Legislature or the Governor or anybody else to do something or say we ought to do something different than I thought we should. And so I don't feel that, although you do hear it occasionally. [CONFIRMATION]

SENATOR DUBAS: What kind of turnout do you get at your commission meetings? Does the public participate? Do they come forward? [CONFIRMATION]

RONALD BOOKS: Somewhat, although normally the majority of the people are from the county or the city or somebody that lives on a particular road. I think you asked that question earlier about the highlight. I think one of the highlights for me in the time that I've been on is our change in meetings. We used to meet in Lincoln every month. With the exception of one month in the summer, we'd meet out in one of the districts. We started maybe four years ago now, I think it is, where we go out to four districts every year. And so we've got, again...and that really has done...I've been in a lot of communities that, you know, I had never been in before and understood that their specific problems. And so I think that's one of the things that has really been nice about our change in schedule because you can...when you're on the ground, and you see what is the issues. The floods, for example. A year ago, we saw the aftermath when we were in Omaha and in Nebraska City and so, it helped...you really understand a little better about what they're going through. [CONFIRMATION]

SENATOR DUBAS: I know some of the meetings that I've attended, I have seen local

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government officials there. Is that a way for you to...a good way to communicate with them? [CONFIRMATION]

RONALD BOOKS: Yeah, yeah. And I think that's picked up since we've started come out here. I think we get a few more of...it used to be they would come out every other year, and you get the same two or three. And you still get those folks, but we get a few more when we're out there. But like I said, the biggest bulk of them are governmental entity of one...or the chamber of commerce or, you know, those type of folks. [CONFIRMATION]

SENATOR DUBAS: Very good. Any other questions? Senator Brasch. [CONFIRMATION]

SENATOR BRASCH: Thank you, Madam Chairman. And thank you for your willingness to be reappointed. And one of the things I also heard made me reflect a little on our district is the concern of lack of signage for tourism. Is that discussed at your meetings? Or is that... [CONFIRMATION]

RONALD BOOKS: Well, we have; not often, we haven't discussed it often. We have been...I have had some experience. For example, when they redid the interstate in North Platte, the main interchange, and they reworked it, made the leafs, you know, it changed it then. And I had a businessman who happened to have a business on the south side of the interstate, opposite the community of North Platte. And said, you know, the sign that they put up said: North Platte, north; McCook, south. Didn't say anything about the in between. And so they brought that to my attention. I brought it to Lincoln's attention and, you know, it wasn't two weeks and they had it fixed and resigned the thing...or redesigned what they were going to sign. And so when a specific issue comes up, we do. But I probably have had more negative comments about signage, except, maybe, having the interstate closed. And I said, would you rather have the potholes? But that...that kind of thing...but...so, but you do...we do get remarks about signage or the lack of them. [CONFIRMATION]

SENATOR BRASCH: Very good. I have no other questions. And thank you again for serving. [CONFIRMATION]

SENATOR DUBAS: Any other questions? Well, thank you very much for coming and joining us today. And we do appreciate your service. [CONFIRMATION]

RONALD BOOKS: No problem. I had to play grandpa here this weekend anyway. And we had our Highway Commission Friday, so it worked great. [CONFIRMATION]

SENATOR DUBAS: Well, very good. We're glad we could accommodate your schedule then. [CONFIRMATION]

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RONALD BOOKS: Thank you very much, appreciate it. [CONFIRMATION]

SENATOR DUBAS: Very good. Thank you. Is there anyone who would like to testify in support of Mr. Books? Anyone in opposition? Anyone neutral? Very good. Our final confirmation appointment is Mr. E.J. Militti, Jr. Welcome. If we could have you state and spell your name for the record and then just tell us a little bit about yourself and your service on the commission. [CONFIRMATION]

E.J. MILITTI: (Exhibit 4) Thank you. Sure. Edward Joseph Militti, Jr.; Militti M-i-l-i-t-t-i, lots of vowels. I work in the capacity of the Highway Commission of representing District 2. And this is my second go-round in terms of confirmation for myself. I filled in for Mr. Dick Reiser as he ended his term. [CONFIRMATION]

SENATOR DUBAS: So your experience as a member of the commission, what have you...? [CONFIRMATION]

E.J. MILITTI: Sure, no, it's been very enlightening. The first time I was here I mentioned this, and I want to remind...that I have lived away from the state for near 20 years, living in Illinois and watching how not to do things. And when I had a chance...and I'm on the record, I will...I appreciate saying that. And I wanted to get involved in the Highway Commission. I had a chance by talking to an individual that spent some time on the Highway Commission for a number of years who asked me to be on it. My interest at the time was more, I would say, economic feasibility, economic entrepreneurship. I feel that in the competitive spirit that I am more that interested in Nebraska's interests versus competing states'. So I thought I had an opportunity from my background in finance to work in the commission standpoint and at least develop and offer my experience in financial capacities and listen to the public and what they have to say. [CONFIRMATION]

SENATOR DUBAS: Very good. Do we have any questions? Senator Brasch. [CONFIRMATION]

SENATOR BRASCH: Thank you, Madam Chairman. And thank you, Mr. Militti, for your willingness to serve again. [CONFIRMATION]

E.J. MILITTI: Thank you. [CONFIRMATION]

SENATOR BRASCH: Looking at your resume and credentials, I see they are very heavy in marketing and advertising and branding. And our roads do say something to those who are journeying through our state. And have you had any thoughts on what we could do better along the road here, down the road with our state bringing more people through? [CONFIRMATION]

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E.J. MILITTI: Sure. Yeah, sure. So to my background, yeah, I had spent a number of years helping corporations brand themselves and to push messaging. And so I kind of look through that prism. I think, probably, when I look at the Nebraska roads I have to remind myself that in rankings we fall, depending on what poll you're looking at, around number six in the country. So when you take the population base, and you take the revenue, and you take the miles of roads, and you take into consideration the amount of river frontage and bridges that we have to have, it's really remarkable that our roads are in that great condition. That being said, yeah, there are areas of concern. Probably would be...a comment that I would add is that while I represent District 2, one project that's sort of...I think is very, very important is here in District 1 is the beltway. And I've always felt that that is something that we have to get going and as soon as possible. And I think that probably, as I look at things, I know I look through the prism of District 2. But again, I get back to my competitive set of looking for the best interest of the state, and I want to make sure that we're doing the right things for the citizens. And we go out and talk to the citizens, and we hear what they have to say, good and bad. But that's the prism that I'm looking at things. [CONFIRMATION]

SENATOR BRASCH: Very good. And the outlook for what you would like to see during this term? Any immediate changes or modifications or...? [CONFIRMATION]

E.J. MILITTI: Well, I'd be remiss if I didn't discuss LB84 and the influx of funds that came through LB84. We were at a position prior to LB84 where we were in, sort of, maintenance mode. And that's never a great place to be. LB84, the quarter-cent sales tax, has allowed us to now really plan for the future. That's very helpful, and it gives you a perspective of 5, 7, 10, 20 years out. It's better to manage that way than to be managing on a, sort of, year-to-year basis. And so, no, I'd be remiss if I didn't say that LB84 has been very helpful. [CONFIRMATION]

SENATOR BRASCH: Very good. Thank you for your work, the contributions you've made, and willingness to serve again. I have no other questions. [CONFIRMATION]

E.J. MILITTI: It's been all my pleasure. Thank you. [CONFIRMATION]

SENATOR DUBAS: Senator Hadley. [CONFIRMATION]

SENATOR HADLEY: Mr. Militti, thank you for your service on the board. It's very much appreciated. Do you think we've put enough weight on economic development when we're dealing with our road plans, our road issues in the state of Nebraska?
[CONFIRMATION]

E.J. MILITTI: You know, in the capacity that I stand in, an advisory capacity, in the time I've been there, I do. Again, I'll go back to saying that it's been hard to plan for the future

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with...prior to LB84. I will say, now I think we can kind of push forward with our vision of what we expect the Nebraska Department of Roads to deliver. I think Randy Peters and his team has put together a really wonderful plan. And I think a great business plan is a great model for moving your whole staff forward. I think the staff at the NDOR now has an ability to focus on the future. And I think that probably, if I had one thing to add in and one place that I like to play is the economic viability of our entire state. And I just don't mean in my district, in District 2 I hear people talk about the Heartland. I hear people talk about areas that are within District 1, 2, 3, 4, 5, and on and so forth to 8. Yes, I do care about my district, and I care about the things that are happening there. But I think, if anything, we always have to look at, instead of "bridges to nowhere," what's the internal rate of return going to be for that economic development, for that area, and should we do it? And if we shouldn't do it, then where should the funds go? So I'm always looking through the prism of where does the smart money have to be?
[CONFIRMATION]

SENATOR HADLEY: Thank you, sir, appreciate that. [CONFIRMATION]

E.J. MILITTI: Thank you. [CONFIRMATION]

SENATOR DUBAS: Other questions? Well, I'd like to thank you for your service and the comments that you just made. I think you're probably reflective of the full commission, but you really are looking at what's best for the state of Nebraska, and we really do appreciate that, that tenor. [CONFIRMATION]

E.J. MILITTI: Thank you. [CONFIRMATION]

SENATOR DUBAS: And again, thank you for your service and for coming to visit with us today. [CONFIRMATION]

E.J. MILITTI: Thank you very much. Thanks for having me. [CONFIRMATION]

SENATOR DUBAS: All right. Do we have anyone who would like to testify in support of this confirmation? Anyone in opposition? Anyone in neutral? All right, that closes our confirmation hearings for today. We will now open the hearing...we'll take the bills, as I said, in order of...as they were listed on the sheet outside the door. So we'll do LB911 first, and that will be me. Good afternoon, fellow committee members. I am Annette Dubas, A-n-n-e-t-t-e D-u-b-a-s, and I represent Legislative District 34. Today I'm bringing to you a very serious issue that will require a great deal of attention in not only the near future but the long term as well. And I urge you to invest yourself in understanding the needs of your district, as well as the state, when it comes to providing 911 services. At its core, 911 is a primary function of state and local governments, a service that our citizens have come to rely and depend on, but one that is sorely in need of attention. Last session, Senator Scott Price introduced LB595 to commission a study

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on Next-Gen 911 and what Nebraska needs to do to ensure that we have an emergency contact system that meets both the public's expectations and the available technological advances. The results of that study are not due to the Legislature until April. However, in attending the meetings as a part of the study, it became clear Nebraska has a lot of work to do. My intent in drafting this bill was to be a placeholder to ensure that relevant state entities had the authority to begin work as soon as possible. LB911 creates the Nebraska 911 Act. The act is intended to be an initial step in combining and modernizing the three existing 911 statutes found in Chapter 86, sections 401 through 470 called the Nebraska Public Safety Communications Systems Act, the Emergency Telephone Communications Systems Act, and the Enhanced Wireless 911 Services Act. Once the Next-Gen 911 study is completed, further statutory changes may be necessary. Because of their past work implementing enhanced wireless 911, the act gives the authority to the Public Service Commission to develop a plan to implement Next-Generation 911 statewide. The act creates the Next-Generation 911 Advisory Council to advise the Public Service Commission. However, after hearing concerns from local PSAPs, law enforcement, and telecommunications companies, I am considering an amendment to replace this new council with the existing Enhanced Wireless 911 Advisory Board. I've been very clear with all individuals and groups who have contacted me with their concerns that we really need you and want you to come forward today with your suggestions. As I stated, this bill was introduced as a work in progress...but that we really need to be able to have something in place that once the study is completed, we won't have a gap in time between the adjournment of this legislative session and the beginning of next year's session. Finally, the bill updates statutes in a technologically neutral way to include a functional equivalent of telephonic communication. The testimony that follows will likely bring ideas and suggestions for changes to the bill. And I very much welcome those suggestions. As you consider the testimony today, I would like to leave you with a better understanding of what Next-Gen 911 means and why it is important. What is the public's expectations of 911? Where is Nebraska in our ability to meet that expectation? I think if you ask the average person on the street, can I use my cell phone and text 911? I'm going to guess many of them are going to tell you yes. And that's not the case. How our statewide radio system...how does that fit in to the scenario? How can we avoid the mistakes made in implementing our statewide radio system? And who should be that statewide coordinator of 911 services? Whether it's the Public Service Commission, The Office of Chief Information Officer, the Nebraska Emergency Management Agency, or maybe even another state agency. I think there are a lot of questions. I think...I really appreciate Senator Price's forward thinking on this issue. He, you know, because of his experience, he understood the importance of what we need to do to move Next-Gen 911 forward. And that's why he not only introduced the bill last session, but it was his priority. And so I would like to continue to carry his concerns forward. And again, that's why we introduced LB911 to make sure that there's not a lapse, and once that study is completed, as I said, middle to end of April, I believe it is, when that final report is due. I know we'll be having a lot of people coming forward to testify, and I really encourage the committee to ask those

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questions. It's important that we have a good understanding of not only where we've been, where we're at, but where they see us going forward in the future. So I'd encourage you to save those hard questions for the people who are following me. Thank you. Are there any questions? Thank you. I would like to, before we move forward, Senator Charlie Janssen has joined us. So welcome, Senator Janssen. With that we would invite the first proponent for LB911 to come forward please. Welcome. [CONFIRMATION LB911]

ERIC CARSTENSON: Good afternoon, Senator Dubas. Thank you. My name is Eric Carstenson, I'm president of the Nebraska Telecommunications Association. Carstenson is spelled C-a-r-s-t-e-n-s-o-n. I'm also registered as their lobbyist too. Last session, as Senator Dubas noted, this Legislature passed LB595 which allowed the Public Service Commission to hire independent consultants to help Nebraska study what we ought to do next as we move into Next-Generation 911 deployment. The independent study should produce a result just very shortly. We think good momentum was established during the study process from this time last year coming forward until now. And we think that LB911 captures that momentum and moves it forward. The NTA supports the concepts that you see in LB911, but we think the ongoing work would be enhanced by having a representative from the local exchange industry beyond that commission, much like Senator Dubas suggested. So, with those thoughts we would like to offer our support for LB911. Congratulate you, Senator, on getting a wonderful number for the bill. And that concludes my testimony. I'd be happy to answer any questions. [LB911]

SENATOR DUBAS: Thank you very much, Mr. Carstenson. Are there questions? Would you mind sharing a little bit the experience that your member has on the existing advisory council? [LB911]

ERIC CARSTENSON: I'm not thinking of their name right now, but anybody from the industry would be technologically competent about how companies interconnect with other companies, as well as what kinds of technologies are out there. And there's been a lot of change recently in technology, just in how we connect as we move from a legacy copper system into fiber-optic systems. And those different companies have deployed more advanced technology. So they would have...anybody from the industry would have that kind of technological expertise which they would bring to the study. [LB911]

SENATOR DUBAS: So you believe by the makeup of the committee, as it's listed in the bill right now, that committee is lacking that expertise? [LB911]

ERIC CARSTENSON: I think it would be enhanced by having...I'm not going to say it lacks; I think it would be enhanced by having that kind of technology expertise and experience brought into the study...into the group. I think the important thing is that a lot

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of companies also need to understand about interconnection too. I mean, it's one thing to have technology deployed, but it's quite yet another to make it all work together. [LB911]

SENATOR DUBAS: Very good. Any other questions? Thank you for coming forward today, appreciate it. [LB911]

ERIC CARSTENSON: Sure. [LB911]

SENATOR DUBAS: Any other proponents? Is there opposition? Any opposition? I promise we won't throw things at you. [LB911]

NEIL MILLER: That's good. Thank you. [LB911]

SENATOR DUBAS: Welcome. [LB911]

NEIL MILLER: Good afternoon, Senator Dubas, members of the committee. My name is Neil Miller, N-e-i-l M-i-l-l-e-r. I am the sheriff of Buffalo County and currently an advisory board member to the existing Wireless 911 Advisory Board. I also am here today representing the Nebraska Sheriffs' Association. Even though this is opposed, and we certainly were that to start off with, after listening to Senator Dubas, how do you argue with where do you want to go? And we appreciate your efforts in wanting to do that. We feel though that the current bill is lacking in your committee. I think the one that already exists, certainly, brings everyone involved in 911 to the table. If you look at that group currently that is out there under the existing statute, we're looking...you can see that we have one sheriff, two county officials or employees, two municipal officials or employees, one representative from the state's wireless telecom industry--one manager of a PSAP not employed by a sheriff, one representative from the state's LEC industry--local exchange carrier industry--and one member of the public at large. We have two ex officio members that are from the state--one is the PSC commissioner and the other is a representative from the state office of OCIO. I currently sit on that. I have been on this committee since 2001 when the first bill came to take us from a very, very poor wireless 911 system in this state and where we had people who could not get help because no one knew where they were at. To where now we have moved Phase II wireless in this state and upgraded the wire line along the way because we had to bring that along to get everything to where it was enhanced 911. And we've got to the place where all the PSAPs in the state are capable of taking a Phase II call. I think that's a huge distance that we have traveled from when I came on in 2001. Part of the reason, I think, the makeup is as it is, is because if you look at the PSAPs in this state, all of them are run by local government; every single PSAP is run by local government, whether it's a city or a county. Some of those are combinations of cities and counties, but they're local government. Fifty-eight percent of the PSAPs in this state are run by sheriffs; twenty percent are run by county agencies; sixteen percent are run by cities, and six

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percent are multiagency or regional kind of 911 centers that have come together to provide that service to the people of their area. Again, if you look back at the makeup of what the existing Wireless 911 Advisory Board looks like, and the people who it will take to bring 911 Next-Generation to this state, I think that committee looks good the way it sits. And there's been a lot...there's a lot of knowledge there. They're the people in the trenches of 911. They're the PSAP managers, the people who are running these places who have an interest in also getting us to where we need to be with Next-Generation. In our last wireless advisory board meeting, you talked, Senator Dubas, about people believing that they can text to 911. You are certainly correct, and they do believe that. I can tell you that there's a mandate out there from the FCC that as of May 15 there has to be a plan for how we're going to get text messages to PSAPs. We have already asked the Public Service Commission to do a workshop where we can allow members, people, the public, whoever wants to come in, the ability to be able to come in and talk about that and what our plan is going to look like in Nebraska. We could be a number of years before we see Next-Generation 911, but we're right around the corner from wanting to and needing to see text messaging into the 911 centers in the state of Nebraska. I guess I would go back to...I sent an e-mail to Senator Dubas about some of the concerns that we had; the biggest one is the makeup of the committee. I would ask that you take a look at the existing board. There are some other things in there. One talks about the advisory board; one talks about the committee in the bill, and it gets a little bit confusing in there as to which one is which. I don't see the need for the second one. I think the one you've got can get us to where we need to be for Next-Generation 911 in the state of Nebraska. And we'd be happy to help you do that and would offer up anything that we can do to get you there...to get us there. [LB911]

SENATOR DUBAS: Thank you. Are there questions? I think you know, anytime you're trying to put a group of people together and what you're trying to achieve, the information you're trying to gather, you don't want it to get so big that you can't get your work done, but yet you want to try to cover all of those bases. And I guess that's...you know, that's what we're trying to do with this legislation. We want to make sure that all of that expertise from every angle is included. So I really appreciate and understand your concerns. I appreciate you coming forward and sharing with us what your experience has been as a member of that committee and what you feel you can offer to this. So we, definitely, will be visiting with you and working with you because we do want this committee to be something...a committee that is as productive and that does help move us forward. So I appreciate your offer to help us get there. [LB911]

NEIL MILLER: You're welcome. [LB911]

SENATOR DUBAS: Any other questions? Thanks so much for coming forward. [LB911]

NEIL MILLER: Thank you. [LB911]

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SENATOR DUBAS: Further opposition to LB911. Welcome. [LB911]

HAROLD PETERSON: Good afternoon. My name is Harold Peterson, H-a-r-o-l-d P-e-t-e-r-s-o-n, but please refer to me as Pete. I'm here representing my bosses, the Keith County Board of Commissioners. I am the manager of a 911 center in Ogallala, Keith County, and we do serve seven counties in the state. Most of those are very small counties to the north of Keith County, but we do provide a consolidated service there to seven counties. The concerns from my county board, and then also from me as well, have been mostly expressed by Sheriff Miller, so there's no reason for me to repeat all of those. But I would like to add a couple of things and reiterate that he was talking that 911 is a local government function and it truly is throughout the entire state fully local government. Some years ago, the Legislature adopted a surcharge on wire line 911 that allows most of us to collect up to a dollar per month on regular wired kind of telephones. That was done prior to the advent...or I shouldn't say the advent, but the popularity of cell phones. And there is separate legislation that does that. So local government has lost revenue or a funding revenue, if you will, for 911 systems that we have not totally recouped from the wireless surcharge money that the formula from the Public Service Commission gives back to us. So local government, over the last few years, has, in fact, been paying more than they were before for 911 services because of that drop in wire line costs. So I think that's something that needs to be considered in the legislation, or at least looked at and examined by, hopefully, what will remain the same advisory board that we have now. But I thought that was something that was important to share. And another local government concern, at least in our area, is to have someone on the state level or on the local level funded with whatever funding could be available to be an operational, technical person for the state of Nebraska. We do well with the regulatory and the regulations and things, but in our state we do not have the operational, technical person to put some of the planning together that local governments can go to for advice and support and some of those kind of things. And I think outside of that, pretty much I would just be repeating what Sheriff Miller who has already said, so I won't waste anyone's time, but would be open for questions. [LB911]

SENATOR DUBAS: Thank you very much, Pete. Thank you for coming forward today. [LB911]

HAROLD PETERSON: You bet. [LB911]

SENATOR DUBAS: Are there questions? I do appreciate you sharing your information. [LB911]

HAROLD PETERSON: Thank you. [LB911]

SENATOR DUBAS: Thank you so much. Welcome. [LB911]

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JON ROSENLUND: Good afternoon. My name is Jon Rosenlund, J-o-n R-o-s-e-n-l-u-n-d. I'm the director of emergency management in the city of Grand Island and we manage the 911 communications for Grand Island and Hall County. Today I'm coming to you representing the mayor of Grand Island in opposition to this bill. Though we recognize and appreciate the forward leaning nature of having this bill written and prepared for the arrival of that survey study, we really would like to...we had concerns about the nature of the advisory board and hearing testimony today has alleviated some of our fears for that, but we would like...we would encourage that the current advisory board has all the technological expertise and the experience necessary to provide whatever guidance may be needed for Next-Gen 911. We fear that a different board, focusing on Next-Gen 911, may give conflicting or contrary advice to the Public Service Commission. And instead using those experienced leaders that make up that board, of which I am not, so I can talk freely about their expertise, I think we'll get a better and more consistent set of instructions, guidance, and opinions. I echo the concerns brought about, the need for an operational and technical type of leadership at the statewide level. A regulatory body like the Public Service Commission does great things, but may not always be in the position to provide that operational, day-to-day, focused management of an issue this complex. And it is only going to get more and more complex, more and more technical, more and more costly as it goes on because PSAPs are going to be...are facing the need to purchase additional equipment, purchase additional services from companies that will provide this data. How will we store the data? And the 911 dispatchers that 20 years ago simply answered the red phone and called out the help. Today their job is far more technical, far more difficult, and the education level and the experience level and the expertise that we require a dispatcher to have is only rising. And as that position grows, the need for the local level to be receiving additional support from the surcharges is going to increase. And as has been mentioned, our land line surcharges that come directly to the counties are stymied, if not falling. And the replacement revenue from wireless just has not been able to make that gap. And many PSAPs are finding it annually very difficult just to maintain the level of service that we have today as we see increased costs for labor, healthcare costs associated with that labor, and then the additional technological advances that we really must have if we're going to provide the type of 911 service that the public expects. We do recognize in the bill there are some very good things, I mean like the aspect of maintaining the interest accrued in the wireless surcharge from being transferred to the state's General Fund. Those are 911 dollars and we view those as the widow's mite. And we do need those...every dollar we can because we have a big project ahead of us. And maintaining the interest accrued to that fund is going to allow us to accomplish that in a much quicker and more effective fashion. I don't have anything else, but I am open to questions. [LB911]

SENATOR DUBAS: Thank you so much. Are there questions? What type of training is available for, like, dispatchers? Is there specific courses? Is it on the job training? How is it that they... [LB911]

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JON ROSENLUND: It's pretty much all on-the-job training. There is...depending on where you work, you may have a certain amount...it could be two, three, four months. Speaking in Grand Island, our dispatchers require a basic high school education, be able to read and write English, and work in a high-stressed environment. We do require that they complete our in-house training sessions that's approximately about four to six months, depending upon how well that dispatcher progresses through her training. We also require a three-day emergency medical dispatch training so that they can take, receive, and provide emergency medical dispatch services. We also send our dispatchers to the law enforcement training center's two-week public safety dispatcher training program. It's expertly led and they come back with a lot of good knowledge. Then upon that we build more EMD and then our own policies and procedures. Typically, a dispatcher in my agency, after six months, will be working shifts on their own, and within a year they'll stop asking the annoying questions of their coworkers, and they are pretty well self-sufficient. [LB911]

SENATOR DUBAS: Now you just said that...so they don't start working on their own immediately? [LB911]

JON ROSENLUND: Oh no, no. It takes quite a while. [LB911]

SENATOR DUBAS: That's what I wanted to know. You don't just...I mean, how would you ascertain their ability to handle that high stress and what have you? So they are partnered with someone? [LB911]

JON ROSENLUND: Yes. In our agency, they'll shadow; they'll simply listen to calls, and in time that transition is slowly handed over. Where instead of shadowing and listening, they'll take simple calls and with a lot of parrot in the year...and really for the first little while as they're first taking their calls, that senior trainer is really doing a lot of the work: do this, call him, say this, and giving that trainee week after week a little bit more responsibility and fading into the background until in the last several weeks that trainer is now shadowing as the dispatcher is taking those calls themselves. But truth be told, I'm fortunate, I have a staff of 15 dispatchers in the city of Grand Island to meet our needs of 60,000 people. That's hard sometimes. And with absenteeism I have had to push someone with only two or three months of training to cover shifts by themselves when everyone is sick or out of town, never by themselves, but, certainly, on the console without that shadow. And it's because funding is low enough we...I would love to hire three more people; it's just not in the cards. And so that's a challenge to everyone. I think most of your 911 centers are going to talk about the difficulty of recruiting, the difficulty of training and of retaining a dispatcher. It's a job you can burn out pretty quickly if you don't have a program that you can train them well and sustain them well. [LB911]

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SENATOR DUBAS: That was going to be my next question. Do you have a lot of turnover? And then when you do advertise for openings, do you have a lot of applicants? [LB911]

JON ROSENLUND: We do have a good amount of turnover. We do have a lot of people that will apply for a position. In Grand Island, for instance, I may have 50 applications; only about half of those will really meet our basic requirements. And we pull it...we will invite, say, the top dozen to test. Only about six to eight will show up for the testing; three or four pass that entry test that we administer, and then we interview. And so I'd say in my experience about half of the people that we hire through that process are able to make it through training and sufficiently do the job well enough that we can trust them behind a console. Others will wash out and bring...and start the process over again. [LB911]

SENATOR DUBAS: Thank you. Any other questions? Thank you so much for coming today, appreciate it. [LB911]

JON ROSENLUND: Thank you. [LB911]

SENATOR DUBAS: We have been joined by Senator John Murante; welcome. Further opposition. Do we have neutral testimony? Welcome. [LB911]

JERRY VAP: (Exhibit 5) Thank you. Good afternoon, Senator Dubas. Madam chairperson and members of the Transportation and Telecommunications Committee, I'm Commissioner Jerry Vap, that's spelled J-e-r-r-y V-a-p, representing the fifth district of the Public Service Commission, and I'm also the vice chair. I'm here today to testify neutrally regarding LB911. As you know, the commission administers the Enhanced Wireless 911 Fund, or the Wireless Fund as we call it. LB911 would require the commission to utilize the Wireless Fund to develop a plan for the implementation of Next-Generation 911 in Nebraska. Last year, LB595 directed the commission to utilize wireless funds to hire an independent third-party contractor to conduct a study regarding the implementation of Next-Generation 911 services in Nebraska. The contractor held several public meetings throughout the state, conducted site visits at multiple 911 centers, and sought information from potential stakeholders including representatives of the landline and wireless telephone industry, broadband providers, 911 centers, and various state agencies. As of December 2013, 40 of the 76 911 centers contacted had provided the requested information, and 27 of the 49 service providers contacted had supplied the requested information. The initial report is scheduled to be delivered to the commission on January 31, with the final report due on or before April 1. The final report will contain recommendations as to how to proceed with the implementation of Next-Gen 911 in Nebraska and can be utilized as the basis for the plan. The plan would likely include specific proposed statutory and funding changes for the Legislature's consideration during the next session. The commission believes that sufficient funds

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exist to take the next step proposed in LB911. The current uncommitted balance of the fund is \$13.9 million. The 2013 reduction in the surcharge to 45 cents, additional funding granted to PSAPs for certain personnel costs and the use of the fund for the Next-Generation 911 study will continue to decrease the balance of the fund. The commission would anticipate hiring an independent contractor to assist with the development of a plan. Based upon the costs of the study, we would expect that the total costs related to the advisory council, the contractor, and the commission expenses would be less than \$608,000. We believe that the current balance...the commission could complete a plan without impacting the surcharge or funding to PSAPs or wireless carriers. Although the current bill would create a new advisory council to assist the commission in the development of the plan, the existing Wireless Enhanced 911 Advisory Board could serve that function. They're very capable people; they're very smart, and they have got a lot of experience in this business. Implementation of the Next-Generation 911 requires a comprehensive approach. The study will provide valuable information to the committee to enable you to decide how to proceed. Although we are testifying neutrally, the commission is supportive of taking the interim step proposed in LB911 in order to sustain the current momentum and to allow sufficient time to further develop options for the committee's consideration. The commission looks forward to continuing to work with the committee and other stakeholders to continue to improve public safety for all Nebraskans. I'm available for any questions you may have. [LB911]

SENATOR DUBAS: Thank you, Commissioner Vap. Are there questions? Senator Hadley. [LB911]

SENATOR HADLEY: Chairwoman, thank you. Commissioner Vap, I guess the question I have is on the, approximately, \$600,000 for the consultants. Was this an arrived at figure, or is this a ballpark figure or...? I'm just curious. [LB911]

JERRY VAP: It's a ballpark figure based on what we're paying for the current study. And the potential increased cost for a second advisory board thrown into there would create that kind of level of figure. If the advisory board were to remain the same, that would be considerably smaller dollar figure by quite a bit. [LB911]

SENATOR HADLEY: Thank you, Mr. Vap. [LB911]

JERRY VAP: Um-hum. [LB911]

SENATOR DUBAS: Other questions? Could you give us a little historical perspective on the surcharge: where it's...what...where's it's been; where it is now; what's happened in between? [LB911]

JERRY VAP: The 911 surcharge for cell phones initially was set at 50 cents a month.

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And at that time, based on the statute, it provided for reimbursement to PSAPs for equipment; it provided reimbursement to all cell phone providers for equipment to produce a product that would provide Phase II 911. The commission, after some experience and with advice from the advisory board decided that if they were going to continue paying for all of that, the surcharge was not going to be enough. So LB1222 was passed which allowed the commission to go to 70 cents a month for a surcharge, except for in Omaha where it's restricted to 50 cents. And there was one word changed in the wording on the reimbursement to wireless companies. It changed from "shall" to "may." And the commission decided that they couldn't afford to pay for all that, so we quit paying for a lot of those...that equipment that the cell phone companies were put on. We did create a broadband...or not a broadband, but a wireless grant fund that provided grant dollars for those companies to put up that kind of equipment on those towers, and several companies availed themselves of those grants. That money is now being phased, currently, into just part of their monthly payment. And the grant funds will be discontinued after this year. We don't know what the study is going to say about funding. I suspect there will be some changes suggested, but we have no idea what that will be at this point in time. The testimony today about the reduction in land line funds is very true. We do have somewhere in the vicinity of 1.4 million cell phones in use in the state. Out of 1.8 million people, that's a lot of cell phones. But we have probably somewhat south of a million wire line phones now. So it's been quite a shift in numbers. So that one up \$1 for the local, and in Omaha it is still only 50 cents. For the wire line, they are not taking in as much money. But the commission is restricted by the original legislation on what that wireless money can be spent on by the PSAPs. So even though we have a pretty good-sized balance, and the reason it's that big is because of the amount of money that we didn't pay wireless companies that we were required to earlier. So we do have quite a bit of money there, but it's gradually going to disappear because we lowered the surcharge down to 45 cents. What the future holds in that respect, we don't have any idea. So it brings us to here now and when we can get that study...here, and I'll give you a time line: the initial report is due on January 31, 2014. That will be...by February 3, it will be up on the commission Web site for anyone to peruse, and they credit themselves...I'm not sure how many pages it is, but we're not going to print it for everybody that wants one. They can certainly get it off the Web site. Comments on the initial report are due by February 17. And then the mission critical people that are doing the study will take those comments, which could be just technical corrections or fact changes by companies who are interviewed or things of that type. And the final report due to the commission on or before April 1. At that time, the commission will receive the report and issue an order at the first business meeting after we receive it to which transmits the order...or the study to the Transportation and Telecommunications Committee for their use. [LB911]

SENATOR DUBAS: Thank you. Any other questions? Thank you very much, Commissioner Vap, for coming. [LB911]

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JERRY VAP: Thank you. [LB911]

SENATOR DUBAS: Further neutral testimony? Welcome. [LB911]

MARK CONREY: Welcome. Thank you very much. And I appreciate the opportunity to speak in front of your committee. My name is Mark Conrey, M-a-r-k C-o-n-r-e-y. I'm the 911 director for Omaha-Douglas County. And I'm here to testify in a neutral capacity. I didn't have time to go in front of the county board to get...I mean, initially when we read it, I think that it was probably be opposition; and now based on what you said, I'm very glad we didn't go totally in opposition and that it's neutral. But you said some things so my...that I, hopefully, can get some clarification or provide some for you. One of the things that's in the document is it says 911 is a statewide system. And I think you've heard through this, 911 is probably more a local government system but is going to start transitioning into having to have the state dictate some things that are going to happen. And then in the same thing...in the same bill, you said the act is not intended to fully fund the provision of 911 service in Nebraska. And in your description of what you were trying to accomplish, you also included the statewide radio system, you know, for Next-Generation, you said a lot of things. And it got me thinking that one of the problems that we're going to have as we move forward is that 911 service has not been defined and defined well enough that when you look and see the...what the Public Service Commission was operating on in trying to determine what was an eligible expense or what wasn't, a lot of it was done on infrastructure. But you can't have a 911 system without having somebody have the ability to answer the call, to try to locate where you're at, to try to get help. So are the people that work in the PSAP part of the service? Or is it just the delivery of the 911 phone? Now when we talk about Next-Generation, you also tasked this committee to learn about Next-Generation 911. And in some cases, it's going to be difficult; in some cases it's going to be very easy because of the fact that what Next-Generation 911 is going to be about is routing the calls into either a state system that's going to disperse the calls or the fact that we might have to go out and sign a contract with one of the big vendors and have the calls delivered there. And then the calls would be delivered to the PSAP over IP. The big difference is, it's going to come in under IP. That's where all this is about Next-Generation 911. And I have a bad habit of referring to Next-Generation to like when we talked about Y2K. Everybody knew it was coming, but nobody knew what it was or what the problems were. And we're kind of at that with Next-Generation 911. And so when I listened to you, and when you tasked this committee to learn about Next-Generation and everything else, good luck. I mean, it's going to be fun. But it's also going to be very simple. And I think that, based on what you identified, and in listening, I really would like to see...I know you said this is kind of a placeholder to share, but I think it's almost time that somebody with...that has the ability to...and the authority to define exactly what 911 service is. And I think once that happens, everything can stay inside the parameters of that definition, because right now the wireless providers...it's...it means one thing; to the Public Service Commission it means

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another thing; to the local government it means something else. Nobody totally understands where does 911 service stop...or where does it start and where does it stop? And that's what I would hope that if we accomplish anything through this bill, at some point that's what's going to need to happen because we're making a plan; we're going to implement that plan; we're going to do this. But we haven't...we haven't established the parameters that we need to concentrate on. And that's not going to be easy, and that's probably the hardest part, and I would hope that this committee would look at that very, very hard as you transition into this bill. Again, Douglas County takes a very neutral position hoping that, based on what you said, that you've established some pretty broad guidelines of the way you want this bill to come out. And we applaud you for taking that, but it's also...you opened up, you know, when you said radio, so does that mean we pay for our radio systems out of 911 surcharge, you know? So please, what's 911 service? Where does it start and where does it stop, and I think you'll go a long way to giving all the committees, everybody that has to come behind us, the ability to make a good plan and to implement it. So thank you very much. [LB911]

SENATOR DUBAS: Thank you, Mr. Conrey. Are there questions? Well, I appreciate your comments, because I think that's what I have seen as I've been learning about this. There is that blurring now and then, understanding where...where does everything fall in place. Have you...up until now, has the lack of defining 911 been an issue? Or is it just as we continue to move forward with technology and all of the other things coming our way, it's making more important for us to develop those definitions? [LB911]

MARK CONREY: For me, some of it has been an issue only because we're on the border between, you know, Iowa. And Iowa went to Next-Generation. What they did was they had all their wireless providers go into a single site that's managed by a third party, and they delivered it IP, okay, out to the PSAPs. Well, okay, that's a good thing. So it goes into Council Bluffs. The problem is, is Council Bluffs then could not...could not transfer to us because we were not IP capable. So, if you were standing down at the CenturyLink Center and called 911 and happened to get picked up on an Iowa, they could not transfer that call using the 911 infrastructure to do that. So the...when you kind of jump up and down and say, Iowa, Iowa stop, the definition of what is 911 and what is required to be passed, you know...we should be able to get location information or call-back number, but because of the way they did it, we don't. And so not having the definition of what 911 service...in other words, I can yell up and down and call Iowa a bunch of bad names, which I probably did. But I think that the reality of it...I really didn't have a whole lot...a whole leg to stand on because 911 service was not defined. [LB911]

SENATOR DUBAS: Some of the previous testimony talked about either the lack or not sufficient operational and technical support. Is that something that you see as an issue as well? [LB911]

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MARK CONREY: I feel it's a very big issue because...because of the fact that...that...oh, I'll probably shoot myself,...when you establish...when you give somebody responsibility, like the Public Service Commission has the responsibility to manage the fund, but when you look at them as far as making the rules, well, we're not...because the Legislature hasn't really established them with the ability to dictate to Iowa, say. I mean not dictate, but I mean really coordinate. We found out that they don't have, you know...you give somebody responsibility and don't give them the authority, you've got a mess. If you give somebody the authority and don't give them any responsibility, you've got a mess. So somewhere those two are going to have to come together. I mean, somebody is going to have to stand up and say, okay, where is it that we want to go and what do we want to do? [LB911]

SENATOR DUBAS: Thank you. Further questions? Thank you so much for coming forward today, I appreciate it. [LB911]

MARK CONREY: Thank you. [LB911]

SENATOR DUBAS: Further testimony in the neutral. Welcome. [LB911]

KARA THIELEN: (Exhibit 6) Good afternoon. My name is Kara Thielen, Kara, K-a-r-a, Thielen, T-h-i-e-l-e-n, and I'm with Viaero Wireless, V-i-a-e-r-o. My name is Kara Thielen, and I'm testifying today on behalf of Northeast Colorado Cellular, otherwise known as Viaero Wireless. We are a wireless carrier that operates primarily in rural Nebraska. I am Viaero's 911 director and consistently work with approximately 50 of the 76 PSAPs to ensure that Viaero's 911 system operates correctly. I've spent my entire career in one aspect or another of 911 services. I started my career as a 911 dispatcher in Story County, Iowa. I then worked with Intrado where I established the Wireless E-911 department of the state of Minnesota. I left Intrado for Level 3 Communications where I managed all 911 activities for the company. My most relevant to my comments today is my experience at the Nebraska Public Service Commission 911 director from 2001 through 2006 where I was one of the first creators of the commission's 911 department and was responsible for program management, project management, administrative, and technical functions in the long- and short-term planning, organizing and directing of activities and services related to the statewide implementation and operation of the wireless 911 system for the state of Nebraska. Based upon my 20 years of 911 experience and 911 services, including my history as the commission's 911 director and my current role as Viaero's 911 director, I have firsthand, detailed knowledge on how all the parties of the 911 system in Nebraska currently function to provide 911 services to Nebraskans and how Nebraska's system will need to adapt and respond to continued technology developments in 911. As Next-Gen 911 deployment continues nationwide, Viaero believes that it is essential that Nebraska have a thoughtful strategy in place for planning, developing, and implementing a cohesive and comprehensive Next-Gen 911 plan across the state. The most important piece of

information I want to impart on the committee today is that 911 is a dynamic system that is always changing, evolving, and adapting to new technology. It is not a turnkey operation, but rather a system that will require constant attention so that it can respond as necessary to the evolving 911 environment. Viaero believes that there must be statewide coordination and planning of Nebraska's 911 services. Effective state-level leadership must be created to organize and effectuate an efficient and responsive 911 system. In Nebraska, there is currently no operational and regulatory entity which is authorized to provide coordination between 911 stakeholders to ensure that the state is moving in a cohesive manner towards Next-Gen 911 deployment and implementation. Instead, Nebraska has a system in which the PSAPs, first responders, and local law enforcement agencies are organized at the county or city level. The Public Service Commission is the only statewide agency involved in 911 services besides the State Patrol, but it does not have any authority over wire line services except to provide reimbursement to PSAPs and wireless and wire line service providers for certain expenses required for the provision of wireless 911 services. The Public Service Commission thus primarily acts as a partial funding source for 911 services but does not provide operational service to ensure coordinated, statewide 911 services. In sum, there is no single agency with statewide oversight authority to ensure proper planning, deployment, and operation of a statewide Next-Gen 911 system. Viaero believes that the first step in revising Nebraska's 911 policy is to place regulatory authority over all 911 services with an existing state agency, or to create a new state agency with that authority. Either path would require the adoption of legislation to create an umbrella agency for the statewide management and funding of 911 services. That agency could delegate certain responsibilities to local agencies and funding for 911 and other emergency communication functions could be provided by different and disparate funding sources, but a tiered-down approach with a single coordinating agency at the pinnacle to organize the funding, deployment, and upgrades to the state 911 system is essential. A key component of a restructured 911 system for Nebraska would be interstate and interregional connectivity, as well as support for interoperability with other public safety entities. Nebraska's existing legal and regulatory structure will have to be modified to ensure that the necessary interoperability can be achieved. Currently, no such regulatory authority exists and local stakeholders are not required to coordinate technology nor be adaptable to new and emerging services on a timely basis. Thus, there is no mandatory collaboration between the stakeholders to ensure 911 core functions and services are maintained and advanced in a coordinated and uniform fashion to ensure the interoperability of this essential shared public safety system. The deployment of an Next-Gen 911 system will require a more robust and comprehensive emergency communications system with enhanced capabilities that will adapt to changing technology. Thus, an important first step in establishing a coordinated foundation for Nebraska's adoption of Next-Gen 911 services is to place the overarching regulatory authority with a single state agency. The new 911 agency would need its own regulatory and operational autonomy to make decisions which are designed to construct an effective, statewide 911 system designed with essential interoperability with all

necessary public safety agencies, first responders, law enforcement agencies, and homeland security agencies, as well as the state's existing Department of Communications. Vieraero believes that a uniform, comprehensive regulatory system for 911 services would also benefit PSAPs to ensure consistency in training, equipment and personnel. PSAPs currently lack overarching governance and a funding system. There is no statutory scheme to ensure that PSAPs are employing sufficient technological capabilities in the operation of their 911 service responsibilities, nor are many PSAPs able to afford improvements to their systems due to decreases in funding sources. Nebraska's current laws do not give the commission the regulatory authority to coordinate the technology capabilities of PSAPs to ensure they can handle 911 services and 911 technological capabilities. In the absence of any regulatory body with statewide authority to direct and fund PSAPs and to coordinate technological issues, the current 911 system in Nebraska will remain fractured and without any meaningful policy direction. Vieraero believes that a centralized, statewide oversight authority governing 911 operations would promote uniform training, more consistent technological infrastructure, including equipment and a coordinated system for deploying a unified Next-Gen 911 system across the state. The statewide coordination is also required for the GIS data. Nebraska's 911 system is ultimately as effective as the quality of the GIS data that is available to the PSAP and the level of skills of the PSAP personnel in interpreting and understanding that data. The GIS data must therefore continually be updated because the underlying geography of every village, town, city, and the transportation infrastructure within the entire state is constantly evolving. GIS database is therefore not a one-time cost, rather it is a continuing costs. And perhaps an increasingly more expensive cost as Next-Gen 911 will require PSAPs to calculate not only longitude and latitude of a caller's, but also the elevation of a 911 call. Consequently, the Next-Gen 911 system will rely on continuous map maintenance and related updates to existing data. Further, new technology like texting will pose unique challenges in caller location and data interpretation which will transform the technology and facilities requirements for PSAPs and their data access protocols. This perpetual process of maintaining, updating, refining and adding relevant data to the GIS database should be coordinated on a statewide basis with either the commission or another designated state agency with ample statewide authority. While founded on telecommunications infrastructure, a robust public safety network should be constructed by an agency which is insulated from political considerations. However, it cannot be ignored that the deployment and implementation of a state Next-Gen 911 system is dependent on the underlying telecommunications infrastructure deployed in the state. That underlying infrastructure, whether wire line or wireless or some other technology, is currently, in part, economically supported by the distribution of funding administered by the commission, including most particularly NUSF funding. These considerations support placing the provisioning of 911 services with a different or new state agency, or to restructure the commission in a fashion that insulates the 911 system from underlying political conditions but recognizes the fundamental relationships and synergy between a viable 911 system and its underlying telecommunications infrastructure and associated

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funding. I have attached my testimony to...testimony a summary of the key issues that Nebraska faces as it seeks to update its 911 system. I'm available for any questions. [LB911]

SENATOR DUBAS: Thank you very much. Are there questions? There has been...I think you gave us a lot of information, and I appreciate that, and I think some of the comments that were made previously about the operational and technical support, I think, that's what you're really hitting on a lot in your testimony. Would you like to expand on that a little bit more? [LB911]

KARA THIELEN: Correct. With the...as you can kind of see with...you take it kind of like an iceberg, you have a little tip of the iceberg where that's the public's idea of 911 when there's everything underneath that iceberg is everything that it takes to put that into place. It's just not something that you can just flip a switch on and just implement once and walk away and say, oh, we're done; we've implemented Phase II; we're good. 911 is always evolving. There's new technologies, and there needs to be someone, as I add to Mr. Conrey's remarks, is that we...you need someone that can direct the program technologically, funding-wise...I mean, this needs to be a department that has many people in it that understand what needs to be done and have it a coordinated effort to look at it from the standpoint of getting all the stakeholders together to work together to implement, to see what's the best needs for everybody involved and make sure that all the costs are taken care of, as well as done in the cost-effective manner. So there needs to be some agency that will provide the technological direction, project management, the funding, the regulatory, all encompassing and in one agency. It's just not...it's not something that is easy to do. [LB911]

SENATOR DUBAS: There's been...I mean there's a lot of attention on what we need to do within our state to make sure we have a 911 system that meets those expectations, etcetera. [LB911]

KARA THIELEN: Correct. [LB911]

SENATOR DUBAS: Mr. Conrey brought up something about: do we need to be looking at interstate. I mean what kind of connections do we need to be working with or cooperation do we need to be working with looking at with our surrounding states? [LB911]

KARA THIELEN: Correct. I mean, he had a very good comment related to Iowa. When you have those border agencies there, we implemented that from a 911 perspective, too, so that when someone in Iowa or on that border called 911, that they could transfer back and forth via Omaha or into Council Bluffs. The one thing that many other states have done, like the state of Iowa, the state of Minnesota, the state of California, Vermont, Tennessee, they have an agency that that's all they do. They take care of all

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the 911--the funding and the structure and how it's all implemented--with one agency for oversight. So this isn't something new that is...nobody has every done before. There are many states out there that are...currently have an agency that their core function is 911. [LB911]

SENATOR DUBAS: There's just typically a reluctance to either grow government by creating new agencies or expanding government within existing agencies. But what I'm hearing from you is that this is an issue that deserves that kind of consideration? [LB911]

KARA THIELEN: Oh, I would say, I mean, this is not going to be a cheap thing to implement. And to me, when you have a coordinated effort, and you have all the stakeholders involved and putting out...and being very much foresight and looking into the future what needs to be done, you're going to save a heck of a lot more money than if you just willy-nilly, oh, I think we'll do it here, and then we'll do it here. I think the cost savings in the long-run to have a coordinated effort and have all stakeholders involved at every step of the way so there is buy off...I don't envision a state agency that just says, hey, this is how we're going to do it, let's put it in. It definitely needs to be all stakeholders on the same level playing field coming up with the plan and working together to implement it. And it's just a more cost-effective approach. [LB911]

SENATOR DUBAS: What would be your opinion...what if we didn't take this kind of integrated, more comprehensive approach? [LB911]

KARA THIELEN: Then I would see it taking many years for it to actually happen. [LB911]

SENATOR DUBAS: And what's the drawback for it taking its time to happen? [LB911]

KARA THIELEN: Nebraska will continue to be behind in the 911 world, I would say. And your constituents across the state would not be able to text to 911, or even the deaf and hard of hearing. It's not just that the college student needs to text to 911, you have the deaf and hard of hearing that currently do not have a way to dial 911 from their cell phones and communicate with the dispatcher. [LB911]

SENATOR DUBAS: So just the impact on public safety at the very basic level. [LB911]

KARA THIELEN: Correct. [LB911]

SENATOR DUBAS: Will we continue...we would continue to lag. [LB911]

KARA THIELEN: Correct. [LB911]

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SENATOR DUBAS: Any other questions? We really appreciate all the information. Thank you for coming forward. [LB911]

KARA THIELEN: Thank you for your time. [LB911]

SENATOR DUBAS: Further neutral testimony. Welcome. [LB911]

NANCY RIEDEL: (Exhibit 7) Thank you. Good afternoon, Madam Chair, committee members. My name is Nancy Riedel, N-a-n-c-y R-i-e-d-e-l, and I'm the state tax policy director for Verizon. I appreciate you allowing us the opportunity to be here today to comment on LB911. And I'm not going to read my testimony. I have a lot of things in there that I hope that you'll be able to look at. But I kind of wanted to direct my remarks in conjunction with the testimony that we've heard here today. And, Madam Chair, I appreciate your comments earlier that this is sort of a placeholder bill, and you're open to amendments. Because I think that we are generally supportive of the fundamental purpose of the bill and recognize the need, along with all of you, but do have some concerns with some of the specific provisions and would like to comment on potential amendments, many of which you've already addressed or other folks have commented on too. I think I'd like to echo the most recent testimony by Kara talking about the oversight from a state level, rather than a locality-by-locality level. We very much agree with that, that Next-Gen 911 is a very transformative way of delivering emergency communication services, and it fundamentally changes the way we've grown accustomed to the way the networks have operated up till now. And it is a very high-level, state-level, if not to say federally interoperable sort of technology. There's a lot of work going on in this phase at the FCC and among other states and, as we've heard, a lot of other stakeholders including device manufacturers and regulators and service providers, PSAPs, county officials, etcetera, etcetera. I'd like to encourage you to keep those ongoing efforts in mind as you struggle with some of the issues that we've...questions that we've discussed here today and not try to get too far out ahead of some the ongoing work at the national level. A lot of the questions that have come up now will be addressed and are being addressed in those other proceedings and recognizing the complicated nature of this transformation. So recognizing that Nebraska is sort of on the forefront of grappling with a lot of these issues and is further ahead than a lot of other states. Still want to make sure that, you know, urge you, I guess, to consider that this...you're not the only ones that are sort of looking at this, and a lot of these same questions are being analyzed at a much higher level and should be helpful. With that in mind, a couple of specific comments on, I guess, on LB911. And as you can see in my written remarks, with all due respect to the ongoing Next-Generation study that LB595 created, it's sort of difficult for us to, I guess, say "sight unseen" that those recommendations should be incorporated into a bill. So that's kind of where our caution is, not knowing what the recommendations will be. And knowing that not all the stakeholders agree on everything, not only some additions we've heard about today, but things that we may not even be able to foresee until we actually see the

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recommendations. So just a word of caution there that we were concerned about differing to the recommendations and the study before we'd even seen them or had a chance to provide comments on them. So clearly, anything that comes out of that study should be...I'm sure it would be subject to public notice and comment, and determine that it is consistent with the federal standards that are ongoing and the industry standards that are being developed to be consistent across the country. Next-Gen 911 is not something that should be looked at in a patchwork fashion and every state doing their own thing. It needs to be consistently applied with federally mandated standards. So that's my first comment on sort of the specifics of LB911. And I'd echo, I think, the comments from a number of other folks that talked about the makeup of the 911 advisory council and that clearly Verizon, as an industry leader, is very much a part of these discussions, along with other states, not the federal level, and believe that wireless or other, you know, land line service providers should have a seat at the table to discuss these very much a part of the ongoing discussion. So, we echo that comment as well. We've heard a lot of testimony about the fee structure and how this gets paid for and sort of where wireless fits into that. And I'd like to say that we believe 911 is an essential government service that ultimately should be funded with General Fund revenues. I mean, it's really not something that telecommunication customers should be paying for into the...into the infinity. There is a logical connection with phones being able to dial 911 and get contacted with the PSAP, and we're willing to support the cost to make that call because there is, like I said, the logical connection. But when you start, sort of, getting beyond that, you're talking about personnel costs and pensions and healthcare and that for the whole emergency communications network. It gets to be, sort of, possibly undue burden on telecommunication customers to be expected to fund all of those costs. So there needs to be a pretty specific element of what the allowable costs should be and what the fee should be. I mean, our concern is to make sure we're keeping the fee as low as possible on our consumers, and we're paying a reasonable amount but not looking to foot the entire bill for the transformation. The distribution process is very important, too, and how the money gets divvied up. So we would echo the comments about kind of a statewide pot of money and distributing it fairly rather than, I guess, supporting local by local, you know, I don't want to say "fiefdom," but I'll use that word just because it's broader than any one locality or any one state. It needs to be really managed at a higher level, so. And I will note for the record, there was some conversation about the carrier cost recovery and the reimbursement from the wireless fund. Verizon doesn't take reimbursements out of that fund. We recover our costs through the cost of our service and surcharges that we're...that we impose on our bills. So let me just take a breath here and see if I've kind of covered the things that I wanted to bring to your attention. I guess one suggestion that we had made was possibly...and we do think legislative oversight is very important for this transition and certainly applaud your efforts to try and tackle these issues. And perhaps throw out an idea of establishing a subcommittee within the Transportation and Telecommunications Committee to continue to be involved as these discussions and this work continues, you know, at the federal and across other state levels. And perhaps that's a way to keep the

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legislative oversight that's necessary without feeling pressure to pass a bill, you know, right now. I think that was primarily what I wanted to say. So I appreciate your attention, and I will try and answer questions if anyone has them. [LB911]

SENATOR DUBAS: Thank you so much. Are there questions for Ms. Riedel? Seeing none, appreciate you coming forward. Thank you for your information. [LB911]

NANCY RIEDEL: Thank you. [LB911]

SENATOR DUBAS: Welcome. [LB911]

KIM ROBAK: Good afternoon, Senator Dubas and members of the committee. My name is Kim Robak, R-o-b-a-k. I'm here today on behalf of AT&T in a neutral capacity. And I don't want to repeat the testimony of all of the other people who have come before you today, so I'm going to make three quick points. First is that we believe that the bill is premature. It's based on...it vests in the commission the authority to develop a plan to implement a 911 study that hasn't been produced yet. And so it's hard for us to come before you and tell you that we like or don't like something in a study that won't be finalized until April 1. Secondly, we agree with the testifier who commented about blurry definitions. The bill, as it's drafted, vests in the commission the authority to develop a plan for the implementation of Next-Generation 911 which could include the ability or the authority to craft rules around IP-based solutions to Next-Generation 911, and currently wireless providers are not subject to the commission's regulatory authorities. So we think that the statute as it's drafted is overly broad. Finally, what we're really talking about is the implementation of Next-Generation 911. And when you're talking about that, you're talking about technology. And as you are all aware, based on the statewide radio network, something that we think is simple often isn't simple. And so the implementation of the technology involved in Next-Gen 911 is not a simple thing, as you've heard from many people today as they're talking about it. So we believe that the 911 community, emergency service providers, 911 industry experts, and communication providers may be better suited to create the plans to oversee the actual implementation of the Next-Generation 911. And so with that we would ask that perhaps this bill be held back and that we see the study, and then we determine what direction to go at that point in time. [LB911]

SENATOR DUBAS: Thank you. Questions? Thank you very much. [LB911]

KIM ROBAK: Thank you. [LB911]

SENATOR DUBAS: (Exhibit 8) Further neutral testimony? Seeing none, I will waive closing. Oh, I do have a letter neutral on LB911 from Brenda Decker, the Chief Information Officer. So with that we'll close the hearing on LB911 and open the hearing on LB736. Good afternoon, Senators. My name is Annette Dubas, A-n-n-e-t-t-e

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D-u-b-a-s, and I represent Legislative District 34. LB736 is really a simple bill, and I know we hear that a lot, but this is true; it's a simple bill to, basically, modernize the well-worn statute. Under current statute, excavators are relieved of liability for damage to utility lines if they first make a phone call to the One-Call Center's 1-800 number. That language needs to be updated to conform with current practices. Nebraska's One-Call has been utilizing an Internet-based locate request system for ten years, in addition to the 1-800 number. This bill will update our statutes to technology-neutral language to recognize any locate request submitted, regardless of how the request is made. When we are not dealing with highway issues and Rules of the Roads, our committee does handle more high-tech proposals. And I believe it is our duty to ensure our laws keep up with existing practices. The change in LB736 is technology neutral, acknowledging that we cannot keep up with technology changes. While Internet locate requests are the main focus today, we cannot predict what means of communication will exist next year. This is why the change strikes the call, "calling the center's toll-free telephone number," and inserts "submitting a location request," rather than simply adding or making an on-line locator request, which would mean an update again in the future. So I appreciate your attention to this bill. I've been contacted by people who say, you know, maybe the existing statute is too narrow, but maybe your suggestion is too broad. But I think the point we're trying to make is: as technology evolves, we want to make sure that our statutes are there. So if there are some...if we do need to narrow it just a little bit, you know, we're willing to look at that. But again, the purpose of the legislation is just to allow for changes as we move forward with how technology develops. So I believe we may have some people behind me who are willing to testify on how they see this legislation impacting them. Questions? Thank you. Do we have any proponents for LB736? [LB911 LB736]

ANDY HARTMANN: Good afternoon. [LB736]

SENATOR DUBAS: Welcome. [LB736]

ANDY HARTMANN: My name is Andy Hartmann, and that's A-n-d-y H-a-r-t-m-a-n-n, and I represent the Nebraska Statewide One-Call Notification Center Board of Directors. The board would like to...agrees with the bill, but we would like to amend or change the wording at one point in LB736. On page 2, line 4, after the word "by," b-y, we would like to see if it would be...if you could consider inserting this statement after "by": using the toll-free phone number, fax number, or other available methods of notification provided by the One-Call Center in order to submit a locate request. That's what we would like to see inserted in...or amended to the bill, if possible. That is all. [LB736]

SENATOR DUBAS: Very good. Thank you. Are there questions? Senator Hadley. [LB736]

SENATOR HADLEY: Just out of curiosity, why? [LB736]

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ANDY HARTMANN: Well, we just wanted to say what we have available now plus in the future. That's why we wanted to broaden it just a bit, to say we have a telephone number...a toll-free number, they have a fax machine for now, and then anything in the future which, as many people have said, we have no idea what's coming in the future. That's why we would like to put in there an anything...let's see where do I have that...other available methods of notification, because we really don't know what technology is going to bring us. So we're trying to just cover all the bases now and in the future. [LB736]

SENATOR HADLEY: Thank you. [LB736]

SENATOR DUBAS: Other questions? Do you have any idea, kind of the proportion or the percentages of who calls, who faxes, who uses the Internet, and is there any other way that people are contacting you right now? [LB736]

ANDY HARTMANN: I don't have the specifics on the numbers, but I know there's a person in the back that could give you those if you needed those, who works for our locating company...not the locating company, but a provider. [LB736]

SENATOR DUBAS: But people are more than just calling in now? [LB736]

ANDY HARTMANN: Right. [LB736]

SENATOR DUBAS: They're using... [LB736]

ANDY HARTMANN: Right, oh yes. [LB736]

SENATOR DUBAS: All right. Thank you. Other questions? Thank you for coming forward, appreciate it. [LB736]

ANDY HARTMANN: Thank you. [LB736]

SENATOR DUBAS: (Exhibit 9) Other proponents for LB736? Are there any opponents? I guess we do have one letter of support for LB736 from Miki Esposito with the city of Lincoln. Any opponents? Anyone in the neutral? [LB736]

SUSAN LYNCH: Good afternoon. [LB736]

SENATOR DUBAS: Welcome. [LB736]

SUSAN LYNCH: My name is Susan Lynch. I'm with the current vendor for the OCC, and I just wanted to answer the question that was brought up before with Andy's testimony,

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and there is 40...approximately about 60 percent of the locate requests are currently submitted via the Internet, and then the other...the 40 (percent) or less is submitted via a phone call; less than 1 percent submitted via the fax technology. And, I'm sorry, my name is Susan Lynch, S-u-s-a-n L-y-n-c-h. [LB736]

SENATOR DUBAS: Thank you. [LB736]

SUSAN LYNCH: You're welcome. [LB736]

SENATOR DUBAS: Appreciate you coming forward. Are there any questions for Ms. Lynch? Thank you so much. [LB736]

SUSAN LYNCH: You're welcome. Thank you. [LB736]

SENATOR DUBAS: (Exhibit 10) Is there further neutral testimony? We do have a letter from the Nebraska Co-op Council in the neutral. Any other testimony? Seeing none, that closes the hearing for LB736. I'll waive my closing. And thank you to everybody for coming forward today. (See also Exhibit 11.) [LB736]