

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** OK, everyone, we will call the hearing to order. Welcome to this afternoon's public hearing-- wow, it's echoing in here-- for the Transportation and Telecommunications Committee. I'm Curt Friesen from Henderson, District 34. We'll begin with a few procedural things. I'd ask you, please silence all your cell phones. [INAUDIBLE], that's a little better. I would ask you to silence all the cell phones and other electronic devices. We'll be hearing the bills in the order listed on the agenda. Those wishing to testify on a bill should move to the front of the room and be ready to testify. We have two on-deck chairs up front here, so if people would move into there, they'd be ready to go when their turn comes. If you will be testifying, I'd ask that you legibly complete one of the green testifier sheets located on the table just inside the entrance. Give the completed testifier sheet to the page when you sit down to testify. Handouts are not required, but if you do have handouts, we need ten copies. One of the pages will assist you if you need help. When you begin your testimony, it's very important that you state and spell your first and last names clearly so that we can get it for the record. And if you do forget this, I will stop you and have you do it. We're going to use the light system today. We'll give you five minutes, and that will vary, depending on how many testifiers we may have. You'll have five minutes for testifying, the yellow light will indicate that you have one minute left. And when the red light comes on, I'd ask that you wrap up your testimony. Those not wishing to testify may sign in on a sheet by the door to indicate their support or opposition to a bill. With that, I'd like to introduce the staff. I have Tip O'Neill, the committee counsel, and Sally Schultz, the committee clerk. And we'll start with introductions, Senator Hughes on the right.

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

**BOSTELMAN:** Bruce Bostelman, District 23: Saunders, Butler, and majority of Colfax County.

**ALBRECHT:** Joni Albrecht, District 17: Wayne, Thurston, and Dakota Counties in northeast Nebraska.

**GEIST:** Suzanne Geist, District 25: the southeast part of Lincoln and Lancaster County.

**DeBOER:** My name is Wendy DeBoer. I represent District 10, which is northwest Omaha and the city of Bennington.

**CAVANAUGH:** Machaela Cavanaugh, District 6: west-central Omaha.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** And Senator Hilgers might be joining us later, but he is probably introducing a bill somewhere else. And we have our pages; we have Ashton and Michaela that are helping us out today. So thank you for helping us. And with that, we'll open the hearing on LB944.

**GEIST:** Thank you, Chairman Friesen, and good afternoon, members of the Transportation and Telecommunications Committee. For the record, my name is Suzanne Geist, S-u-z-a-n-n-e G-e-i-s-t, and I represent the 25th District in the Unicameral. I have introduced LB944 on behalf of the Department of Motor Vehicles. The bill harmonizes several provisions of law relating to motor vehicles. LB944 amends provisions in statute regarding the process cities and villages follow when implementing wheel taxes-- I'm sorry-- when implementing wheel fees. The language outlines the license plate types and weight categories already existing in statute to be used, and sets the time frame for notifications to the department. Sections 2, 4, and 7 of the bills add natural disasters as a reason for issuing a refund of unused registration fees and taxes when loss of possession of a vehicle occurs. The current provisions allow for refunds in the case of fire, theft, dismantlement, and junking. The bill removes the requirement to submit an unnecessarily appli-- an unnecessary application for replacement plates for apportioned vehicles. Sections 8 through 10 harmonize provisions for issuing temporary license stickers for certain specialty plates. The bill amends statute to allow the use of technology for the delivery of an electronic credential and for remote knowledge testing under certain circumstances. Section 14 of the bill allows the department discretion regarding when to estimate motor fuel tax liability when a person or entity does not file a return or does not pay the full amount due for motor vehicle fuel tax. Lastly, the bill harmonizes provisions outlining op-- optional actions available to the department for suspending, revoking, canceling or refusing to issue or renew a carrier's registration, under the Unified Carrier Registration Act, if they are not compliant with the International Registration Plan Act or the International Fuel Tax Agreement Act, and sets out requirements for notice, hearing, and appeal procedures. Director Lahm will be testifying after me. She will be able to provide additional information and specifics. Thank you for your time and attention. I would be happy to take any questions.

**FRIESEN:** Thank you, Senator Geist. Are there any questions from the committee? Seeing none, you'll stick around?

**GEIST:** I will stick around.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** Those who wish to testify in favor of LB944? Welcome, Director Lahm.

**RHONDA LAHM:** Thank you. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. I am Rhonda Lahm, R-h-o-n-d-a L-a-h-m, director of the Department of Motor Vehicles. I'm appearing before you today to offer testimony in support of LB944. I would like to thank Senator Geist for introducing LB944 on behalf of the department. The purpose of LB944 is to update and harmonize DMV statutes and to improve business processes. LB944 will amend statute for the process used by cities and villages that pass new or updated wheel tax or fees to use the DMV plate types and weight categories already established in statute, and to notify the DMV within 10 business days of passage and at least 60 days prior to implementation. This will allow the DMV time to update the vehicle title and registration system when implementing the new fee. It will also help avoid costly special programming expenses that could be incurred with any inconsistent classifications. The bill adds the term "natural disaster" to allow refunds of unused registration fees and taxes in the event of loss of possession of a vehicle due to a natural disaster, such as a flood. LB944 harmonizes existing specialty plates, which include the Sammy's Superheroes plate, the wildlife conservation plate, and the prostate cancer awareness plate, by adding the provision to issue a temporary license sticker. The bill allows for the administration of remote driver license knowledge exams when proctored by an approved agent of the DMV. It allows for the secure electronic delivery of an optional mobile driver's license in conjunction with the issuance of a driver's license card. LB944 deletes a mandatory requirement for the DMV to estimate fuel tax liability under the International Fuel Tax Agreement Act. This estimation of tax is burdensome and nearly always uncollected. The bill removes the duplicative requirement to submit an application for issuing replacements for lost or destroyed apportioned vehicle license plates or registrations. The DMV will continue to maintain a record of replacement plates. The bill provides the DMV with the authority to take action, after notice, when a motor carrier is out of compliance with the Unified Carrier Registration Act. Currently, under the IRP and IFTA statutes, the DMV has the authority to take action; however, the UCR sections do not allow the same authority. I encourage the advancement of LB944 to General File. Chairman Friesen, at this time I'd be happy to answer any questions the committee may have.

**FRIESEN:** Thank you, Director Lahm. Are there any questions from the committee? Senator Cavanaugh.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**CAVANAUGH:** Thank you, Chairman Friesen. Thank you, Director Lahm. You mentioned that this allows for a mobile driver's license. Could you explain a little bit more about what that is and--

**RHONDA LAHM:** So--

**CAVANAUGH:** --how that would work?

**RHONDA LAHM:** --so the current statute requires that the document be mailed. And so this allows for it to be an electronic delivery. So if we were to look at proceeding with the mobile driver's license, that would be in addition to the hard copy that they already have. And then there are-- there's a variety of ways that it can happen, but there are standards that have been adopted by the community-- international standards community regarding the issuance, the security, the authentication, and all pieces of the mobile driver's license document, the production and delivery of which would be the requirement to adhere to, should we move in that direction. But that becomes, becomes in an appropriation issue because, obviously, there's a fee associated with that, and I don't currently have appropriations for that.

**CAVANAUGH:** Are there other states that have already implemented this?

**RHONDA LAHM:** There are states that have the mobile drivers licenses in production right now. I don't know if Iowa has launched now, but they're getting ready to. I believe Oklahoma does, and I believe Louisiana does. And I think there's several states that are getting in the process, somewhere in the process of that initiative. I'm just not exactly sure where they are.

**CAVANAUGH:** And if these were to move forward, would these mobile license be accepted for air travel? I know we had that-- we all got out our--

**RHONDA LAHM:** That's a great question.

**CAVANAUGH:** --driver's license last week.

**RHONDA LAHM:** At this time, not.

**CAVANAUGH:** OK.

**RHONDA LAHM:** There is a lot of discussion, though, in the community of my counterparts around the country, as well as with DHS and TSA. In fact, there's a meeting next week of that group to try to discuss how

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

we can move forward, because clearly that would be-- make sense and, and be helpful. I believe there are some tweaking they have to do with the final rule for the REAL ID Act in order to make that happen. But there is interest in making that happen.

**CAVANAUGH:** Thank you.

**RHONDA LAHM:** Um-hum.

**FRIESEN:** Thank you, Senator Cavanaugh. Any other questions from the committee? I do have one here, and, and I don't know if you have a copy of the bill in front of you, but it talks about the-- they're talking about an estimate of the--

**RHONDA LAHM:** Um-hum.

**FRIESEN:** --fuel tax-- well, payment of the tax and it's on page 29.

**RHONDA LAHM:** Is it Section 20?

**FRIESEN:** Section 14.

**RHONDA LAHM:** OK, got it.

**FRIESEN:** Paragraph 2.

**RHONDA LAHM:** Um-hum.

**FRIESEN:** And it's just changing a, a "shall" to a "may."

**RHONDA LAHM:** Right.

**FRIESEN:** And so, I mean, does that just give the department the discretion whether or not they want to?

**RHONDA LAHM:** So here's-- I'm glad you asked the question, because I think it's helpful if we explain what happened. So carriers are required quarterly to file an IFTA fuel tax return, so they have to file their return quarterly. Oftentimes we have a number of carriers who don't file it right on time, but they eventually get it. They eventually file it, but then they're assessed a penalty and interest, which is by law, that they have to pay. What happens now by the law is, if we don't get that, we're required to estimate what they should pay, then file a-- notify them if they don't pay it you file a lien. By that time they've paid it, and so we've gone through this iteration of steps which really become unnecessary. That's the one scenario. The other scenario that happens is, people think that they want to get in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

the commercial carrier business. But then maybe they don't really want to, so they don't ever file a return at all. So then we have to estimate the tax, which we really don't know what to estimate-- the exact numbers. We have to do it based on averages, formulas that we use. When they-- in fact, we assess them tax that they may, in fact, not owe. As a result of assessing that tax, we have the authority to put lien on property that may, in fact, should not be there because they maybe don't owe it. Usually we can tell on a carrier those that are really deficient. And we do have people that are deficient, and we go after those people. And those are the ones we estimate and go after. And we do bring in revenue from people who don't pay it. But the way the bill is right now is, every time somebody doesn't file a tax on the date it's due, by law, we're required to make that estimate and take action, when in reality, most of them within 30 days-- may be late; they're gonna pay what's due anyway.

**FRIESEN:** OK.

**RHONDA LAHM:** So it eliminates that unnecessary process of going through all that paperwork, and by the time we get it done, we have the money.

**FRIESEN:** OK. Are there any other questions from the committee? Seeing none, thank you for your testimony.

**RHONDA LAHM:** Thank you.

**FRIESEN:** Any other proponents wish to testify in favor of LB944? Seeing none, anyone wish to testify in opposition to LB944? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Geist? Senator Geist waives closing. We'll close the hearing on LB944, and we will open the hearing on LB931. Welcome, Senator Halloran.

**HALLORAN:** Good afternoon. May I stand? Oh, I'm just kidding.

**FRIESEN:** You may.

**HALLORAN:** Good afternoon, Chairman Friesen and members of Transportation and Telecommunications Committee. For the record, my name is Senator Steve Halloran. S-t-e-v-e H-a-l-l-o-r-a-n, and I represent the 33rd Legislative District. I'm here today to introduce LB931 to the committee for your consideration. I intend to keep my remarks brief this afternoon, allowing for more time for the individuals who may follow me. Before I begin discussing the bill, AM2128, which you all have a copy just being handed out, has the words

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

"or farm storage" in the section where it was accidentally left out when drafting the bill. This addition makes the word consisting-- consistent with other sections of the bill. The need for this legislation was brought to my attention by farmers from my district, District 33. I know at least one of those farmers is here today to share his story. LB931 simply adds the ability for farmers to exceed the maximum load permit-- permitted by 15 percent, as laid out in statute 60-6,294, when transporting grain or seasonally harvested products from farm storage to market or factory. Currently, farmers may exceed the maximum load permit-- permitted by 15 percent when transporting grain or seasonally harvested products to storage, market, or stockpile in the field, or from stockpile to market or factory. If the destination is less than 70 miles from the origination point, farmers can utilize an overweight exemption form, like the one developed by Farm Bureau of Nebraska. I have provided members of the committee a copy of that form. If the destination point is more than 70 miles and less than 120 miles, farmers will have to apply for an overweight harvest permit from the Nebraska Department of Transportation. These permits may be issued for 30 days or 60 days, and may be renewable for a total number of days, not to exceed 120 days per calendar year. The bill helps clarify the language in current statutes regarding transporting grain to market, and ensures that farmers can deliver their harvested grains from farm storage to market without being penalized for being overweight if they were stopped by a carrier enforcement officer. I believe that this addition to the current law modernizes the language to fit the everyday practical needs of today's farmers in regarding the transporting of their harvested grains to market or factory, and gives them peace of mind when moving grain from all storage arrangements. I encourage this committee to pass this bill for the benefit of our state farmers. Members of the committee, I thank you for your time, and I will now answer any questions you may have for LB931 or AM2128.

**FRIESEN:** Thank you, Senator Halloran. Any questions from the committee? Seeing none-- Senator Geist.

**GEIST:** I might ask this to someone coming behind; but I just want to know, how is the economic loss? How is that determined? Is there a formula that will determine it? Let me, let me tell you where I'm coming from. This-- in the fiscal note, it says that, that they'll get a permit to exceed certain weight limits when transporting seasonally harvested products to market, when failure to move such grain or products in abundant quantities would cause an economic loss to the person or persons whose grains are being transported. And I just

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

wonder if there is a formula for that. Is that something that would be standard across the board? Or is that--

**HALLORAN:** No. There's no-- to my knowledge, there's no formula, Senator.

**GEIST:** OK.

**HALLORAN:** But it-- it's, its, it's a presumption, it's a presumption that there could be more cost involved--

**GEIST:** Um-hum.

**HALLORAN:** --if, if-- for hauling the grain to market, whether it takes more trips, which is fuel, wear and tear on the equipment, and so forth.

**GEIST:** OK.

**HALLORAN:** But there's no formula, per se.

**GEIST:** OK, so-- all right. Thank you.

**HALLORAN:** You bet.

**FRIESEN:** Thank you, Senator Geist. Any other questions from the committee? Seeing none, Senator Halloran, you gonna stick around for closing?

**HALLORAN:** I will, gladly. And this is an honor to be in front of this committee for the first time, I might add.

**FRIESEN:** It, it should be [LAUGHTER]. Any of those wishing to testify in favor of LB931?

**LANCE ATWATER:** Thank you, Chairman Friesen and members of the Telecommunications and Transportations Committee [SIC]. My name is Lance Atwater, L-a-n-c-e A-t-w-a-t-e-r. My wife and I farm near Ayr, Nebraska, where we grow row crops. I also have the pleasure of serving as a youth-at-large representative on the Nebraska Farm Bureau Board of Directors. I'm here on behalf of Nebraska Farm Bureau and the Nebraska Cattlemen, testifying in support of LB931, Senator Halloran's bill to clarify language and existing statute, which allows producers to avoid the requirement of getting overweight permits for their farm trucks but still exceed the maximum legal limit, weight limit, by 15 percent. When this permit exemption was passed, the intent was to



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

cover hauling grain from farm to storage, from farm to market, or from storage to market, up to 70 miles. The statute currently reads "stockpile" instead of storage. Senator Halloran has added "or farm storage" to this language to prevent further confusion by growers or carrier enforcement. I personally have questioned when the permit exemption can be applied, and believe adding this language will provide clarity for growers like myself, who want to get their grains hauled to market in a timely and efficient manner. However, we just want to make clear, this bill is not intended to provide growers the additional latitude when it comes to hauling grain. It was intro-- introduced to provide clarity to the existing exemption. I want to thank Senator Halloran for bringing this bill, and to the committee for your time and consideration. I'd be happy to take any questions.

**FRIESEN:** Thank you, Mr. Atwater. Any questions from the committee? Mr. Atwater, could you give me an example where, by making this change, what, what, what makes it different for you? You have the exemption in harvest now, from field to a temporary storage to harvest to, to a facility. Explain kind of what, what this means as you move forward.

**LANCE ATWATER:** So it-- like I stated in my comments, that currently in statute, it does state stockpile to market or factory. And the question has come down to: Is how do you define stockpile? Does that include farm storage? Is that stockpile in the field? And so, for example, for me, we haul quite a bit of grain. And throughout the year we go from-- we harvest it, and it gets stored, basically. And there's times when you load your truck and, basically, you're guessing when you load your truck off farm. You, you hope you're, you're legal with it, but sometimes the grain-- the quality of the grain can change, the weight of the grain can change, and it can become very easy to become overweight. And then as soon as you're pulled over by the carrier enforcement, they weigh you. And if you're overweight, you get that fine. And I've had many instances where I've tried to not be overweight, but I have been pulled over, been overweight, and I get that fine.

**FRIESEN:** So Senator Geist alluded to the question a little bit, is, there is a stipulation in there that it has to do with, you know, loss or potential loss. Does that still apply when you have it in a farm storage?

**LANCE ATWATER:** So a good example is when you get to the very bottom of a bin and let's say, you know, you want to be legal. But let's say you have 3,000 pounds of corn stored in your bin. It costs me more to go back and get that 3,000 pounds of bushels or 3,000 pounds of grain to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

make a trip. I mean, 3,000 in corn, that's not very many bushels. But it'll cost me the trucking in it, the, the fuel and whatnot, to take it to market, where if I was able to just be able to load it on my original load, and let's say my legal weight is 80,000, but I can be 83,000, it simplifies that, so--

**FRIESEN:** I think they were, I think they were looking at more of, you know, losses you may sustain in the field versus just revenue losses. I mean, I'm trying to-- you know, everyone wants to throw on the last bushels.

**LANCE ATWATER:** Yeah.

**FRIESEN:** But there has to be a limit somewhere, so--

**LANCE ATWATER:** Yeah. And I would say, too, that's-- again, that goes back to the clarification of what's in statute right now, 'cause statute does state stockpile to market or factory.

**FRIESEN:** OK.

**LANCE ATWATER:** So, again, how do you define that?

**FRIESEN:** Thank you, Mr. Atwater. Senator DeBoer.

**DeBOER:** Thank you, Mr. Atwater, for testifying today. Can you just-- I'm a bit of a city girl. What is a-- I mean, what is the difference between a farm storage and a stockpile, 'cause I have to say, if this is to make it clearer, it's still not clear to me? So help me out, will you?

**LANCE ATWATER:** And so I think that's where, when I've talked to other growers, and, and that's a question of how-- I mean, there again, how do you define stockpile? Is it, you know, stockpile-- a lot of people say, well, stockpile could mean storage in itself, right there. But then when you deal with carrier enforcement or you talk to others, you know, oftentimes it's re-- referred to as farm storage. You know, if you store it right off your field, that storage, it could be considered stockpile. And so I think that's basically the purpose of this bill, is just to provide that clarification. That stockpile, farm storage-- basically, some people would find it as the same, and some people would say it's two different things, so--

**DeBOER:** OK, so you're saying it may or may not be the same thing.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**LANCE ATWATER:** Depending on-- that's been the question that has been asked, and I have not gotten a clearer answer on that.

**DeBOER:** So would this-- then would this change, then-- totally cover all of the things that may be considered a stockpile or farm storage? Or is there an even broader word?

**LANCE ATWATER:** I would say this would cover-- for me personally, this would cover it because I know-- like I said, I-- we haul grain from our storage to market under the 70 miles. And so right there I know, OK, I'm hauling from my storage to market. It's defined in law; there can't be any question about it. Whereas with stockpile, there again, when I've talked to people, some people say, yeah, that's included, and then others say, no, that's not defined, how that is. And so I think it's just a simple clarification in the bill that there's a fine line of, you know, if it's something different, then it doesn't fall under this. If it's not from farm storage or stockpile or from the field, you wouldn't be able to apply this exemption to that.

**FRIESEN:** Thank you, Senator DeBoer. Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Friesen. And maybe this isn't for you, Mr. Atwater, but in this handout they talk about that cities and counties might have other special weight restrictions. So if this were enacted, would it supersede whatever the cities or counties want to do? Or you still have to pay attention to--

**LANCE ATWATER:** From-- and I'll-- I would make sure I verified, and I did talk to a county supervisor. And my experience in our county-- I live in Adams County-- that there are county roads. And what-- if they have that weight posted-- let's say it's 80,000 is the maximum weight-- you cannot apply this exemption to that. And we have where we've actually have had to travel out of our way by up to 15 miles, sometimes, to avoid that county road because we have trucks that weigh over that 80,000 weight limit. So I believe, from my understanding, this would not supersede their, their rules or their law.

**ALBRECHT:** And, and so what would happen if you have all these new rules--

**LANCE ATWATER:** Um-hum.

**ALBRECHT:** --but somebody always wants to take it to the limit. And so if they were pulled over by a carrier, even though we have these new rules and they exceeded it, then what could happen? Would they be fined? Or--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**LANCE ATWATER:** Well, first off, it's not new rules. It's just added language to it, because the rules would stay the same, what's in the bill. I-- good example-- I was pulled over by the carrier enforcement this last fall, and I had my overweight exemption. Still got weighed. And there is part of it that you still have to fall in a certain parameter on your axles, you still can't exceed the weight on your certain axles. So even though the overall vehicle or your overall-- what you're hauling might be overweight, you still have to be within certain limits, like on your axles of your trailer and your truck. So-- so if you would end up and you're over overweight on that, you could still get fined for it.

**ALBRECHT:** OK. Thank you.

**FRIESEN:** Thank you, Senator Albrecht. Any other questions from the committee? Seeing none,--

**LANCE ATWATER:** All right.

**FRIESEN:** --thank you.

**LANCE ATWATER:** Thank you very much.

**DAN NERUD:** Chairman Friesen, members of the Transportation and Telecommunications Committee, my name is Dan Nerud, D-a-n N-e-r-u-d. I currently serve as president of the Nebraska Corn Growers Association, and farm with my son near Dorchester. I'm here today in support of LB931 and appreciate Senator Halloran for introducing this legislation. LB931 clarifies, in Nebraska statutes, that the 15 percent overweight exemption on grain includes "or farm storage." We appreciate this clarification and want to relay an example on why the Nebraska Corn Growers supports this clarification. This year, corn harvest started not only later than normal, but the corn did not dry down in the field as we would normally see. Due to this, and farmers such as myself not wanting to take a dock on price due at our elevator because of the higher moisture content, we brought the corn from our fields to our farm so we could mechanically dry it. Following drying the corn, we then needed to haul the corn to market to free up space on our farm, so more wet corn and drying could take place and continue. Currently, the statute reads only "stockpile." With the addition of "or farm storage," we strongly believe this provides clarification to myself, and other farmers, and carrier enforcement. I personally have been stopped by carrier enforcement and had conversations regarding their interpretation of the statute. Again, we believe that with the addition of "or farm storage," that will provide

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

the clarification needed. I, again, appreciate Senator Halloran for introducing LB931, and would respectfully request the committee advance LB931 to the full body for passage. I would be happy to answer any questions at this time.

**FRIESEN:** Thank you, Mr. Nerud. Any questions from the committee? Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Friesen. Thank you for being here today. A question on finding storage. We have a letter from one of my constituents. He called me last-- this winter when his son got stopped for being overweight, hauling from the white storage bags in the field, to the elevator. He was within his 15 percent overage, he had his form, but he still received a citation, and paid a considerable amount of money for it. Do you think any other clarification needs to be made on what storage is?

**DAN NERUD:** Personally, I think that "or farm storage," my interpretation-- again, its interpretation of everybody, how you look at it. My interpretation that would include what I call the bags at the end of the field, which is more and more in use, the grain bins or whatever, I think where we need to-- where it also will come into play is-- again, it's interpretation. But I have been told, for instance, you do have your overweight exemption, you have your form filled out. But for instance, this fall where it's very wet, you could leave a semi set in the field if you were lucky enough to load it there. You couldn't leave it on the road. If I were to take that semi home, but it was off the path, direct path to the elevator, I no longer qualify for the, the exemption. That is the interpretation I received from the carrier enforcement. This, to me, would also help in that respect, that you are taking it home or you were loading on the farm, just like what we were drying corn, it clarifies the different avenues of, you know, just like I said, taking a semi home at night, to me, is not trying to do something illegal, but yet it would get me the qualification of the way it's read now, or interpretation.

**BOSTELMAN:** And I think that's important. I think that's-- I want to make sure we have it on the record, what we're talking about, to explain all these different areas. And I appreciate your comments. I agree.

**DAN NERUD:** And there might be a better way to explain, sir, but to me, "or farm storage," that clarifies all type of storage or at the end of the field, because to me, the bags are a type of farm storage.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**BOSTELMAN:** Thank you.

**FRIESEN:** Thank you, Senator Bostelman. Any the other questions from the committee? Seeing none, thank you for your testimony.

**DAN NERUD:** Thank you.

**FRIESEN:** Any other proponents wish to testify in favor of LB931? Seeing none, anyone wish to testify in opposition to LB931? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, we do have some letters, proponents: Gerald Osmera, from Weston; Duane Lienemann, from UNL Extension, Blue Hill, Nebraska, Ex Emirates [SIC]. With that, we will close the hearing on LB931. Oh, you want to close; sorry.

**HALLORAN:** [INAUDIBLE].

**FRIESEN:** There are some questions that you'd like to answer.

**HALLORAN:** Well, there may be some questions or some clarification, but I think the two gentlemen that testified cleared up a lot of the points. Just understand, for those that don't have a farm background, grain is, is not like liquid. As far as when you pour liquid into a container, it seeks its own level and it's easy to measure, right? You can have a line that says two quarts and it's at that level, or if a gallon at that-- is at that level. And if a gallon weighs eight pounds, so you know you got eight pounds of material there. Grain is not quite that way. When you pile grain into a bin or into a truck, it peaks and transcends down to the sides of the truck. And, and also, an added characteristic is, grain can weigh a different amount per bushel, depending on the quality of the grain and the season that produces the grain. You can have, you can have grain that might vary from 52 pounds to a bushel to 61 pounds to a bushel. So it's, it's not exactly a pure science when you're loading a truck. And I think it's-- I think this bill will help clarify, not only for, for the producers, but to law enforcement, the language so that it does protect transporting from farm storage to market. So I encourage the committee to give this consideration and to pass it on to General File.

**FRIESEN:** Thank you, Senator Halloran. Any questions from the committee? Senator Hughes.

**HUGHES:** Thank you, Senator Halloran, for bringing this bill. I just want to make very clear that we understand that your proposal is to allow this additional 15 percent at any point between the field and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

the point of first sale, regardless of if it stops and rests anytime for the 120 days between those two points.

**HALLORAN:** Glad to put that on the record. That's, that's, that's the intent,--

**HUGHES:** OK.

**HALLORAN:** --as I understand it, yes.

**HUGHES:** Thank you.

**HALLORAN:** That's a good point.

**FRIESEN:** Thank you, Senator Hughes. Any other questions from the committee? Seeing none, thank you, Senator Halloran.

**HALLORAN:** It's still a privilege to have been here. Thank you.

**FRIESEN:** It's what?

**HALLORAN:** It's still a privilege to have been here for my first time.

**FRIESEN:** Why, thank you. We're honored to have you. That will close LB931.

**HUGHES:** No.

**FRIESEN:** And we will open the hearing on LB6--LB761. Welcome, Senator Dorn.

**DORN:** We will be passing out a handout of my opening comments and then, also, a handout from Dr. Gold, from UNMC.

**FRIESEN:** OK.

**DORN:** But we have-- Janet has the handouts for that. They're going around. Yeah, thank you. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Senator Myron Dorn, M-y-r-on D-o-r-n, representing District 30. Imagine you're driving down Highway 77 through Senator Albrecht's district or Senator Bostelman's, or Highway 6 or 34 in Senator Hughes's district, or Highway 30 in Senator Friesen's district, or Senator Cavanaugh or DeBoer or Hilgers or traveling on any one of our beautiful state highways in Nebraska. And now the unthinkable happens. You are in a car accident and you have a medical emergency on the road. You call 911 and no one answers. Or if there is an answer, it

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

will be, we don't have trained personnel close by, but it will take over 30 minutes before someone can come from one of the towns down the road. Hopefully your injuries aren't too severe, and hopefully those EMTs who arrive have the most up-to-date training to help save your life. And it's not just providing medical care to those on highways or roads. It's medical care being provided to rural residents who have a medical emergency on the farm or in small rural communities. Our population is aging, and with age comes more complex health issues. When an elderly person has a medical episode, time is essential in getting to the person and providing quality medical treatment as soon as possible. I've been an EMT for over 30 years. To become an EMT is a commitment of time and money, time invested in the training, time away from the family, and work to help serve. The number of volunteer EMTs and volunteer firefighters are dwindling, especially because of the commitment of the time, and for the local communities for the expensive training. LB761 help addresses the issue of time, money, and necessary training. SIM-NE was originally funded by a \$5 million grant from the Helmsley Charitable Trust. LB761 would pick up where the grant ends, and the bill asks to increase the "50 Cents for Life" motor vehicle registration fee by another 50 cents. This is not daily or weekly increase, and is an extra 50 cents per year, two quarters to support lifesaving training. The extra 50 cents would raise approximately \$1.2 million and place-- be placed in a dedicated fund for the University of Nebraska Medical Center to use solely to maintain the SIM-NE trucks, the equipment inside the trucks, and the personnel who provide the training. Simulation in Motion are four large trucks equipped with the state-of-art medical equipment and patient mannequins. These trucks travel across the state to rural fire departments, rural rescue squads, and rural hospitals, providing training to EMTs, ER doctors and nurses in their hometown communities. This means these people do not have to leave to receive training in Lincoln or Omaha, but the training is right there in their hometown for a few hours. I want to emphasize the aspect of rural training. The better trained our emergency responders and ER staff is, the better health outcomes of those who have suffered a medical emergency, whether on the road, in the home or on the farm. I recently had the chance to receive my continuing education in the SIM-NE trucks. The tele-- the technological sophistication of the equipment provides a hand-on experience I never thought possible except in a large, urban setting. I received the training in Adams, Nebraska, the same training the SIM-NE trucks provide across the straight-- state. Following me will be representatives from UNMC, who can speak to the specifics of the SIM-NE and its funding and training. Also, SIM-NE has outreached to high schools to show students the engineering technology that is in



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

the trucks, as well as the medical aspects. At this time, I would be glad to try to answer any questions.

**FRIESEN:** Thank you, Senator Dorn. Any questions from the committee? Senator Cavanaugh.

**CAVANAUGH:** Thank you, Chairman Friesen. Senator Dorn, did you know that there is a highway that separates Senator DeBoer and I's district? It's Highway 64.

**DORN:** No, I did not.

**CAVANAUGH:** Just wanted to make sure. We have highways in Omaha, too.

**DORN:** OK. Thank you.

**FRIESEN:** Thank you, Senator Cavanaugh. Any other questions from the committee? Seeing none, are you going to stick around for closing?

**DORN:** You bet. Yes, thank you.

**FRIESEN:** Proponents who wish to testify in favor of LB761? How many, how many people are we gonna have testifying? How many do we have? Raise your hands again. All right, we'll, we'll see [INAUDIBLE]. All right, welcome.

**DOUG DEKKER:** All right. Thank you. Good afternoon, Chairman Friesen and members of this Transportation Telecommunications Committee. My name is Doug Dekker, D-o-u-g D-e-k-k-e-r. I live in Papillion, Nebraska. I am the program manager for Simulation in Motion-Nebraska, or SIM-NE, a program of the University Nebraska Medical Center. I'm testifying as a representative of the University of Nebraska. I'd like to thank Senator Dorn for introducing this bill. I'm here to speak in support of LB761. In the last two and a half years, SIM-NE has conducted over 400 training events, provided almost 7,000 educational contacts, provided training in 51 of the 64 critical access hospitals in the state, provided training in 180 of the approximately 375 rural volunteer ambulance services and fire departments of the state, delivered training to at least one ambulance service or critical access hospital in 87 of Nebraska's 93 counties, provided more than 20,000 continuing education hours to volunteer ambulance service members, firefighters, and critical access hospital staff. And the trucks have traveled over 62,000 miles, for more than two and a half times around the earth. The accomplishments I just made-- mentioned were made possible by the generous startup grant provided by the Leona M. and Harry B. Helmsley Charitable Trust. The grant funded the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

purchase of the trucks and simulation training events at no cost to the volunteer ambulance service members, firefighters, critical access hospital staff with our agencies. A 50 cents per motor vehicle registration fee, in my opinion, is a small price to pay for the benefit of sustaining this proven lifesaving program. The SIM-NE program can literally impact the healthcare of every citizen of the state of Nebraska. The value-added proposition of SIM-NE is immense. For the folks that need an emergency room or ambulance service, your expectation is the quality of care delivered at the emergency room or ambulance is state of the art. You expect that personnel in the emergency room or ambulance have received frequent current training. When SIM-NE goes to a volunteer ambulance service or fire department or critical access hospital, we are bringing \$1 million worth of truck equipment and supplies right to the volunteers or critical access hospital staff. The human patient simulators we use have pulses, their eyes blink and react to light, and their chests rise and fall as if they are breathing. You can hear their heartbeat, listen to their lung sounds, and even take their blood pressure. IVs can be started on the simulators. They can accept a breathing tube and can receive a shock from one of our functioning defibrillators. Our most sophisticated simulator, Lucina, can even deliver a baby. Of Nebraska's 64 critical access hospitals, only 35 schedule babies to be delivered, with some of those only delivering 9 babies a year. Recently, one of the hospitals that does not schedule deliveries of babies reached out to SIM-NE to provide simulation training in preparation to open their hospital to schedule births again. Emergent and complicated childbirth scenarios are some of the most requested training scenarios by volunteer ambulance services and critical access hospitals. They're an example of the low frequency, high acuity types of scenarios that are regularly requested of the SIM-NE trucks. In addition to low frequency, high acuity scenarios, SIM-NE also receives many trauma and cardiac related requests. Volunteer providers and critical access hospital staff want to make sure that they are current in the best practices when it comes to trauma and cardiac cases due the high volume of the patients they see in those two areas. The Helmsley Grant guidelines mandated, mandated that SIM-NE focus on training on rural volunteer EMS services and critical access hospitals. While keeping our focus on our main mission, SIM-NE has started to deliver fee-for-service training to organizations that are outside of our core mission. Examples of some training events that were fee-for-service include: the Omaha Airport Authority's triennial disaster drill; units of the Nebraska Air and Army Guard trauma training; and the FBI school of Operational Medicine, where FBI SWAT team members from across the country received training from SIM-NE. Recently, SIM-NE was contacted

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

by Lincoln Fire and Rescue, and a proposal has been sent to them to conduct simulation training to all 92 of their paramedics and, eventually, all 274 members of their department. SIM-NE has also started training school nurses and school emergency response team staff. I respectfully request that, as you review the email sent to the committee on this matter, that you pay special attention to the emails sent from the staff of Springfield Platteview High School. Their emails tell a story of a lifesaving event that occurred in their school shortly after they received training from SIM-NE. I respectfully request that the committee members vote to move LB761 to the entire floor, allowing SIM-NE to continue our vital mission of delivering training to the volunteer ambulance and fire department members and critical access hospital staff who help save the lives of Nebraskan citizens every day. Thank you for your time, and I would be happy to take questions.

**FRIESEN:** Thank you, Mr. Dekker. Any questions from the committee? Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Friesen. Thank you for being here today on this--

**DOUG DEKKER:** Yes.

**BOSTELMAN:** --important discussion. How much do these other entities pay for training? For FBI,--

**DOUG DEKKER:** Sure.

**BOSTELMAN:** --those, how much are-- how much would it cost [INAUDIBLE]?

**DOUG DEKKER:** The costs are anywhere from about \$1,000 to \$3,000, depending on how far the truck has to travel. We're currently in Norfolk, Lincoln, Kearney and Scottsbluff-- well, the Lincoln truck is actually going to be moving to Omaha shortly, because it will save us \$30,000 a year in storage fees. But it depends on how far the truck has to go, how much travel time, things of that nature, and then, of course, how long the training is. But somewhere between \$1,000 and \$3,000.

**BOSTELMAN:** And how much-- I understand critical access, critical care hospitals and that-- how much would you say percentage is provided to rural EMS, rural fire, compared to critical hospitals? What's the difference in there? Do you have any guess what that might be?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**DOUG DEKKER:** Well, we've done-- we've trained at 180 of the rural ambulance service areas of the state, and then the critical access hospitals, which are all the smaller hospitals in places such as Schuyler, and David City, you know, in places like that. And we've trained in 51 of 64 of those. So most of the training has been in the, the volunteer EMS services, and ambulance services, and fire departments of the state, just simply because there are more of them than there are of hospitals.

**BOSTELMAN:** So there's more-- so what I-- you just said there's more volunteer services than within the cities.

**DOUG DEKKER:** I'm sorry. Say that again.

**BOSTELMAN:** There's more-- what you just said is there's-- SIM-NEs have been used more in the rural, rural volunteer EMS firefighter areas than they are in the cities, than the hospitals.

**DOUG DEKKER:** In the hospitals, yes. You have to understand those hospitals a lot of times are in Springview, Nebraska-- or excuse me, in Lynch, Nebraska, where they've only got like six beds. So the critical access hospitals we've been to are the, the major ones. We have trained once in Bellevue, once in Kearney, and once in Grand Island with the, the more major hospitals. But all the rest of them are in the smaller hospitals across the state.

**BOSTELMAN:** OK. Thank you.

**FRIESEN:** Thank you, Senator Bostelman. Any other questions from the committee? So would-- what kind of training, I guess, do you get into? Do you get into vehicle extrication, things like that? Or is it--

**DOUG DEKKER:** We, we don't do the, the extrication part. We're just basically the medical part of it. So if someone wants to train on how to use the jaws of life to save, to get people out of their cars, that's something that'll come either internally from their department or from like the State Fire Marshal's office or something along those lines. But once that person is out of the car, that's when we take over-- or the, the training that we do, that's when it's addressed to that part of it. We have done some events. There'll be someone here testifying from Chappell, Nebraska, where they actually started a training inside of a car. They did the extrication part. Then they moved to the, to the ambulance side of the truck and completed the training there. And then we've also had trainings where, once we complete that, then the critical access hospital folks can train in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

the front. And so we can do a continuum from car accident to ambulance to hospital, all in one training event, if, if it's so desired.

**FRIESEN:** OK. I was-- so what I'm doing is trying to tie together why motor vehicles should pay for this type of training.

**DOUG DEKKER:** Sure.

**FRIESEN:** To me, I mean, I'm looking at-- shouldn't this value probably come from the Health Care Cash Fund or something like that?

**DOUG DEKKER:** Well, we were part of the Health Care Cash Fund last year, and that wasn't very successful. But I guess the thing that I look at is that everyone here in this room is gonna get out of, out of the hearings and stuff today, they're gonna get in a car and they're gonna drive someplace. And when they drive someplace, there's a potential they're gonna have some sort of medical emergency or, God forbid, an accident, and need help from an ambulance service. So every vehicle and every citizen is paying for the service that they likely could use.

**FRIESEN:** So what, what portion of calls do you think are totally related to automobile travel versus health issues of other types?

**DOUG DEKKER:** I would not be able to answer that question. I could certainly find out for you, but I could not answer that question right now.

**FRIESEN:** OK. Thank you. Any other questions? Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Friesen. I appreciate you being here with this bill. When you say that there are 375 rural volunteer ambulance services, but you've only been in contact, do they have to contact you and ask you to come out and train them?

**DOUG DEKKER:** Initially, when we started the program, we were simply a, a respond-to-a-call type thing. They would go on our website, they would request our training, and we would go to them. About August of last year, we actually started cold-calling the people that had not requested this yes--

**ALBRECHT:** Um-hum.

**DOUG DEKKER:** --yet. I would say that we've been very proactive about getting the word out that we're available. That being said, there are still times where it, it boggles my mind, that as hard as we've worked

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

at it, there are people that really don't understand what we do or they think there is a fee, or something like that that just--

**ALBRECHT:** And is there a fee to either the [INAUDIBLE]?

**DOUG DEKKER:** To the critical access hospitals and to the rural volunteer ambulance services, the answer is no.

**ALBRECHT:** No, OK.

**DOUG DEKKER:** To some of these other instances where I can mention, you know, the, the proposal we have to Lincoln Fire and Rescue, that is fee-for-service event. The FBI training was a fee-for-service event, that they were charged, and they paid us. And then the proposal [INAUDIBLE]--

**ALBRECHT:** And is there just one vehicle, one van?

**DOUG DEKKER:** There's-- there are four.

**ALBRECHT:** There's four of them.

**DOUG DEKKER:** Yes. And there's-- in the southeast, northeast, central, and western region of the state, so each, each truck has an area that they cover.

**ALBRECHT:** OK. Thank you.

**FRIESEN:** Thank you, Senator Albrecht. Any other questions from the committee? Senator Hughes.

**HUGHES:** Yeah. Thank you for being here today. So the, the fee that you charge for other than critical access, does-- how, how do you-- is that a-- your, strictly your cost? Or how do you figure what the fee is? Is that just personnel and--

**DOUG DEKKER:** The, the fee is mostly the actual cost of that event, so the cost to drive the truck there, the cost of the personnel hours. We do put in a little bit of money for sustainability and technology fees, to help us with the upkeep of the equipment. But the majority of it is, I would say-- about 80 percent of it, if I recall correctly-- is strictly the cost of that event.

**HUGHES:** OK, so this 50 cents that you're asking-- working out the math, does that allow you to upgrade equipment as you go along or is that just kind of the bare minimum to, to pay the out-of-pocket costs?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**DOUG DEKKER:** It's gonna be the bare minimum to keep us going at the, the rate we've been going, as far as doing the, the critical access hospital and volunteering those services for free. The money that we bring in from the other types of events and any other funds that we raise, that will go towards the upgrading or expanding of the program to different things.

**HUGHES:** OK.

**DOUG DEKKER:** But this would, this would keep us going free to the critical access hospitals and to the volunteers.

**HUGHES:** OK. Thank you for coming today.

**FRIESEN:** Thank you, Senator Hughes. Senator Albrecht.

**ALBRECHT:** Sorry about that. Speaking on the fiscal note, how much would you think 50 cents would bring in throughout the state?

**DOUG DEKKER:** It's my understanding, from the fiscal note, that it's about \$1.2 million a year.

**ALBRECHT:** \$1.2 million. Thank you.

**FRIESEN:** Thank you, Senator Albrecht. Any other questions? Seeing none, thank you, Mr. Dekker. Welcome.

**BEN STOBBE:** Good afternoon. My name is Ben Stobbe, B-e-n S-t-o-b-b-e. I live in Bennington, Nebraska, and I'm here today to speak in support of LB761. I am a member of the Interprofessional Experiential Center for Enduring Learning team, a program at the University of Nebraska Medical Center. I'm here testifying as a representative of the University of Nebraska. Simulation in Motion-Nebraska originated as a grant-funded University Medical Center program, supported by a \$5.5 million grant from the Leona M. and Harry B. Helmsley Charitable Trust. The original grant period ran from December 2015 through November 2018, to cover the capital expenditures related to the build-out and training equipment for all four trucks, as well as operational expenses. The program team were good stewards of the funds, and at the conclusion of the grant, approximately \$325,000 in grant funding remained unused. The Helmsley Trust granted a no cost extension to use the remaining funds, which lasted through May of 2019. Private funding was secured with the goal of providing short-term sustainability for SIM-NE. To date, \$865,282 was raised through private philanthropy, and is currently being applied to bridge the SIM-NE operational needs. However, these funds will only allow the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

program to continue through May of 2020. Future funding donations are short-term commitments-- one to three years-- and are not anticipated to be recurring donations or large enough to sustain program operations. The Helmsley Grant allowed for our annual operating funds of \$1.2 million. With constant review of the expenses, the program refined the budget and has been able to keep an annual budget under \$1 million to cover current program deliverables. Additional-- SIM-NE program falls under iEXCEL oversight. This provides the opportunity to take advantage of the new experiential technologies for teaching, and utilize the skill set of the visualization content creation staff, to help design new program offerings. You have been provided a fiscal note for this program that explains the anticipated fiscal expenses. I respectfully request that you consider advancing this bill to the floor of the Legislature. At this time, I'm willing to answer any questions you may have. Thank you for your time, attention, and consideration.

**FRIESEN:** Thank you, Mr. Stobbe. Senator DeBoer.

**DeBOER:** Thank you, Mr. Stobbe, and welcome to another Bennington person.

**BEN STOBBE:** Hey.

**DeBOER:** I just wanted to ask one question here about the \$1.2 million and the \$1 million. You're now running the program for \$1 million, is that correct?

**BEN STOBBE:** We, we were able to reduce the amount of, of the program by a little bit because we helped to offset the funding with some salary offsets for that short-term period, which would allow us to extend it to May of 2020.

**DeBOER:** OK.

**BEN STOBBE:** Those are not sustained offset salary funds.

**DeBOER:** So in the future, you imagine it'll cost \$1.2 again.

**BEN STOBBE:** Correct. Correct.

**DeBOER:** That's what I wanted to know. Thank you.

**BEN STOBBE:** Yes.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** Thank you, Senator DeBoer. Any other questions from the committee? Senator Bostelman.

**BOSTELMAN:** Thank you. Thanks for being here today and testify on this. When this grant program, when the initial \$5.5 million came out for these vehicles, what was the thought of the funding mechanism when the grant ran out? Do you know?

**BEN STOBBE:** So the, so the-- we were looking towards foundation funding, for one. And we were also looking at some level of fee-for-service. We were, we were looking-- we-- just over the last two years, we went through more of the strategic business plan operations component of it. That's where we actually realized that the sustainability of the program, for fee-for-service, would not sustain a \$1.2 million cost for those trucks over, over the time period.

**BOSTELMAN:** Sure. So fee-for-service, so let me-- let's talk about that just a minute. So you-- right now, the fiscal note is \$1.2 million. What's the actual cost to run the four, because if there's fee-for-service coming in, there's money on top of that, that you're receiving, on top of the \$1.2 million--

**BEN STOBBE:** The--

**BOSTELMAN:** --if the bill would go through?

**BEN STOBBE:** That is correct. And so the \$1.2 million would, would allow us to run the program that Mr. Dekker explained for the critical access hospitals and the volunteer EMT units throughout the state. The fee-for-service funds would be extra funds, which would allow-- would pay for the cost of doing those additional training sessions. But if there's dollars on top of that, as explained by Dr.-- Mr. Dekker, that those funds would be used to help to sustain the equipment, to offset the expenses if a piece of equipment went down and we needed to get a new piece of equipment. But it does not cover the cost of expanding new, new programs.

**BOSTELMAN:** Sure. What's your expectations on-- I'll call it the new pay-for-use, the folks outside of the critical care and the volunteers? What, what's your expectation?

**BEN STOBBE:** Right now, we're just a estimated amount. We're looking at about maybe \$100,000 a year coming from outside fee-for-service. That's based on what we've been able to do to date.

**BOSTELMAN:** OK. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** Thank you, Senator Bostelman. Any other questions from the committee? Seeing none, thank you, Mr. Stobbe, for your testimony.

**BEN STOBBE:** Thank you.

**CRAIG VYHNLAEK:** Good afternoon.

**FRIESEN:** Welcome.

**CRAIG VYHNALEK:** Senator Friesen and the committee, my name is Craig Vyhnaelek, C-r-a-i-g V-y-h-n-a-l-e-k. I'm a volunteer EMT with Wilber Fire and Rescue in Wilber, Nebraska. Thank you for the opportunity to address this body, and I ask for your consideration and support of LB761. EMS in rural Nebraska is challenging. It's difficult to recruit and retain members and, once you get them, to train them. And to keep their training and skills current can also prove to be a challenge. A well-trained responder can and does make the difference between life and death. This training program gave-- program gives the opportunity to have well-trained individuals respond to emergencies, and is not limited to suburban areas, but available to all responders statewide. Our department was fortunate to have the SIM-NE truck at a training session in January of 2019. The attendance was overwhelming. The training was fantastic. In this training session, we were able to engage and challenge our members. Everyone, from as few as 2 months experience in, in EMS to over 40 years. I'll give you another example. My dad was a fire and rescue responder for 59 years, completed his EMT in 1974. When his department had the SIM truck provide training, he couldn't wait to call me and tell me how good it was. This is a man who attended trainings for 59 years, and this training topped the list. This type of training is not something you can do at a regular training session at your local fire station. Additionally, it's not an option to send all of your members out of the area for the statewide conferences and trainings as you have to keep adequate staff at home to handle the calls and incidents that may occur. This makes the SIM-NE training an even more valuable training tool. I realize this training opportunity comes with a cost, but being able to train the EMS providers in rural Nebraska with scenarios they will likely encounter, in a setting that simulates, motivates, and challenges them. So when the actual situation arises, they are more than ready and capable of handling these types of situations. And in my opinion, that's priceless. The training equipment inside the truck is realistic and something most rural EMS agencies could not afford. The availability of the equipment and staff is also vital and enhances the training. After the training you go through what went right, what went wrong, and what can be improved on. Several of the departments in our

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

area have utilized the SIM-NE training, and I've heard nothing but positive comments about the experience. In fact, most are planning to have the training again in the near future, utilizing a different one of the training scenarios available. By supporting and funding this bill, this will allow the EMS providers in the state of Nebraska to become better trained, challenged, and confident in their skills and abilities. This helps them when they're faced with a challenging call. In my opinion, the program is a huge asset to EMS community in the state of Nebraska and the citizens of Nebraska. And if it is, if it is allowed to go away, there will be a significant negative impact on the EMS system in Nebraska. I know funding is always an issue. And this is just my perspective. If you look at the cost per household-- say an average family has three to four vehicles, \$1.50 to \$2.00 a year. The cost per family is negligible and the benefit provided can and will have a direct impact. In conclusion, I would ask for your support of this bill, as the program is one that truly impacts the citizens of Nebraska and provides them with a tool that truly makes a difference in life-and-death situations-- for in my opinion, a very reasonable cost. Thank you. I'd be happy to answer any questions.

**FRIESEN:** Thank you, Mr. Vyhnalek. Any questions from the committee? Seeing none,--

**CRAIG VYHNALEK:** Thank you.

**FRIESEN:** --thank you for your testimony.

**SEAN FLOWERDAY:** Good afternoon, Chairman Friesen, members of the Transportation Committee. My name is Sean Flowerday; that's S-e-a-n. Flowerday is spelled like it sounds, F-l-o-w-e-r-d-a-y. I come before you as the chairman of the Lancaster County Board of Commissioners and a former EMT and CPR instructor myself. Lancaster County voted unanimously last week to support LB761. I'm here to support the bill and to encourage all of you for this funding source. Lancaster County is, I think, undoubtedly one of the best-served communities in our state for EMS services. LFR is an excellent, excellent provider of EMS services and emergency response services. But that's-- no. That leaves about 10 percent of our population out. And as of a report from our EMS medical director, given to the EMS, the EMS Advisory Oversight Board [SIC] just this morning, 47 percent of rural EMS calls in Lancaster County show at least a 5-minute or more gap between them being reported to dispatch and anyone being marked en route. We are seeing-- we're seeing less and less volunteer firefighters, volunteer EMTs each year, and it's getting harder and harder to get someone out. And there are places in Lancaster County-- most notably, I would tell

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

you, Norris High School-- where there's, there's not anywhere near enough EMS coverage. The city of Hickman is only just now getting an ambulance up and running in their fire department. We are hoping to-- they are hoping to have it up and running in early spring, late winter. The city of Bennet doesn't have one right now and aren't anywhere near getting an ambulance. These rescue calls are imperative to the safety and the well-being of Lancaster County residents. This kind of training gives us the opportunity to keep up. You know, people who don't live in the city of Lincoln, where there are so many opportunities, it gives rural, rural citizens the opportunity to get the best training that's available so that they can deliver adequate EMS services elsewhere. You know, I, as-- quite frankly, as a former CPR instructor, I'm jealous of these simulators. They're really incredible things. So I'd be happy to answer any questions. Lancaster County is in support of LB761.

**FRIESEN:** Thank you, Mr. Flowerday. Any questions from the committee? I don't, I don't think anybody's questioning the value of the training.

**SEAN FLOWERDAY:** Absolutely.

**FRIESEN:** It's, it's more of-- how is the request for funding tied to the training and what relationship do they have?

**SEAN FLOWERDAY:** Sure.

**FRIESEN:** And so that's what-- to me is what this boils down to, is our-- is this the proper place to fund it?

**SEAN FLOWERDAY:** Sure. And I understand that. You know, my response to that would be, I think the most dangerous thing most of us do any given day is we get into our cars and go drive on, you know, the highways and the rest of the roads. I mean, that's, that's, that's part-- that's the place where we're-- outside of that cheeseburger I just had for lunch, that's probably the place where we're at the most risk of exposure [LAUGHTER].

**FRIESEN:** Thank you, Mr. Flowerday.

**SEAN FLOWERDAY:** Thank you very much.

**FRIESEN:** Seeing no others, thank you for your testimony.

**SEAN FLOWERDAY:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**ROBBY RHEMBRANDT:** Good afternoon. My name is Robby Rhembrandt; that's R-o-b-b-y R-h-e-m-b-r-a-n-d-t, and I live in Scottsbluff, Nebraska. I'm in favor of LB761 to continue funding for the Simulation in Motion program. Although I serve as a part-time trainer for the program, I'm here today representing first responders across Nebraska. And I also serve as a delegate for the International Board [SIC] of Flight and Critical Care Paramedics. I was born and raised in Nebraska, and plan on calling it my home for the rest of my life. In the last 14 years, I've served as a volunteer first responder, department captain, EMS director, clinical supervisor, education coordinator, and flight paramedic. I also hold multiple international board certifications as a paramedic and a degree in fire science, and I have spoken nationally. I can tell you the success in my career is a testament to hard work, work, but more importantly, a product of world-class education, mentorship, and most of all, simulation. I've been lucky enough to participate in simulation training for over 12 years, as a student and instructor. And if I had to describe the quality of high-fidelity simulation in one word, I would use the word "impactful." The impact of simulation training drives home pertinent concepts of emergency care to adult learners engaged in the exercise. We know the more realistic, the better the training outcome. When you think of Nebraska history, what comes to mind? I can tell you in western Nebraska, it's the Oregon Trail, but I have a different thought. I think about a book called "The Light of the Moon: Life and [SIC] Death and the Birth of Advanced Trauma Life Support." Many people in this room have never heard or read the text, but it is a valuable reminder of the decisions that we make in Nebraska can affect the entire world. The book was written by Dr. James Styner [SIC], an orthopedic surgeon who lived here in Lincoln, but he also worked in California. One night, while returning home from a wedding in California, tragedy occurred when the Styner's family plane crashed south of Lincoln. On board the plane was Dr. Styner's wife and four children, all under the age of ten. Dr. Styner extricated his children from the wreckage while providing field care, awaiting the help-- for help to arrive. Unfortunately, his wife did not survive the impact. He provided lifesaving care for over eight hours before arriving at a local critical access hospital. Once the family arrived at the hospital, Dr. Styner was less than impressed with the hospital staff level of knowledge and skill to care for complex trauma patients. Dr. Styner knew immediately that rural areas needed better education and resources for continuing education. And this included faster transport. He quoted to have said: When I can provide better care myself in the field with limited resources than my children and I received in a primary facility, there is something wrong with the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

system, and the system has to be changed. I'm betting Dr. Styner would be in favor for the Simulation in Motion program today. Fast forward to the year 2020, and the ATLS course that Dr. Styner initiated is available in over 80 countries, and over 1 million providers have been trained since that tragic night south of Lincoln. On a much smaller scale, I've seen the benefit of Simulation in Motion in our state since its inception, with nearly 800 air medical missions completed in my career, I see the impact of the simulation training on a weekly, weekly basis. Too many examples come to mind when I see firsthand the improvements made by simulation training in our state. I want you to take a step back from this room and picture yourself standing in a field on a warm spring day. Twenty feet in front of you as a six-year-old child who's been the victim of a four-wheeler accident while riding with an older sibling. It's Easter weekend, and his family's plans have just changed with devastating circumstances. As you watch from a distance, a rural EMS service arrives and the leading EMT is actually the patient's uncle. You see the panic in his face as he attempts to force life back into the child with each compression. Soon thereafter, you hear the sound of spinning rotor blades, blades slicing the air. More help is on the way, and the child is now everyone's priority. Fast and rapid transport is this child's best benefit. When the flight team arrives, you become hypervigilant of the circumstances. When you see the mother's jewelry, as she grasps his little toes in disbelief, you notice the family and neighbors standing, watching, and crying. You notice their boots, spurs, and the sibling who now blames herself. As the EMT hands off care to the flight team, he begins to cry with the family, and the reality of the incident is beginning. The patients our first responders help each and every day do not look like us, live like us, but they depend on us. We depend on our state EMS program and legislation to give us the tools needed to perform our task at hand when 911 is answered. You can imagine the difference between training with a basic CPR mannequin versus a high-fidelity mannequin that responds like a real patient. If that was your child lying on the ground in that field, how would you want the first responders to be trained? Let's not repeat history. Think about Dr. Styner's prayers as he laid in the field next to his dying family. Imagine the difference we can make for the citizens and humans that pass through our state on our highways and byways. You see, we're the lucky ones; we made it. We've lived long enough to make a difference in someone else's life. But for the little boy in the story above, his life is over. I've learned in my career that the smallest coffins are the heaviest. Once again, I'm in favor of world class simulation training, astounding educational equipment, and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

partnership between state EMS program's legislation inspiring each and every EMS provider in the state of Nebraska. Thank you.

**FRIESEN:** Thank you, Mr. Rhembrandt. Any questions from the committee?

**ROBBY RHEMBRANDT:** Any questions?

**FRIESEN:** Seeing none,--

**ROBBY RHEMBRANDT:** All right.

**FRIESEN:** --thank you.

**ROBBY RHEMBRANDT:** Thank you.

**MICHAEL WIEKHORST:** Good afternoon. My name is Michael Wiekhorst, M-i-c-h-a-e-l, Wiekhorst, W-i-e-k-h-o-r-s-t, representing the Valley Fire Department in Valley, Nebraska. Mr. Chairman, to your earlier comments about the people coming up here and talking about the importance of the program, right, more into the funding, the allocation of funds-- and I'm hoping to be able to touch on that here. I come before you today to testify to the value of the Simulation in Motion program and how this program directly benefits volunteer fire departments. First, a brief introduction of myself and my department. My name is Chief Michael Wiekhorst. I am the Valley Suburban Fire Protection District Number 5 chief. I have charge of fire, rescue and emergency medical services through the city of Valley, Nebraska, and the outlying 45 square miles of rural western Douglas County, located between Omaha and Fremont. My agency serves a population of approximately 3,000 people with heavy daily commuter traffic on two major highways that cross the length of my district. In 2019, Valley Fire answered 744 emergency medical calls to service-- excuse me-- emergency calls to service, making us one of the busier 100 percent volunteer departments in the state. Since its inception in 2017, the SIM-- Simulation in Motion-Nebraska has trained Valley emergency medical personnel at least four separate occasions: once at the NEMSA conference in Kearney, and thrice on site at the Valley Fire Station. On every occasion, a multitude of lifesaving skills were practiced on SIM-NE's animatronic mannequins. These mannequins can talk, breathe, bleed, and birth infants, providing the most realistic scenarios current science can provide. Valley's EMS practitioners were faced with emergency situations, such as blunt-force, multi-system trauma injuries and birthing complications of pregnant women, and then challenged to work as a team, all the while being coached for hours on end by the extremely knowledgeable SIM-NE staff. This provided a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

strong reinforcement of our medical skills, as well as honing situational awareness and critical thinking proficiencies in our crews. With a very limited annual budget, volunteer agencies such as Valley Fire cannot afford the level of training that SIM-NE provides free of charge to us. The state-of, state-of-the-art mannequins and one-of-a-kind mobile training apparatus to which they call home cost millions of dollars to procure, not to mention the salaries of the highly trained educators that staff the units. Prior to the SIM-NE training programs, agencies such as ours relied heavily on in-house training for continuing education past that initial licensure stage, and it's not nearly as comprehensive and does not allow providers to train to their highest level of preparedness for the variety of medical emergencies and complications that can be presented in the field. In conclusion, I believe it to be of the best interest of the citizens of the state of Nebraska to continue the funding of the SIM--Simulation in Motion program. While not all of our citizens reside in volunteer-staffed emergency medical services districts, it is with almost absolute certainty that they will travel through such a district at some point in time, and should the worst happen-- i.e., a, a traumatic car accident or medical emergency-- the volunteer crews that respond would be that much more well-equipped to save their lives. I can say that serving a population of 3,000, to have that many calls in our district-- and it's, it's gone up as Omaha moves closer and closer every year, and Fremont and, and Omaha are starting to close that gap, and we're caught in the middle. A lot of our medical calls are coming from that commuter traffic, not only to the people that are just literally going back and forth on the highway, but that are also employed in and around our district. I think that it's, it's a small price to pay that 50 cent per car tax, fee, whatever you want to call it, to, to coincide with that level of training. So that's all I have. Thank you.

**FRIESEN:** Thank you, Mr. Wiekhorst. Any questions from the committee? Senator Cavanaugh.

**CAVANAUGH:** Thank you. Thank you for being here. How many volunteer firefighters do you have in your-- in Valley?

**MICHAEL WIEKHORST:** Forty-two.

**CAVANAUGH:** Forty-two. And you answered 744 calls?

**MICHAEL WIEKHORST:** Yes, ma'am.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**CAVANAUGH:** How has the training that you've currently received from the SIM truck impacted your ability to--

**MICHAEL WIEKHORST:** Well--

**CAVANAUGH:** --answer those calls?

**MICHAEL WIEKHORST:** Absolutely. I believe that one of the last training sessions we did-- again, we did multi-system traumas, blunt-force trauma, things that would coincide with motor vehicle accidents, also farm-type accidents and anything like that, that blunt-force trauma. I-- the way that the teams went through, we didn't obviously know what was wrong with the patient. They didn't tell us that we were walking into a trauma scenario. You just have a patient laying here, unconscious, and have these certain deficiencies with them. And you have to go through that and figure out what's wrong with them, and so on and so forth. That would be very much like having a passenger ejected from a vehicle or having, like I said, a farm implement accident, things like that. We got that training, we got to put paramedics and EMTs through that program, through those rotations multiple times. To move away from the obvious, we also have-- we, we were able to use the birthing mannequin and going through complications with that-- placenta previa and things like that, which has actually been a-- I wouldn't say a common occurrence for us, but it's been an occurrence. Folks trying to get to the hospitals in Omaha, they're with their pregnant, soon to be delivering women in there. And they've had to stop on the side of the highway and say, we're, we're just not going to make it, you know, when we-- the water is broken or the baby is starting to, to crown, things like that. So we were able to practice that, as well. Again, for my department being located in such, such close proximity to Omaha, we have a lot of traveling Nebraska that comes through that has a variety of different medical situations that we often deal with.

**CAVANAUGH:** And being so close to Fremont,--

**MICHAEL WIEKHORST:** Um-hum.

**CAVANAUGH:** --were you part of the response team when we had the flooding last spring?

**MICHAEL WIEKHORST:** Absolutely. Yes, ma'am.

**CAVANAUGH:** Was any of your training from this utilized in that response?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**MICHAEL WIEKHORST:** You know, we were, we were fortunate. We obviously didn't, didn't have any complications with things like pregnancies, luckily. But we did have a fair amount of-- not a fair amount, but a few trauma-type scenarios that we had to deal with. Also really triaging of a mass amount of patients at one point in time. We have a lot of elderly, and we have two nursing facilities in our district that we have to take care of, so all those people had to be evaluated, triaged, taken care of, and then moved out of the district for the evacuation plan. And I think that that level of, of teamwork that we worked with there is something that the SIM truck instills in their trainings, working as a team and just, yeah, working all together. You get a lot of different levels of care all jammed into one scenario. And that was definitely something we practiced in the SIM truck, so--

**CAVANAUGH:** One more question. Have you delivered a baby roadside yet?

**MICHAEL WIEKHORST:** Not yet, luckily. We-- they, you know, they tell you, believe it or not, when you take your training, that, you know, we, we actually don't want to do that right--

**CAVANAUGH:** Right.

**MICHAEL WIEKHORST:** --there on the side of the road. If they're not all the way out, we're gonna, we're gonna get them to the hospital. So we've had a couple of water breaks and things like that, but we, we were able to rush them in to Women's pretty quickly, so--

**CAVANAUGH:** All right. Thank you.

**MICHAEL WIEKHORST:** Um-hum.

**FRIESEN:** Thank you, Senator Cavanaugh. Senator DeBoer.

**DeBOER:** Maybe you answered this question and I didn't hear it, but of the 744 emergency calls, could you give us an estimate of how many of those were to a vehicle or in some way involving the road, as opposed to going to a house?

**MICHAEL WIEKHORST:** I would say, roughly, 10 percent probably have some, some correlation to the highway, the highways that go through our district. Obviously, I would say, 85 percent of what we do is medical, just in general. Of that 85 percent, probably, roughly 10 to 15 percent of that would be in some way highway-related, whether it be people pulling over on the side of the road and calling us requesting medical attention, or motor vehicle accidents, things of that nature, that happen, actually, on the highway, so--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**DeBOER:** And the rest of those things are, you go to houses or such?

**MICHAEL WIEKHORST:** Correct, to private residence, nursing homes. We're not a, we're not a transfer agency, as some of the other agencies in this room are. We don't do private transport. We do 911, 911 response only.

**DeBOER:** OK.

**MICHAEL WIEKHORST:** So--

**DeBOER:** All right. Thank you.

**MICHAEL WIEKHORST:** Absolutely.

**FRIESEN:** Thank you, Senator DeBoer. Any other questions from the committee? Seeing none, thank you for your testimony.

**MICHAEL WIEKHORST:** Thank you.

**FRIESEN:** Welcome.

**POLLY OLSON:** Hello, Senators. My name is Polly Olson, P-o-l-l-y O-l-s-o-n. I'm here on behalf of my team. I am from Chappell, Nebraska. I'm the co-coordinator of Chappell Ambulance. This is January 2020. It marks my 30th year as an EMT. I'm an EMS instructor. I don't want to go back to things that people have already said, so I'm gonna try to-- verbatim. Please be patient with me. SIM in Motion-- when I first was introduced to it, I went to the University when they had their, I guess, groundbreaking ceremony. And I was amazed, just amazed. As an instructor, to try to teach someone breath sounds, to watch different things, you know, as you provide care and to either see your patient get worse or get better, these are some of the things the mannequins can do; and it-- it's just mind boggling. But one of the other things that I think we've totally drawn from is going from the ER myself, working with doctors, nurses, and having things that we actually practiced in the simulated bus were the things that were going on. It was amazing. It was exactly what we did. It, it helped prepare us. It helps prepare my students in this day and age. The students that I had in 2007 are a totally different mindset from what they are now-- the technology that's there for them to help them learn, the instructors are highly qualified. We have anything from behavioral health with the opioid crisis, things that we are, we are training so that when we actually see it occurring, we know how to respond, to react. Why the Transportation Committee? Part of our key components as EMS providers, one of them is care in transport. We have

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

to respond. We have to be able to transport them safely, and that's regardless of whether it's someone that we picked up on the interstate or someone at their home. Chappell, Nebraska, has 991 people within the city limits. Interstate 80 runs alongside us, through us, through the whole county. We also have Colorado nine miles away from us. So we have a variety of, of people that we are responding to. Two weeks ago-- I believe was two weeks ago-- we had a cow. An individual hit the cow. The individual was from Iowa. But being able to correlate what we needed to do, part of that was training that we had with SIM in Motion, that helped trigger what we needed to do. In 2006, we had 20 EMTs-- EMTs, licensed EMTs. We're down to 7. So there's 7 of us, but we have an on-call schedule. We're volunteers, but we're not gonna leave our communities without coverage because we have an agreement with the local grants, I guess, trusts. They provide us with training, they support us 110 percent. But our problem is that when we need training to stay current to be able to help the people that need our help, we have to leave. But having the SIM bus come to us helps us. People from Colorado-- I'm, I'm also nationally registered in Colorado so that I can help them out. They come up and take the training with us. There's a small hospital. The doctor is our medical director. He's also licensed in Nebraska. Their staff comes, the nursing staff. You know, it, it's just going to help benefit the whole state by providing it, I guess, the continuation of Simulation in Motion. So please consider. Transportation? Yes, I think that's the perfect place. I'm not opposed to paying \$1.50 for my three vehicles for this worth-- worthwhile cause. Thank you.

**FRIESEN:** Thank you, Ms. Olson. Any questions from the committee?  
Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Friesen, and thank you for being here, Ms. Olson, and for your service. Thirty years says a lot, because it's hard to find EMTs. I'm in northeast Nebraska, and we really struggle with that. This training when they come to you, does it count toward any EMS credits?

**POLLY OLSON:** Absolutely. And we had training with our fire department. Now they-- we're separate, so we're kind of unique.

**ALBRECHT:** Um-hum.

**POLLY OLSON:** But we still have to work together; we're housed in the same place. So we did have a vehicle that we had someone in, and so we worked on the extrication part. It all counted as preparatory.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**ALBRECHT:** OK.

**POLLY OLSON:** Extrication, bring them to the unit. The type of care that they receive there, it all counts, and they receive certificates for that.

**ALBRECHT:** OK. And so EMT-wise, it is another level of training that everyone could and should get.

**POLLY OLSON:** Yes.

**ALBRECHT:** And it's all part of it.

**POLLY OLSON:** Yes. It all counts toward your continuing education. And you can choose the category that you need them to come and, and train you in.

**ALBRECHT:** OK.

**POLLY OLSON:** So it's, it's just an additional benefit to us.

**ALBRECHT:** We appreciate you being here. Thank you.

**POLLY OLSON:** Thank you.

**FRIESEN:** Thank you, Senator Albrecht. Any other questions from the committee? Seeing none, thank you for your testimony.

**POLLY OLSON:** Thank you.

**GRANT ANDERSON:** Good afternoon, Senator Friesen and the Transportation and Telecommunications Committee. Most of what I have here has already been said, so I'm gonna kind of go off the hip here and say a few things that, that I feel are important. That's-- kind of some things that brought up other--

**FRIESEN:** Would you say and spell--

**GRANT ANDERSON:** --testimony.

**FRIESEN:** --your name, please?

**GRANT ANDERSON:** What's that?

**FRIESEN:** Say and spell your name.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**GRANT ANDERSON:** Yeah, sorry. Grant Anderson, G-r-a-n-t A-n-d-e-r-s-o-n. I represent the city of Wahoo EMS Department. That's where I serve full-time. Been a volunteer for 10 years prior to that. My staff is a combination. We just started hiring some paramedics of our own in January, just this month. And so we staff 3 full-time paramedics, along with about 30 volunteers. Our district is rather large for an EMS department. It doesn't match our fire department. We cover 170 square miles, 33 miles of linear highway. And I'm not gonna sit here and bore you with the importance of this, because I think you all understand it. And that's where a lot of my testimony was originated off of. But I do want to talk about a few things that kind of came to mind. One of the things is, you know, why does it fall within the Transportation and Telecommunications Committee? And I'm gonna open up a can of worms that most of my EMS cohorts understand, especially educators that have been involved in EMS for a lot of years. The reason it falls here is because that's where it started. And whether I agree with that or not is another story for another day. But unfortunately, EMS has fallen under the Department of Transportation at the federal level, and I'm assuming trickles down to the state level a little bit with some of the, the regulations that were developed. The "50 Cents for Life" is, is-- been in existence. I'm sure there's some people behind me that can answer to that better, maybe Senator Dorn's staff. But it's been around for a while, and I believe Nebraska is a little bit behind the times in increasing that. I think a lot of other states have increased that in the past, if not once, a couple of times. And, and I can't think of a better way to increase that 50 cents, to add 50 cents more to do something like fund Simulation in Motion-Nebraska. It is an extremely important training. And for me as an EMS administrator, to be able to try to facilitate that for my staff would be impossible without that program's existence and it being funded, because Doug mentioned, you know, it's gonna cost in the thousands. One, it never even existed before Simulation in Motion was developed, and two, I, I, I can't see it not being a staple in the education community across the state of Nebraska today, just because of what they provide to us. So I don't necessarily, like I said, agree that EMS falls under the Transportation Department and those regulations a lot of times, but it does at the federal level. They set our educational standards, and, and, and our curriculum is designed by the Department of Transportation. So I feel that increasing that 50 cents fee on the registrations is justified in here. Whether we agree that, you know, that the Transportation Committee in, in that aspect, should be the one governing this is, is, you know, it's, it's up to interpretation, but that's kind of where it has fallen. And other than an entire overhaul of how EMS is governed,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

it's probably gonna stay there for quite a few years. And I think this addition to the 50 cents that already exists would be, would be really good. So-- and everybody calls 911 when they need us, so--

**FRIESEN:** Thank you, Mr. Anderson. Any questions from the committee? I will tell you that EMS is regulated more under Health and Human Services. And, you know, we do have a lot of requests for funding things--

**GRANT ANDERSON:** Sure.

**FRIESEN:** --through vehicle registration-- Brain Injury Trust Fund.

**GRANT ANDERSON:** Yep.

**FRIESEN:** We can go down a long list. You know, we have complaints about being a high-cost tax state.

**GRANT ANDERSON:** I agree.

**FRIESEN:** And so we, we look to where we think the funding should come from.

**GRANT ANDERSON:** Sure.

**FRIESEN:** And that's-- I think that's probably some of our disagreement here, is that--

**GRANT ANDERSON:** Sure.

**FRIESEN:** --whether or not it should be funded with motor vehicles versus--

**GRANT ANDERSON:** And I--

**FRIESEN:** --other methods.

**GRANT ANDERSON:** --and I can say, as a taxpayer, as a taxpayer, I can agree to that.

**FRIESEN:** I do--

**GRANT ANDERSON:** And I don't necessarily agree that that may be where it should sit, but it might be where it's appropriate right now.

**FRIESEN:** I, I do appreciate your service.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**GRANT ANDERSON:** Yep, thank you.

**FRIESEN:** Thank you.

**MICHEAL DWYER:** Good afternoon, Chairman Friesen. I have a number of friends on this committee, so I will keep my testimony short today. I'm am here to testify in support of LB761. I'm a 36-year member of the Arlington Volunteer Fire Department and the current EMS chief. I'll set aside--

**FRIESEN:** Could you--

**MICHEAL DWYER:** --[INAUDIBLE]--

**FRIESEN:** --could you say and spell your name?

**MICHEAL DWYER:** I'm sorry, excuse me. Micheal Dwyer, M-i-c-h-e-a-l D-w-y-e-r, again, here to testify in support of LB761. I'll set aside written, written testimony just for a minute to mention that we have had the SIM trailer in Arlington, and it is awesome. We had the largest turnout for any drill that we have had at the department in the last seven years, when the SIM trailer was in town. It was very well advertised and it is a bright, shiny object. At the risk of being frivolous, it's really cool to have that in your community. We had a large amount of the community just come to see that thing, in addition to all of the members that were able to train on both sides of the SIM. So they get a little bit of ER experience and a little in the back of the ambulance experience. So the training is really solid. I certainly understand, Chairman Friesen, that the, that the issue here is the fiscal-- how do we pay for this thing and what fund does it come out of, whether it's from license plates, whether it's from the trust fund, whether it's cigarettes, whether it's the cash reserve or, God forbid, spending reductions? I think what you're hearing from everybody that's testified is that this is incredibly important to the safety of our state and to your districts. This is a big piece of recruiting and retention. And ultimately, legislating comes down to making choices. We want to make sure that you understand that this is incredibly important and a great return on the amount of money that we're asking to invest. I think that's it, and I would be happy to take any questions.

**FRIESEN:** Thank you, Mr. Dwyer. Any questions from the committee? I will, I will point out that I guess we do send 50 cents already to the healthcare--

**MICHEAL DWYER:** I'd be in agreement, you're correct.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** --at Health and Human Services for--

**MICHEAL DWYER:** You're correct.

**FRIESEN:** --emergency services, so--

**MICHEAL DWYER:** Correct.

**FRIESEN:** Seeing no other questions, thank you for your testimony.

**MICHEAL DWYER:** Thank you.

**FRIESEN:** Welcome.

**DAVE HUEY:** Good afternoon, Senators. My name is Dave Huey, D-a-v-e H-u-e-y, just like the duck. I'm testifying in support of LB761, on behalf of NEMSA, the Nebraska Emergency Medical Services Association. You've heard all the testimony on what this truck can do, the importance of the truck, the educational opportunity. I just want to, first off, point out that NEMSA was part of the discussion when the Legislature first considered the dollar-for-life fee to be added to the motor vehicle registrations. When passed in 2001, that proposal was scaled back to 50 cents, you know, which funded the EMS Operations Fund used to operate activities under the EMS Practice Act and the Statewide Trauma System Act. The demand for these funds already outpaces the revenue collected, so it is imperative that the Legislature expands the funding stream. Increasing the motor vehicle registration fee is a logical move, when you think about it, as the Legislature originally contemplated dedicating a whole dollar to support EMS activities, you know, back in 2001. The SIMS is a technological rich asset for EMS in the state of Nebraska. And as you know, as well as I do, that EMS medicine and technology changes constantly, updates continuously. In fact, they probably are-- already found a cure in medicine for something during this, this hearing, I would imagine. So, you know, trying to keep up financially with that is a burden and needs to be helped out and funded. We feel that emergency medical care is a public service. The training for this statewide service should be supported by our state, as well. The SIMS trucks are one of the first and most innovative answers we have to the training issues facing many of our volunteers and paid services across the state of Nebraska. Finding ways to continue this effort means that we can continue to make EMS training accessible to all EMS providers. I want to thank you for your time, and I want to thank Senator Dorn, you know, for addressing this issue. And take any questions at this time.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** Thanks, Mr. Huey. Any questions from the committee? Seeing none, thank you for your testimony.

**DAVE HUEY:** Yeah.

**FRIESEN:** Any other proponents? Seeing none, anyone wish to testify in opposition? Welcome.

**RYAN DALY:** Thank you. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Ryan Daly, R-y-a-n D-a-l-y, and I'm finance officer for the Division of Public Health at the Department of Health and Human Services. The Department of Health and Human Services opposes LB761. Please let that be entered into the official record for the bill. LB761 would require Nebraskans to pay an additional 50 cents fee for every vehicle registration certificate issued by the Department of Motor Vehicles. The bill would direct this fee revenue to fund the, the-- under the University of Nebraska Medical Center, to finance costs associated with the SIM program. DHHS opposes the establishment of this new fee. In August 2019, as part of the interim study authorized by LR181, Senator Dorn facilitated a discussion with UNMC representatives, the Emergency Medical Services community, and DHHS, seeking a sustainable financing option for the SIM program. At that time, I shared some history of DHHS's interaction with the Helmsley Charitable Trust, regarding grant funding for SIM trucks. I also presented information on the "50 Cents for Life" cash fund, which supports the DHHS responsibilities, under the Statewide Trauma System Act and the Emergency Medical Services Practice Act. In addition to duties prescribed under those acts, the Office of Emergency Health Systems also provides approximately \$300,000 in general funds annually in tuition reimbursement for EMS responders' initial and ongoing training. I'd like to provide this community-- this committee with the same information regarding the SIM truck program and the "50 Cents for Life" cash funds that I provided last year to the LR181 discussion group. I also provided this information last year to the Appropriations Committee in conjunction with its consideration of LB666, which similarly sought funding for the SIM program. In April 2012, a representative of the Helmsley Charitable Trust contacted DHHS to encourage the department to apply for the Trust's SIM truck grant, valued at approximately \$5.5 million. This grant would have covered acquisition and operation costs for up to four trucks, along with staffing costs, at 100 percent for the first year of the grant before declining by one-third in the second and third year. In the fourth year, full funding responsibility would lie with the grant recipient. DHHS staff raised sustainability concerns as the ongoing cost for

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

program operation appeared to be in excess of \$1 million annually. Over the next year and a half, staff worked with their partners across the state, including UNMC, private hospitals and medical systems, and community colleges, in an attempt to identify sustainable funding should DHHS apply for and receive the Helmsley Grant. Staff, at that time, were unable to identify a funding model that was acceptable to both DHHS and Helmsley. It is DHHS practice to avoid entering into agreements to establish programs that extend beyond the term of the grant, unless sustainable funding can be identified. This practice ensures that we remain responsible stewards of the Nebraska taxpayer dollar. For this reason, DHHS made no further efforts related to the Helmsley SIM truck program after December 2013. LB761 would require an additional 50 cent fee for vehicle registration certificates. The current 50 cent fee exists primarily because the majority of Nebraska's EMS credential holders are volunteers. These volunteer services help reduce the likelihood of EMS service gaps in greater Nebraska, where population density is insufficient to support the [INAUDIBLE] services we see and many of our larger communities. In recognition of the critical services these volunteers provide, Nebraska exempts EMS credential holders from the licensing fees that other health professionals pay under the Uniform Credentialing Act. DHHS has taken several measures to contain costs and reduce strain on the "50 Cents for Life" fund, including forgo-- forgoing costly activities, such as the SIM program, which would have otherwise fit within the DHHS role and EHS office's mission. Cost control has proven essential, as the long-run revenue growth is very low at approximately 1.3 percent per year. Given projected 2020 revenue at approximately \$1.2 million, the committee should be aware that, unless nominal costs grow by less than 1.3 percent per year, UNMC will likely find the funding source proposed in LB761 insufficient to operate the SIM truck program in the long run. It will need to seek additional funding. We respectfully request the committee oppose this legislation, and I'd like to thank you all for the opportunity to testify today. And I'm happy to answer any of your questions.

**FRIESEN:** Thank you, Mr. Daly. Any questions from the committee?  
Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Friesen. And thank you for being here and testifying today. I know I ran this down a year or two ago. Senator Dorn and I talked about this a little bit. So the current "50 Cents for Life" goes to DHHS EMS. Can you tell me where that money is spent?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**RYAN DALY:** Sure. So the current 50 cents generates about \$1.2 million in annual revenue. It supports approximately 11 FTEs at the department, supporting the majority of the staffing of the Emergency Health Systems Office of the state. Staffing and benefits costs constitute about two-thirds of the costs that we have in the program overall. And then another \$300,000 or so support the direct licensure activities to make up for the fact that these folks aren't paying licensure fees like everyone else under-- you know, for credentialing. Only about \$100,000 a year go to other operating expenses, which would include the travel that the, the staff have to do to administer the program. The vast majority of it goes to staff costs.

**BOSTELMAN:** So I guess, could you tell me why that-- why we're, we're taxing for a fee of 50 cents on the registrations that go for what seems to me should be a budget item for the agency? In other words, it should come out of your-- it should be budgeted for and paid for out of the agency--

**RYAN DALY:** I-- it's--

**BOSTELMAN:** --for those staff positions.

**RYAN DALY:** --I think it's most directly-- and I can't speak to exactly the logic in 2001 or so what it was-- when it was created. But as best I understand it, it was a compromised position to ensure that we didn't have to charge volunteer providers for their credentialing costs. And the majority of the other staff costs in the program support the overall training and, and capabilities of the EMS providers across the state.

**BOSTELMAN:** So if I was in nursing, that falls under DHHS, correct?

**RYAN DALY:** Yes.

**BOSTELMAN:** So there is a licensing and, and training in nursing, correct?

**RYAN DALY:** Yes.

**BOSTELMAN:** So then why does DHHS budget for that but not budget for this area?

**RYAN DALY:** Nursing credential holders pay under the Uniform Credentialing Act a fee for that, that credential.

**BOSTELMAN:** Does that cover the entire staffing?

**RYAN DALY:** Cumulatively the professions that do, as a whole, pay for their costs, those are typically pooled together. We don't necessarily record how many staff hours go toward each and every credential issued, but overall that they do; they cover the costs.

**BOSTELMAN:** All right. That helps me to understand in DHHS and our medical facilities, we have a lot of license, we have a lot of need, and we have a lot of training that's out there that's getting paid somehow and that's being budgeted somehow. So is this fee that we have now being treated differently than what those other needs are in the, within our hospitals, clinics, and licensing of providers across the state?

**RYAN DALY:** Yeah, it is treated differently. And I'd say the comparable is the-- are the professions and occupations that fall under the Uniform Credentialing Act. And of those, this is the only one that is exempted from, from that fee.

**BOSTELMAN:** OK. Thank you.

**FRIESEN:** Thank you, Senator Bostelman. Senator DeBoer.

**DeBOER:** I wanted to follow up on something you said with Senator Bostelman. You said that the majority of the "50 Cent-- stat-- for Life" fund goes to state emergency services staff. Is that correct?

**RYAN DALY:** Staff of the Emergency Health System Office [INAUDIBLE].

**DeBOER:** And you said-- then later you said that the reason that they had established this fund was to forego licensing for these sorts of folks. But I'm trying to understand, did you say that not very much of the fund is actually going to the licensing, but is instead going to these--

**RYAN DALY:** So--

**DeBOER:** --Emergency Health Systems?

**RYAN DALY:** The licensing component was to be primarily tied to-- there are two different acts that are supported by this fee. And licensure is only one of the components of those act, acts. But one of the primary reasons that I understand why this fee was established was the licensure component was not going to be funded by the credential holders themselves.

**DeBOER:** Right.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**RYAN DALY:** And so it was determined that this would cover that and the other duties assigned to the department under the EMS act and the trauma act.

**DeBOER:** So why are Emergency Health Systems-- Emergency Health Systems staff, right?

**RYAN DALY:** Yes.

**DeBOER:** Why are they not funded through the department?

**RYAN DALY:** They are. They're funded by this fee.

**DeBOER:** But why are they not funded through a direct appropriation as a line in their budget?

**RYAN DALY:** Because under statute, this fee is designated to support both the EMS and trauma acts, and the work done by the staff support those two acts.

**DeBOER:** What do the staff do?

**RYAN DALY:** I mean, I would be happy to get back to you with detailed staff roles, but we have a statewide program, and so we support staff not just here at NSOB in Lincoln, but across the state related to the program.

**DeBOER:** Can you generally give me an idea of what they do?

**RYAN DALY:** They're responsible for determining training standards in the, in the state. They facilitate the tuition reimbursement, \$300,000 of that to providers for initial and ongoing training, approving programs that would be eligible for that reimbursement. Those are all among those duties.

**DeBOER:** OK.

**RYAN DALY:** But I'd be happy to get you a more comprehensive description.

**DeBOER:** No, that would be great. And then why is this-- why are the-- I mean, we've heard all the wonderful things that these trucks do. Why are these not a line-item appropriation in DHHS's budget?

**RYAN DALY:** As I said, at the, the time when the Helmsley Trust approached DHHS, staff worked with community partners to identify a funding mechanism. But we were unable to identify anything that would

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

pick up that-- in excess of a million dollars a year that would continue after the grant funds ended. And kind of to put it into kind of a time frame perspective for us, this would have been as the state was just recovering from the recession. Our primary funding source for the Emergency Health Systems Office is this "50 Cents for Life" that we currently have, and that tracks pretty closely with the state's overall economic performance. And so like I said, the long running growth of that funding source is about 1.3 percent per year. It was nowhere near that during those years. So it did not appear to be sustainable as a state program at that point in time.

**DeBOER:** So instead of doing it through those particular acts or this "50 Cents for Life," why could we not just now decide, let's do it through the department directly?

**RYAN DALY:** I don't, I don't see anything that would stop that from being a policy decision that could be made.

**DeBOER:** OK, thank you.

**FRIESEN:** Thank you, Senator DeBoer. Senator Cavanaugh.

**CAVANAUGH:** Thank you, Chairman Friesen. And thank you for being here today. You mentioned wanting to be good steward of the taxpayer dollars. And I, first of all, would like to say that that's actually our job to do that. That's why we're here having this conversation. And it is my understanding that it's the department's job to administer programs. Do you believe, or does the department believe that the people outside of Omaha in Nebraska do not deserve the highest quality healthcare possible?

**RYAN DALY:** Absolutely not.

**CAVANAUGH:** Because this creates an opportunity for people outside of Omaha to get the same level of care and treatment from the same level of training for a significantly lower cost. So it is a bit flummoxing to me that the Department of Health and Human Services would come in and testify in opposition to something because of the fiscal impact-- which doesn't impact you, it impacts taxpayers-- to say that Nebraskans don't deserve this high level of healthcare. I would like to discuss with you LB645 from last session, that we had a hearing on in Health and Human Services, which would require the Department of Health and Human Services to do what was outlined in LB578 from 2017. Both are Senator McDonnell's bills. LB578, which was passed and signed into law by the Governor, required the Department of Health and Human

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

Services to draw down federal funds for reimbursement for EMS services so that the department could offset these costs. The department chose not to do that. Senator McDonnell brought another bill in last year, LB645, to require this again for the department to do what the Governor already signed into law. It wasn't a "may," it was a "shall." So now you're here telling us, a different committee, that the department opposes a 50 cent increase to support financially these exact same services. And I have a lot of concerns, and I would love to hear what the department-- yourself-- has to say about this.

**RYAN DALY:** I, I don't think that the department has any objection to the value provided by this product and this program.

**CAVANAUGH:** Well, that's what-- in saying that you're being a good steward of the taxpayer dollars, which is why you're in opposition to this, is saying that you don't agree with the value, that all Nebraskans deserve access to the highest quality healthcare.

**RYAN DALY:** I, I don't think that we agree on that. We currently administer a statewide program that includes both urban and rural Nebraska.

**CAVANAUGH:** So I-- I'm, I'm just really confused as to why the Department of Health and Human Services would object to a program that could save lives and reduce medical costs across the state and create greater access to healthcare across the state. It's like the department is saying you need to live in Omaha and Lincoln, ultimately, to receive this high-class healthcare. And the department has multiple opportunities to be good stewards of the taxpayer dollars by drawing down federal funds that we pay into as taxpayers that the department is not drawing down that could support this rural program. And that is, in my mind, a terrible steward of the taxpayer dollars, which is why we passed a law requiring you to do it. Do you want to speak to that?

**RYAN DALY:** Did you have a question?

**CAVANAUGH:** Why is the department testifying in opposition based on a tax increase? Why is the department not testifying neutral?

**RYAN DALY:** Our opposition is not related to the nature of the program or the value of the program itself, but the--

**CAVANAUGH:** What is your opposition?

**RYAN DALY:** --but the institution of a new fee.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**CAVANAUGH:** And how is that the role of the Department of Health and Human Services to oppose a fee? If you don't oppose the value of the program, why are you here?

**RYAN DALY:** We're here to make it clear the position and to inform the committee of the history of the program and to oppose the increase in the fee.

**CAVANAUGH:** So if we just decided to do this a different way, to appropriate funds a different way, maybe through just the general budget, then what would the stance of the department be?

**RYAN DALY:** We would review any amendment under [INAUDIBLE].

**CAVANAUGH:** So if Senator Dorn walks out this door and just puts this money annually, not tied to a fee, but just an annual amount that the state of Nebraska has to use to support this program, you'll review it.

**RYAN DALY:** We will review.

**CAVANAUGH:** Great.

**FRIESEN:** Thank you, Senator Cavanaugh. Any other questions from the committee? Seeing none, thank you for your testimony.

**RYAN DALY:** Thank you.

**FRIESEN:** Welcome.

**LOY TODD:** Senator Friesen, members of the committee, my name is Loy Todd; that's L-o-y T-o-d-d. I'm the president of the Nebraska New Car and Truck Dealers Association. And with apologies to Senator Dorn, and uncomfortably testifying in opposition to this legislation. And our opposition is quite simple. Many years ago, we took the position that we would have to resist attempts to tack on additional fees and taxes on motor vehicles for anything other than roads or something related more closely to motor vehicles. And so I get to occasionally come in and oppose things like brain injury funds and EMS services and those kinds of things, and we don't enjoy it. But you know, motor vehicle taxes in Nebraska are already fourth to seventh highest in the country. And it is simple for anyone who is looking for funding of almost anything to ask for money from motor vehicles. And if you get \$1.00, you'll have \$2.5 million dollars. And if you get \$10.00, you'll have multiples of that. And so it's just simply that we feel it's our role to come in at least bring it to your attention. You know, years

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

ago, license plates were sort of something that didn't get messed with. And then we opened that door. And as you know, you get to hear a lot of license plate bills. And I can assure you that, in the event we start down the road of tacking a dollar or two on motor vehicles, you will have more bills in this committee regarding those kinds of things than you have license plate bills. And so with that-- and just as an example of our support of this kind of training, for the over 30 years I've represented the association, until the program ended about a year ago, a little longer, we gave away more than a dozen CPR mannequins to anybody who did CPR training across the state. And sometimes we actually had to pick up the phone and call a dealer somewhere and say: Do you, do you have a local entity? Does your Red Cross do it? Does your Boy Scout troop do it? So-- and that was hugely expensive and we have given away literally hundreds of CPR mannequins for these kinds of causes. So I don't want anybody to mistake our opposition for lack of concern or lack of support. Thank you.

**FRIESEN:** Thank you, Mr. Todd. Are there any questions from the committee? Seeing none, thank you for your testimony. Welcome.

**ROY LAUBY:** Good afternoon, Senator and committee. My name is Roy Lauby, L-- R-o-y L-a-u-b-y. I live in Wymore, Nebraska. Thank you for giving me a chance to testify here. And no offense to Senator Dorn, but I am opposed to this bill, and for a lot of the reasons that are just now being brought up, or that you have spoken to. My biggest concern is the funding of it, adding another tax to our citizens. Even though 50 cents doesn't sound like much; \$1.2 million sounds like a lot to me. And as you have stated, and others, we keep piling more taxes on and on. Gage-- I'm in Gage County and we're being taxed to death right now because of the Beatrice Six settlement, and we're not getting any help from anybody on this, here's one more tax. And we're having people moving out of our county. And it's-- somewhere we got to put an end of this tax, the idea that we just raise another fee or another tax to support something. I am president of the Wymore Rural Fire Protection District, so I know the value of the SIM's program, and I totally support it, and I'm honored to be sitting in a room full of heroes, in my mind. I don't, I don't want to sound like I'm opposed to this training. I know it's valuable and critical, and needs to be funded and continued. But as a taxpayer, I had some questions in my mind when I read this bill, about-- if the state's gonna fund it, there's questions that come up that haven't been addressed, but some of them were answered in the previous testimony and I was glad to hear that. But I'll just point out in my written testimony, salaries for the SIM's managers and trainers equates to 67.5 percent of the budget that they have in their fiscal note for the next two years. To me,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

that, that was a red flag. I don't know why somebody needs \$92,000 or \$95,000 a year to manage this program. Perhaps they do. I would like that explanation of what qualifies them, what kind of training they have to have, how many units-- I think I heard there was four maybe. How many hours a week does the employee put in, in this? Is this their only job, or is this just a second job that they have, and they already have another [INAUDIBLE] to, to provide for them, again, why their salaries have to be that high? And if the state is gonna take over funding this, who's gonna monitor it? Who's gonna be responsible and, and auditing how the money is spent? Would it be your obligation, then, or the University's, to continue that? I gave you a copy of an article that was in the Beatrice Daily Sun lately, about the school board in Beatrice fighting with their decision how they're gonna budget money and the lack of funds coming in, potentially. And yet they gave their, their proposed annual base salary for teachers to go up to \$35,825 for the next year. And I would point out, this comes after they gave them over \$630,000 in increased salaries during the summer for the complete staff. So again, here's people that just got a nice raise, but yet they're still not making the same amount of money the SIM's trainers and managers are. And just a comparison-- again, maybe they deserve that money. I can't really say. I guess, you know, I, you know, I state we need to be responsible taxpayers or sewers-- stewards of the taxpayer. And on board, that's one of my jobs is to manage the money for the fire department and the first responders. And we're all a bunch of rural guys. And we, we look at the money really hard, and we provide everything we can for the firefighters in our district that we can afford to at the time, and try and promote training and, and support all the training possible we can give them. We understand that value, but to give the University money from the taxpayers to do this, when they can go out and raise over \$155 million to build a bigger football complex, it seems to me like they got money, and they can find it through their donors or through their-- you know, they're paying some guy \$250,000 to go out and raise this \$155 million on top of that. Why don't they just raise the fees at the gates, you know, for all the sporting events 50 cents? Then they could fund it, right? Without our help. Just thoughts for you. That's my biggest concern is the extra tax on the citizens.

**FRIESEN:** Thank you, Mr. Lauby. Any questions from the committee? Senator Cavanaugh.

**CAVANAUGH:** Thank you. Thank you for being here today, Mr. Lauby, and sharing your perspective with us. I was curious if you heard my questions to the department about LB645 and the lack of drawing down federal funds. I understand that you're concerned about an increase in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

taxes, but we currently, as citizens of the United States, are paying our federal income taxes, and the state is refusing to draw down funds for our EMS services in rural areas that would go specifically to public and nonprofit emergency programs. So is there a concern that we could be recouping more funds to support these services across the state?

**ROY LAUBY:** Well, you're above my pay grade.

**CAVANAUGH:** I don't think I am, sir.

**ROY LAUBY:** I'm just, I'm just a plumber.

**CAVANAUGH:** Well, you're a plumber with some, some good ideas. I did want to say on here: How quickly was the \$5.5 million grant spent? I believe we heard it started in 2012 and ended just in May of last year. And I, I, I won't speak for the University, but I think a big portion of that was to create the trucks themselves, and they're very sophisticated. So-- but I appreciate you being here and, and, and speaking on behalf of your point of view. Thank you.

**ROY LAUBY:** Thank you.

**FRIESEN:** Thank you, Senator Cavanaugh. Any other questions? Seeing none, I do thank you for coming in and testifying. Any other opponents that wish to testify against LB761? Any others wishing to testify can move forward to the chairs up here.

**GREGORY C. LAUBY:** Chairman Friesen and members of the committee, I'm Gregory C. Lauby, G-r-e-g-o-r-y C. L-a-u-b-y, and I'm from Wymore, Gage County, Nebraska. I'm, I'm here to oppose this bill, as written, but to suggest a revision of it. And that proposal is that you actually increase the registration fee for nonexempt vehicles and trailers by \$2.00. A \$2.00 increase over the number of vehicles and trailers registered during fiscal year 2019, as reported in the fiscal note, would result in new revenue of \$4.9 million each year. That sum would increase, of course, as the number of required registrations increases in the years to come. Second, I would urge you to apply the new revenue to the payment of any final federal judgment pending against a political state-- subdivision which exceeds their existing financial resources and arises from the violation of constitutional rights. And third, terminate any existing local taxes being levied to pay for such a judgment. To illustrate, Gage County has a \$28.1 million judgment pending against it, and owes court-ordered attorneys fees for an additional \$1.7 million dollars, to use rough figures, for

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

an approximate total of \$29.8 million. Now this debt, and the measures used to try and generate funding, contributes to the current crisis in Gage County. To collect funds for the payment, the county board raised the property tax levy by 11.7 cents per \$100 of assessed value and, as of January 1, imposed a countywide sales tax of a half cent on all taxable transactions. Now the county reports paying \$3.9 million towards the judgment out of funds that they have raised. And they have budgeted another \$4.8 million to be collected and paid in fiscal year '20. So those payments would reduce the total owed to \$21.1 million by the middle of 2020. The county payments, though, have to be approved by the county board each year, and could be reduced if the assessed value of agricultural property continues to decline, businesses continue to close, farm operators continue to disappear, and residents depart. Just as an illustration of the conditions in Gage County, the executive director of NGage, the economic development program, handsomely funded by both the city of Beatrice and the county of Gage, recently resigned. In any event, it's unlikely that the payment amount that the county provides will increase. Perhaps Senator Dorn can confirm these figures and expand on their impact in his county. The innocent individuals which were awarded the funds would be well-advised to accept annual payments of \$4.9 million, raised from an increase in registration fees, directly from the state, being \$1,000--\$100,000 more than they are receiving now from the county and they would have state surety of payment that does not exist at the moment. That \$4.9 million per year of the remaining judgment would mean that it would be paid in 4.3 years and relieve innocent property owners and residents from the unfair tax burdens imposed to pay the damages which have resulted from the actions of the state of Nebraska. Now, of course, the registration fee could remain as it is while the state agrees to make a-- if the state agrees to make a fil-- \$5 million payment each year towards the judgment out of general funds or the cash reserve and reduces the tax credits or income exemptions to obtain the new revenue. I hope that someone finds a way to relieve the burden that's being placed on Gage County without increasing the cost of vehicle registrations. Thank you.

**FRIESEN:** Thank you, Mr. Lauby. So I take it that you were testifying in opposition to the bill.

**GREGORY C. LAUBY:** I am. I thought I made that clear, but want to confirm it.

**FRIESEN:** You were, I think. Any questions from the committee? Seeing none, thank you for your testimony, and I do appreciate the concerns you have for Gage County.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**GREGORY C. LAUBY:** Thank you.

**FRIESEN:** You're in a tough spot.

**GREGORY C. LAUBY:** Thank you, Senator.

**FRIESEN:** Any others wish to testify in opposition to LB761? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Dorn, you can come up and close. We do have numerous letters in support, none in opposition, and none in neutral. Welcome back, Senator Dorn.

**DORN:** Welcome back, yes. Thank you. Thank you for your time. Thank you for listening and having this bill in front of this committee for a public hearing. I appreciate that very, very much. A couple things. Last year, yes-- did bring LB666, which asked for \$200,000 out of the Health Care Cash Fund to help with funding of this program. It became quite obvious last year, as we went along, that that was a very, very important fund. There was a lot of concerns about where the ultimate funding was gonna end up within that fund and that we were maybe using it too much. So that bill did not-- we did not pursue it out of committee. Last year, as you know also, when we started our fiscal year, we were looking at \$275 million in the rainy day fund. Part of the reason we did not bring it last year or this year was because of the amount of money that we were looking at in that fund and our whole state funding. And there wasn't anything probably available or could be used out of the General Fund last year. It may be a different story this year, but we'll have that the next 45 days to talk about, or whatever. Wanted to bring up a couple things here. Currently, the, the "50 Cents for Life" was set up, as some of them said, in 2001. Senator Byars, out of District 30, originally brought that, brought it at \$1.00 for life to get some funding. And I'll read what the funding is suppose to be for here in a minute. That was brought back to 50 cents so that that bill could be passed at that time. The fund was created by LB191 in 2001 session. The 50 cents fee was added to motor vehicle registration fees. The fund is used to carry out the purposes, purposes of the Statewide Trauma System Act and the merger go-- Emergency Medical Services Act, including activities related to the design, maintenance, or enhancement of the Statewide Trauma System, or support for the Emergency Medical Services programs or Emergency Medical Services for Children. I don't have the latest numbers for that program, but I do have in '15, '16, and '17, and there was approximately, out of the \$1.2 million raised each year, there was \$939,000 in salaries and wages used for that program. That, in this last year, went up to a little bit over \$1.1 million. We did visit

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

with Health and Human Services last year about that program, to see if there was maybe some way that we could be included in that funding of that. That program right now sits at the end of each year at around \$400,000 to \$450,000. That program is actually being drawn down. They're using a little bit more every year than is in that program. Seven, eight years ago it had \$800,000-\$900,000 in, so they're drawing that one down. So that, that one there is not any source of funding either. We are looking for different ways. Part of why we brought it on to this registration and vehicle registration, the "50 Cents for Life," was now just adding another 50 cents onto that, bringing it back up to that original \$1.00 way back when. This was one avenue that we decided to bring this year. We did have a hearing with-- not a hearing. We had a meeting with a lot of entities together: the Governor's Budget Office, Health and Human Services; we did visit with them. Like I said, last year, one time my office and my staff did. This was one avenue that we decided to try because this program, even though it is in the University's system and the University's budget, there is no guarantee that this program will be fully funded, that it will have the funds needed there to continue or to be a viable program. As we visited with the University about what is happening to that, a lot of that was a flow-through as part of this program, so it went through there. That that's where the money flowed through. We did not or could not get any assurance that there would be adequate funding for this going forward. I feel it's very, very important that we do continue this program. Now, it's just a matter of what is the best revenue source. A couple other quick things, Senator DeBoer, I had somebody hand me a note that, you know, 12 percent-- approximately 12 percent of the EMS calls statewide are highway incidents. But 98 percent of those that go to, go to a hospital, 98 percent of those calls do travel on state highways. So, yes, we do use them indirectly. One other thing. He did hand me a note, too, that you need to-- or \$145 million is saved a year in by having the volunteer and volunteer rescue squads. When you live out in rural areas and you realize that agencies like Lincoln and Omaha, the expertise they have, the knowledge they have, the ability to respond quickly, it's amazing. And when you live out in a rural area-- I myself, we only live 30 miles from Lincoln-- we are able to call Lincoln and have them come down and help. But sometimes that first 5, 10, and 15 minutes that you respond to a call, it is so critical that we have the necessary training and the necessary care so that those people, every one of those people, get the needed care that they should have. Thank you. And I'll be glad to take questions. I-- sorry I went long.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** Thank you, Senator Dorn. I don't, I don't think anybody questions--

**DORN:** Yeah.

**FRIESEN:** --the need for the training.

**DORN:** Yeah.

**FRIESEN:** I don't, I don't think that was an issue here--

**DORN:** Yeah.

**FRIESEN:** --at all today.

**DORN:** Yeah.

**FRIESEN:** Again, I-- you know, I will make a comment that the University gets around \$600 million a year.

**DORN:** Yeah.

**FRIESEN:** Maybe they can find it in their heart to fund a good program. Any questions from the committee?

**DORN:** Yeah.

**FRIESEN:** Seeing none, thank you for your testimony.

**DORN:** Thank you.

**FRIESEN:** We'll close the hearing on LB761. Yes, we can take a little break while we change seats.

[BREAK]

**FRIESEN:** We will open the hearing on LB842. Welcome, Senator Crawford. Could we have it quiet, please? Welcome, Senator Crawford. We will now open the hearing on LB842.

**CRAWFORD:** Thank you. And good afternoon, Chairman Friesian and members of the Transportation and Telecommunications Committee. My name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d, and I represent the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. I'm glad to be here today to introduce LB842 for your consideration. LB842 is a bill to correct an inconsistency in statute when it comes to the exemption from motor vehicle tax the state grants to military service members.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

In current statute, active duty members of the Armed Forces who are stationed in Nebraska, but who are a resident of another state, are exempt to the motor vehicle tax. LB842 provides the active duty members of the Armed Forces who are Nebraska residents, as well as their spouses, would also qualify for this exemption. So you'll notice in the green copy of the bill, we're simply striking the language that, that exempts Nebraska residents from this exemption, so in allowing the exemption to apply also to Nebraska residents. The issue was brought to me by one of my constituents at the time, who is a retired-- who is retired Chief Master Sergeant of the Air Force Richard Jefferson. You should have received a letter of support from Mr. Jefferson, who has since moved out of the state, but feels passionately about this cause. He pointed out that, while nonresidents who are stationed in Nebraska receive this exemption, service members who serve and reside in Nebraska do not have access to the same benefit. Many of those who are stationed at-- many of those are stationed in Offutt in my district. Why shouldn't our active duty service members, who are Nebraska residents, have the same benefit as those who are stationed on Offutt, but who are residents of, of our state? The provision in LB842 would correct this disparity so that all of our Nebraska service members and their spouses would have access to this benefit. I'd like to, at this point, address the fiscal note. The fiscal note-- we verified with Offutt today that only 7 percent, 7 percent of Offutt-- people stationed at Offutt are estimated to be from the state of Nebraska. So the fiscal note was based on a 70 percent estimate, and it's-- instead it's 7 percent. And so they said they're going to redo a fiscal note, it'll be a much smaller fiscal impact to the-- there is no state fiscal impact for this-- fiscal impact to the counties and the DMV. Well, excuse me, there is to the DMV. So they-- there will will be a much smaller fiscal impact. And, in fact, the estimate that, that they gave us just on email was, for example, that the DMV estimated the fiscal impact would be just \$5,854, so a much smaller, a much smaller fiscal impact. So I think with the small fiscal impact, it makes it worthwhile. Again, to our state it would be about \$5,000, a little over \$5,000, about \$5,854. It's a worthwhile investment to allow our military members who live in the state of Nebraska to have the same benefit we give to military members who reside outside of the state. With that, colleagues, I'll keep it short and try to answer any questions that you have. Thank you for your time and attention.

**FRIESEN:** Thank you, Senator Crawford. You weren't sitting here through the last hearing, were you?

**CRAWFORD:** I was sitting here for the last hearing.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** Are there any questions from committee? Senator Bostelman.

**BOSTELMAN:** Sorry. Just real quickly-- resident, active duty, stationed outside of the state of Nebraska, if you keep Nebraska plates, you have to pay Nebraska taxes. I did when I was on--

**CRAWFORD:** OK.

**BOSTELMAN:** --active duty for--

**CRAWFORD:** OK.

**BOSTELMAN:** --20 years.

**CRAWFORD:** All right. So this, this is--

**BOSTELMAN:** So your--

**CRAWFORD:** This is an exemption--

**BOSTELMAN:** --fiscal note--

**CRAWFORD:** --that we--

**BOSTELMAN:** -- this issue on your fiscal, you may, that may-- just you may want to ask them. I don't know--

**CRAWFORD:** Ask about that impact.

**BOSTELMAN:** --if there is.

**CRAWFORD:** All right. All right.

**BOSTELMAN:** That's just--

**CRAWFORD:** All right.

**BOSTELMAN:** --a comment for you. Just--

**CRAWFORD:** OK, thank you.

**BOSTELMAN:** You might want to check it.

**FRIESEN:** Thank you, Senator Bostelman. Senator Hughes.

**HUGHES:** Yeah. Thank you, Senator Crawford. So if, if a-- someone from Kentucky moves to Nebraska, gets stationed at Offutt, and their tags on their vehicle, they've already paid the tax in Kentucky, they can

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

bring that vehicle to Nebraska and drive it around until the tags expire. If they become residents of Nebraska, then they have to pay Nebraska tax. If they choose to stay in Kentucky, they would pay the tax there, but still be able to drive their vehicle in Nebraska.

**CRAWFORD:** My--

**HUGHES:** Is that the way it works?

**CRAWFORD:** So my understanding is, if, if they move, they would be able to get Nebraska plates and pay the other fees associated with the plates, but not the motor vehicle tax. So those, there's like four, five fees associated with getting plates--

**HUGHES:** OK. But if--

**CRAWFORD:** --Nebraska plates.

**HUGHES:** --if they choose to--

**CRAWFORD:** If they, if they--

**HUGHES:** --claim their residence--

**CRAWFORD:** But if they--

**HUGHES:** --in another state--

**CRAWFORD:** --continue to claim their residence in Kentucky, they just continue to pay the Kentucky fees.

**HUGHES:** Right, and-- but they can drive their vehicle in Nebraska--

**CRAWFORD:** But they can drive their vehicle in the state.

**HUGHES:** --with no--

**CRAWFORD:** Right. Right.

**HUGHES:** Yeah. OK. Thank you.

**FRIESEN:** Thank you, Senator Hughes. Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Friesen. So is this all their vehicles in the family or just the husband and wife or children's or extra vehicles?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**CRAWFORD:** This one states the active duty service member and their spouse.

**ALBRECHT:** OK.

**CRAWFORD:** That's what is stated.

**ALBRECHT:** So-- and just vehicles.

**CRAWFORD:** Right, the vehicles.

**FRIESEN:** Thank you, Senator Albrecht. Seeing no other questions, are you gonna remain for closing?

**CRAWFORD:** I will, yes. Thank you.

**FRIESEN:** OK. Proponents who wish to testify in favor of LB842? Welcome.

**RYAN McINTOSH:** Good afternoon, Mr. Chairman. Members of the committee, my name is Ryan McIntosh, R-y-a-n, McIntosh, M-c-I-n-t-o-s-h. I'm here today as a registered lobbyist on behalf of the National Guard Association of Nebraska. LB842, first and most importantly to us, addresses that disparity that Senator Crawford talked about. And we believe it would cover the approximate 588, or so, active duty members that we have within our Nebraska National Guard force. So as written, we believe this incentive is fair to the Active Guard Reserve force of the Nebraska National Guard, and would urge the committee to keep it that way. Secondly, and a little more off topic, I do believe that this is important legislation to incentivize our service members that are here to become Nebraska residents, and the state of Nebraska residents potentially come back to Nebraska upon retirement. And as far as the initial fiscal note, I, I did, too, question the 70 percent. I think, if you've driven through any active duty military installation and taken a look at the license plates, you'll see that very, very few are from the state where that base is actually located. So with that, we'd urge the committee to adopt LB842.

**FRIESEN:** Thank you, Mr. McIntosh. Any questions? Senator Bostelman.

**BOSTELMAN:** Sure. Thank you. Thank you for being here and testifying. My question is, of the 5-- 588 Active Guard Reserve members, those are full-time, 365 days a year?

**RYAN McINTOSH:** Yes. So there is a, there's a quite a bit larger full-time force in the Nebraska National Guard, both Air and Army

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

side. So we have a lot of federal technicians, the 588 is the Title 32, the full active duty force. It's Title 32, as opposed to the Title 10. The statute doesn't make a distinction there, but it's a true active duty force.

**BOSTELMAN:** OK. And does that fluctuate much? I mean, do people come in and come out of that? Or-- and I'm just kind of curious.

**RYAN McINTOSH:** The overall number does not fluctuate very much from year to year. Occasionally, there'll be some funding shifts that come down from National Guard Bureau. But that is pretty, pretty steady, constant [INAUDIBLE], year to year.

**BOSTELMAN:** OK. Thank you.

**FRIESEN:** Thank you. Senator Bostelman. Any other questions from the committee? Seeing none, thank you for your testimony.

**RYAN McINTOSH:** Thank you.

**FRIESEN:** Any others wish to testify in favor of LB842? Seeing none, anyone wish to testify in opposition, LB842? Welcome.

**JON CANNON:** Good afternoon, Chairman Friesen. Distinguished members of the Transportation Telecommunications Committee, my name is Jon Cannon, J-o-n C-a-n-n-o-n. I'm the deputy director of the Nebraska Association of County Officials, here in opposition to LB842. With all-- certainly we want to make sure that we have all due respect for Senator Crawford and what she's trying to accomplish here. For speaking for myself, my parents are both Air Force veterans. Both my grandfathers served in the Army Air Corps in World War II. I grew up in Colorado Springs. My second favorite football team is the Air Force Falcons, so I, I certainly have an affinity for the folks that put on the uniform and serve our country. That being said, the reason that NACO is here is, this is-- and no matter how small or, or insignificant you might once put it, it is an erosion of the tax base. As far as counties are concerned, there are no other places to go except for the property tax. And so anytime that you remove a revenue stream, that means that property taxes are going to be commensurately raised. I will note that there are other military installations throughout the state. There's the Lincoln air base here in Lancaster County. There's the Military and Naval Sciences Building at UNL. There are various depots scattered throughout the state, and there are missile silos, a lot of them, actually, out in western Nebraska. So we're not talking about something that is only confined to Sarpy

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

County and Offutt Air Force Base. I will also note that, according to how we split out the motor vehicle tax, 1 percent is taken off the cost, off the top, and that is what you see in the fiscal note as representative of the counties. That goes to the county treasurer's office. However, what you see under local governments in that fiscal note, that is what is split between any municipality that the person might reside in and the county, as well. So generally, the split is in every county except for a county with a city of the metropolitan class, 18 percent goes to the municipality, 22 percent goes to the county. That's flipped when you're in a county with the city of the metropolitan class. I will note that the fiscal note originally talked about 6,122 active duty service members at Offutt. If the estimate that there's only 7 percent of those folks that are Nebraska residents is correct, back-of-the-envelope calculation tells me that's about 420 folks. However, I went to law school so I wouldn't have to do math, so I might be wrong on that. So therefore, if, if we've got a number of Guardsmen which the fiscal note doesn't address, the number of persons that are in other counties throughout Nebraska which the fiscal note does not also address, I think the cost could actually be a little bit higher. But again, our primary concern is the erosion of the tax base. And with that, I would be happy to take any questions that you have.

**FRIESEN:** Thank you, Mr. Cannon. Any questions from the committee? Seeing none, thank you for your testimony.

**JON CANNON:** Thank you.

**FRIESEN:** Any others who wish to testify in opposition?

**GREGORY C. LAUBY:** Chairman Friesen and members of the committee, I'm Gregory C. Lauby, G-r-e-g-o-r-y C. L-a-u-b-y. I was relieved to hear Senator Crawford, if I understood her correctly, say that the fiscal impact of this bill, if adopted, would be greatly diminished over what the fiscal note indicated. The reason that I stuck around here to address it was my concern about the impact that the fiscal note indicated this bill could have on counties and schools, if it was adopted. While I certainly honor the service of military individuals on active duty, I'd also note that, since the imposition [SIC] of the volunteer army, pay raises have gotten substantial, especially for ranking members. When I was first in the service, I think my first military paycheck was \$400 for my-- for a month, but that was when the draft was in place. And then shortly after, I graduated on into, into the ranks, the volunteer army concept came in place, and pay raises started to rise, consequentially, to try and keep up with what civilian salaries might be. And I think the military has pretty much

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

achieved that, and military people now enjoy all of the benefits that the average Nebraska citizen enjoys, from the schooling that the counties offer, to the roads and the law enforcement protection. And so it's difficult for me to see why they should be given another tax benefit. I was once told by a close friend, you cannot give what you don't got. And I think we're getting to the point in the state where maybe we've exhausted what we've got. So I, I would encourage you to think very seriously about whether or not this is another revenue loss that can be foregone by local governments. Thank you.

**FRIESEN:** Thank you, Mr. Lauby. Any questions from the committee? Seeing none, thank you for coming to testify.

**GREGORY C. LAUBY:** Thank you.

**FRIESEN:** Any others wishing to testify in opposition? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Crawford, you can close. We do have a-- one proponent, Richard Jefferson.

**CRAWFORD:** So as I said, Mr. Jefferson, who you received a letter from, is the constituent who brought this issue to my attention and encouraged us to offer a bill to address this situation. I, I do want to correct-- I just want to correct what I think I heard, and just to let you know that the 588-- the fiscal note does include 588 Active Guard Reserve who are from across the state. So there are those who, those who are in active duty with the Active Guard Reserve are included in the fiscal note. And we're supposed to be getting a new fiscal note for you. So you should be receiving a new one, hopefully within a-- very soon, that will, I think, give you a more accurate picture of what the fiscal impact would be. Now there is a small fiscal impact. And once you get the new fiscal note, you'll see it's a-- it is a fairly small fiscal impact for this impact of just addressing this inequity that we have currently that allows military members who are not residents to receive an exemption that military members who are residents do not receive.

**FRIESEN:** Thank you, Senator Crawford.

**CRAWFORD:** Thank you.

**FRIESEN:** Any questions from the committee? Seeing none-- Senator Bostelman.

**BOSTELMAN:** I will. Sorry.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**CRAWFORD:** Yeah, that's all right.

**BOSTELMAN:** So if I'm an out-of-state resident, and I'm-- so I'm, I'm from-- pick a state [INAUDIBLE]. I move to Nebraska, stationed at Offutt, and I license-- then I do license my car here, for some reason, our, our rates are less than theirs. How would that impact this, 'cause that would be a number that-- 'cause now, are they considered a resident for taxing purposes on that vehicle, do you think, or not? In that--

**CRAWFORD:** My understanding is, since we have this in the statute-- we have this in the statute as an exception to motor vehicle tax. So because we have it in the statute, as the motor vehicle, as, as an exception to the motor vehicle tax for motor vehicle registration, I'm assuming you're able to register your motor vehicle without being a resident, or else it wouldn't be in the statute, I don't think. So--

**BOSTELMAN:** OK.

**CRAWFORD:** So there are other fees that you pay to register your motor vehicle, as well. So you would still be paying those. It would be--

**BOSTELMAN:** Yeah.

**CRAWFORD:** --an exception to the motor vehicle tax component of those fees that you pay to register your vehicle.

**BOSTELMAN:** OK. Thank you.

**FRIESEN:** Thank you, Senator Bostelman. Seeing no other questions, we will close the hearing on LB842. And you can just stay sitting there, and we will go to open the hearing on LB983. Welcome back.

**CRAWFORD:** Thank you. Good afternoon again, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Senator Crawford, S-u-e C-r-a-w-f-o-r-d, and I represent the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. And I'm here now today to introduce LB983 for your consideration. LB983 is a bill about speeding violations. The idea for this bill was brought to me by a constituent of mine who received a speeding citation for speeding less than five miles an hour over the speed limit. He subsequently received a notice from his insurance company that his auto insurance rates would increase nearly \$400, for a six-month term, for the next three years. That one ticket effectively cost him 20-- \$2,400. My constituent contacted me to share his concerns that minor speeding violations were being used to



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

unfairly raise insurance premiums, causing a burden on all drivers, but particularly on the working class or on minority drivers who, who, as we know from a, a recent study from the ACLU, are more frequently pulled over in traffic stops in Nebraska. Upon hearing some compelling arguments from this constituent, I looked into our statute and compared it with what other states do. It turns out the Nebraska is an outlier, in which we are more strict in terms of how minor speeding citations affect a person's driving record. While some of our neighbors issue a ticket or fine for speeding, none of our surrounding states issue a point or a moving violation for speeding violations of less than five miles an hour over the speed limit. In light of this, I decided to introduce this bill, which is now LB983. LB983 simply eliminates the current provision in our driver's license point system statute that currently requires one point to be issued against a driver's license for any speeding violation up to five miles an hour over the speed limit. The point issued against a driver's license is what insurance companies use to raise rates following a speeding ticket. With this statutory language removed, drivers can still be pulled over and issued a \$10 ticket if they're speeding less than five, five miles an hour. Speeds over five and less than ten miles an hour would still constitute a two-point violation on the driver's license and a heftier ticket. So we still have sanctions in place to discourage speeding offenses. I'm very happy today to say that I have-- my constituent is here, as well, to tell his own story. So I won't go much further, just to say again that we are an outlier among all of our surrounding states when it comes to how we handle these minor speeding offenses. And LB983 is a justifiable change that will make a big difference for drivers in Nebraska, while still holding them accountable for more serious speeding violations. And I'm happy to try to answer any questions now or at closing.

**FRIESEN:** Thank you, Senator Crawford. Any questions from the committee? Seeing none, proponents who wish to testify?

**GREG GEIST:** Good afternoon, Senator Friesen and the members of the Transportation and Telecommun-- Telecommunications Committee. Kind of new to all this. So my name is Greg Geist, G-r-e-g G-e-i-s-t, representing the citizens of Nebraska. I was pulled over, received a speeding ticket for five over, up on Highway 12, a couple years ago. My insurance rates went up about \$50 a month. The insurance company said part of that was due to just the rate increase, but the other part of that was the speeding ticket, and that that rate would stay at that increase for three years until they dropped that ticket off my record. I've previously lived in Iowa and Kansas, where neither of those states-- Iowa does theirs kind of differently. There's some

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

one-to-ten-over tickets, they do not put on your record. Kansas does some that are one-to-five in some speed zones and one-to-ten in others. And I was kind of floored when I went into Nebraska and realized that all tickets go on your driving record, count against you and count against insurance. We've heard all afternoon about keeping revenue in the state of Nebraska and doing what we can with our tax dollars and so forth. That money that goes to the insurance companies does not stay in Nebraska; it leaves Nebraska. And that's ultimately about \$1,800 of my money that's going to the insurance companies. And when traffic engineers set the speeds on the roadways, they use the 85th percentile to determine what speed is safe. And that is 85 percent of vehicles travel at or below that amount. And in most areas, that is one-to-five over. And I would like to think that our roads are safer than Missouri, that does allow you to go five mile an hour above and just get fined. Also, you know, a lot of people-- it is affecting the poor people of the working class that, even if they do set their speedometer at 65 miles per hour, no speedometers are 100 percent accurate all the time. You go up and down hills; the speed is going to vary a couple mile an hour. If you're passing a vehicle, you're-- sometimes you have to go a few mile an hour above the speed limit to get around the car if there's another car coming towards you. So the speedometers vary, cruise, you know, vary. And it ultimately hurts the poor class because they're getting their insurance rates raised when they cannot afford it. Therefore, people are being forced to go without insurance. They then get insurance tickets that they can't pay. And then their driver's license gets suspended. And then they are kind of stuck in that endless cycle of going back through the court systems again and again. Another possibility that this bill does have is to hopefully ease some of the congestion with the courts and with law enforcement. Law enforcement does not want to go out there and pull people's driver's licenses, but they do have a job that they have to do. And sometimes our hands are kind of tied. Even if they drop a ticket down-- say somebody was going ten over and they drop it down to five, they're still gonna lose their license. The prosecutors, they could avoid somebody going to court if they can drop a speeding ticket down to five and so forth, if the officer agrees. So I thank Senator Crawford for bringing this bill forward today, and I thank everybody here for their support. And I hope that you vote to have this introduced into the full Legislature.

**FRIESEN:** Thank you, Mr. Geist.

**GREG GEIST:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** Any questions from the committee? So what I heard you say is we should raise the fines and leave the point, right? That way your money will go to the schools [LAUGHTER]. I heard you loud and clear.

**GREG GEIST:** The schools are not affected, no money in Nebraska is affected, fine is the same. The insurance company misses out is [INAUDIBLE].

**FRIESEN:** Any questions from the committee? Seeing none, thank you for testimony.

**GREG GEIST:** Thank you. Thank you.

**FRIESEN:** Any others who wish to testify in favor of LB983?

**ROSE GODINEZ:** Good afternoon, Senators. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am here to testify on behalf of the ACLU of Nebraska, pronouns "she, her, hers." We first want to thank Senator Crawford for introducing this bill, and as it's an important measure to lower the racial disparities, I should mention, and the disparate racial impacts across our criminal justice system. As Senator Crawford mentioned, the ACLU published a report which I have before me, and I believe it was circulated to you back last year, but I'm happy to recirculate that via email. And we did a report on racial disparities across the state, using the Nebraska Crime Commission's data, and also did our own analysis on law enforcement agencies across our largest counties and most diverse counties. And looking at what their efforts were, as far as combating racial profiling. And what we found, from analyzing Nebraska Crime Commission's data, is that black drivers in Nebraska are nearly two times more likely to be stopped compared to white drivers. That disparity has continued to increase since 2013. Black, Latinx, Native American, and other nonwhite drivers, which could be multiracial or biracial drivers, are all more likely to be searched than white drivers, and black drivers are three times more likely to be searched, as a result of this traffic stop, than a white driver. Lastly, black drivers are nearly seven times more likely to be arrested than a white driver. So in conclusion, we urge you to move this bill on to General File and help us address those racial disparities in the future. Thank you.

**FRIESEN:** Thank you, Ms. Godinez. Any questions from the committee? Did you have any data on how many traffic stops involved five miles an hour or under?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**ROSE GODINEZ:** The amount of traffic stops is nearly 500,000, from what I remember.

**FRIESEN:** Total traffic stops?

**ROSE GODINEZ:** Total traffic stops in the--

**FRIESEN:** You don't know--

**ROSE GODINEZ:** --Nebraska.

**FRIESEN:** --how many of those were in violation of five or under?

**ROSE GODINEZ:** Oh, no, I'm sorry. I don't believe the Crime Commission report specifically narrows it down to that.

**FRIESEN:** Probably not.

**ROSE GODINEZ:** Yeah.

**FRIESEN:** All right. Seeing no further questions, thank you for your testimony.

**ROSE GODINEZ:** Thank you.

**FRIESEN:** Any other proponents? Welcome.

**GREGORY C. LAUBY:** Thank you, Chairman Friesen. Members of the committee, I'm Gregory C. Lauby, G-r-e-g-o-r-y C. L-a-u-b-y, and I'm here to testify in support of LB983. I think that it recognizes the de minimis nature of the offense that it seeks to address, especially given current driving customs in many areas in the state, and also the disparate impact that it may have on minority groups when they are stopped for an offense that others might just get passed on by for. Having said that, I would like to add a suggestion for your consideration, either in connection with this bill or at some future time, and that is that for this particular offense, the requirement of paying court costs be forgone for those who enter a plea, either by mail or electronically, and also submit their payment, so that no court proceeding is actually required. And I think that's commensurate with the kind of offense that it is. And given the fact that court costs have gradually increased over the years, to the point where they have become a relatively significant amount for people who may get caught up in, in this kind of an offense, I think it would be deeply appreciated to have that sort of gesture given them. And with that, I thank you for your attention, unless there are questions.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**FRIESEN:** Thank you, Mr. Lauby. Any questions from the committee?

**GREGORY C. LAUBY:** Thank you.

**FRIESEN:** Seeing none, thank you for your testimony.

**GREGORY C. LAUBY:** Thank you.

**FRIESEN:** Any other proponents for LB983? Seeing none, anyone wish to testify in opposition to LB983? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Crawford, do you wish to close?

**TIP O'NEILL:** She waives.

**FRIESEN:** She waives closing. And that will close the hearing on LB983. Next, we will have the hearing on LB830. Welcome, Senator Erdman.

**ERDMAN:** Thank you, Senator Friesen. It's good to be here. My name is Steve Erdman. I represent District 47, ten counties in the Panhandle, and specifically Oshkosh. My name is spelled S-t-e-v-e E-r-d-m-a-n. I told Director Schneweis I was just gonna say: Let's just advance this to the floor and I won't testify; he didn't agree. So we will start, if you would. I believe that the mayor of Oshkosh had sent a letter. I would hope that you had received that. Did you all get that letter? OK. I want to highlight a couple of things that the mayor talked about. The speed limit through Oshkosh is set at, at 45 miles per hour. There are several businesses located along that highway, and I have pictures to show that, and I will go through those as we get there. Specifically, there's a grocery store, a gas station, a restaurant, Ace Hardware, and a Kwik shop and an elevator. So there are numerous businesses along the highway. There's an intersection in the center of highway, in the center of the city, that goes south on Highway 27. A lot of trucks use Highway 27 to go south from Oshkosh to catch Interstate 80. So there's quite a few trucks that turn there, and it's a very sharp corner. And as the mayor talked about in his remarks, I want to bring your attention to a couple things. Over the years, he said that they've approached-- he's been approached by many Oshkosh and Garden County residents, inquiring why the city doesn't lower the speed limit due to hazardous conditions and the speed of the traffic through that section of the highway. He said some elderly people are fearful of crossing the highway to visit the hardware store due to the speed of the traffic entering town from the west. A couple years ago, numerous letters were, and various organizations were written to support the lowering of the speed limit through town, and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

they forwarded them to the Transportation Department. He was talking about District 5 Transportation Department in the Department of Roads. A number of years ago, we had a member of the Department of Transportation attend one of our council meetings, and we discussed the desire to lower the speed limit. He indicated that the speed limit wouldn't change, as the department's engineers had determined that the speed limit is set where they feel the flow of traffic is the safest. There was a very large amount of frustration by the residents after writing-- after the letter writing campaign was taken-- undertaken, and they tried to lower the speed limit through town. The result is basically nonresponsive from the department. There is a disconnect, in this case, between what an engineer feels is safe and what the residents, residents of Oshkosh feel is safe. It could be as simple as the department appreciating the safety and concerns of the community and changing the speed limit sign to the edge of the town to the speed limit sign to the west edge of town. So what happens is, people come through that community at 45 miles an hour, and these older people, as well as the children that are learning to drive. And I'll show you where they enter the school off of this road. And so those people are flying through there at 45 an hour or faster. And you're in the turn lane in the middle, and two semis, 80,000-pound semis pass you, one going one, one going the other. And you're an elderly person. You're supposed to just sit there and wait for the trucks to go by. It's, it's a situation that brings to my mind that we have engineering studies, but no place in those engineering studies that take into consideration the safety and concerns of the citizens who live there. Here's another letter. I'd like you to pass this out, if you would. This letter is from a gentleman named Mr. Johnson. Mr. Johnson lives just on the west side of Oshkosh. And as he says in his letter, his mother does live in Oshkosh, and she lives on the north side of Highway 26. And she's afraid-- or he told her, he said she's not as quick as she used to be, as she once was. And we have instructed her to get, to not get on the highway. Where she lives on the west edge of town, traffic catches up with her-- and me, for that matter-- before I can get up to speed. This is difficult for her to do, as there are many key businesses located along the highway in Oshkosh. And he lists those there. The traffic goes way too fast along this road. So many people turning into or out of these businesses at the lower speed limit. And if they don't lower the speed limit and force it to be slower, they can't get in and out of the businesses. So they're trying to move from one business to the other, and the speed limit is 45. And I will show you pictures of how that traffic comes around the west side of Oshkosh. There's a curve, and as that traffic comes around there, just before they come around the curve, it's 65

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

miles an hour. And so the latest concern he says I have is with the safety of our high school kids who are just learning how to drive. The high school is located on the west edge of town, so the kids have to be turning off this highway to drive up this road. While sitting at his mother's house, I always hope the traffic slows down as it comes around the curve so that the kids can get turned and off the highway. I've seen a few close calls. And so why I'm here today is to tell you that this bill is a commonsense approach. I'm changing the statute to allow for common sense to be applied to the engineering studies. And I would like to give you now the, the petitions that have been circulated. These petitions were circulated in the city of Oshkosh. There is one from the county commissioners. The county commissioners approved one of the-- at the regular meeting about their concerns about the travel, the safety of those traveling on the highway. Also, there's a resolution adopted by the City Council of Oshkosh. There is a resolution adopted by the Garden County Schools, and those young people traveling to school turn off of that highway, and there's not much of a turning lane there. And I'll show you that in a second. And then the last page of that handout I'm giving you now is a letter from the Wesleyan Church. And the Wesleyan Church is on the west side of town. And I will show you that you can almost barely see where that is. But that church is on a curve. And the speed limit, right where that church is, is 65 miles an hour. And so we have an issue of safety that none of these engineering studies take into consideration when they're setting the speed limit. And so these, these next documents I'm going to pass to you are the people who have signed the resolution that they circulated. They circulated a resolution that said: If you're in favor of lowering the speed limit, please sign the petition. Now this is a community of just over 800 people, and there is over 100 signatures on those sign-- on those petitions. Those people are concerned about this. But those people didn't come here today to testify because they've reached out to the department before, they've shared their concerns before. And their community is 330 miles from here, and so they've asked me to come and tell you that they have an issue. And I told them that the people on this committee have common sense, and the people on this committee will listen to your concerns and make a proper decision. And so today, we come to ask you to do that. So let me show you these pictures that I have. And we'll, we'll start looking through these pictures so you will have a feel for where I'm at, where I'm at and what I'm describing to you. Oshkosh is a community that, in the fall, has a lot of outdoor activity. They're close to Lake McConaughy. They're about 30 mile, 20 miles west of the west end of Lake McConaughy, so there's a lot of goose hunting in that area. A lot of people turn into that hotel there and stay there during

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

goose season. And so it's a situation that we find ourselves in that's-- traffic is different at different times a year. But a lot of truck traffic go through there. If you have your-- if you have the pictures there, when you get those, I'll, I'll go through that. And you'll notice in the picture, the sun is shining, right? He took those pictures Saturday. All right. So the first picture shows when you're coming into Oshkosh. This is coming from the east side. It shows the 45 mile an hour speed limit sign. It's right by the grocery store, just by the hotel-- 45 miles per hour. And the next, the next one is a similar picture, just across the road, showing there is a-- that's a liquor store there. And then a Kwik shop is on the corner. And just in front of that van is where the intersection is that goes to-- to Highway 27, going south. And so if those trucks come in there to make that corner, it's pretty difficult to make that corner; it's a pretty sharp corner. Now the third picture is showing where the semi is coming from the west side. This is the west side of town, and there's a car and a semi in the picture. If you notice, clear in the back side, by the tree up at the top, you can barely see the silhouette of a semi. That is almost where the Wesleyan Church is. The speed limit right there, where that semi is, is 65 miles an hour. And so they're approaching in there. And you see the motor home parked along the road, the motor home? That is the road that the young people take to turn to go to the high school right there. There is not much of a turning lane from the west, if you'll notice, right? And those trucks are coming around that corner, not knowing somebody is gonna turn at that corner to go to the high school. And we have young people, 14 years old, with a learner's permit or a school permit, driving to school. It is dangerous to go through that town at that speed. So the next picture just shows a person going across the street there; that's the Kwik shop. And then that last picture is the one showing where the intersection is from, from-- this is on the north side of the intersection going on, on Highway 27, it goes south right there. So I hope that gives you a feel for what these people are dealing with. And there-- as in most of our communities out there, there are quite a few elderly people, and they're concerned about crossing that highway to get to the, to the hardware store or to the gas station to get their tires changed. But it's a situation that can be rectified if we just would have some common sense and apply it. I have worked with the Department of Roads on several issues, and I appreciate being able to accomplish a few things with Director Schneweis and his people. We've made some progress on some of the bills that I've tried to introduce. This is one that I believe requires our attention, because I can tell you right now they're not interested in changing the speed limit. And those people feel very disrespected out there. And so they asked me to



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

come here and ask you to apply common sense to this decision so that they can have some peace of mind, as-- when they enter the highway, they won't get run over. It's difficult to get up to 45 mile-an-hour speed in two blocks. It's difficult to go from one business to the next and get 45 miles an hour. And so the traffic goes through there quite fast. And so I'll leave with that. If you have any questions, I'll try to answer those. But I'd appreciate you moving this bill.

**FRIESEN:** Thank you, Senator Erdman. Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Friesen. And thanks for being here with this. I have had a few of the same concerns in my area. What was the speed limit before it was raised?

**ERDMAN:** It, it--

**ALBRECHT:** And the other question is gonna be: What would the proposed speed limit be if they were to change?

**ERDMAN:** OK. I don't know, Senator Albrecht, that the speed limit was ever raised, OK? I think that's been the speed limit.

**ALBRECHT:** So--

**ERDMAN:** I've been going out to that town for a long time, and it's been 45.

**ALBRECHT:** OK, it's always been 45.

**ERDMAN:** Right.

**ALBRECHT:** So, so you're saying that the people that are coming into town are going 65, and you [INAUDIBLE].

**ERDMAN:** On the west side of town, they're going 65. It doesn't take long before you get to the 45.

**ALBRECHT:** OK. So is that the problem, that they're going too fast coming in, not slowing down enough before they hit the town and the kids and--

**ERDMAN:** Well, it, it could be an issue that would help to slow them down sooner, but 45 is too fast when it's through the community. And I, I talked to the mayor--

**ALBRECHT:** But it's a state highway. So the state Roads--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**ERDMAN:** It's a state highway.

**ALBRECHT:** --Department set that speed limit--

**ERDMAN:** Correct.

**ALBRECHT:** --at 45, and it's always--

**ERDMAN:** Correct.

**ALBRECHT:** --been at 45.

**ERDMAN:** Yeah.

**ALBRECHT:** So their plea is to bring it down to a lower speed limit.

**ERDMAN:** Right. So the provision in the bill, what I changed in the bill was allowing-- you see, cities over 40,000 can make that decision now.

**ALBRECHT:** OK.

**ERDMAN:** Cities over 40,000 can set the speed limit in their communities, but communities less than 40,000 cannot. And so that is the, the problem, that they can't lower the speed limit. They think it needs to be lowered. They, they believe it's a safety issue, and I, I would happen to agree with them.

**ALBRECHT:** Um-hum.

**ERDMAN:** And we go through there quite a bit. Every time we go home, we go through that town.

**ALBRECHT:** Um-hum.

**ERDMAN:** And we don't drive 45--

**ALBRECHT:** It would have their--

**ERDMAN:** --because I've seen semis turn at that corner, and I've seen it get close there, and I've always erred on the side of caution. But--

**ALBRECHT:** And I understand when you say that, that there could be an accident. Has there been any accidents in that town, because--

**ERDMAN:** I don't know that, Senator Albrecht; I don't know that.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**ALBRECHT:** OK. Yeah, those are just some questions. Thank you.

**ERDMAN:** Yeah, I know, but, but they would like to be able to adjust that speed limit.

**ALBRECHT:** OK.

**FRIESEN:** Thank you, Senator Albrecht. Senator Cavanaugh.

**CAVANAUGH:** Thank you, Chairman Friesen. Thank you, Senator Erdman, for being here. You mentioned-- so cities over 40,000 can make changes to their speed limits within-- because I know that in Omaha, on Pacific Street we have-- which is a pretty busy street during rush hour-- we have a school zone. Is that something-- is that an option that's available to cities under 40,000?

**ERDMAN:** I don't, I don't know whether a school zone would qualify here, Senator Cavanaugh, because the school is about four blocks north of the highway.

**CAVANAUGH:** OK.

**ERDMAN:** So it's really not really close to the school.

**CAVANAUGH:** OK. And then I was looking over the Wesleyan Church letter. And I, I guess I just-- I'm not sure how this bill would actually help them if they're outside of the city limits.

**ERDMAN:** I understand that.

**CAVANAUGH:** OK.

**ERDMAN:** I understand that.

**CAVANAUGH:** I just want to make sure they understand that, too.

**ERDMAN:** They had written that letter, and had sent it in to the city council; and they just forwarded it to me.

**CAVANAUGH:** Is there-- so a concern that I would have with this-- and, and maybe you can alleviate this concern-- is that, if we are allowing cities to change the, the speed limit, would it be possible that they'd be looking to increase the speed limit through, through their city-- through their towns to keep it at 65 instead of lowering to 45?

**ERDMAN:** I would assume if you offer them the opportunity to change the speed limit, they could change it for that, as well.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**CAVANAUGH:** Yeah.

**ERDMAN:** That's correct. But you understand that this-- the bill says if it's a safety or a hazard.

**CAVANAUGH:** OK.

**ERDMAN:** And so I'm thinking if you're gonna raise the speed limit, you're probably gonna create a hazard or an unsafe, an unsafe situation.

**CAVANAUGH:** OK. Thank you.

**FRIESEN:** Thank you, Senator Cavanaugh. Senator DeBoer.

**DeBOER:** I think Senator Albrecht asked you this, but then the conversation moved. What would, what would they be interested in, in lowering the speed limit to?

**ERDMAN:** When I talked to the mayor last week, he said that their goal was to go to 40. And I talked to the county commissioner last evening, and he said that perhaps what they should do is step it down. And maybe, in that most populated part of the town where the businesses mostly are, they, they might consider 35. You see, just west of there about 30 miles, there's a community called Broadwater. It's about 100 hundred people. And the speed limit is 35 through that community.

**DeBOER:** How big is Oshkosh? And I just--

**ERDMAN:** Eight hundred and eighty people. And then just east of Oshkosh is Lewellen, about 12 miles. And they have a straight road going through their town. They have no businesses on their highway-- none. And there speed limit is 40. So it's a situation that I find, I find it kind of peculiar. You have a straight shot through Lewellen-- no curves, no turns, no businesses-- and it's 40. And you go down the road 12 miles and you have Oshkosh, with the turn in the road plus the businesses, and it's 45.

**DeBOER:** So this is really about-- I mean, 40 versus 45?

**ERDMAN:** Well, I think that-- I think what the county commissioner told me was probably the, probably the strategy that they would like to do, but I'm not sure. But one of the things that happens is that-- and I, I sent a, a message to the mayor to see how well it's enforced, and he hasn't gotten back to me on it yet. But one of the things that happens is, people sometimes drive through there and think it's not a very

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

populated area, and then somebody pulls out in front of them from the Kwik shop. And so it, it, it's a serious situation. And it's only a mile through there. So the difference between 35 and 45, you might save 20, 30 seconds. So it's not, it's not gonna impede somebody from getting someplace.

**FRIESEN:** Thank you, Senator DeBoer.

**DeBOER:** Thank you.

**FRIESEN:** Any other questions from the committee? Seeing none, you'll stick around for closing?

**ERDMAN:** I will. Thank you.

**FRIESEN:** Proponents who wish to testify in favor of LB830? Seeing none, anyone wish to testify in opposition?

**KYLE SCHNEWEIS:** Good afternoon, Chairman Friesen. Members of the committee, I'm Kyle Schneweis, K-y-l-e S-c-h-n-e-w-e-i-s, director of the Nebraska Department of Transportation. As you know-- and I do appreciate the opportunity to come here and provide some context behind our opposition. As you know, at the DOT we are in charge of managing the 10,000 miles of state highways. The first thing we think about when we think about managing that-- those 10,000 miles, is safety. And one of the things, when we think about safety, is providing consistency, uniformity. We want, we want to meet driver expectations. And when I mean, when I say expectations, is when you're on a road, you know what the signs mean. You know what the pavement markings mean. You know what the speed limit should be because you drive, and as you drive, you can feel it as you're driving. And those expectations meet what you're used to and, and that there's a uniformity and a consistency across our system. We use a federal manual to do this. It's the Manual on Uniform Traffic Control Devices, or MUTCD. It's a mouthful, but it's our Bible when it comes to traffic engineering to make sure that we can provide that uniformity across the system. And it's important so that, that the road feels familiar to drivers. And, and this would, this would mean, even in, in communities like Valentine or whether you're in Omaha or in-- on Highway 370, you know what to expect. You know what to expect from the road because of the way it's designed, the way the signs are, the way the pavement markings are. And this helps improve safety. LB830 degrades this important component of safety by allowing cities and villages larger than 500 to alter the maximum speed limit of a state highway that runs through their community, if the local governing

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

board deems that the highway is hazardous. This change allows local governing boards to be the sole decider, through their interpretation of the word "hazardous." If passed, it would eliminate the engineering component to determining and establishing speed limits. We get a lot of requests for speed limit changes. If you've been in the Legislature very long, you've probably had some through your constituents. If, if you haven't had one, I, I would expect it's only a matter of time before you do. And every time we try to work very closely with the local government to, to try to study the situation, and oftentimes we, we count on that partnership because local officials, people who live in these communities, they know what changes. They know the changes that occur. They know what it's like to drive on those roads. And we count on that experience to help us with the data to make these kinds of decisions. And we will, we-- as soon as we get a request, as soon as possible, we go out and we get the data, and we start the study. Oftentimes we'll get repeats, where we'll do another one a year later because something has changed. And we're, we're eager to do that. And we count on these partnerships because we, we need to be responsive when people have requests like this; and we try to be very, very responsive. And, and that's part of the partnership. The other part of it is that we have a responsibility to make a decision, based on our judgment, our engineering expertise, to protect safety that's based on standards that have been researched and studied for a long, long time. And so we have that, that, that need to be responsive, but also to be responsible; and we work very hard to do that. It's not something we take lightly. For many in our traffic engineering department, they have devoted their careers to this responsibility. Just between the, our lead road-- roadway designer, lead traffic engineering designer, 50 years of experience doing just this work. It's something they take very, very seriously. Current state statutes do delegate jurisdiction for traffic control to cities over 40,000, so we do delegate that. But this, in those cases, the local government is still required to do, to use an engineering study to set the speed limit. This is a best practice, so much so that the Federal Highway Administration requires that speed zones are established on the basis, basis of an engineering study. And one of the reasons it's important is because oftentimes traffic engineering is counterintuitive. You think if we just lower the speed limit, then it will be safer. And, and our research tells us that is not always the case. Crashes are almost, are, are almost always the, the fault of the driver because of inattention or driver error. And if the speed limit is too low, it just creates a greater speed variance, where you have some folks who are following the speed limit and others who are, who are inattentive and just driving, based on the conditions that they experience as they drive. And that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

difference in, in speed variance-- it leads to tailgating, it leads to unsafe passing, it leads to road rage, and, ultimately, to more crashes. And so that's why we take the engineering component of the, of the speed limit setting so seriously. So-- and I talk a lot about this. The Senator referenced this need to bring common sense into our standards. I talk about that all the time. We, we have got to base our decisions on engineering, and then on common sense and on what our customers and our communities need. But it is a balance, and we have to, we have to be careful not just to put our head down blindly in a book and make a decision. There's more to it than that. And we're making all kinds of decisions at the department just in that vein. And, and so I totally agree with the Senator, that we need to bring more into it than just engineering, but it has to be a part of it. And in our laws, we should, we should accept that and promote that. So with that, I do want to take your questions. I hope you have some. And thanks for the opportunity to be here.

**FRIESEN:** Thank you, Director Schneweis. Senator DeBoer.

**DeBOER:** Thank you, Director Schneweis, for being here today. Is there some way that we could-- I mean, tell us about this particular case in Oshkosh, what's happened.

**KYLE SCHNEWEIS:** Well, I'll tell you what, what I do know. The speed limit has been the same since 1959. We've, we've studied it several times. We've studied in the 80s, we've studied it in the 90s, we've studied it in the 2000s. I can tell you that, on the west side of town, the current average speed, that 85th percentile speed that we talk about in terms of that's where you want to kind of target, people are driving 49 miles an hour there. We could lower the speed limit, and I-- our experience tells you, you will not-- just because you change a metal sign does not mean that people are all of a sudden gonna drive five miles an hour slower. They drive the speed based on the conditions that they experience on the road.

**DeBOER:** Um-hum.

**KYLE SCHNEWEIS:** And so if we want to talk about trying to lower speed limits, we need to think about as we do projects through town, what can we do to encourage people to drive slower based on the conditions and what they see. Changing the sign is not gonna matter. On the east side of town, where the speed limit is also 45, the average speed today is 59 miles an hour. Changing the speed limit from 45 to 40 is not gonna change how fast people are driving there. And so you asked the, you asked the question about the specific, specific example in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

Oshkosh. We have one history of a crash here, and it was caused by a deer.

**DeBOER:** By a--

**KYLE SCHNEWEIS:** By a deer.

**DeBOER:** By a deer. I thought you said earring. I was very confused.

**KYLE SCHNEWEIS:** Sorry. By a, by a deer. So that is what I have on that, on that specific piece. I think there might be-- in, in 2014, we changed it from a-- to a three-lane section. I assume it was probably-- I don't know what it was before that, but now it's a three-lane. So there's a, there's a, a lane in the center where you can turn either way.

**DeBOER:** People are-- if people are scared though, right, if they're saying this is too fast-- you've said they're driving 59. You know, how can we respond to that? What does the, what does the department do in situations where folks are saying, we feel afraid here, we think that there's something going on? How might we provide some sort of remedy to these folks--

**KYLE SCHNEWEIS:** So, so--

**DeBOER:** --to keep the 59 out?

**KYLE SCHNEWEIS:** --we-- we're, we're talking about two different constituencies that we're trying to balance. The people who are in the community, and so it's-- and, and it's their, their town and they're trying to, to navigate it and they've expressed those concerns. We're also thinking about the safety of the people that are driving through that community. And so we've tried to balance those things. And I think what I would propose, and what we, we tried to do-- and we're doing more and more and more of this-- is, when we have a project coming through town-- and I don't know when the next one is-- we talk about, OK, what does this thing need to look like to better serve you as a community? And are there ways for us to, to create features that make people want to slow down through the town?

**DeBOER:** Right.

**KYLE SCHNEWEIS:** And, and to me, that's how we would try to address it.

**DeBOER:** What kind of features are those, besides like traffic circles and--



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**KYLE SCHNEWEIS:** Oh, curb cuts and sort of things that you'll see-- you know, if you put crosswalks and, and, and curbs, you can-- sometimes you'll see the, the barriers of some kind. Some places narrow it, narrow the roadways. We've talked, in some circles, about the need for a complete street approach when it comes to, to the design of our roads, whether it's to facilitate pedestrians or bicycles or also just to facilitate the, the speeds that are desired through the community. So you can design a road for 25 miles an hour or you can design it for 45 miles an hour. And if, if it's designed for 45, people are gonna drive 45 no matter what the metal sign says.

**DeBOER:** What do we do about the 59 mile-per-hour average that you said is coming in through the east side? Is that something--

**KYLE SCHNEWEIS:** Well--

**DeBOER:** --that law enforcement should be involved with?

**KYLE SCHNEWEIS:** Well, I would, I would say that would be one thing we should, we should ask. And, and then I would-- for me, the answer is the same, is that, if we need to slow people down there, we need to think about how the road is designed, the features of the road. And, and, you know, this is not a new concept to think about the design, but it, it wasn't necessarily the primary focus of the design when it was built in the, in the 50s. It was, it was designed for a different purpose. And now some communities are saying, hey, we want to, we want to go slower through town. And so we need to think about, OK, how can we change the design of the road to support that?

**DeBOER:** And what's the, the difference, right? So Lewellen, I think he said-- and I can't remember what the other name of the other city was that he said, or further away. I know when I'm driving down to my family's farm, I have to go through Alma. We're down--

**KYLE SCHNEWEIS:** Um-hum.

**DeBOER:** --to 35 there. What's the difference between these--

**KYLE SCHNEWEIS:** So--

**DeBOER:** --different small towns, that they're so much slower in some of those places?

**KYLE SCHNEWEIS:** So I-- it's hard for me to speak to the specifics of those communities. A lot of things go into it. And, and, and a lot of the things are based-- and it would feel that way to you. So if

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

you're, if you're driving down the road and it's 35, it should feel like 35 when you drive on it, not just have a sign that says 35. And so the features might be that it's wider or narrower. It might be that there's more driveways or fewer. It could be any number, signals versus not signalized, those kinds of things. And I, I will say that there are times when, when for whatever reason, the speed limit is what it, what it is-- it's, it's 35 miles an hour there, and someone would, would ask for it to be lowered. And sometimes our speed study would actually indicate that it should be raised. And so we're very-- we're-- we get-- we're caught in this position, and we try to work with the community to not bring them a decision that they won't agree with. But it can be very difficult. This is one of the communities where, you know, we have a history of, of not agreeing on what the speed limit should be.

**DeBOER:** Thank you.

**KYLE SCHNEWEIS:** Um-hum.

**FRIESEN:** Thank you, Senator DeBoer. Senator Hughes.

**HUGHES:** Thank you, Director Schneweis, for being here. So what does a traffic study cost? I mean, could these--

**KYLE SCHNEWEIS:** We, we do it.

**HUGHES:** --small villages--

**KYLE SCHNEWEIS:** It costs them nothing. We do it.

**HUGHES:** Can they, can they do an independent? Can they hire--

**KYLE SCHNEWEIS:** Sure.

**HUGHES:** --an independent engineering firm? What would-- just a ballpark-- what would of that cost them?

**KYLE SCHNEWEIS:** I, I wouldn't want to guess but, if I was forced to, I'd say less than \$10,000.

**HUGHES:** So that-- and if the village of Oshkosh came to you with a engineering study that was not in-house, that said--

**KYLE SCHNEWEIS:** And, and communities have done that before. And, and we review those studies. Sometimes we agree with them, sometimes we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

don't. It-- and-- but we encourage the community-- if they do, if they want a second opinion, we certainly would welcome that.

**HUGHES:** So-- and I'm sure the, the 40,000 community and up doing their own, and those below that was in place before you got here.

**KYLE SCHNEWEIS:** Sure. Yeah.

**HUGHES:** So I guess, why, why that number? Why couldn't it be whatever, whatever number we want?

**KYLE SCHNEWEIS:** Well, so we-- well, I guess we-- I, I, I, I don't know if I have an answer to your question. I like to think about that. I think, when we think about larger communities, they often have engineering staff on board, on, on their staff already, as part of the public works group. And so we feel like those folks can do their own engineering studies. And, and you'll see these kinds of discussions happening in communities across Nebraska, as well, where you have maybe an elected official or a board who wants to see a speed limit changed, and the public works director is, is bringing them some information that maybe contradicts that.

**HUGHES:** Sure. Thank you. And just for the committee's information, I've had a similar situation with Director Schneweis. A community wanted to lower and-- lower the speed limit. I thought they had a legitimate concern. They did the study, and highway department said no. I guess, getting back to the-- and we just had this discussion about the 85th percentile principle.

**KYLE SCHNEWEIS:** Um-hum.

**HUGHES:** The Legislature can set speed limits. I mean, we talked about change-- raising the speed limit on I-80 to 80 mile-an-hour because the 85th percentile principle indicated that's where people were driving. But we chose not to do that. We did do it on the, on the two lanes and the four lanes.

**KYLE SCHNEWEIS:** Yeah. Yeah. Well, and I think-- so the-- I, I rack my brain here to those conversations from what, what the bill has proposed to do and what the statutes allow. The, the department has the discretion to go up to a certain number. And so there are places where the speed limit, we are authorized to go higher and we go lower than that because of, of what a speed study would say. I, I mentioned that we, we get a lot of requests. We have several communities where the speed study is done and the results indicate, yeah, we need to lower the speed limit. We do it. It's not, it's not a-- the kind of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

thing where we've never said yes. We do say yes when the, when the, the data supports it.

**HUGHES:** So what-- can you give me kind of a percentage of the study requests of those that you deny and those that you actually--

**KYLE SCHNEWEIS:** Sure. I would say it's around 10 percent are approved. And then it's-- so--

**HUGHES:** So it'd be low--

**KYLE SCHNEWEIS:** We have-- we do between 10 and 20 a year, probably, requests that we get. We also do lots and lots of others, based on our own information and, and our own projects and other things that are changing. And I have a list here of six that were changed in the last four years.

**HUGHES:** So has the same, the same personnel been doing this, these studies for quite a while? Or does it kind of rotate through the engineering?

**KYLE SCHNEWEIS:** It's, it's a smaller group at the DOT. And we have a head traffic engineer who's the one who has to sign off on these decisions and make those recommendations to, to the director. And then, you know, he's got a group of two or three traffic engineers that conduct these kinds of studies.

**HUGHES:** So have those personnel been in those positions for quite a while?

**KYLE SCHNEWEIS:** I'd have to check, but I believe so, yeah.

**HUGHES:** So they've probably seen most of these complaints multiple times and maybe--

**KYLE SCHNEWEIS:** Well--

**HUGHES:** --a fresh set of eyes would be something to consider.

**KYLE SCHNEWEIS:** So oftentimes when a request comes in, they will have a history on the last time that we had a request. I, I can, I can tell you, from my perspective, that it's imperative that they, that they visit each one with a fresh perspective. Let the data tell you what is happening. And, and if the, if the folks are driving at 48 miles an hour, lowering the speed limit to 35 is not gonna help.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**HUGHES:** OK. Thank you, Director.

**KYLE SCHNEWEIS:** Um-hum.

**FRIESEN:** Thank you, Senator Hughes. Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Friesen. OK, so Director, the people at 40,000 or more can make the changes. Do they still have to contact your department to let you know that they've made a decision to go up or down?

**KYLE SCHNEWEIS:** So I don't know the answer to that. I-- what I--

**ALBRECHT:** OK.

**KYLE SCHNEWEIS:** The information I have says we delegate the decision to them, so I don't know if, at-- after we delegate it, then they come to us for approval or not. I can get back to you on that.

**ALBRECHT:** OK. So I drive two and a half hours home and there's lots of different changes in all the towns that I go through. Some you're going into a 65 mile-an-hour. Then you hit 45, then you hit a 40, then you hit a 30. Then you get to go back up to 50, and then you can go back up to 65 when you hit another highway. So they're all different. I don't know how, how anybody came to the realization in the one town I just told you-- all the different speed limits-- because they have lots of people pulled over there. So when, when you have these situations and you have bad accidents, accidents, not bad acts-- actors, but accidents--

**KYLE SCHNEWEIS:** Um-hum.

**ALBRECHT:** --do you, does that flip a switch to say, hey, we need to get out there, there's been too many accidents because of high rates of speed? Or--

**KYLE SCHNEWEIS:** Well, the crash history is certainly part of the-- any of the studies that we would do--

**ALBRECHT:** OK.

**KYLE SCHNEWEIS:** --and, and would play factor in the decision.

**ALBRECHT:** So with these small towns that want that lower speed limit, so if any one of mine say, hey, this is crazy--

**KYLE SCHNEWEIS:** Um-hum.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**ALBRECHT:** --I don't want to go out and get a bunch of signatures like Senator Erdman's city did. I can just tell them, hey, call the Department of Transportation, and see if they can come out and take a look.

**KYLE SCHNEWEIS:** Absolutely. It happens, it happens--

**ALBRECHT:** Because I think--

**KYLE SCHNEWEIS:** --all the time.

**ALBRECHT:** --because there have been a lot of questions about this, I would think that you would be able to get together with this town and go talk to them and figure it out, rather than to have to change the law for everyone. But everyone needs to know that you're there to listen, you know, because it's, it's really important because all these towns are different. And I was the one lonely vote when you all decided to--

**KYLE SCHNEWEIS:** I remember.

**ALBRECHT:** --to raise the speed limit. And I, and I can also see that there's lots of deaths because of it. So I would only hope that if, because we raise those speed limits and they're going too fast into some of those towns, 'cause that's where the, the accidents are gonna happen and where children, young kids are on the road. We just had a terrible one up by Hinton, Iowa. Actually, it was not far from where we were at. And it was a tragedy, just because it was ice, it wasn't necessarily-- it-- maybe it was speed, too. I don't know. But I would like to not have to see, you know, something changed in law if we know that the department is going to do what they need to do.

**KYLE SCHNEWEIS:** So I, I couldn't agree with you more. We have to be responsible to those communities. We have to; it's our duty and, and we do. And any-- anyone who has a concern, forward the information on to me. We'll get out there, we'll study it, we'll have a conversation about it.

**ALBRECHT:** OK.

**KYLE SCHNEWEIS:** And, you know, it's, it's not, it's not likely that we're gonna run out and change it, but we should, we should talk about it. We should try to understand it.

**ALBRECHT:** Absolutely.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**KYLE SCHNEWEIS:** And we want the, we want the highway to serve the community in a way that, that feels right to them.

**ALBRECHT:** Um-hum. Thank you.

**KYLE SCHNEWEIS:** So I, I totally agree.

**FRIESEN:** Thank you, Senator Albrecht. Any other questions from the committee? Seeing none, thank you for your testimony.

**KYLE SCHNEWEIS:** All right. Thank you.

**FRIESEN:** Any others who wish to testify in opposition to LB830? Welcome.

**JEFF RIESSelman:** Good evening. My name is Jeff Riesselman, J-e-f-f R-i-e-s-s-e-l-m-a-n. I'm the manager of the traffic division of Public Works for the city of Omaha. I'm a professional civil engineer in the state of Nebraska, and I'm a certified professional traffic operations engineer. I'm here today, speaking on behalf of the Omaha Public Works Department, in opposition of LB830. Public Works and our engineering staff do have the responsibility and authority over the establishment and implementation of speed limits throughout our city through the current state statutes. This is including nonfreeway state highways within our jurisdiction. Under the current statute, even though we're above 40,000, we are required to do a engineering study with respect to any speed limit changes. The Federal Highway Administration states that the management of speed through appropriate speed limits is an essential element of highway safety. In terms of traffic law, speed limits should reflect the maximum reasonable and safe speed for normal conditions. The Federal Highway Administration commissions the development of the Manual on Uniform Traffic Control Devices or, as was discussed, the MUTCD. This MUTCD is adopted nationally by Title 23 of the Code of Federal Regulations, Part 655.603, and is approved as the national standard for designing, applying, and planning traffic control devices. Furthermore, the MUTCD is adopted by all states in the union, including Nebraska, by state statute 60-6,118. Therefore, the MUTCD and its identified requirements are law. Regarding speed limits, Section 2B.13 of the MUTCD requires that speed limits, other than statutory maximum speed limits, be set by an engineering study. In particular, and, and at play here, is the standard requirement that speed zones-- and this is text from the MUTCD: Speed bumps-- speed zones, other than statutory speed limits, shall only be established on the basis of an engineering study that has been performed in accordance with traffic engineering practices. The engineering study

shall include an analysis of the current speed distribution of free-flowing vehicles. LB830, as written, violates the specific provision of the MUTCD by no longer requiring an engineering study and, therefore, violates state law and federal law. LB830 gives elected bodies authority to set speed limits subjectively, arbitrarily, and without the proper technical consideration that is currently required. The current authority given to a city to set speed limits on nonfreeway highways must remain within the realm of engineering guidelines, and should be gathered as part of a proper engineering study. Ignoring these engineering guidance in the matter of setting speed limits would be less safe, and against the national state laws that are adopted regarding the provisions of the MUTCD. The engineering method, or the 85th percentile speed, is determined as part of a spot speed study of free-flow conditions, and has been the most consistently utilized method of setting speed limits across the country. Generally speaking, this puts the vast majority of vehicles within a narrower speed range, and at speeds that remain lawful. Speed limits set far lower than this field measurement would actually be less safe. The range of speeds that drivers choose to travel would widen, and the proportion of the vehicles within, say, a ten mile-per-hour pay-- pace would decrease. This kind of change would increase the likelihood of collisions and would, therefore, result in unsafe avoidance maneuvers such as hard braking and abrupt lane changing, because of the tailgating that would occur. Simply changing the speed limit is not enough to actually change the prevailing speed of the public. Physical characteristics that make up the context of the road, that's what influences free-flow speed. For example, driving through a commercial area, your desired speed would be influenced by on-street parking, formation of curbs, intersection corner bump-outs, the existence of pedestrians, and side street turning demand. Additional speed reduction measures are considered for implementations such as reduced shoulder widths, reduced lane widths, or other reasonable signing changes, warning sign changes, pavement marking changes, or traffic calming strategies. The issues-- I'm not here to talk about the issues in Oshkosh, however, they sound similar to issues that we receive in the city of Omaha. And speed limit is not the way to solve those problems. Those problems are to be solved through other engineering methods that I just described, and each one is a case-by-case basis. But engagement and working with the, the concerned constituents is, is, is how all engineers would approach the situation. And then, as far as traffic speed limit changes, that would not be my recommendation in that case. There are logistical issues to consider with LB830. First of all, it does not give authority over nonstate highways. This would create a disparity in how speed limits



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

could be set, even within the same city. City and state engineers, in charge of designing and implementing the locations of speed limit signs and reduce speed zones, would be faced with ethical dilemmas. Our industry established guidelines are based primarily on safety. If put in a position of ignoring our guidelines and other established laws, it would violate our ethics and code of practice. As professional engineers, we are regulated by the Engineers and Architects Regulation Act, which is defined by Nebraska state statutes. In summary, LB830 violates the provisions of the MUTCD, therefore violating state and federal laws that adopt the MUTCD. It removes the requirement to involve engineers in a safe and efficient determination of speed limits, the same engineers who are educated, trained, and regulated to look after the safeguard of life, health, and property for the welfare of the public, and instead gives full authority to elected board members without any objective or technical criteria whatsoever. I urge your full consideration of my testimony and your vote against LB830. The current statute language should remain. It is not in conflict with any other laws or acts regarding engineering practice and traffic control devices. Happy to answer any questions that the committee might have at this time.

**FRIESEN:** Thank you for your testimony. Are there any questions from the committee? Seeing none, thank you for your testimony.

**MARK LUTJEHARMS:** Good afternoon, Chairman and members of the committee. My name is Mark Lutjeharms, M-a-r-k L-u-t-j-e-h-a-r-m-s, and I am the manager of the Traffic Engineering Division for the Lincoln Transportation and Utilities Department, or LTU, as I might reference later in my presentation. I am also, like Jeff, a professional civil engineer, registered here in the state Nebraska, and also a certified professional traffic operations engineer. And I, too, here am today to speak in opposition of LB830. LTU and, more specifically, the Traffic Engineering Division has the responsibility and authority over the establishment and implementation of speed limits throughout the city of Lincoln, including nonfreeway state highways within our jurisdictional boundaries. I will refrain from repeating most of the content presented to you by previous opponents of LB830. However, I do want to go on record in agreeing with and supporting their testimony, both that of the state of Nebraska and the city of Omaha. With that being said, however, I would like to restate that the Federal Highway Administration clearly states that the Manual on Uniform Traffic Control Devices is the approved national standard for planning, designing, and applying traffic control devices, including the establishment of posted speed limits, and that speed limits, other than statutory maximum speed limits, are established by

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

engineering study. The MUTCD is adopted by all states, including the state of Nebraska, and, therefore, the MUTCD and its identified requirements are, in fact, law. LB830 violates this specific provision of the MUTCD by no longer requiring an engineering study and, therefore, violates both federal and state law. Establishing speed limits subjectively and without proper technical consideration is what LB830 would allow, and doing so may very well be in contrast to upholding the safety, health, and welfare of those who use our streets and highways, and that task is fundamental to the code of ethics we professional engineers embody. The basis of our engineering established guidelines are founded on safety. If put in a position of ignoring our guidelines and other established laws, it would violate our ethics and code of practice, which we are upheld to by state law and the Engineers and Architects Regulation Act. To this end, in some cases, it may not be practical for us to deliver speed limit changes, even if elected officials vote to do so. Actions of elected officials to implement speed limit changes contractor-- excuse me-- contrary to requirements set forth by the Manual of Uniform Traffic Control Devices or the law would be in direct violation of our professional engineering code of ethics. In summary, LB830 violates the provisions of the MUTCD, therefore violating state and federal laws that adopt the Manual of Uniform Traffic Control Devices. It removes the requirements to involve engineers in the safe and technically-based determination of speed limits. That concludes my testimony this afternoon. I'd be happy to answer any questions from any members of the committee that you might have.

**FRIESEN:** Thank you, Mr. Lutharms [PHONETIC]. Is that-- pronounce it close?

**MARK LUTJEHARMS:** Lutjeharms, but close enough.

**FRIESEN:** Lutjeharms.

**MARK LUTJEHARMS:** Yes.

**FRIESEN:** I could call you Mark. Any questions from the committee? Seeing none, thank you for your testimony.

**MARK LUTJEHARMS:** Thank you very much.

**JEANNE McCLURE:** Hello. My name is Jeanne McClure, and I am the executive director of the American Council of Engineering Companies here in Nebraska. So ACEC, as we are known, represents about 47 engineering firms doing business across the state. Our members are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

engaged in engineering and construction projects that propel Nebraska's and the nation's economy and enhance and safeguard America's quality of life. The Nebraska Department of Transportation is just one of the public partners with which ACEC interacts almost daily. We're pleased with their willingness to partner with the consulting engineers and, and all of the communities across the map-- Nebraska for which they serve. Now, while I am not-- while I work for the engineers, I am not an engineer. So I want to make sure that you know that's clear; so don't ask me those questions. I'm here today on behalf of ACEC-Nebraska, to state our opposition to LB830. ACEC works in partnership with NDOT and the Federal Highway Administration, as well as with cities, counties, and villages across the state of Nebraska to assist in designing roadways and maintaining safety. Decisions regarding changes to the speed limit are based on multiple factors, none of which should be left solely to a city council or village board. Changes to the speed limit, as LB830 would dictate, should not be considered nor implemented without first performing a systematic engineering study, completed by qualified engineers who have access to safety information and scientific data that is involved in setting accurate, safe, and efficient speed limits. We would emphasize, emphasize that the posted speeds on the transportation network should only be changed based on engineering justification due to a comprehensive review of site-specific roadway segments. The engineering profession holds paramount, paramount the safety, health, and well-being of the public. ACEC's members reflect all disciplines of engineering within the built environment. Our member firms employ thousands of engineers, architects, land surveyors, scientists, and other specialists responsible for hundreds of millions of dollars in private and public works annually. Our member firms range in size from a single registered professional engineer to corporations employing thousands of professionals. We urge that you, the committee, vote to indefinitely postpone LB830.

**FRIESEN:** Thank you, Ms. McClure. Any questions from the committee? Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Friesen. I'll make it brief. So our state Roads Department, if they were to go out to this small town, they would-- would they contact your engineers?

**JEANNE McCLURE:** They definitely could, and they sometimes do--

**ALBRECHT:** OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**JEANNE McCLURE:** --employ our consultants to go and do studies for them depending on the project.

**ALBRECHT:** But--

**JEANNE McCLURE:** And I believe it was asked earlier what the amount would be.

**ALBRECHT:** Um-hum.

**JEANNE McCLURE:** And \$10,000 is a pretty, pretty good--

**ALBRECHT:** But, but I think--

**JEANNE McCLURE:** --estimation--

**ALBRECHT:** --that I also heard that--

**JEANNE McCLURE:** --of projects like that.

**ALBRECHT:** --the state necessarily would not charge, if I'm right to say this. I believe that the state said you wouldn't charge, you wouldn't have--

\_\_\_\_\_ : We--

**ALBRECHT:** No, I'm not supposed to ask you from the audience. Sorry.

**JEANNE McCLURE:** Sorry. I think that--

**ALBRECHT:** So, so I--

**JEANNE McCLURE:** --Director Schneweis-- the state would, the state-- while the state wouldn't charge, if, if the, if the municipality was to contract directly with a consulting firm, then yes,--

**ALBRECHT:** Right. And I--

**JEANNE McCLURE:** --they would. They would be charged by our firm.

**ALBRECHT:** --and I could certainly see bigger traffic studies, but these small towns that don't have a lot to work with in the first place, or--

**JEANNE McCLURE:** Right.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

**ALBRECHT:** --these counties that don't have a lot of money to, to put out, I, I can't imagine, number one, that they'd have an engineer on staff. But if an engineering study must be done, they would need to contact our state [INAUDIBLE].

**JEANNE McCLURE:** Right, which the-- so, so what often happens is our engineering firms do work for the state. So if there was an instance where one of my-- our firms was hired by the state,--

**ALBRECHT:** Um-hum.

**JEANNE McCLURE:** --you would be working with the state as the agent, and we would be the agent of the state in that [INAUDIBLE].

**ALBRECHT:** And I guess I could see it if it's something larger, like you wanted to put a roundabout in before you got into a town to slow people down or something on a much larger scale. But talking about lowering the speed limit, you know, and giving them the ability to do so. But I--

**JEANNE McCLURE:** But I would--

**ALBRECHT:** --do believe a study would, would be warranted, but I can't imagine that it would be a \$10,000 study to, to bring a speed limit down in the small town that has less than 800 people. That's just--

**JEANNE McCLURE:** Yeah, it would depend on the scope--

**ALBRECHT:** --not right.

**JEANNE McCLURE:** --of the study. I would tell you, though, about, about in-- we do have engineering firms that serve as the engineer of record for different communities across the state.

**ALBRECHT:** Um-hum.

**JEANNE McCLURE:** So they don't hire their own city engineer; they hire a firm to do that work for them.

**ALBRECHT:** OK. Thank you.

**FRIESEN:** Thank you, Senator Albrecht. Any other questions from the committee? Seeing none, thank you. Any other who wish to testify in opposition to LB830? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Erdman, you can come and close. We do

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

have three letters here, proponents: Ted Johnson, Jim Levick, Mayor Robert Curry of Ogallala.

**ERDMAN:** Thank you, Senator Friesen. Thank you for sticking around, committee; I appreciate that. Senator Bostelman told me earlier today this room is difficult to hear in. That was incorrect; it's impossible. And so I heard very little of what the testimony was. I'll just surmise what they said. But Senator Albrecht brought to my attention that I have the solution now. I didn't have it until you mentioned it. We need a roundabout in Oshkosh.

**ALBRECHT:** Oh.

**ERDMAN:** So we're gonna put a roundabout on Highway 6, by Hastings where it's inappropriate. So if we put a roundabout in Oshkosh, I think that would solve our problem. It's only \$6 million. I'm being facetious. But one of the things that I didn't hear-- and by the way, this looks like this is a full engineering employment bill. They all come with their books and they tell you how things are illegal. Are they lawyers as well as engineers? None of them talked about safety. None of them talked about the concerns of the citizens. None of those people from Oshkosh are here. Safety was mentioned, but it's not their number one deal. So if I bring your attention back to, to the mayor's letter-- and he said something very important that I think needs to be reiterated, and he said: We had a petition, we had a person from the Department of Transportation come to the meeting. It didn't mean anything to those people. If the department is concerned-- if they were-- when they made that presentation to the department, why didn't they say: Hey, what can we do to slow people down, reconstruct the highway? The director talked about reconstructing the highway. Did they talk about that? Did they suggest to people, the people in Oshkosh, what we might do to help out? No. What they said is: Forget it, we're not interested. So the people of Oshkosh aren't here today to talk about the safety issues and how they feel about it, and none of those engineering studies take into consideration what people feel when they drive on that highway. So I didn't bring no 500-page document that talks about engineering studies. And you heard about we've got to apply with the federal standards, and we've got to do all these things. I've heard this for years from the Department of Transportation, OK? We had a situation back in Bridgeport and Bayard. We had things sitting on the sidewalk that were announcing things for sale, for dinner at the diner or the rose shop, roses on sale. And the department came by and said: You have to remove those and you can't have those on the sidewalk because it's our jurisdiction up to the building. And you have to remove them because, if you don't, we're

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 27, 2020

gonna lose our federal funding. Oh. So back then, I was the county commissioner, and I called the Attorney General, whose name was Jon Bruning. And I said: They're gonna pick this stuff up off the sidewalk. And they said you're gonna, you're gonna enforce it. He said: I'm not enforcing that. There's the law, and then there's the interpretation of the law, right? So one size doesn't fit all. One engineering study in this, in this area doesn't fit another area. And maybe Senator Hughes's district has a small community that needs a slower speed limit, but they don't take consideration what the people think. You see, the Department of Roads is the state of Nebraska and all the rest of us are aliens. We just live here. They're in control. And I could go on for 45 minutes on the things the Department of Roads have done over the last 10 to 12 years that I've dealt with, but I'm not going to. But I want to bring it to your attention, the fiscal note that came with the bill. And here's what the fiscal analysts said. The NDOT has indicated a potential fiscal impact exists, a potential impact. Now we didn't pick the stuff off the sidewalk in Bridgeport. Did they did lose their federal funding? No, they didn't. And so they blew smoke up our pipe all the time on that you got to watch the feds. The feds are watching us. They're gonna take away funding. I've heard that before. So they do all that, not to want to respond to the people's concerns. If the Road Department really was concerned about Oshkosh, they would have met with them and said: How can we fix this? But [INAUDIBLE] they just said: No, we're not interested in doing it, and threw the report in the trash, OK? So the department says they cannot figure out if they'll lose anything at all. There's a potential maybe, all right? And it goes on to say the NDOT was unable to provide specifics regarding the federal funding that would be lost. They can't tell you what it is, but we're sure it's gonna be something. So the people of Oshkosh sent me today, here, to talk to you about commonsense application to make their life their. And I think that's what you came here to do, because that's what I came to do: make people's lives better. And so we need to apply common sense to this situation. So I would ask you to advance LB830, move it to the floor. Let's have a discussion about common sense and actually listening to the people of the state. Thank you.

**FRIESEN:** Thank you, Senator Erdman. Any questions from the committee? Seeing none, thank you, Senator Erdman.

**ERDMAN:** Thank you.

**FRIESEN:** That will close the hearing on LB830 and the hearings for the day.