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Transportation and Telecommunications Committee January 22, 2024
Rough Draft

MOSER: Thank you. OK. If you would introduce yourself quickly again, just for the record.

PATRICK HAGGERTY: For sure. Chair, committee members, my name is Patrick Haggerty, P-a-t-r-i-c-k H-a-g-g-e-r-t-y. Here for confirmation of my appointment to Nebraska director of broadband. I intend to share a little bit about myself, a little background about myself, some background about my professional experience, and then share some of the accomplishments that we at the office are extremely proud of over the last six months. So I was born and raised in central Nebraska. I like to say I was raised by Nebraska. Product of the Grand Island Public School System. Grad-- undergraduate degree from University of Nebraska at Kearney, and then eventually got my MBA. Professionally, been in the telecom industry for 31 years, a little over 31 years. Started out right under-- undergraduate school with a company-- some of you may remember-- US West. Eventually retired from its predecessors, CenturyLink, and most recently worked for Charter Communications for approximately almost ten years as the senior regional director of government affairs. With that, I'll, I'll go into some of the accomplishments we've had over the last six months in the Office of Broadband. Very proud of them. One being the team itself. We were intended to staff to a, a number of nine individuals. We're currently at six. We've got half-- part of our communications team in place and part of our general grant administration team in place. I'm extremely proud of them. And we're very, very fortunate to have the kind of talent, experience, and, and skills that, that, that staff brings. So we've got three left to hire. We intend to do that quickly and, and very shortly. When I-- I came on board in July. We had a federal milestone to meet in August, which we did. It was the presentation or submission of our five-year plan. The five-year plan was simply an outline of how we intended to administrate the funding. You all-- you-- as you all know, Nebraska will receive \$405 million to ensure-- to meet a mandate that requires us to serve all the unserved locations in the state of Nebraska. And if there's any funding left over from that, we can get into the underserved populations as well as invest in community projects. We submitted our five-year plan prior to the August 12th deadline, which then we went immediately to work on our volume one of the initial proposal. NTIA, the federal agency that oversees this funding, put together the initial proposal in two volumes. Volume one really dealt with our maps. So for those of you that enjoy or do visit our map once in a while, you'll see it's been significantly revamped. I believe, and the feedback I've received is, that it's much easier to navigate, much easier to get the, the

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information you're looking for, and therefore will position is really well when we get into our challenge process. The public can get to that information easily. The next thing was our community anchor institutions. We had to present a definition of what we in Nebraska believe our community anchor institutions should be defined as. We define them more traditionally-- the hospitals, schools, public safety, libraries. And then the last thing to-- in, in volume one was our challenge process. We needed to outline how we intended to administrate our challenge process. We submitted volume one timely. As of last week, we had three items yet to cure. We, we believe cured those on-- per the direction or recommendation of NTIA last Friday. It's been submitted. And we hope to hear at least a verbal approval this week on volume one. Volume two then, which was due December 27, we set to work on. And that primarily dealt with all the administrative responsibilities of the office in administering these funds. So a lot of technical, a lot of how we were going to set up how we interacted with potential applicants. It's pretty straightforward. I think the uniqueness as a state for us is-- and thanks to our grants administration team for doing this. I think it's a, a smart way to go about it-- is we're going to frontload the LOI process with the managerial, technical, and financial capability to vet out. We're going to use the letter of interest to then qualify applicants. And once they become a qualified applicant, they'd then be eligible to permit their-- submit an application once we get to the applications round. I think, you know, some other great things we've done in the office in the first six months: we revamped our website to make it more public friendly, to make it more information-forward, make it more easy to navigate. I think we-- when I came into the position, we kind of set up the office on three tenants: transparency, accessibility, and ease to work with. And I think-- in everything we've done in these last six months, those those three tenants have really stood up and, and hopefully are reflected in what we've, what we've done. And then just most recently-- and then I'll stop and stand for questions-- but most recently, we transitioned. The BEAD Program itself had two components, one being the broadband deployment piece and the other being the digital equity piece. Digital equity up to a month ago was held in the OCIO's office. The individual at the head of that was planning to retire this month, actually, so we began a transition process of bringing that program into the Office of Broadband. I believe we've successfully done that. And ultimately, we'll be the administration that-- there'll be-- we're, we're anticipating \$8 million to \$9 million in that, but we'll be the office that administrates those grants when we get to the \$8 million or \$9

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million that comes. With that, I'll stop, take a breath, and stand for questions.

MOSER: OK. Two senators have joined us since we introduced ourselves.

M. CAVANAUGH: Senator Machaela Cavanaugh, District 6, west central Omaha.

FREDRICKSON: I'm Senator John Fredrickson, District 20, in central west Omaha.

MOSER: Thank you. Questions for Mr. Haggerty? Go ahead, Senator Cavanaugh.

M. CAVANAUGH: This is a, this is a really burning question. Did you follow any of the edits I made to the document on the microphone last year as I-- as I read it out loud?

PATRICK HAGGERTY: I'm, I'm sorry--

M. CAVANAUGH: You-- your, your report, your plan last year. I read the entire thing and made notes of commas and things like that.

PATRICK HAGGERTY: Senator-- committee member-- Senator, that may have been before my time. I'm not sure. I have submitted a report to this body since I've been on board, but I don't know that I reviewed yours.

M. CAVANAUGH: All right.

PATRICK HAGGERTY: Or most likely saw the draft that I, I would expect likely held your edits.

M. CAVANAUGH: I, I certainly had fun reading it, I would say. So the money that has come in and-- how much has gone out the door?

PATRICK HAGGERTY: The money hasn't come in.

M. CAVANAUGH: It hasn't come in yet.

PATRICK HAGGERTY: Yeah.

M. CAVANAUGH: OK.

PATRICK HAGGERTY: But what will come in is \$405 million.

M. CAVANAUGH: When will that--

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PATRICK HAGGERTY: When-- kind of procedurally. Talked about volume one. Talked about volume two. We'll then-- once we have volume one approved, we can begin our challenge process. That's a 90- to 120-day process. Once we've gotten through the challenge-- which, ultimately the goal of that challenge is to ensure the accuracy of our maps-- as I like to tell people to really emphasize the importance of it-- is once we've kind of locked in our unserved and underserved locations in Nebraska, that's what becomes eligible for funding. We can't go back and say, whoop, we missed these 100 households out in the panhandle. We need the funding for it. It-- not how it's going to work. It's once we submit our map, those unserved and underserved locations are inventoried. That's what we get to fund. Once we've gotten through that, as I mentioned, we'll go through a letter of interest process where it really vets out the managerial, technical, and financial capabilities of potential applicants. And once we've closed that and we have our list of eligible applicants, we'll go through the, awarding process, Senator. And then once we get all that done, we've got our applicants selected, we have to resubmit now what is our proposal to the NTIA? They'll approve it-- or, theoretically, they'll approve it-- and then we'll get the funding to, to appropriate.

M. CAVANAUGH: All right. Thank you.

MOSER: Other questions? Senator Bostelman.

BOSTELMAN: Thank you, Chairman Moser. Thank you for being here, Mr. Haggerty. Previous years, we get the financial disclosure from those who come before us, but we didn't get one for you, so. Questions-- and they didn't ask it, probably, to do one. So my questions come to investments, those type of things, and your previous company because I think it's important for us to understand that relationship, if there is one, with Charter or CenturyLink or what was Qwest. Could you talk to us about any financial investments you may have? What that might-- I mean, are they substantial or not? Just kind of give us an idea of what-- whatever type of financials, investments you may have still with those companies.

PATRICK HAGGERTY: No. Very-- Senator, committee members, very fair question. I did work with the Office of Accountability. They don't have my office currently built into their required financial-- but I have vol-- I am going to voluntarily submit my disclosures. And, and currently in the process-- worked with my financial manager to get any conflicts I have to become not a conflict. So the majority of my investments will be in funds.

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BOSTELMAN: So--

PATRICK HAGGERTY: [INAUDIBLE] have individual stock investments.

BOSTELMAN: And with your connections with, with either, Charter, CentralLink, and others too, talk to us a little bit about how you would handle those situations when it comes into grant applications that may come before you.

PATRICK HAGGERTY: Senator, committee members-- again, Senator, very fair question. Objectively, I've got no skin in the game other than I, I-- working for Nebraska to ensure by the end of this project-- which is, 2029, if not sooner for us-- that everybody in Nebraska has access to high-quality-- high-speed, quality, affordable broadband. So, yeah. Objectively.

BOSTELMAN: OK. Thank you.

MOSER: Other questions? Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you, Mr. Haggerty, for being here. What is high-speed, quality, and affordable? How do you define that?

PATRICK HAGGERTY: Senator, committee members-- well, in terms of high speed, that's defined for us by our, our federal FCC. The requirements of our-- this program is to ensure that everybody that is unserved-- which currently falls under the definition of 25 megabits down, 3 megabits up-- is, is served beyond that at 100-- at minimum, 100 down and 20 up. The majority of our deployment, Senator, I believe is going to be fiber optics, which has capabilities beyond gigabit symmetrical speeds. So I think, in terms of, of speed, we're going to have extremely positive outcomes. In terms of affordable, as you know, we don't have the authority or jurisdiction to oversee rates. So we'll expect, one, us to continue to lead on-- lean on our federal affordability programs as well as ensure that those rates are comparable across the state and, and that, that our, our providers are doing right by their, their Nebraska customers.

BRANDT: So most of our unserved and underserved in the state is in rural Nebraska. And we recognize distance is our enemy there because every mile of broadband is 30,000-plus, you know, to take that into the ground. What's our biggest challenge to get us 100% deployed across the entire state?

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PATRICK HAGGERTY: Senator, committee members, our biggest challenge to deploy across the state is just what you described. We're a large state. I had someone share kind of a, a analogy with me about when Ireland [INAUDIBLE] took on their rural broadband build, they had a little over a million passings that they had to get to that were unserved. So Ireland being half the size of Nebraska, we have about 50,000 passings, and it's probably going to be that much more difficult. But I thought it was an interesting way to look at just what that challenge is. These unserved locations around the state are-- the distance between them, it's, it's-- that's going to be our challenge, the, the lack of density we have in these areas that are unserved, as you say, rural, for sure.

BRANDT: All right. Thank you.

PATRICK HAGGERTY: Yep.

MOSER: Let's go with Senator DeBoer.

DeBOER: Thank you, Senator Moser, Chair Moser. So when you say everyone by 2029 at 25/3, do you mean everyone in the state of Nebraska, every listed location?

PATRICK HAGGERTY: Chair-- Sen-- committee members, yes. That, that is our requirement. If you want to, if you want to simplify to the furthest point possible what my mandate is, that is to ensure that everybody has services beyond that-- has access to service beyond that by 2029.

DeBOER: OK.

PATRICK HAGGERTY: I mean, I literally kind of paint the picture that they'll take that inventory of our unserved and underserved locations in the map. The mandate is around unserved. They'll take that list of addresses, be it 50,000, and they'll-- we, we will have to-- they'll audit that. We'll have to ensure that we can show that those 50,000 now have access to high speed.

DeBOER: OK. So-- I'm going to switch gears a little bit. This isn't-- how is the fiber sourcing going? Are we still having-- because one of the problems or the challenges to full deployments in the past has been sourcing fibers, sourcing those little interchange boxes, the different things like that. How's all that looking right now?

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PATRICK HAGGERTY: Chair-- committee members, I think the way I'll answer that, Senator, is that there's been national commitments made, made by a number of the manufacturers that say they, they, they've-- they guaranteed that we're not going to have a shortage of the equipment necessary to do this. And they've done so publicly. So I'm, I'm going to trust in them that that's a true statement. And, and that's probably moved down on my list in terms of concerns of doing this.

DeBOER: And you've seen so far things are kind of opening up? What about our labor? Are-- is labor going to be an issue in Nebraska?

PATRICK HAGGERTY: Chairman, committee members, to be transparent, Senator, part of our volume two plan did require workforce planning. And although we've had-- I've had a lot of conversations with the provider community as well as our Department of Labor, Nebraska Community College, I do think it's the weakest part of our, of our volume. I met with the federal Department of Labor this morning. They're going to provide a number of resources for us to build a stronger plan. The call this morning wasn't as a result of me feeling it was the weakest part of our volume. It was just something they were doing as, as, you know, standard, of course. But I think we are going to have to continue to work on that as we get closer to deployment.

DeBOER: All right. Thank you.

MOSER: Senator DeKay.

DeKAY: Thank you. Thank you, Senator Moser. Mr. Haggerty, when you're talking about underserved or unserved Nebraska, is the underserved-- would you consider that copper line in or would that be fiber too? And if you're going to replace that by 2029, would you go to the completely unserved and then come back and try to catch up with fiber on, on areas that still have copper underground or not?

PATRICK HAGGERTY: Chair, committee members, rather than defining it as technology, it's better defined as a speed. So anything below 25 megabits down, 3 megabits up is considered unserved in the state. Most likely, that's not fiber, as, as you were going to. It is copper. So, yeah. There'll be a lot of copper replacement, I'm, I'm assured. But-- and then to answer the second part of your question, we're required to ensure that the unserved population is addressed prior to anything beyond that. So, procedurally or otherwise, it's the, the right thing to do. But nonetheless, it is procedural.

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DeKAY: Thank you.

PATRICK HAGGERTY: Mm-hmm.

MOSER: Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you, Director Haggerty, for being here today and for all your work with the Department of-- the Broadband Office, I should say. I had a question a bit about the speed metric of 25/3. Can you maybe shed some light on why we're still supporting 25/3 as our metric in, in terms of inn-- infrastructure. What-- has that been considered to be revisited for higher speeds or--

PATRICK HAGGERTY: Chair, committee members, that's a good question. And, and I think it, it was-- why we're still adhering to it, because it's a federal term, and I think we've all just adopted it as that unserved definition. But I-- there's a lot of discussion about increasing that to act-- either 100/100 or 100/20. The FCC's had hearings, I believe, regarding it. They just haven't officially adopted a, a higher speed definition as of yet.

FREDRICKSON: OK. And do you anticipate that adoption to be forthcoming? Or what's your, what's your sense on the timeline for that?

PATRICK HAGGERTY: Chair, committee members, this is purely personal, but I do. I, I don't-- you know. Everything I've read, I think-- we've, we've-- there's been a lot of people advocating for that change for a number of years now. And I think ultimately, yeah, it's going to change.

FREDRICKSON: Thank you.

PATRICK HAGGERTY: Sure.

MOSER: All right. Anybody else? Well, thank you. I appreciate you coming to testify before us today. And hopefully we'll have a chance to talk a little bit later after we get our hearing completed. But thank you. Appreciate you coming in today. OK. Now, is there anyone here who would like to speak in support of the nomination of Mr. Haggerty? You've already testified. You can't testify again. One last call. Anyone here to speak in support of Patrick Haggerty as the broadband director? OK. Is there anyone here to speak against the nomination of Patrick Haggerty as broadband director? Is there anyone here to speak in the neutral capacity on the nomination of Mr.

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Haggerty? Now you can probably testify again, I suppose. OK. Thank you. That will conclude this part of our hearing. OK. The next bill up is LB1004 by Senator Hansen, relating to motorcycle, moped, and autocycle helmet provisions. Welcome to the committee, Senator Hansen.

HANSEN: Thank you, Chairman Moser. Good afternoon, Chair Moser and members of the Transportation and Telecommunications Committee. My name is Ben Hansen. That's B-e-n H-a-n-s-e-n, and I represent District 16. I am bringing a pretty straightforward bill today that cleans up state statute and simplifies its enforcement process. I introduce LB1004 with AM2128 in response, in response to the suggestions I received from law enforcement, the Department of Motor Vehicles, and experienced motorcyclists and the riding communities across the state. Currently, operators of motorcycle, motorcycles must either wear a helmet or be 21 years old, use eye protection, and take an extensive motorcycle safety course. The issues brought to my attention and addressed in LB1004 are regarding the safety courses, the out-of-state motorcyclists, and passengers of, passengers of those choosing to ride without a helmet. The basic motorcycle safety course as provided in the Motorcycle Safety Education Act is split into two portions: a three-hour online course and at least ten hours of in-person training for education on how to operate a motorcycle. Right now, a motorcyclist must take both portions before qualifying to go without a helmet. This means an individual who has been riding for 30 years must spend ten hours learning how to ride a motorcycle. We have seen tha-- we have seen that this requirement through recent legislation has overwhelmed the safety classes with skilled riders and prevents those who actually need to learn the basics of riding from attending. LB1004 with AM2128 provides a solution and guarantees adequate instructors are available to teach classes for unexperienced riders. If an individual has received their class M license prior to May 1, 2024, they will only need to take the three-hour online portion of the safety course. The Motorcycle Safety Foundation's Basic e-course is a highly interactive online program that provides riders of all skill levels with the basics of motorcycling. It has integrated graphics, photos, and videos to illustrate the lessons, and promotes lifelong learning. Once you create an account, riders can retake the course whenever they want. The e-course is advertised as an all-inclusive course that promotes alert and responsible riders. Some examples of topics it teaches are motorcycle types, controls, indicators, and equipment, basic operations, how to prepare a ride, the risk of riding, basic street strategies, strategies for common riding situations, basics for emergencies, special riding situations, and

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rider impairments. The \$20 e-course is thorough and more than sufficient for riders who have been riding already. They don't need range time practicing how to ride. However, this e-course requirement would serve as a refresher on the importance of vigilant riding before proficient motorcyclists make a decision to ride without a helmet. Now, for those who receive their M class license this year, they will be required to take the full course, both the 3-hour e-course and the 11 hour in-person portion as well. These are the individuals who would benefit from in-person instruction and time to become familiar with their bike before riding without a helmet. So to put it simply, experienced motorcyclists are only required to take the e-course before riding without a helmet. And those who start riding this year must take the entire 14-hour course. LB1004 also brings clarity for law enforcement officers on how to make decisions during a traffic violation stop. How it stands right now, law enforcement has expressed the uncertainty of knowing how to treat out-of-state riders. The statute says that an out-of-state rider must take a safety course to be able to ride without a helmet. But upon further conversation, we found that there is no way to track this or confirm if their certification is valid. With LB1004 and AM2128, law enforcement is given clear direction based on the driver's license that is presented to them. It does not mention a resident or non-- nonresident. The police officers I've spoken with are grateful for this change and expect to find the enforcement process much more attainable. And finally, LB1004 discusses the passenger. I received a lot of feedback on how unrealistic, unrealistic it is to require someone who never intends to drive a motorcycle to get a, to get a bike and take a 14-hour and \$275 course. AM2128, we get rid of this requirement and specify two applicable, applicable scenarios: passengers must either wear a helmet or, or if they are 21 years old and the operator of the bike has gained all the proper training, they can choose to ride without a helmet. In conclusion, I want to thank you for your time and consideration. I know that motorcyclists across the state have been working with the Nebraska Safety Foundation to make sure all required safeguards are in place. I do appreciate their commitment to educating their members and the riding communities. LB1004 only enhances their safety efforts and eliminates confusion for law enforcement. With that, if you have any questions, I'll do my best to answer them or defer to the testimony following me. Thank you.

MOSER: Thank you. I neglected to mention during Patrick Haggerty's nomination hearing that we had 1 letter of support for his nomination. For the helmet bill, we received 6 letters of support, 8 letters of

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opposition, and 0 neutrals. Questions for Senator Hansen? Oh, let's start-- Senator DeKay.

DeKAY: Thank you, Senator Moser. Senator Hansen, two quick questions. Number one, do side-by-sides, four-wheelers, do they fall in that same category or not as far as the current rules and--

HANSEN: From my understanding, no.

DeKAY: And then second question. With the certificate, would they have a paper certificate that the rider would have to carry on them? Or would that be something that an officer could look up on a laptop and see that they have that?

HANSEN: Yeah. And that's why it took us a bit of time to get this, to get this all put together the last time we passed this is-- right now, when you do take the course, you will turn that into the DMV as, as proof that you have taken it, and then it will be-- whenever a, a police officer does happen to pull you over, they can see it on their dashboard.

MOSER: Thank you. Senator Freg-- Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you, Senator Hansen, for being here today. I had a quick question. You mentioned in your opening a beginner cyclist versus an experienced cyclist in the differentiation of training requirements. I don't know if I missed this or not, but how, how, how is experienced versus beginner defined? I mean, obviously, beginner's new, but--

HANSEN: Sure. The difference between the e-course and the-- and then the, the full course-- the full course, you're out there with the motorcycle driving around on cones, right?

FREDRICKSON: Yeah.

HANSEN: And for someone who's been riding and is an experienced rider, we're taking that into account as part of their training already. So they don't have to go through that. The e-course is more about defensive driving skills-- you know, roads, what to look out for, the common laws of practice and stuff like that. So they still have to take that part, but not the "how to ride a motorcycle" since they've already been doing it for a long time.

FREDRICKSON: So--

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HANSEN: Except after May 1. Sorry. After May 1 of, of this year, you will have to take the whole course in order to ride without a helmet.

FREDRICKSON: So is the-- is that self-selected so people just kind of determine that they're already riding or is this something that--

HANSEN: If you have your M class endorsement on your license before May 1--

FREDRICKSON: Then you're identified as experienced.

HANSEN: --you're good.

FREDRICKSON: Got it.

HANSEN: Yeah.

FREDRICKSON: Thank you.

HANSEN: Mm-hmm.

MOSER: Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you, Senator Hansen, for bringing this bill. A point of clarification. A resident is only required to take the safety course if he is going to ride without a helmet. If he wants to get his motorcycle license, he can choose to get that without taking any safety course as long as he rides with a helmet. Is that correct?

HANSEN: That's correct.

BRANDT: All right. Thank you.

MOSER: Senator Bosn.

BOSN: Thank you. Senator Hansen, we talked about this a little bit before this hearing, but one of the questions I had deals with out-of-state drivers versus in-state drivers. And so did you get some clarification as to whether or not we can actually require something different of those in our state versus those who are out-of-state drivers, essentially creating a two-tier system? If you're a resident of Nebraska, you have to wear a helmet. If you're not a resident of Nebraska, you don't have to wear a helmet. Some would say concern, then, that we care less about your potential safety if you're not from within our borders.

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HANSEN: They still have to meet the requirements to be 21 years of age and have the proper eye protection or windshield no matter where they're from.

BOSN: OK. Just-- they don't have to take the class. And there wasn't any issues with that.

HANSEN: Yeah. That was, that was the kind of issue that we're having with law enforcement as well. They're like, well, how do we prove somebody has taken a course? And what does that mean? So we couldn't really prove that, so.

MOSER: OK. Other questions? That appears to be it, Senator. Are you going to stick around to close?

HANSEN: I will.

MOSER: OK. We're looking forward to it.

HANSEN: Thanks.

MOSER: Anybody to speak in support of Senator Hansen's bill? Welcome.

TODD MILLER: It's good to see you again. It's been a few years. I'm Todd C. Miller, T-o-d-d M-i-l-l-e-r, state coordinator, ABATE of Nebraska. We are American Bikers Aiming Towards Education. We are a group of dedicated riders that is a state motorcycle rights organization. We believe in our communities, believe in safety. And we're very proud to be a sponsor of Senator Hansen's bill. I want you to know who we are, I guess. Over the last five years, our organization alone has raised over \$102,000 for our local state communities, and that's something I, I think is important for you to understand, that we're not Sons of Anarchy. I am here today as a proponent for this cleanup bill because we have found since its enactment that there's a few things that are cutting a little bit short, and one of the things that Senator Hansen brought up is the idea of out-of-state riders and how to define that. And my discussions with law enforcement has also been the same as his. We're finding that it was too hard to define resident/nonresident. It's easier to define by, by the license-- a Nebraska license or out-of-state license. Very cut and dry for law enforcement. And it's very difficult for them to understand: if they have to-- if they have to carry a card, according to current law right now, which ones are legitimate and which ones aren't? There's so many different ones out there that it's almost impossible to know if that company has met the requirements or not. So

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in their opinion, this is a much better plan, that they still have to be 21, they still have to wear eye protection, but at least they can have some clear picture and not have to be a subjective call when there's a traffic stop. OK. The next thing we talk about is the grandfather clause. And-- that's what we call it. Or [INAUDIBLE] May 1, seasoned rider or what you want to call-- somebody that has a class M endorsement prior to the May 1st. What we are seeing-- we, we partnered up quite a bit since-- well, actually, since before this bill passed. We've been working with the Nebraska Safety Council, and we, we give "share the road" classes to new drivers. Our idea is that we can show them what motorcyclists is about and that they can maybe look twice and miss and avoid an accident or a crash. But during that process, we have found-- or, seen trainers talking to us about the lack of classes in the state. What's happening now is too many classes are being taken up by seasoned riders because they're trying to get this to pass. And what I don't want to see is a new rider not be able to take the class. I want them to be able to take this class. It's a very good class. We agree on that safety issue and that's important. The last thing I want to talk about is that-- addressing the passenger. You know, at first thought, we-- most people thought, well, you know, let, let them take the course and, and pass, but not everybody can. What we're-- what we've done here is, is inadvertently made it hard for some people to ride. I got a call, a personal phone call, from a husband and wife. She has MS. She cannot wear a helmet. She's not been able to ride in the last year because she can't wear a helmet because-- they've switched to a sidecar, and were able to up until her health declined. She was pretty excited about this bill passing until we find talking about the passenger. She-- there's no way she can ever take a skills test. She shouldn't ever have to. She will never be in charge of that motorcycle. And she wants to be able to ride with her husband-- in our state, not have to travel out to do it. So I urge you to think about the other side of this coin and pass this. It is a cleanup. We're not asking to change the restrictions. We're giving-- making seasoned riders at least take a refresher course that they can take online but then-- it doesn't take it away from everyone else. It does print a certificate that they can get that we can still submit to the DMV for that requirement. It already exists. Nothing would change. It would just be a little simpler for this.

MOSER: So you're in agreement with Senator Hansen's amendment to make it more workable?

TODD MILLER: Absolutely.

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MOSER: OK. Questions from the committee? Senator Bostelman.

BOSTELMAN: Thank you, Chairman Moser. Thank you, Mr. Miller. Just-- questions I have was you've done, done a lot of work on this, so. What do we-- how do we-- how does this address our college students, our out-of-state workers, people who are coming in-- our military folks, I think they have to wear it. I think that's required. They have to wear it [INAUDIBLE]--

TODD MILLER: Some different organizations and jobs do.

BOSTELMAN: But when we're looking at college students or people who are coming into work in the state maybe part time, how does this-- how is that taken in consideration as to--

TODD MILLER: Well, again, it would go by their license. So if they have an out-of-state Kansas license, whatever, then they would be-- have to be over 21 still and wear eye protection. That would still be part of the requirement, so.

BOSTELMAN: Even though they may live here for three or four years?

TODD MILLER: Yes.

BOSTELMAN: Another one is, is for the passengers, it's still required if you're under under 21 to have a helmet?

TODD MILLER: Yes. Yes. It's absolutely written into the bill to be 21. That was the separation of the amendment and makes sure that we address the passengers in a different way.

BOSTELMAN: Thank you.

MOSER: Other questions? Thank you very much for your testimony. Thanks for coming in today.

TODD MILLER: Thank you again.

MOSER: Anybody else to speak in support of Senator Hansen's bill? Anyone else to speak in support? OK. Is there anyone here to speak in opposition to his bill? If you're going to testify, please come up to the front row and so you'll be ready when it's your turn to testify. Page, you got to pick up their blue sheet there, please. Welcome.

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CURTIS OLSON: Good afternoon, Senators. My name's Curtis Olson. I'm living here in Lincoln in District 46. I'm speaking today in opposition to LB1004. I work at Lincoln's primary trauma center here in Lincoln, and I-- but I am not speaking on behalf of that organization. But I have been an emergency department nurse for over 20 years. And I'm speaking on behalf of myself. I am also the government affairs chair of the Nebraska Emergency Nurses Association, which has been a long-time advocate on the state and the national level for injury prevention and in support of helmet laws.

MOSER: If I could interrupt you, please. Could you spell your name for us?

CURTIS OLSON: Oh, yes. Curtis, C-u-r-t-i-s. Last name Olson, O-l-s-o-n.

MOSER: Great. Thank you. We need that for the transcribers.

CURTIS OLSON: Thanks very much for the reminder. LB30-- LB138, which was passed in the last session, revoked the state's requirement for motorcycle riders to wear helmets. This current proposed legislation further degrades protections for riders. Our opponents on this issue, ABATE, they've always been strong advocates for the freedom to ride without a helmet, but they've also always been strong advocates for motorcycle rider safety education, and this bill rolls back the requirements for safety training and consequently decreases road safety. Motorcycle crash injuries are significant and-- mechanism of injury that brings patients to Lincoln's trauma centers. And last-- 2023, 79 motorcycle crash patients were admitted to our service for major trauma. This does not include patients treated and released in the emergency department, patients that required surgical care in our facility. Patients need to arrive alive at our facility in order to be admitted. And in the second half of 2023, there were seven fatal motorcycle crashes in the Lincoln area. We expect motor-- we expected motorcycle crash injury and mortality to go up in 2024 when the helmet law went off the books. This legislation will increase those numbers even more so, we believe. I submit that the American College of Surgeons, which sets the standards for my trauma center, and the Emergency Nurses Association, which sets the standards for nursing care in our ERs, both support helmet laws to reduce mortality and injury for motorcycle riders. I was opposed to LB138 in the last session and I oppose further reduction of public safety and injury put forward in LB11-- LB1004. Thanks very much for your time.

MOSER: Questions for the testifier? Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you for being here today. I had a question. You mentioned in your testimony the idea of rolling back safety requirements or safety measures. I'm assuming-- and please correct me if I'm wrong-- but I'm assuming that was due to the proposal for changing the testing requirements from-- for the more experienced riders versus-- can you talk a bit more about that--

CURTIS OLSON: Both the testing requirements and also the passenger helmet law, both of these kind of place-- will have-- results in more riders riding helmetless, and we feel like that will increase injury and increase mortality.

FREDRICKSON: OK. And we, we heard some testifiers say today, for example, that there has been limited availability for new riders, for example, because of the amount of the capacity and ease-- I'm curious. Like, do you feel that there's any merit to that or what's-- do you have a response to that at all or--

CURTIS OLSON: I do see the merit of that argument, and I would go back to being opposed to LB138 in the last session. And this is just kind of doubling down on that, so. That was a-- LB138 was a poor start, and this just kind of builds on that as something that will increase motorcycle injuries, increase public health costs, increase really poor neurological outcomes and brain injuries after crashes like this, and mortality from motorcycles and crashes.

FREDRICKSON: OK. You also mentioned that you saw-- in the last year, I think you said there were 7--

CURTIS OLSON: 79--

FREDRICKSON: 79.

CURTIS OLSON: --patients admitted to the trauma service at my facility and 7 fatalities in the Lincoln area, just on a Google News search in the second half of 2023.

FREDRICKSON: And were those based on riding without a helmet?

CURTIS OLSON: No, those were helmeted riders. So if we have more riders riding without helmets, we're definitely going to have more brain injuries, very bad neurological outcomes, and more fatalities.

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FREDRICKSON: Sure. Thank you.

MOSER: Senator DeKay.

DeKAY: With those injuries, were most of those injuries head trauma or were they bodily injuries or combination of the two or--

CURTIS OLSON: I-- my data people keep really good statistics, and I'm-- for the purposes of this, I did not drill down that deeply. I think wearing a helmet prevents a lot of those really severe neurological injuries and really bad crashes that have prevented deaths. So right now, we have people that have broken ribs, pelvis injuries, extremity injuries, abdominal injuries, and certainly head injuries in the mix. But with these helm-- riders that are having these same crashes without a helmet, certainly those head injuries, those neurological injuries will go up significantly. And the mortality.

DeKAY: Thank you.

MOSER: Do you see currently patients come in with obviously not substantial helmets? I mean, I see people riding motorcycles with, like, little Frisbee kind of like helmets or whatever. Do, do you see that sort of thing in your practice or is that--

CURTIS OLSON: Again, we keep pretty deeply detailed statistics, but I don't have anything quite-- that might be a question for the DOT or for law enforcement. I-- we-- our data shows helmeted versus nonhelmeted. It, it really doesn't look at, is this a DOT-approved helmet or things like that. For car crashes, I can tell you-- or at least we try to collect statistics-- did the airbags deploy? Did they-- were they restrained with seat belts? Things like that. For motorcycle injuries in our data collection, its helmeted versus nonhelmeted.

MOSER: I, I didn't get the impression that the state cracked down on helmets that weren't substantial-- so that's just why I was asking.

CURTIS OLSON: Yeah, that's a question for the law enforcement or the DOT.

MOSER: Yeah. Well, I'm just-- you would have experience--

CURTIS OLSON: That's a very good question. And we have really robust data collection. It's something we might consider.

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MOSER: All right. Any further questions? Thank you very much for-- oh, I'm sorry. Senator Bosn.

BOSN: That's OK. Can you tell me, talking about the difference between passengers versus riders, do you see-- did you see any accidents last year that involved passengers on the motorcycle? Or do you know that offhand?

CURTIS OLSON: I do not know that offhand. I think, just based on my, you know, looking at all these reports, they tended to be drivers, but I didn't see any two-- two-for-one, as it were--

BOSN: OK.

CURTIS OLSON: --crashes like that. But again, I could consult my data specialist, but I don't have that.

BOSN: OK. And so would it be fair to say that, given that you weren't aware of that part, that you probably don't have any further details as to whether or not injuries are more significant for passengers if they're involved versus drivers if they're involved?

CURTIS OLSON: I don't have that data at hand, but I could probably collect that for you from my data specialist because he can find amazing stuff for me.

BOSN: OK. Thank you.

MOSER: Senator Brandt.

BRANDT: Thank you, Mr. Olson, for your testimony today. Kind of along that line: on the motorcycle accidents that come through your ER, what percent are single motorcycle and what percent involved a car and a motorcycle or, or multiple vehicles?

CURTIS OLSON: You all are asking fantastic questions that my data specialist could probably get you answers to in about five minutes. And I'm afraid I don't have those answers. I could probably--

BRANDT: And, and that's fine. But if you could-- yeah-- if you could get that to the committee at, at some point this week, that would be terrific. Thank you.

CURTIS OLSON: Thanks very much for your questions.

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MOSER: Thank you for your testimony. Anybody else to speak in opposition? You can go ahead and take your seat. Thank you. Anybody else to speak in opposition to the helmet bill modifications? Welcome.

SAM COLWELL: Thank you. Good afternoon, members of the Transportation and Telecommunications Committee. My name is Sam Colwell, S-a-m C-o-l-w-e-l-l, and I'm here on behalf of the Nebraska Association of Trial Attorneys to testify in opposition to LB1004. Simply put, NATA is concerned about the further erosion of Nebraska's motorcycle helmet law. And, and to be clear, NATA has a great respect for the motorcyclists of the state. They've built a fantastic community and, and have a great culture. And on a personal level, I've had the privilege of representing numerous motorcyclists who have sustained severe injuries. And it is absolutely true that when motorcyclists or their passengers are in a collision, most of the time it's not their fault. It's a driver who doesn't see the motorcyclist, the driver who runs a stop sign. It's the driver who turns left in front of the motorcyclist. So this isn't about the way in which motorcyclists operate their bikes. It's just not. What this is about is mitigating potentially preventable injuries that can be either life-altering or, tragically in some cases, life-ending. And NATA has a long history of supporting commonsense safety measures in front of this Legislature. And the reason that we show up in support of these safety measures is not because it helps plaintiffs', trial attorneys' bottom line-- because, spoiler: it doesn't. The reason that we're here is the same reason that you're hearing from medical and safety personnel, and that is because when you see what we've seen it's hard not to oppose efforts to repeal. And so in the interest of brevity, I'll just echo my colleagues' sentiments, and I anticipate further opposition testimony, and say that we want to see less people walking through our doors with severe brain injuries and we want to see less families walking through our doors in death cases. And I'll, I'll also point out on a, on a final matter, that, last year, proponents of the helmet repeal touted the requirement that a motorcyclist and passenger will be required to pass the Motorcycle Safety Foundation's course before they're permitted to ride a motorcycle without a helmet. And LB1004 removes that requirement for passengers. And, you know, we've heard testimony as to why, but I, I'll mention that the Motorcycle Safety Foundation's guidelines for riding with a passenger states, quote, passengers should be considered as a second active rider so they can help ensure that safety and procedural operations are correctly followed. Foundation further provides that passengers should consider themselves the second operator and share responsibility for safety. So

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in other words, LB1004, which still requires a motorcycle operator to take the foundation's course, appears to contradict the foundation's own guidelines by minimizing the role that passengers play in the safe operation of a motorcycle. And this change, coupled with the language that a nonresident need not have taken a safety course, seems to place Nebraska squarely on the trajectory of just an outright helmet repeal. And as with last year, the most likely outcome of this effort and any future repeal efforts, will just be more brain injuries and, tragically, more deaths. And so with that, I'm happy to answer any questions the committee might have.

MOSER: Questions? Senator Bostelman.

BOSTELMAN: Thank you, Chairman Moser. Mr. Colwell, question. Senator Bosn mentioned it earlier. Is there any-- do you see any issues where there's different requirements for drive-- operating motorcycle in Nebraska between a nonresident and a resident? In other, in other words, resident has to do the safety courses-- not to get their operator's license [INAUDIBLE]. However, if you're from out of state, as long as you're 21 years of age, it doesn't matter. Is there any issues that we need to consider from your, you know, any additional legal issues that, that we need to be thinking about on this?

SAM COLWELL: Thank you, Senator. I mean, I, I'm, I'm not a, a constitutional lawyer, so I don't know about the privileges and immunities and all the other things that, that are-- should be considered there. But I will just say-- I mean, if those residents are coming into Nebraska and have not taken a safety course but know they sustain a, a traumatic brain injury in Nebraska, they're going to end up retaining Nebraska counsel or have to likely at some point along the way. So just, again, from a safety perspective, we would be opposed to it on that front. And also, you know, to the extent that it is going to encourage Nebraska-- current Nebraska residents, to say, well, we're not being treated fairly under this law. We're going to need to have further repeal. We would certainly be opposed to that as well.

BOSTELMAN: Thank you.

MOSER: Other questions? Seeing none. Thank you for your testimony.

SAM COLWELL: Thank you.

MOSER: Any other opponents of the helmet law? Welcome.

TIFFANY ARMSTRONG: Good afternoon, Senator Moser and members of the Transportation and Telecommunications Committee. My name is Tiffany Armstrong, T-i-f-f-a-n-y A-r-m-s-t-r-o-n-g. I am the brain injury program leader at Madonna Rehabilitation Hospital in Omaha. I'm a registered nurse by background and have national certifications as a Certified Rehabilitation Registered Nurse and a Certified Brain Injury Specialist. I have spent most of my 18-year career as a registered nurse working with individuals with brain injuries. I'm testifying today to ask that you oppose LB1004. This bill will, will further decrease Nebraska's requirements on use of motorcycle helmets, thus increasing the potential burden on Nebraskans. The National Highway Safety-- Traffic Safety Administration, NHTSA, reported that unhelmeted riders are three times more likely than helmeted riders to sustain traumatic brain injuries in a crash. A traumatic brain injury can have devastating effects on individuals and their families. Last year, Madonna's rehabilitation organization admitted 469 moderate to severe brain injury survivors to inpatient rehabilitation and served almost 1,400 individuals across all severities. With 18 years of working at the bedside of individuals who have sustained brain injuries, I have witnessed firsthand the devastating impact of severe brain injury. Even mild traumatic brain injuries can have-- can alter an individual's life and place a heavy burden on their families. Individuals with brain injuries can experience impairments for years after an accident, if not the rest of their life. These long-term impairments range from cognitive deficits to physical injuries and emotional challenges. Individuals can also experience chronic pain, loss of productive employment, and a host of other changes that can significantly impact the quality of life. This also impacts a family, as many times they have to drastically alter their life and employment status to care for their loved one. The NHTSA reported that unhelmeted riders involved in crashes are less likely to have insurance and more likely to have higher hospital costs than helmeted riders. This means the financial burden be transferred to the state of Nebraska when an individual becomes reliant on Medicaid and Medicaid waiver programs to receive necessary treatments and assistance. Madonna's case management experts discuss Medicaid with all families of patients who have moderate to severe brain injuries because we know that the long-term needs they now have will not be covered by private insurance. I have heard arguments that unhelmeted riders involved in motorcycle collisions will face imminent death, so it should be their choice. However, that belief is not true. Out of the estimated 83,000 motorcyclists injured in 2021, only 5,932 resulted in death. This means almost 93% of motorcyclists who are injured survive. It's those

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injuries that will have an impact on emergency medical services, medical expenses, lost productivity, and other economic costs. NHTSA found that almost \$3.5 billion in economic costs and \$21 billion comprehensive costs were saved in 2017 because of motorcycle helmet use. The motorcycle helmet repeal went into effect into law on January 1, 2024. It has been three weeks that the law has been active and riders can legally choose not to wear a helmet. There has not been time to collect data on how the helmet repeal is impacting Nebraskans medically or financially. It does not make sense to further remove safeguards for responsible motorcycle use without knowing the impact that LB138 has had in Nebraska. In a study published in the Annals of Emergency Medicine, it was concluded that when Nebraska reinstated the helmet law in 1989, the state saw a 22% reduction in serious head injuries among motorcyclists. Acute medical hospital charges also declined 38% for injured motorcyclists. Nebraska cannot afford to further decrease the use of motorcycle helmets by enacting the provisions in LB1004. I urge the Transportation and Telecommunications Committee to oppose LB1004 by indefinitely postponing LB1004. Thank you.

MOSER: Questions for the testifier? Oh, I'm sorry. We're going to have to get little yellow gloves or something.

BRANDT: I guess I'll have to.

MOSER: It's all on this end over here.

BRANDT: Yeah. That must be it.

MOSER: Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you, Ms. Armstrong, for your testimony. The only question I had was, in your written testimony, this NHTSA information is from 2008. It's 16 years old. Is there anything more current than that? Surely they have statistics more current than 16 years, don't they?

TIFFANY ARMSTRONG: They do have statistics out there. It's just trying to get it in a timely manner.

BRANDT: OK.

TIFFANY ARMSTRONG: And time constraints. If you're-- if you want specific in-- information, I could definitely get that for you.

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BRANDT: Oh, I was just curious if, if the more, more recent information would differ from this. That was, that was my question, so. If you can find that, please email me.

TIFFANY ARMSTRONG: Sure.

BRANDT: Thank you.

TIFFANY ARMSTRONG: Yep.

MOSER: OK. Senator DeKay.

DeKAY: Thank you, Senator Moser. Thank you, Ms. Armstrong. This may not be a question for you, but it just popped into my mind. Of these accidents being reported, how many of these accidents are single-rider motorcyclists and-- or the accidents occurring are the result-- the passenger being injured as a result of being on the back of a bike. Do you-- the-- maybe a future testifier can answer that if you can't. I was just curious what those numbers look like.

TIFFANY ARMSTRONG: Yeah. I don't have that-- those statistics. I can tell you that we receive both injured riders and passengers at Madonna. Regionally, not just Nebraska, but with surrounding states as well. But I don't have specific numbers.

DeKAY: OK. Thank you.

TIFFANY ARMSTRONG: Mm-hmm.

MOSER: Senator Bostelman.

BOSTELMAN: Thank you. Thank you, Ms. Armstrong, for being here. Questions on Medicaid. Medicaid waiver. [INAUDIBLE] the-- is Madonna only in Omaha? Is it in other states? And then are injures [SIC] riders from other states [INAUDIBLE] from other states coming to Madonna and then-- does that state's Medicaid pick it up? Does Nebraska's Medicaid pick it up? How does that work?

TIFFANY ARMSTRONG: So we are in Lincoln and Omaha only in Nebraska, Madonna Rehabilitation Hospital is. And we receive individuals from pretty close to every state across the U.S. It will be where they legally have residence that the Medicaid program would take that they would apply for Medicaid. However, that does sometimes change depending on injury and whether they can return to the state that they're living in, things like that. So there are extenuating

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circumstances sometimes that they would end up being a Nebraska resident at some point.

BOSTELMAN: OK. Thank you.

MOSER: OK. Other comments? Thank you for your testimony.

TIFFANY ARMSTRONG: Thank you.

MOSER: Are there other opponents of the helmet bill who would like to testify? Welcome to the Transportation Committee.

KIRK VAN PELT: Thank you. Hello, committee and Senators. I am Kirk Van Pelt, K-i-r-k; last name, V-a-n P-e-l-t. I'm the road safety specialist for the Nebraska Safety Council. I'm opposing LB1004. With my experience, I have 25 years of law enforcement, fire and rescue, and I have seen firsthand collisions on motorcycles, and several very serious. But with my own experience. I love riding motorcycles. I started riding motorcycles in an early age when I grew up in the panhandle of Nebraska. And then when I moved to the state of Wyoming, I thought I was very cool and it was really neat to be able to ride a motorcycle without a helmet. And I figured, it's my life. I can do what I want. If I'm not wearing a helmet, doesn't hurt anybody else. I later would see how that was a very irresponsible statement, selfish statement. Because if I kill myself in a vehicle collision or a motorcycle collision, the ones that pay for it are my family, friends, and loved ones. When I'd come into the state of Nebraska, on I-80, I'd see the beautiful sign of "Welcome to Nebraska." Then behind it, I would see that ugly black and white sign that says "helmets required." So I'd have to pull over my motorcycle, go through my saddlebag, and get out my helmet when I entered the state of Nebraska. [INAUDIBLE] driving through the state of Nebraska. Of course. I found the law. I had to have my helmet on. Well, at a high rate of speed, I'm traveling down the highway and I hit a pothole in the middle of the road. It was a 2-foot wide, 1-foot deep pothole. And at the rate of speed I was going, I couldn't maneuver around it. I was going the speed limit. But by the time I saw it, it was too short of notice. The front wheel of my vehicle, motorcycle went into that, and it felt like my motorcycle stopped. But I kept flying. And I flew through the windshield of my motorcycle, flopping down the roadway in excruciating pain. Weirdest thing going through my mind was my body was in so much pain, but my head felt like it was gliding in a Cadillac. I wanted to pull my whole body up inside that helmet, and I didn't realize till that evening how lucky I was. I laid in bed because I laid on my side because I had no

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skin on my back. But I looked at my helmet and how it was ground down in parts and the rocks that were embedded in that helmet. And then I realized how lucky I was to be able to walk away from that collision. But there's several different things I just want to sum up about this helmet law change is the Safety Council Administration admits that this unhelmeted, unhelmeted vehicle collisions are three times more likely to be fatal. The other point is, the main key point of this law was to get more training, more education. And that's why we reduced the helmet law. But now, 22 days into this, we're already dropping the training requirements, and so we're loosening it even more. And why do we let people from out of our state have less restrictions than our own people in the state? We're being more strict with the people in our state. Needs to go across the board. We can't put up a sign that says 80 miles an hour speed limit on the interstate except if you're from Nebraska. In Nebraska, you only have-- you're only able to drive 40.

MOSER: All right. Well, thank you for your testimony. Questions for the testifier? So do you still ride a motorcycle?

KIRK VAN PELT: Very seldom.

MOSER: And you wear a helmet?

KIRK VAN PELT: I got a kickstand all the time, though.

MOSER: And you wear a helmet when you do?

KIRK VAN PELT: Yes.

MOSER: Thank you.

KIRK VAN PELT: Yup.

MOSER: Next testifier? Any other opposition to the helmet bill? Is there anyone to speak in the neutral capacity on the helmet bill? Neutral capacity. OK. That covers LB1004. Oh, I'm sorry. Senator Hansen, come on up and offer your closing remarks, please.

HANSEN: [INAUDIBLE] I'll keep this brief. I would-- when a bill has been around for 30-plus years, I think it's hard not to keep talking about it like it's the same bill. I was hoping we can kind of just stay on, on point with the amendment and the cleanup bill as opposed to the helmet law in generality of what we passed last year. But I understand some of the concerns that people have. I think the trial

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attorneys made a good point. I think they made a point for me. They pretty much opened up their testimony with saying most accidents are not actually the motorcyclists' fault, but actually other people who are driving. They, they know how to ride, but it's typically defensive driving skills or other people who are injuring them, which is the part of the training we are not getting rid of. That's the part they still have to take. They still have to take the e-course, which talks about defensive driving, how to stay out of those kind of accidents, how to watch out for other kinds of people. They just don't have to sit there and take a ten-hour course on driving a motorcycle around a bunch of orange cones because they've been doing it for 30 years already. But they still have to take the e-course, so we are not getting rid of that part. And after May 1, if you're getting a new motorcycle license, you have to take the whole thing. So we're not getting rid of those individuals. We're taking into account the experience that current motorcycle riders already have and using it as part of the training. So in, in my opinion, we're not really reducing the amount of training. We're just taking into account what they've already had. And the part where they do actually get into accidents, we're actually making them take that still with the e-course. I think I just kind of wanted to make that point. And I can't think if there's anything else. I don't think so. I just want to make sure I can answer anybody's questions while I close, so. Thank you, Chairman.

MOSEER: Questions from committee members? Senator Brandt.

BRANDT: Thank you, Chairman Moser. I guess a, a point of clarification. And I sort of caught that too with some of the testimony. People seem to think that we are dropping the requirements, and truly we're modifying the requirements. And I agree with you, Senator Hansen. I, I-- one of the testifiers you used stated that the current cost of this 14-hour course is \$275, and the cost of the e-course is \$20. Have, have you seen the e-course or taken the e-course? Is that something that's easy for most people to access and, and do?

HANSEN: Yeah. We, we-- I had my staff and myself-- we looked it up online. And from what I've heard from other current motorcycle riders, the access to it is, is easier, especially out in, like, other parts of Nebraska, more rural parts where it's much more difficult to take the riding course. They travel a lot farther. This allows them to take that-- the e-course, you know, from where they're at, and-- it's pretty accessible online.

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BRANDT: And I guess that is something I was a little astounded at when I saw the limited number of locations in the state to take the currently mandated 14-hour course. I think there's only one-- North Platte, possibly, in western Nebraska, was possibly the only, only spot you could even sign up for this course. Is that correct?

HANSEN: I'm unsure exactly. I know it's limited out west. That's-- from my understanding. But exactly how limited it is I don't know.

BRANDT: If, if you could send me that information on where those locations were available and how often the current course is offered, would help me make a decision on this, so.

HANSEN: Shouldn't be a problem.

BRANDT: You bet. Thank you.

MOSER: Other questions from committee members? Senator DeKay.

DeKAY: Just to clear it up: right now, motorcycle riders don't need to wear a helmet with the new law that passed last year. This is training that they would have to take for passengers to ride without a helmet to ride with them. You were--

HANSEN: Yeah. So the, the rider has to take this, yes--

DeKAY: Right.

HANSEN: --in order for the passenger to be elible-- eligible as well.

DeKAY: So the, the rider has to take the--

HANSEN: If the rider is un-- they didn't take the e-course and they're not eligible to ride without a helmet, the passenger is not [INAUDIBLE].

MOSER: Senator DeBoer.

DeBOER: Thank you, Senator Moser. That just brought up a question for me. So if I'm in the back riding as a passenger to someone who I didn't know I needed to ask whether they have taken the course or not-- they don't wear a helmet. I don't wear a helmet. And now we get pulled over and-- they haven't taken the safety course. I thought it was OK. Now am I in trouble because I'm not wearing a helmet?

HANSEN: That's a good question for law enforcement. I, I'm unsure.

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DeBOER: OK.

HANSEN: I would ask the person to make sure, either way. But, A, I would ride with my helmet. That's just me.

DeBOER: Yeah, I would ride with my helmet. For clarity for everyone, I would always ride with a helmet. But in that scenario--

HANSEN: Yeah.

DeBOER: --would a person face some sort of penalty for not wearing a helmet when they didn't-- they had no reason to know--

HANSEN: I would assume not, since they're not the one operating the vehicle, but I don't know.

DeBOER: OK. Thank you.

MOSER: All right. Thank you, Senator Hansen.

HANSEN: Thank you.

MOSER: Appreciate your appearance at our committee today.

HANSEN: Thanks.

MOSER: That concludes the hearing on LB1004. If you could take your conversations outside, please, so we can continue the hearing, we would appreciate it. Now we open the hearing for LB1031. Welcome, Senator Bostelman.

BOSTELMAN: Thank you. Good afternoon, Chairman Moser and members of the Transportation and Telecommunications Committee. My name is Bruce Bostelman. I spell it B-r-u-c-e B-o-s-t-e-l-m-a-n. And I represent LD 23. I'm here today to introduce LB1031. Right now, we are some subsidizing-- subsidizing big national telecommunish-- communications carriers, well-capitalized corporations to maintain infrastructure those carriers have allowed to become obsolete. LB1031 ends this poor use of public funds. These carriers have not replace their copper network with fiber even though they have received direct subsidies to do so for the past 25 years from both Nebraska and the federal government. The PSC started paying NUSF support to telecom and internet providers in September of 1999. Unfortunately, the state did not hold providers accountable for upgrading their networks, either for basic voice service or for internet services at speeds necessary

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to satisfy quickly escalating demands. I've handed out the one-- the first handout that will have the speeds on it I'm talking about and, and the-- not the speeds, but the carr-- the carriers and the reference in 1999 and today. It was not until 2019 that the PSC finally added some accountability for the use of NUSF funds through an order stating providers would only get NUSF funding if they submitted documentation that they had deployed broadband-capable infrastructure. After pressure from this Legislature and changes we made in statute, the commission in the last few years has been requiring speed tests to provide that publicly funded infrastructure is capable of providing access to the internet at speeds of at least 100/100. As some of you will remember, former State Senator-- now Congressman-- Mike Flood spoke on the floor of the Legislature specifically about providers that refuse to build out fiber and were providing poor service in the Norfolk area, how the citizens of Nebraska have been taken advantage of, and that, that change needs to be made. I have provided you with a transcript of this for comments, and I have highlighted areas I think you would find interesting to that point in the handout. You'll also have information about how much NUSF support the three price cap carriers in Nebraska received between 2005 and 2022, which is this handout. If any opponent of my bills are on that list, you should ask them what they have done with the NUSF support they have received. With the NUSF support these carriers have been receiving, they had a responsibility as a carrier of last resort, or COLR. They had their duty-- they had a duty to provide voice and broadband services to all customers in their territories, I being one of them. There are success stories. Some carriers, mostly coop-- cooperatives and family businesses, responsibly stewarded public funds. They used the funds to satisfy their COLR duties. They converted their copper networks to fiber, making them capable of providing broadband at virtually unlimited speeds. Those carriers received NUSF support and used it to build fiber not only to every business and residence and towns, but also to every farm and ranch in remote areas. Today, these carriers operate state-of-the-art infrastructure that we must make sure we maintain. We cannot afford to let it deteriorate. The NUSF is crucial to the sustainability of the fiber-based network we are building. Other carriers, which also received ample NUSF and federal USF subsidies over 25 years, have recently been granted extensions by the federal government to complete a subsidized infrastructure deployment by the end of 2028. They want more time to receive Nebraska subsidies too. Many of these carriers have not only received multiple extensions of deadlines from the feds to complete deployment obligations, but have also received enhanced subsidies to complete those preexisting

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deployment obligations. Basically, these are repeat offenders, heavily subsidized companies with carrier of last resort obligations that have never taken serio-- has never taken seriously. In 2021, I introduced LB398, which would have changed the speed requirement, requirement for receiving government funds for both building and operating broadband infrastructure. The Legislature passed part of what I was looking for, the sections mandating 100/100 speeds. To qualify for public funding to build infrastructure were amended into another legislative bill passed and signed into law. At that time, some of the telecom industry pushed back on increasing any of the speeds. They won half the battle, allowing them to continue to receive funding for operating and maintaining 25/3 infrastructure. At that time, three years ago, those telephone comp-- carriers said that a flash cut in support for operating infrastructure would strand customers. Others in the telecom [INAUDIBLE] acquiesced on this issue, as did I, reluctantly. We agreed that a carrier should not-- should have some time to transition; but we made it clear that support for obsolete infrastructure, like copper, needs to end soon. I have been asking the lobby for the last three years, when are we going to quit supporting obsolete infrastructure with public funds? We need those funds to support infrastructure that is broadband-capable. Those same telecom carriers that opposed my bill three years ago are still making the flash cut argument. Colleagues, time has run out. These same carriers have received hundreds, hundreds of millions of dollars in support from the Nebraska Universal Service Fund since its inception in the late 1990s. Please look at the information I gave you about how much they have received from the NUSF: over \$770 million. That is less than half of it. If these carriers have received that amount of money from the ratepayers of Nebraska, most have receive more from the federal USF. These carriers received a lot of money, and with that came COLR duty to provide voice and broadband services to all customers. These carriers did not use the money to, to convert their copper networks to fiber. If they had, they would have no trouble providing broadband at more than 100/100 speeds. Unfortunately, they did not. We should not be giving them more time. Rather, we should be cutting off their support. Their time should have been up a long time ago. LB1031 finally shuts off the spigot. It does so July 1, 2025. LB1031 also increases speed requirements in the last few remaining sections of statute, defining broadband as to harmonize speeds with the rest of our statutes. These sections relate to public dark fiber, public dark fiber leasing, and the work of the Nebraska Rural Broadband Task Force, which I am a member. I urge you to quickly advance LB1031 to the floor. I'd be happy to answer any questions. And I do believe

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there will be those coming behind me that could answer more technical questions if you have them. Thank you.

MOSER: Questions? Senator DeKay.

DeKAY: Thank you, Senator Moser. Senator, Senator Bostelman-- or Bo-- just a quick question here. You said many of these carriers have received multiple extensions on deadlines. With those extensions, has there been more subsidies given to them on each deadline that the-- extension that they've asked for or is that just the one time? Do you know that's a one time--

BOSTELMAN: So if I understand your question right, I mean, there's, an enhanced ACAN [SIC] that's coming up right now. There's other programs that have been in, in, in place, I believe, that are those things that have allad-- allowed them to continue to receive federal funding to support their-- 25/3 of the, the copper and not building out fiber. If that answers your question.

DeKAY: Yeah. For now. Thank you.

BOSTELMAN: And there will be-- I, I believe there may be someone behind me that could speak specifically to that too.

MOSER: Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you, Senator Bostelman, for bringing this bill and for sharing this with us. I'm kind of curious about-- you enumerate July 1, 2025 in the bill. Can you maybe shed some light as to why, why that date?

BOSTELMAN: It gives them 18 months from the time-- if you, if you figure out when this bill could get signed, put into law, gives them 18 months. Should be enough time for them to be able to come together on a decision. And, in fact, I think that date, that time frame, 18 months has actually been suggested by some telecoms.

FREDRICKSON: OK. Great. And I, I asked this question of Director Haggerty a little bit earlier, but kind of in regards to the infrastructure we're supporting, specifically the 25/3 infrastructure versus-- I, I think in your bill, you move to 100/20 and then defined broadband at 100/100. Do you have any thoughts on that or do you want to shed any perspective on the difference there?

BOSTELMAN: I'm sorry. Say it-- would you repeat your question?

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FREDRICKSON: I'm just kind of curious, like, if you have any thoughts on, you, you know, why it is that we might still be supporting 25/3 infrastructure, or.

BOSTELMAN: Yeah. That's a great question. I've lived where I've lived in Windstream's area for 20-some years, and I've asked them to build out to my house and-- actually, this committee several years ago, a lobbyist for Windstream-- I believe it was Windstream-- came in [INAUDIBLE] our area. And I asked them point blank on the mic, why don't you build out to my, to my home, to where I'm at? And said, we're not going to and we don't have-- we have no intention to do that. So you're going to have to ask them. Because I've asked. And it was testimony in this committee probably five years, maybe six years ago. And I asked that specific question. May just have made a business decision not to build out.

FREDRICKSON: Thank you.

MOSER: Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you, Senator Bostelman, for bringing this bill. I guess a point of clarification on your handout on NUSF funding, that total funding going back to 1999-- at that time, there wasn't fiber. This also-- NUSF funding is also used for voice. Is that correct?

BOSTELMAN: It was-- NUSF was for voice. But for any data, any infrastructure in here, it stated specifically it's for transmission of data. We didn't call it broadband then, but it did allow for, I guess, you call dial-up speeds and those type of things which you could use online.

BRANDT: So if I understand your testimony correctly, you used Windstream. This shows almost \$60 million given to Windstream. Do we know what percent of that has gone into the ground as fiber? Do they have to file a report on that with PSC?

BOSTELMAN: That, that'd be a great question. I'd like to, I'd like to know that because, like I said, we've lived in-- I've lived in my house since 2002, and I've asked since then if they would build out, and they haven't, so.

BRANDT: All right.

BOSTELMAN: That'd be a great question to ask them.

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BRANDT: All right. Thank you.

MOSEER: Other questions? Thank you, Senator. You're going to stick around and close, I assume, since you're--

BOSTELMAN: Yep. Thank you.

MOSEER: --on the committee. Thank you. All right. Are there supporters for Senator Bostelman's bill? Come on up. Welcome. Please-- state and spell your name, please.

CARLEY BRUNING: I'm Carley Bruning, C-a-r-l-e-y B-r-u-n-i-n-g. I'm the executive director from Thayer County Economic Development Alliance. Thayer County, we pride ourselves on the, the cost to do business and the cost of living, but it is now coming at a cost of not being able to connect to the world. For instance, when requests for proposals come down from the state or from site selectors, I have communities that have the space that could potentially have room for a data center, but I do not have the broadband requirement capacity. So I no longer can compete with other areas because of the lack-- because of the funding for obsolete infrastructure, copper, insufficient coverage, and communities without the fiber. Potential new residents will actually call and ask some of our realtors and say-- they will ask if there is broadband or high-speed internet because one of the spouses will have a work-from-anywhere job, and they will not buy the house, they will not move to our communities, they will not take our jobs, and their children will not go into our schools. So how am I supposed to continue to grow our county if this is also the obsolete infrastructure and lack of coverage is actually stunting our growth? I have a popcorn farmer that has to use hot spots on his, on his cell phone. And he has to use his data. And he has to crawl to the top of his grain bin sometimes to send emails. I have State Line Med-- Media. It is a multimedia business. This, this gentleman went to school, graduated, wanted to come back in his hometown to start this business. It takes him over 12 hours to download a wedding video that he took over the weekend. So he will start it sometimes at 7:00 or 8:00 at night. And when he wakes up in the morning, eats breakfast, he'll go check his computer and hope that it's downloaded. And when it's not, he calls me and comes into my office and has to utilize the broadband that is available in the community that I office. I have a printing shop that is out in the country and ISPs will not provide to them. So how is he supposed to download, create digital printing pieces when he can't even connect out in the rural community because that's his family home? I also have cattle producers, tractors with farm

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equipment that is getting smarter, but yet our infrastructure is not. So I am here today to, to stand in support of it because we need to look at how we can start growing greater Nebraska, and that starts with being able to connect with the world.

MOSER: Questions? Senator Brandt.

BRANDT: Thank you, Chairman Bostelman. Thank you, Ms. Bruning, for being here today. I'm proud to say that Thayer County is in District 32. Does any part of Thayer County have adequate fiber today? So if you have one of these projects come in that you could identify a community that would work for them?

CARLEY BRUNING: I do have a couple of communities that do have adequate fiber or high speed. However, they're a little landlocked. And so the spaces that I would be able to accept one of those RFPs for, like, a data center would actually be potentially outside of their jurisdiction, of their city limits, which now proposes will they at-- will they build out to it? So it-- I do have it, but the question is, will they build out to it if it's not the city limits?

BRANDT: So what's the solution to that problem?

CARLEY BRUNING: Start allowing grant dollars and public funding to help other internet service providers to come in and build out when they want to build out. Some of the grants did not allow providers that want to be in our communities in our county to build out, and so they weren't able to apply for grant dollars because they knew that it'd automatically get tossed in the trash bin.

BRANDT: So you feel that the current incumbent providers are your problem?

CARLEY BRUNING: I think that the copper and the obsolete infrastructure that has been there and continues to be there is the problem.

BRANDT: So if it-- if the current incumbent were to provide you with fiber, you don't care who's bringing it, you just need it. Is that correct?

CARLEY BRUNING: We need it. Correct.

BRANDT: All right. Thank you.

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MOSEER: Anyone else have questions? OK. Thank you for your testimony. Next supporter. How many people intend to testify on this bill? Could raise your hand. OK. Thank you. Welcome to our committee.

JAKE HULL: Thank you.

MOSEER: Please state and spell your name, please.

JAKE HULL: Mm-hmm. Good afternoon, Chairman Moser and members of the committee. My name is Jake Hull, J-a-k-e H-u-l-l, and I am the director of operations for Glenwood Telecommunications. Glenwood is based in Blue Hill, Nebraska. I drove in today to testify in support of LB1031. Thank you, Senator Bostelman, for introducing LB1031 and asking us to help. Glenwood serves customers through ten south central Nebraska counties, including Webster, where we're based. We also provide service to rural Keith County north of Lake McConaughy. Like all Nebraska incumbent local exchange carriers, Glenwood has received government support to provide telephone and broadband services to customers in rural areas. We put that support in the ground in the form of fiber. We complete-- we completed fiber deployment in all locations in Glenwood's south central Nebraska exchanges many years ago. In 2014, Glenwood acquired a large rural exchange in the Keith County area north of Lake McConaughy. In that area, we completed fiber deployment not only to the nice Lake Shore properties, but also the cattle ranches scattered through the southern Sandhills. There are not very many ranches. They're miles apart. And they're very expensive to serve. Glenwood was only able to deploy fiber to the several rural areas we serve with the help of the Nebraska Universal Services Fund. It was necessary to construct our broadband network. It is equally critical to help Glenwood cover the high cost of operating and maintaining the network. There's no way Glenwood can make a business case to continue to serve remote, rural locations without collecting excessive rates from our customers. Let me put that in terms of the customer perspective. There's no way rural customers could afford broadband without NUSF support. The cost of maintenance, such as upgrading expensive electronics needed to keep up with the evergrowing demand, is tremendous. Ongoing NUSF support is critical to the long-term sustainability of our broadband network. Outside of our traditional territory, Glenwood continues to branch out to the competit-- to competitively reach customers who do not have broadband access from their incumbent carrier. We have received Nebraska Broadband Bridge grants to deploy fiber to many of these customers. These new locations are no different than the ones Glenwood has historically served. It will take NUSF support to sustain the network

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that we're now building. Again, without ongoing support, customers cannot afford the internet and voice service. We support LB1031 because it will finally bring an end to the using public funds to prop up obsolete infrastructure. The old copper network is unavailable to offer access to the internet at speeds necessary for modern living. Access to high-speed internet is critical to all Nebraskans for basic needs like business, education, and health care. We need it to access government services and our judicial system. It is important to remember right now, competitive providers like Glenwood need NUSF to support-- NUSF support to sustain the networks we are building in rural areas. With limited public funds, like NUSF, the state must be smart in how it allocates its resources. Make no sense to continue the support obsolete-- it makes no sense to support obsolete copper network when fiber networks we are building needs support. That compares my-- that concludes my prepared testimony. I'd be happy to answer any of your questions.

MOSER: Thank you.

JAKE HULL: Any time.

MOSER: Questions for the testifier? Senator DeBoer.

DeBOER: Thank you, Chair Moser. So I assume at one point you had a copper network which you maybe received some NUSF funds for--

JAKE HULL: Absolutely.

DeBOER: --back in the day. So you've had to keep up both the fiber and the copper. Can you tell me-- is the, the maintenance of fiber more or less expensive than the maintenance of copper?

JAKE HULL: I would say maintenance is, quite honestly, probably more expensive with copper-- or, with, with fiber as far as if you have an issue. Now, long term, you have less issues, so. The cost of maintaining the fiber network overall would probably be lower than a, than a older copper network because it's a newer-- it's up to date and it's, it's [INAUDIBLE], so. I don't know if that answers your question.

DeBOER: No, that does answer my question because I'm thinking about the long term--

JAKE HULL: Absolutely.

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DeBOER: --and, what's going to have to happen with NUSF long term in terms of some of the-- this fiber network that we're building. So that answers my question. Thank you.

JAKE HULL: Yeah. Thank you.

MOSER: Other questions? OK. OK. I got it. Senator Bosn.

BOSN: I'm teasing. Can you tell me-- I can see your description here, ten south central Nebraska counties. Can you give me an approximate total number of square miles that you cover?

JAKE HULL: Probably not off the top of my head, honestly. It would basically cover from Exeter east of Highway 81 all the way out to Holdrege in the west. North Highway-- north borders about Highway 6. And south-- we'll go as far south as Hebron in Thayer County. And then, obviously, like I said, north side of Lincoln [INAUDIBLE]. We have the entire north side of Lincoln [INAUDIBLE]. Just probably ten miles south of Arthur. So quite, quite a, quite a little bit--

BOSN: Thank you.

JAKE HULL: [INAUDIBLE] there.

BOSN: Yeah.

JAKE HULL: So, sorry.

BOSN: That's OK.

JAKE HULL: Yeah.

MOSER: Senator DeKay.

DeKAY: Thank you. Going off of Senator Bosn's question. You were copper; you switched to fiber. How long-- what was the time frame it took you to do that?

JAKE HULL: We obviously pieced it together over, over some years, but-- slowly but surely. I know we started putting in sometime around 2000. May have finished up sometime around 2010, 2012, just piecing it in as, as we could with the funds we had.

DeKAY: Thank you.

JAKE HULL: Absolutely.

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MOSEK: OK. Thank you for your testimony. Anybody else here to speak in favor of--

JAKE HULL: Thank you very much, Chairman.

MOSEK: Thank you-- LB1031? If you're going to testify, get in the front row, please, so we can get switched between testifiers more quickly. Welcome.

CANDACE MEREDITH: Good afternoon. My name is Candace Meredith, C-a-n-d-a-c-e M-e-r-e-d-i-t-h, and I am the deputy director of the Nebraska Association of County Officials, also known as NACO. I'm here today and a proponent of LB1031. Thank you to Senator Bostelman for bringing this legislation aimed at encouraging existing providers to increase standard broadband speeds of 100/100 megabits per second. This proposed initiative is an important step towards enhancing the quality of life for Nebraskans, enabling them to effectively work, learn, and engage in the activities of our rapidly advancing modern world. In the current landscape, where an unprecedented amount of funding is being allocated to build out the broadband infrastructure in Nebraska, the timing is an opportune time to propel our communities forward. Access to high-speed internet is no longer a luxury for us. It is a necessity for individuals to thrive in today's interconnected society. Beyond its immediate impact on individual experiences, broadband does play a vital role as our economic driver. It is a central tool that fosters innovation, facil-- filils-- facilitates opportunities for remote work, and opens new avenues for education and telehealth. When inclusively built in our communities, broadband becomes a cornerstone for resident growth and community development. Thank you for your time.

DeKAY: Thank you. Are there any questions?

CANDACE MEREDITH: Thank you.

DeKAY: Seeing no questions, thank you. Any [INAUDIBLE] proponents? Mr. Riker [PHONETIC], you can have a seat.

BRUCE RIEKER: Vice Chair DeKay, members of the committee, my name is Bruce Rieker, B-r-u-c-e R-i-e-k-e-r. I'm the senior director of state legislative policy for Nebraska Farm Bureau, but I'm also here on behalf of eight other ag organizations: the Nebraska Cattlemen, Nebraska Corn Growers, Pork Producers, Sorghum Growers, Soybean Association, State Dairy Association, Wheat Growers, and Renewable

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Fuels. To give you an idea of what those entities comprise, they represent roughly 96% of all [INAUDIBLE] receipts for ag production in the state. I can't speak to the specifics of who's using the money right and who's not, but I can speak to the issue that this is important. And it seems to me that-- to us-- that when public funds are being used to deliver a public service, that accountability and transparency are required, and that if there are entities that aren't delivering what they're contracted to do, then the state should find somebody else to do it. This is a very important issue for us. You know, I often hear-- and I can't speak for the other folks-- but I often hear, when I'm talking to providers, that tell us that we're high cost, recipients or users. It's-- it costs a lot more money to get to us. So-- and money is limited. Money's never [INAUDIBLE]. They, they say there's never enough money. Well, if money isn't being used wisely in the NUSF fund, then I would encourage the Legislature to, to make the, the changes that need to happen. This issue is incredibly important to us. I appreciate the young lady from Thayer County who talked about the importance of what it is to their agricultural producers because-- for production reasons, the management of natural resources, all of the things that so many our people are concerned with, we have to have high-speed, reliable broadband in order to do the precision farming that not only helps us be better producers, but it's also what the consumer expects, so. There's many reasons I could talk about why this is important. I just encourage the committee to make a decision that the use of funds, public funds, are used to their highest and best use.

DeKAY: Thank you. Are there any questions for Mr. Rieker? See none, thank you. More proponents? Would you state your name and spell it for us?

EMILY HAXBY: Emily Haxby, E-m-i-l-y. Haxby is H-a-x-b-y.

DeKAY: Thank you. Go ahead.

EMILY HAXBY: I am a county board member in Gage County. I led our board's broadband committee in the building of our Rural Broadband project in 2022 and helped challenge the FCC Broadband Service map statewide. I have been committed to bringing fiber to all of Gage County-- as you know, is a very difficult process. I'm here to express my strong support for LB1031, which aims to set new infrastructure standards, specifically elevating the minimum speed requirement to 100/100. I believe that this bill is crucial for ensuring our state to keep pace with the rapidly evolving digital landscape. This must

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change now, not some date in the future. This current standard, 25/3, has become obsolete in the face of modern technical-- technological advancements. If we were to still farm with the technology we used 40 to 50 years ago, we would not be able to feed the world as it is today. LB1031 addresses this issue by recognizing the importance of higher internet speeds, setting a new benchmark that aligns with the demands of today's digital age. It's imperative that we acknowledge the necessity of faster and more reliable internet connections for various speed-- for various aspects of our lives, from education and health care to business and communication. Over the years, we have invested almost \$1 billion subsidizing copper infrastructure, yet progress has been limited. It is disheartening to witness the continuation of subsidies for copper-based services that fail to meet the requirements of our increasingly interconnected society and used to be-- used to claim locations as served. It's quite extraordinary to hear now that copper can hit speeds of 200/200 throughout an entire town. LB1031 takes a bold step in the right direction. These funds could be redirected towards carriers that are willing to invest in and provide the necessary speeds for our communities. Furthermore, we need to stress the importance of coordination among state programs. By matching speeds, we ensure that all efforts are aligned, maximizing the impact of our investments and avoiding redundant or inefficient use of resources. But we need communication, not only between programs, but between agencies and departments within those agencies. LB1031 is a forward-thinking piece of legislation that recognizes the urgency of updating our broadband standards. It reflects a commitment of progress and ensures that these funds are wisely invested in infrastructure that meets the needs of our citizens today and in the future. I urge you to support and pass LB1031 for the betterment of our state's digital infrastructure. Thank you for your time and consideration.

DeKAY: Thank you. Are there any questions? Senator Brandt.

BRANDT: Thank you, Chairman DeKay. Thank you, Ms. Haxby, for testifying today. And I know you're a leader in this, identifying these weak spots in the state. And you've done a tremendous amount of work there. Through your efforts to identify the unserved and the underserved, I guess-- were all the unserved and underserved served by a copper phone line? Can you answer that question?

EMILY HAXBY: There were some that were considered served also by a wireless, or cellular providers as well. But that was part of the challenge statewide.

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BRANDT: So I guess what I'm trying to get to is, is all the unserved in Nebraska do not necessarily have an old phone line going to that location?

EMILY HAXBY: Not necessarily.

BRANDT: Do you have any idea what the percentages are?

EMILY HAXBY: I don't, no. Sorry.

BRANDT: OK. All right.

EMILY HAXBY: I, I do know that the-- when, when we were working on that challenge process, that 200/200, when I was trying to challenge the maps, when I was asking, that was what was the claimed service throughout that town. And, and the response that I kept getting, it didn't matter where at I was in that town; it was 200/200-- which, typically you get varying speeds based on how far away you are from the infrastructure.

BRANDT: So, so if I understand your testimony correctly, an incumbent provider came in and claimed they could do 200/200 on copper?

EMILY HAXBY: Yes.

BRANDT: Is there any proof of that?

EMILY HAXBY: I'd have to look and see if I saved my chat transcript.

BRANDT: But I mean, is there any scientific proof that that could actually happen?

EMILY HAXBY: Not that I'm aware of. That's more of a technological question, but I've yet to see that.

BRANDT: All right. Thank you.

DeKAY: Thank you. Senator Bosn.

BOSN: Thank you. OK. So kind of piggybacking off of those questions: in these areas, an incumbent s-- an incumbent provider-- let's say that this passes-- what happens to those areas being served by those providers if that funding is discontinued?

EMILY HAXBY: I would assume that it would be maintained at that current level until it fails. I mean, we have-- I have copper out in

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the country, but I can tell you right now it doesn't work. Because when they put it out there, they-- it was cold when it was-- when they had to reinstall that line. And I still farm pieces of it up today because it ends up in my field, so. Just kind of depends on the maintenance. I was taking care at that point.

BOSN: So the expectation, or at least as far as you understand it, would be that if the funding is discontinued, that service provider gets nothing, they're, they're not going to be providing anything; someone new is going to have to come in, step in, and start from ground zero--

EMILY HAXBY: Hopefully.

BOSN: --and get the funding?

EMILY HAXBY: Or that company can-- that company could invest in the area as well.

BOSN: And what-- but what happens if they don't? They say they can't afford it or they can't justify the cost because of-- it's so expensive to run it and no new companies come in. Is there an obligation by any of those new companies to, to provide it?

EMILY HAXBY: I don't, I don't think they will-- we will be left with any areas where companies aren't willing to go in. There are a lot of companies out there that are, are very active in, in, in these, these grant applications or in securing other funding to build out these areas. There's, I, I would say, a handful. And I know Glenwood from their stories, and Thayer County. I've heard of some di-- some different ones in Platte County. I mean, they're all over the place. I think there are willing providers to go into all those locations.

BOSN: OK. Thank you.

DeKAY: Thank you. Are there any other questions? Seeing none, thank you.

EMILY HAXBY: Thank you.

DeKAY: Are there any other proponents? Please state your name and spell it.

SARAH MEIER: Good afternoon, members of the committee here. My name is Sarah Meier, spelled S-a-r-a-h M-e-i-e-r. And I am an attorney at

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Rembolt Ludtke Law Firm here to testify in support of LB1031 on behalf of our clients, the Nebraska Rural Broadband Alliance, the NRBA. The NRBA consists of both competitive broadband providers and incumbent telecommunications carriers. All of the-- all of those incumbent carriers are proud to say that they have deployed fiber throughout their territories. And today, I've been asked to provide testimony in my capacity as the NRBA's legal counsel on broadband matters involving state and federal regulation and funding. This bill is for the benefit of the public. We are well into the 21st century, a world which anymore requires high-speed internet to conduct much of the regular business of life. Nebraska is expected to receive over \$400 million from the federal government for deployment of high-speed internet in the coming years. This funding will go a long way toward expanding our broadband network, and this network in many areas will need to continue public funding for the same reason that public funding is needed to build the infrastructure. Not only is it expensive to construct, it is also expensive to operate and maintain, as you've heard here today. Under most Nebraska statutes, broadband infrastructure is eligible for government funding only if it is capable of providing speeds of 100/100 megabits per second, or at least 100/20. Yet funds from the Nebraska Universal Service Fund, the NUSF, are still used to support obsolete infrastructure capable of providing speeds of only 25/3. Under legislation passed three years ago-- which was also introduced by Senator Bostelman-- NUSF funds can now only be used to deploy infrastructure that is 100/100 capable. Unfortunately, ongoing NUSF support for the high cost of operating and maintaining infrastructure continues to go to providers only able to offer 25/3 service. This is an area that the federal government now considers underserved. So why are we still using Nebraska ratepayer funds to support obsolete infrastructure? This bill simply updates the speed requirements for providers to be able to qualify for ongoing support under NUSF so that the ratepayers are only subsidizing infrastructure that is compatible with the current definition of high-speed internet. Most importantly, updating this threshold for support will force many providers to quit procrastinating and to finish deploying the high-speed infrastructure that they received federal funds for years ago by eliminating any additional financial incentive to maintain this obsolete network. Right now, the system is duplicative and anti-competitive. We're using state funds to support an obsolete network, but we're sending those same funds to providers that are also receiving federal funds to deploy high-speed internet in those same areas. State and federal programs should be complementary, not duplicative. The bill also reasonably provides for a, a timeline,

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a transition period for this-- I'm sorry. I can go ahead and stop there if you guys would like me to.

DeKAY: That'll be your time.

SARAH MEIER: Yep.

DeKAY: Are there any questions? I do have one. Look at this. How will this bill affect our hardest-to-reach, remote, rural customers of the state of Nebraska?

SARAH MEIER: Yes, sir. That's a good question. And we've heard that highlighted a couple of times here today. That is a risk that we take. But we're already doing that under the Bridge Program. We're doing that by subsidizing deployment in areas for speeds of 100 by-- 100/100, where we're not requiring a COLR, a corresponding COLR duty, to serve. So we're already moving that direction anyway. And it's time that we get serious about a real transition mechanism for those customers. Cutting off-- continuing supporting 25/3 infrastructure is not the answer to getting them served with high-speed internet and the services that they need in the 21st century. We need something different.

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

SARAH MEIER: Yup. Thank you.

DeKAY: Are there any other proponents for this bill? Seeing, seeing none, now we will switch to opponents. Thank you. Announce your name and spelling for us.

BRIAN THOMPSON: Yeah. Thank you. My name is Brian Thompson, spelled B-r-i-a-n T-h-o-m-p-s-o-n. And I am the vice president of External Relations for Consolidated Companies, with our corporate headquarters here in Lincoln, Nebraska. I'm testifying also on behalf of the Nebraska Rural Independent Companies, who provide telecommunications services in, in mostly rural areas across the state. Consolidated provides service to 8,900 square miles of the state of Nebraska, which adds up to about 1/8 of the state's land mass. You can fit New Jersey and Rhode Island inside of our service area. Like other NRIC companies, our service territory is among some of the most rural and hardest to serve. In the last four years, Consolidated has invested over \$23 million in fiber upgrades to fiber to the home, even during the pandemic. This year, we are facing a 60% inflation from contractor prices. These projects included 20 rural communities across central

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Nebraska and are now fully served by fiber. And we have only two incorporated villages left to build and five unincorporated villages. The other NRIC companies have built with a similar pace. But the other part that we have to build is the rest of the farms and ranches that we haven't quite got to yet. I'm in opposition to LB1031 because the bill would disrupt the vital broadband deployment in Nebraska and would slow down companies such as Consolidated, who are on pace to build out broadband to the entire service area in the next few years. If LB1031 passed as drafted, only locations where-- which are 100% built out with fiber would get in NUSF ongoing support, leaving companies who are in the process of building in the most rural areas without support. Another concern is the bill cutoff date for the NUSF. Last fall, the FCC approved the federal USF support program called E-ACAM, and Consolidated and 11 other Nebraska companies signed up to be a part of that federal program. And it has a completion deadline of 2029. Because of the federal program, the support from NUSF, our companies have a plan to provide high-speed internet to all those locations. And in our case, we'll be building at a rate of \$7.5 million per year for the next four years. Even the broadband director for the state of Nebraska confirmed the date of the 2029 completion buildout. Finally, ongoing support is used for a lot of things, including carrier of last resort obligations, interconnection with 911, the broadband backbone, and transition to next gen 911. This year, NRIC companies will be investing nearly \$100 million in this process, mostly of their own money, to continue the buildout. With that, I'll answer any questions you might have. And following me will be an attorney, Paul Schudel, who will help with some of the technical parts that could be cleaned up in the bill to make it more useful.

MOSER: Senator DeKay, do you have a question?

DeKAY: Yes. Thank you. I see some of the companies or telecoms that you work with-- one, for curiosity's sake, is in my district. How were they able to build out completely in the short time frame that they worked in with-- in regards to some companies that are taking their time and getting to where we want to be?

BRIAN THOMPSON: Well-- and I'm not sure which company you're referring to, but there are, there are a number of ways that people have done this over the past. Our company is a family company that has been utilizing our federal support and cash flow to build our company-- to build out our network each year. There are a few companies that decided to take out a loan for the entire process all at once and then pay the loan back year over year, and-- which was kind of a big risk.

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But in some cases-- particularly many cooperative companies did it in that way. And I can think of one in your probably area of northeast community that did it that way. So there are, there are a number of ways to do this financing. And when you're a smaller family company, they didn't want to take on the big, huge \$100 million loan in one shot and preferred to do it with cash flow.

DeKAY: Well, the company I was-- the company I was referring to was Three River Telco, which I'm a customer of.

BRIAN THOMPSON: Three-- yeah. Three River is also cooperative and decided to do their project in a-- kind of an all at once with a bigger loan process.

MOSER: Senator DeBoer.

DeBOER: Thank you. So for clarity, when did you say you would be done? Will you be done by '28 or '29?

BRIAN THOMPSON: God willing, we'll be done by January of '29, but I--

DeBOER: OK.

BRIAN THOMPSON: --I mean, we're-- we've got weather. We've got supply chain. We've got all these different things that could happen to us. And, you know, hopefully we have a, a nice plan of action laid out, but. But, you know, we'll do the best we can.

DeBOER: Would it be-- let's live in dream world for a minute. Would it be possible to do it faster? Could you do it in 18 months? Could you get it done?

BRIAN THOMPSON: We have been unable to hire enough additional contractors to add to what we can do with our internal teams to do it faster than what we have planned right now. So we, we don't-- we are not feeling like it's possible for us to do it faster.

DeKAY: OK.

BRIAN THOMPSON: And I, I can only speak for Consolidated.

DeBOER: Sure.

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BRIAN THOMPSON: I can't speak for all the other companies out there, but. We're talking about doing north of 350 miles of, of rural fiber this-- each of those years.

DeBOER: And what portion of the funds necessary to do that does the NUSF funds represent? Roughly. Roughly.

BRIAN THOMPSON: Well, a smaller percentage usually. As I'm looking at this year particularly, at \$7.5 million in our capital budget, we will probably receive around \$1 million of the funds from the NUSF.

DeBOER: OK.

MOSER: Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. And thank you, Mr. Thompson, for being here and testifying. So just to kind of follow up on Senator DeBoer's questions, I'm curious. So if LB1031 were to, to pass into law, what would that look like for Consolidated and your process? What, what would happen?

BRIAN THOMPSON: Sure. Well, there are, there are quite a few questions around that because I'm, I'm not really quite sure how it would be implemented in its current format. If you would-- if it was to, say, provide no NUSF support to a company that was not fully built out-- you know, there's no proportioning of the NUSF support-- you know, for that, it would back us down in our capital capabilities by probably around \$1 million a year or more. And I think that would be problematic, you know, in, in getting the job done.

FREDRICKSON: Would that, would that delay getting the job done or would that simply prohibit the job from getting done?

BRIAN THOMPSON: More than likely, it would delay it.

FREDRICKSON: OK.

BRIAN THOMPSON: Because we would figure out what we haven't completed before, you know, our deadline, but. You know, there, there could be other ways to implement this bill and this process that would give credit for the, you know-- like I said, we have 20 of our communities done already. It's not like we've not done anything. If we were getting credit for that proportional amount of fiber deployment and exchanges that we've already finished or whatever, then that's a different scenario.

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FREDRICKSON: All right. Thank you.

MOSER: OK. Senator Brandt.

BRANDT: Thank you, Chairman Moser. See, I can [INAUDIBLE] things, yeah. Thank you, Mr. Thompson, for your testimony. So what's frustrating for me as a rural senator is I always hear about the communities, the communities, the communities, and I have no communities in my district that don't have some form of, of viable internet. It may not be as high speed as what [INAUDIBLE] would like to see. This is about deploying it to the most expensive parts of the state. And it appears to me-- and, and I'm not going to throw you in with all the incumbents, but I am-- that you guys are dragging your feet on just sucking it up and punching it out there where it needs to go. And if we'd have done this ten years ago, it'd have been half as expensive than what it, what it's going to be by the time we get done doing this. And I-- does this serve as a disincentive for you guys to get the job done out there or not?

BRIAN THOMPSON: Well, LB10-- LB1031 as written could be a disincentive, for sure. But, but in the past, we've been going as fast as we possibly could when it came to the amount of support that we had, both state and federal, to build out the network. I mean, that-- from the standpoint of the amount of, of support we got, we used it for this process. And, you know, we, we still have to maintain a long-distance network. We still have to maintain a, you know, 911 interconnection, all those different things. All those ride on fiber today. It's just that they all have to still be working and useful. 2/3 of our connections today are still landline telephones. We have to make all that work.

BRANDT: So that's copper or fiber?

BRIAN THOMPSON: It's-- it can ride on either. We're replacing all of our copper with fiber today, and we're about 2/3 done with it.

BRANDT: But if Senator Bostelman's bill were to pass, it would, would not eliminate your company from getting an NUSF grant to put fiber in. It would eliminate your company from using NUSF money to maintain the copper system. Is that how you understand it?

BRIAN THOMPSON: That would depend upon how the bill was implemented at the Public Service Commission, I would think. Or, or if it was spelled

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out more clearly inside the bill of how that implementation would happen.

BRANDT: Does your, your company get enough revenue from the ratepayers to maintain the copper today?

BRIAN THOMPSON: No.

BRANDT: How deficient are you?

BRIAN THOMPSON: Well, we have to have federal support. And I couldn't give you an exact number of what it would cost, but we have-- we've done studies for the federal system that identified locations that cost \$3,000 a month to serve. We can't charge any more than about \$60 a month for service.

BRANDT: When you say a location, you mean an individual--

BRIAN THOMPSON: An individual farm or ranch. That could cost that much to serve per month, yes.

BRANDT: All right. Thank you.

BRIAN THOMPSON: Mm-hmm.

MOSER: Senator DeKay.

DeKAY: Yeah. In the spirit of what the cooperatives did: with the USF funds, if they were guaranteed it, would it have been possible for companies to take out short-term loans to accelerate putting fiber in the ground and-- with the guaranteed funds coming, that they could have paid them back and probably not been out a lot of money and have everybody up to speed?

BRIAN THOMPSON: Well, I would say most of the companies-- the private companies, the family companies also took out loans. They just didn't take out the entire loan at one time. Our company has taking out loans to build what we've built so far because we have to wait for federal support money sometimes one, two, or three years down the road to actually get credited to us for the construction we've done. So we've had to take out bridge loan in order to, to continue to build out and, and operate.

DeKAY: Thank you.

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BRIAN THOMPSON: Mm-hmm.

MOSER: If it was really profitable and if the company was well off, had good assets, you could probably borrow as much money as you want to borrow. It's whether you pay it back or not based on the revenue you're going to have.

BRIAN THOMPSON: Well-- and you have to understand: in the last decade, we've faced a lot of different challenges related to both state and federal Universal Service Fund being, in some ways, attacked by, you know, the different policy ideas that said that they didn't-- they no longer wanted us to have [INAUDIBLE] funds. So, you know, you could borrow a lot of money, and then all of a sudden the funding that you were counting on in your business model to repay it with is gone. That's, that's pretty scary when that's your family business.

MOSER: A lot of people are drawing from the same well.

BRIAN THOMPSON: Right.

MOSER: Senator DeBoer.

DeBOER: Thank you. So part of the-- I think the, the impetus for this bill is an impatience with getting broadband throughout the state. And now at least we have a plan. When I started six years ago, there wasn't a plan to get it out, right? There was-- that was on the horizon in the future, but it-- there wasn't a plan. And until we did Senator Bostelman's bill two or three years ago, we hadn't even defined underserved and unserved in the way that we have now. So we were using other technologies. Did you have other technologies? Did you have any fixed wireless technologies that you were utilizing at some point?

BRIAN THOMPSON: We, we tested fixed wireless technologies. But in areas that we serve, our customers are so far apart, it's really unusable. We, you know, we might be able to serve one or two or three customers off of a tower, and it, it, it doesn't pencil out in any way.

DeBOER: OK. I was just curious because I think one of the troubles-- and, and maybe you can speak to this-- one of the troubles we've had in our sort of deployment over time has been that we've changed technologies over the course of deploying it. We're building the car as we've been moving along. Is that, is that something that your company has faced?

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BRIAN THOMPSON: Well, yeah. I mean, we face a lot of technology changes. Wireless was-- it-- was one-- or, is one currently. And, you know, we started deploying fiber to the farm and ranch back in 2002. And we have already had to replace basically all the hardware and software that was functioning on that fiber to the farm and ranch equipment because it became obsolete and the manufacturer quit making it, as it was over ten years old. And we had to replace it all and, and put new software and hardware in. So it, it's an ongoing, changing process no matter what.

DeBOER: I guess that's what I'll ask you next. Is it-- does it feel like the technology has sort of settled down a bit, that we're kind of in a place where we're not going to be back here five years from now saying, oh, that version of fiber, because of the, you know-- it's not just the fiber in the ground; it's also the connectors and all the different things-- where we're going to say that's obsolete. Are we kind of settled now? Is this, is this where we're going to be for a little while?

BRIAN THOMPSON: We-- I, I would say yes and no. We're-- we have an awful lot of changes coming. I would-- with the hardware and software that runs the fiber to each of the houses. You know, we're going to-- the speeds will continue to go up and-- that they'll want to offer. There'll be new products that we can basically put in place. But currently, our vendor and other vendors that are used now kind of understand that if, if they can just change the, the software and, and make it better, typically we can provide higher speed packages on the same fiber with the same equipment, so on and so forth. Another thing we've had to go through over the last few years is we've had to change out all of the, the routers in the homes with the customers that we've had on fiber because those routers became obsolete because they couldn't handle the higher speeds, 100/100 or whatever.

DeBOER: So my question then is, these changes that are happening now, though, of the total cost of maintaining a backbone, they're relatively small. Would you say that's true?

BRIAN THOMPSON: They're probably--

DeBOER: Compared to building out new fiber?

BRIAN THOMPSON: Yes, yes. If you're doing, if you're doing just software and hardware, you're probably talking about a between 20% and

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35% cost of upgrade, depending on how far you're pushing it and, and what, you know, how many customers are available, that kind of thing.

DeBOER: So are the-- is that the sort of thing that, on a fiber network, will be the reason to have the continuing NUSF maintenance? Is-- are those kinds of routine--

BRIAN THOMPSON: Oh, yes.

DeBOER: --technology upgrades?

BRIAN THOMPSON: Yeah.

DeBOER: OK.

BRIAN THOMPSON: Yes. We-- we'll have to change cards, CPUs, software every few years no matter what. They'll become obsolete, and that'll be a continual upgrade. And customer speed packages will want to get faster. They're going to want to go 1 gig, 2 gig, 8 gig, whatever and-- all those things matter.

DeBOER: 8 gig? Boy.

BRIAN THOMPSON: Yeah.

DeBOER: Well, I remember I had a computer in college that was-- had 1 gig of memory and everyone wanted to come see it. So these things change over time, so--

BRIAN THOMPSON: Yes, they do.

DeBOER: Thank you.

BRIAN THOMPSON: Yeah.

MOSEER: Other comments? OK. Thank you for your testimony. How many people still intend to testify? 1, 2, 3, 4, 5. OK. Let's try to talk about the bill instead of the state of the world because I don't think we're going to solve the world's problems today. And-- so let's talk about what the bill does, how-- this is my opinion. You can testify anything you want to say. That's just the way the rules are, but. I would say if you want to talk about the bill, it'll be very helpful to us. Welcome.

PAUL SCHUDEL: Chairman, Chairman Moser and members of the Transportation and Telecom Committee. My name is Paul Schudel, P-a-u-l

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S-c-h-u-d-e-l. I'm an attorney with the Woods Aitken Law Firm here in Lincoln. I've been engaged in practicing law since 1975, and I have represented Nebraska telecommunications companies constantly since that date. A significant part of my practice has involved advocacy before the Nebraska Public Service Commission relating to the Nebraska Telecommunications Universal Service Fund Act and its administration by the commission. I'm appearing before your committee today on behalf of the Nebraska Rural Independent Companies, consisting of 17 companies listed in Attachment A to my prepared testimony. These companies serve some of the most rural, least densely populated, and high-cost areas of Nebraska. I'm appearing in opposition to LB1031. The provisions of Section 1 of the bill are of primary concern. As this section is currently worded, three issues are presented. First, the July 1, 2025 date on page 2, line 11 does not align with the dates for implementation of the federal Enhanced Alternative Connect America Program, referred to as E-ACAM, and the Broadband Equity, Access, and Deployment Program, referred to as BEAD, which will be the primary funding sources for build out of Nebraska locations currently lacking broadband service. Both of these programs provide funding over the next five years. Thus, if Section 1 of the bill is retained, the date provided on page 2, line 11 should be changed to January 1, 2029 to align with the build out dates of these two federal support programs. And I might say: earlier this afternoon, Patrick Haggerty, of course, confirmed the 2029 date for the BEAD Program. Second, the wording on page 2, lines 11 through 14, that would deny NUSF support for infrastructure not capable of providing access to internet at 100/100 megabits is vague and will create future implementation issues for the Nebraska Commission. If Section 1 remains in the bill, it should be revised for application on a per location basis. To illustrate, if company X has 1,000 broadband serviceable locations within its commission-approved service area, as shown by the Nebraska Broadband map, and it provides 900 of such locations with broadband service, by whatever cutoff date is ultimately established by the bill, then Company X should at most be disqualified from this receipt of 10% of its NUSF ongoing expense support, not a higher percentage. Third is the issue of the 100/100 speed requirement on page 2, lines 14 and 15 of the bill. The specified speed requirements should align with E-ACAM and BEAD Program broadband speed requirements. With your permission, Senator, I'd like to continue, as I have, some technical amendments to the bill that I think would be helpful to you.

MOSER: Briefly, please.

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PAUL SCHUDEL: Yes. It's irrational to impose a broadband speed requirement for receipt of NUSF ongoing expense support that's inconsistent with these two federal programs. The foregoing issues will be resolved by implementation of the amendatory language in Section 1, set out on page 2 of my prepared testimony, which is in each of your hands. I want to make one further comment in, in regard to LB1031, namely its negative impact on the provision of telecommunications services, by which I mean voice telephone service, to all Nebraskans. The NUSF Act requires the NUSF shall provide the assistance necessary to make universal access to telecoms service available to all persons of the state. As you know, telecommunications means voice. The facts are well established that rural, high-cost networks require NUSF offering-- operating expense support for the provision, maintenance, and upgrading of facilities and services. That same network that provides broadband services provides voice services. Removing ongoing expense support would place in jeopardy emergency 911 service, lifeline service to the poor and elderly, and the essential voice service that we all recognize must be universally available. Thank you for your attention. I'll endeavor to answer any questions you might have.

MOSER: Questions? OK. Thank you very much for your testimony. Are there other opponents of LB1031 that would like to testify? Please come forward. Welcome.

MARY VAGGALIS: Thank you. Good afternoon, Chair Moser and members of the Transportation and Telecommunications Committee. My name is Mary Vaggalis, M-a-r-y V-a-g-g-a-l-i-s. And I'm appearing before you today as a reger lobbyisi-- registered lobbyist for Windstream Communications. Windstream respectfully opposes Senator Bostelman's LB1031. We feel the [INAUDIBLE] speed standard to be eligible for ongoing support from the Nebraska Universal Service Fund above the federal standard of 100/20 megabits per second is premature for a variety of reasons. The federal standard for broadband speeds is 100 megabits for downloading and 200 megabits for uploading. Windstream believes this should be continued, given the more than \$400 million yet to be deployed for broadband infrastructure through the BEAD Program. Increasing the state standard to 100/100 ahead of the whole deployment is premature. The NUSF was created to ensure every Nebraskan has access to telephone service, and to designate a service provider responsible for serving customers as a carrier of last resort. Current federal broadband programs with 100/100 standard, like the BEAD Program, are strictly broadband programs and do not include obligations to serve telephone service or any framework to transfer

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regulatory obligations. Nebraska's current regulations only make transferring obligations optional for the grant winner. This creates a service obligation gap. To ensure Nebraskans have access to phone service requires incumbent companies, like Windstream, to continue to maintain their existing copper networks alongside the government-subsidized fiber networks. If the Legislature is to move forward with LB1031 as written, this committee and the Public Service Commission must allow companies that are no longer able to receive support to seek relief from state regulations that come along with being a beneficiary of the fund. In addition, if telecommunication service funding is removed, the Public Service Commission should be directed to reduce the amount it collects from the Nebraska Universal Service Fund fees or eliminate the fees entirely, as it would represent an unfair tax on telecommunication services without any benefit. Alternatively, Windstream would support applying a 100/100 megabit per second benchmark to determine if a location is served if the Nebraska Public Service Commission would allow the existing service provider to receive a right of first refusal to support the area to upgrade its service. Universal Service Program funds exist to ensure that everyone has access to reliable service and modernize speeds. Thus, if the benchmark were increased to 100/100, it should be allowed-- it should allow current providers already servicing these areas an opportunity to receive pri-- priority access to funds that are necessary to upgrade existing networks. Windstream shares the goals of the state and this committee to upgrade broadband networks across the state and provide advanced telecommunications to all Nebraskans. However, it's important to note that the changes made to the Nebraska law, such as reverse auctions and raising the speed standard, have had a chilling effect on the deployment of NUSF funds [INAUDIBLE]-- excuse me-- on deployment of NUSF funds by the largest three companies in Nebraska, whose territories comprise a large portion of the state. With that, I'll conclude my testimony. And I'm happy to answer any questions you may have.

MOSER: Thank you. Questions for the testifier? Yes, Senator DeBoer.

DeBOER: Thank you. You were sort of reading rather quickly. So could you tell me about the right of first refusal again? I am not sure I totally understood what you're suggesting there.

MARY VAGGALIS: Sure. So currently, incumbent providers have an obligation to serve as the carrier of last resort to provide voice services. If this-- if the language of LB1031 were adopted, we'd like to have a right of first refusal to access Nebraska universal service

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funds to upgrade that territory before being overbuilt by a nonincumbent provider in that area.

DeBOER: So is that from a grant program? You want some kind of grant program to provide the money or you want to get it through the NUSF again?

MARY VAGGALIS: It could be set up either way.

DeBOER: OK. Thank you.

MOSER: OK. Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you, Ms. Vaggalis--

MARY VAGGALIS: Vaggalis.

BRANDT: Vaggalis. OK. I got that right-- for your testimony today. Did I hear you correctly that you'd be opposed to the NUSF fund because it would be taxation without benefit?

MARY VAGGALIS: Mm-hmm. Yes.

BRANDT: So is the benefit only if Windstream gets the grant; and therefore if Windstream doesn't get the grant, it's an unfair tax? Is that what you're saying?

MARY VAGGALIS: No. I, I think the, the goal of the Nebraska Universal Service Fund is, is ultimately to reach all Nebraskans, and Windstream has been using the Nebraska Universal Service Fund as well as the, the Bridge and CPF and, and federal programs [INAUDIBLE] to upgrade its network and to install fiber across its network in Nebraska. And Windstream has invested, over the last decade, about \$340 million of its own capital, in addition to state funds, to upgrade services in Nebraska. And so to essentially eliminate the, the-- some of the ongoing support that provides for our copper network, which is providing telecommunications voice service, which is different from broadband service, to Nebraskans, would be a, a disservice then to continue to charge customers for that.

BRANDT: Not to belabor the point, but could you provide me with some backup after the hearing is over on where that \$360 million was invested in the state of Nebraska?

MARY VAGGALIS: Sure.

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BRANDT: Thank you.

MOSER: All right. Thank you for your testimony.

MARY VAGGALIS: Thank you.

MOSER: Next opponent, please. Welcome.

DAYTON MURTY: Thank you. Good afternoon, Chairman Moser and members of the Transportation and Telecommunications Committee. My name is Dayton Murty, spelled D-a-y-t-o-n M-u-r-t-y. And I am testifying today in opposition to LB1031 on behalf of Charter Communications. Charter is a leading broadband connectivity company and cable operator providing superior high-speed internet, voice, video, and mobile services under the brand name Spectrum to more than 32 million customers across 41 states. In Nebraska, we serve over 167,000 customers in 91 communities. In 2022, we paid over \$20 million in taxes and fees, and we invested over \$31 million of private capital to expand our network to an additional 4,000 homes and small businesses. The new language in 86-423.02 [SIC] in this bill effectively converts the entire NUSF into a broadband fund by requiring that no NUSF support can be provided for facilities that are not capable of 100/100 megabits per second speeds. The NUSF was not originally drafted as a broadband fund and is not funded by broadband cons-- customers or the state General Fund. Instead, the NUSF was originally drafted to expand telephone networks and, to this day, is funded through surcharges on intrastate telephone customers. So regardless of whether you agree that getting robust broadband to everyone in the state is good policy-- and I think most folks agree that it is-- the Legislature must determine what the best and most equitable funding mechanism is to achieve that policy. As drafted, LB1031 would select a limited group-- traditional wireline telephone customers who already pay one of the highest universal surcharges in the nation-- as the source for bridging the digital divide. Charter doesn't see that as wise or fair. But this bill goes further than that. By setting the upload speeds at 100 megabits per second, the bill requires telephone customers to fund fiber infrastructure to each and every location in the state no matter how remote or expensive. Alternative technologies, such as fixed wireless or advanced low-earth orbit satellites, would be excluded. With \$405 million allocated in Nebraska for broadband expansion through BEAD, 80 million through capital projects funds, and \$20 million a year through the Nebraska Broadband Bridge Program, it is Charter's position that we should not fund the expansion of interstate broadband networks on

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the backs of intrastate telephone customers. For these reasons, we are opposed to LB1031. Thank you. Happy to answer any questions.

MOSER: Questions? They're going to let you off the hook with questions. Thank you.

DAYTON MURTY: Thank you.

MOSER: Other opponents? Other opponents? OK. Is anyone here to speak in the neutral capacity? Welcome.

DAN WATERMEIER: Good afternoon, Chairman Moser and members of the committee. My name is Dan Watermeier, spelled W-a-t-e-r-m-e-i-e-r. I am representing the commission's first district of the Nebraska Public Service Commission, and I'm here today to-- behalf of the commission to provide testimony in response to LB1031 in the neutral capacity. LB1031 would prohibit the commission from providing ongoing-- we have to keep this conversation [INAUDIBLE]-- ongoing, high-cost Nebraska Universal Service Fund support for infrastructure not capable of providing access to the internet at speeds of at least 100/100. Ongoing NUF [SIC] support is currently determined today differently for the large multistate companies, or the price caps, and for the smaller, more rural rate-of-return companies. Only rate-of-return carriers have ongoing support determinations based on speed metrics. For the price cap carriers operating in Nebraska-- which consists of three companies: Windstream, CenturyLink, and Frontier-- the commission has annually made determinations of how much of their overall support will be provided as ongoing support and how much would be provided as buildout support, in part to incentivize buildout. For the last two years, that percentage has been 90% for buildout and 10% for ongoing support. The impact of this bill is on, on ongoing support for those carriers is likely to be pretty variable and somewhat hard to predict at this time-- for the price caps. I want to point out that we opened the docket on NUS-139 [SIC] this last year, in which the commission is considering a number of changes to its NUSF high-cost distribution mechanism in light of the broadband infrastructure funding made available through BEAD, Capital Funds Project, Nebraska Broad-- Bridge Act, as well as changes in the federal USF support mechanisms beginning in 2024. The commission's goal is to begin transitioning the NUSF support mechanism in coordination with the infrastructure programs and upcoming changes to federal universal service support modifications. Among many questions posed in NUS-1-- 139 [SIC], the commission sought comments on adoption of a new minimum qualifications for receipt of ongoing support and the appropriate

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transition period. Some commenters asked the commission to consider ending ongoing support to carriers without networks capable of providing 100/100 by July 1, 2025. Some commenters asked for a longer transition period, giving federal deployment milestones under the FCC's enhanced A-CAM Program. The commission indicated that it would allow further input and would determine the appropriate transition period for the high-cost distribution mechanisms of 20-- for 2025. As the commission is currently considering this issue and would likely have made a similar determination regarding the use of ongoing support after its comment and hearing process-- although the traditional timeline had yet to be determined-- the commission is not opposed to this measure. I would like to thank Senator Bostelman for also proposing to update the definition of broadband speeds from 25/3 to 100/20 on the dark fiber leasing provisions and regarding the policy of the Legislature for the purpose of the rural task force. We agree that these definition sections should be modernized and support the definitions proposed. This concludes my testimony. I'd be glad to try to answer any questions. I do have with me the director, Cullen Robbins, with me that could answer some maybe specific questions and technical questions.

MOSER: OK. Questions for-- we'll start with Mr.-- Senator DeKay.

DeKAY: Thank you, Senator Moser. Thank you, Mr. Watermeier, for being here. Is there a fund set, set aside for deployment by the price carriers like Lumen and Windstream and Frontier or not?

DAN WATERMEIER: Yes. What we do with the NUSF-- it's broke down \$50 million a year. \$40 million is totally for high-cost programs: half of that for rural rate-of-return carriers, half of that for price caps. Now, the price caps, we, we designate 10% of that for ongoing support, which last year was \$2.1 million.

DeKAY: Can--

DAN WATERMEIER: And on the rate of returns, it's a totally different formula. They are based off of speed recommendations, where the price caps are not. So I think on the, on the rate of returns-- I, I'm, I'm not sure-- but I think it's around \$14 million would be considered for ongoing support in the rate-of-return carriers.

DeKAY: Do these carriers have a first chance to use that money or-- how's that money distributed?

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DAN WATERMEIER: Yes. The-- we, we distribute it basically half and half. 20%-- or, \$20 million of it to the rate of returns and \$20 million to the price caps.

MOSER: And are, are these carriers still receiving ongoing support from this fund going forward then or no?

DAN WATERMEIER: Yes. The price caps at 10% of the \$21 million, which is \$2.1 million per year. That's what they're getting for ongoing support. And keep in mind: many of the price caps are in the very highest cost areas of the state. And the NUSF, as Mr. Murty had mentioned, was designed for phone service, and that's what it was originally intended for.

DeKAY: OK. Thank you.

DAN WATERMEIER: Mm-hmm.

MOSER: Other questions? OK. Thank you for your testimony.

DAN WATERMEIER: All right. Thank you.

MOSER: Is there other testimony in the neutral? OK. Senator Bostelman, if you'd like to close.

BOSTELMAN: Thank you, Mr. Chairman. Thank you, committee members, colleagues, for the time. I want to thank all the testifiers who came in and, and testified for the bill. I appreciate the-- their testimony and things that were said. One thing I want to hand, hand out right now kind of goes to the point of what some of the opponents had talked about. This is-- and I've marked it on here. 87% of Nebraska locations and 68% of rural Nebraska locations have broadband to at least 100 megabits down and 20 megabits, according to the Nebraska Broadband Office, August 2023. So what you heard was, oh, there's so much out there we have to do. We can't afford not to have this. 90% in the state, according to the broadband office. It's already been upped to 100/20. What the bill does is says, if you have 25/3, we're not going to support 25/3. We'll support you building it out. If you build out fiber, the NUSF funds are there to support that. The bill says we're just not going to support obsolete systems that you have out. Plus, remember, this is only a portion of the dollars. Because they still get USF to support their 25/3 and others. And they get their ACAM. And they get other federal funds. So I live this. Some of you do too. There needs to be a time when we say enough's enough. We need to stop providing funding to 25/3 because we're building out the state and we

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need to provide that NUSF funding to support [INAUDIBLE] out there. We don't want to go backwards on them. We want to keep it up and [INAUDIBLE] forward. And this just encourages and continues to build that out. So we heard proponents and economic-- from the economic development, from counties, from Nebraska Rural Broadband Alliance, from NACO, from all of our ag groups, from a board member herself, from a county of the need for us to move, transition from supporting 25/3 to supporting fiber and that buildout. At lunch, I had-- today, I was with superintendents and school board members. David City Public School. They buy a hot spot and give it to their kids to take home with their devices from school because they don't have broadband to connect with. The 25/3 is obsolete. We need to focus and put our funds in to build out. ACAN-- ACAM is another program that's out there that provides all the funding they need. Plus, they get USF funding. PSC talks about their-- they're talking about this. They recognize this already too. But the PSC-- if you talk to Commissioner Watermeier and the others, I believe he would, he would agree with me, is that the PSC, what we put in statute, they follow. [INAUDIBLE] our guidance. [INAUDIBLE] what's in statute. This reinforces what they've already identified as well. They still have funds to help them on 25/3 from USF. What the bill does is take NUSF funds and give it to the fiber side of it and not support obsolete information. Again, over \$770 million. Windstream at this table previously has said, we're not building out. Nebraska isn't our focus. We're building other-- we don't care. Flat out. When's it going to end? When's it going to end? 18 months from the end of this gives them time. It's not an abrupt, short-sighted thing. It's thought out. It's talked about. Some of the, some of the providers actually came up with that number. So with that, I would ask for your support in this bill and moving it to the floor. And I'll be glad to answer any other questions that you may have.

MOSER: Senator DeBoer.

DeBOER: Thank you. So I have a technical question about the bill that I guess I didn't hear the answer to. Does this-- if, if I am built out into everything but I have two locations that I'm not built out, do I lose all of my NUSF funding or is there a proration?

BOSTELMAN: So I-- great question. I can't-- so you're saying if I have fiber out to those two locations--

DeBOER: I'm saying everywhere but.

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BOSTELMAN: --do I lose everything else? You know, great question. I don't know the answer to that, but we'll find out. My guess would be it'd just be to those locations because what we want to do-- the whole point of this is to provide the dollars, NUSF, to the fiber that we've got built out, right? You may lose it to those areas where you have copper, where [INAUDIBLE] without fiber. Does that answer-- is that where you're getting at?

DeBOER: You would say that-- let's say I have 97% built out, I have 3% not. I would, say, get 97% of my NUSF funding for ongoing maintenance and I would lose 3%?

BOSTELMAN: You would-- I think-- and we'll have to ask the appropriate depart-- agency, maybe, and ask them how that goes. PSC should be able to answer that, I believe. But I would think that they would still be able to get the NUSF funding to support the fiber and that ongoing maintenance, yes. I would hope so. I mean, that would be-- if you want intent, that would be an intent of this, is that they still maintain that. They still get that. It's just that part that's, that's copper. And we're just going to end-- and we just want to end that, so.

DeBOER: Thank you.

MOSER: Other questions? Seeing none, thank you, Senator. Appreciate your appearance before the committee today. We're going to take a five-minute break. And then we'll come back. We got two more bills, so we're probably going to be here till 5:30, 6:00. So we'll be back in about five--

[BREAK]

MOSER: Committee will come back into session to begin the discussion of LB865. And to open on that is Senator Bostelman. Welcome, Senator Bostelman.

BOSTELMAN: Thank you, Chairman Moser and members of the Transportation and Telecommunications Committee. My name is Bruce Bostelman. I spell it B-r-u-c-e B-o-s-t-e-l-m-a-n. And I represent LD 23. And I'm here today to introduce LB865. You do have a handout. I've already hand-- and it's already been handed out. I'll be speaking to that as-- here very shortly. LB865 would require every entity providing broadband services within the state to file an annual report with the Nebraska Broadband Office detailing standard internet plans and their associated rates. What I'm proposing is that broadband providers

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likewise provide a similar report that's currently provided to the FCC. And I've handed out the FCC reporting form, the DA 23-617 that you have. The report would, would include a list of standard internet plans and their associated rates to the broadband office. And this is not meant to be a reporting, duplication, or regulatory requirement. However, it is a process improvement being made with regarding to streamlining information into public service to Nebraskans while providing important information for grants and equity determinations. This will provide the public with one easily accessible location where they can find a provider's standard internet plans, internet plans, and their associated rates. This is especially important when factoring in the Broadband, Equity, Access, and Deployment, or BEAD, funding and the state digital equity plan. The equity portion of the BEAD Program is designed to reduce inequalities in a-- in the availability and affordability of broadband services. The Nebraska Information Technology Commission, NITC, in conjunction with UNL recently conducted a survey to understand and add-- and add-- address to the digital needs of Nebraskans. The survey found that only 28% of respondents have a fiber optic connection to their house, and 41% of respondents indicated that it's either very or somewhat difficult to fit their monthly internet bill into their budget. Furthermore, the Nebraska Digital Opportunities team, along with the Nebraska BEAD team, held 26 listening sessions across Nebraska. The two main issues brought up by attendees were broadband availability and affordability. 63% of respondents indicated the lack of access to high-speed internet at their homes, and 54% of respondents in-- respondents indicated the lack of affordability high-speed internet had a high impact on their communities. The results of these surveys and listening sessions raised serious concerns about the lack of affordabil-- high-speed broadband in Nebraska. These surveys did not identify the location in Nebraska, but only locations where individuals chose to respond. Having providers submit their standard internet plans and their associated rates to the broadband office could highlight disparities across the state and will help identify areas needing support to best target and utilize limited grant funds. I ask for the committee's support of LB865 and its advancement to General File. Thank you.

MOSER: Thank you. Questions from the committee? Well, thank you. Supporters of LB865? Welcome.

EMILY HAXBY: I'll cut this down because you don't need my intro because you know who I am this time.

MOSER: You have to give your name and spell it, please.

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EMILY HAXBY: OK. E-m-i-l-y H-a-x-b-y. I do support LB865. I do believe that transparency is the cornerstone of informed decision-making. By mandating providers to furnish this information regarding each standard service plan advertised by the provider and the rates associated which-- with each plan gives transparency to the people. It also helps educate funding programs as well as any entity looking to forge a new public-private partnership that expands broadband coverage. It is essential knowledge that all-- not all-- it is essential to acknowledge that not all companies can offer the same maximum speed or service as another. This may be indicative of type or level of equipment that they employ. Furthermore, the pricing structures of some companies may exponentially increase with higher speed tiers, a crucial detail that may go unnoticed if only comparing the baseline rates. Having language about nonpromotional package pricing would need to be included so that sale prices aren't reported. It should also include that all additional fees are required to receive that service, like modem, router, or phone line fees. What makes this bill even more compelling is that it already aligns with the existing nutri-- FCC nutrition labels initiative. We have the opportunity to mandate providers to report all FCC nutrition labels or the equivalent information of the program, if it becomes obsolete, to the broadband office. While providers with over 100-- 100,000 subscribers are to file this information to the FCC by April 10, 2020, those with 100,000 or fewer subscribers have until October 10, 2024. Therefore, our reporting to the broadband office for the first year should be on October 10, 2024 to match the FCC's deadline, but then subsequently July-- subsequently on July 30 for every year after. In conclusion, this proposal is a significant step towards ensuring not only transparency and pricing, but also fostering an environment conducive to the expansion of broadband. I urge you to consider and support LB865. Thank you.

MOSER: Thank you. Questions for the testifier? Well, seeing none, thank you very much.

EMILY HAXBY: Thank you.

MOSER: Other supporters of LB865? If you're going to testify, please get in the front row so we can keep things moving. Welcome.

BETH BAZYN FERRELL: Good afternoon, Chairman Moser, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials, and I'm appearing in support of LB865. We'd like to thank

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Senator Bostelman for bringing this bill to require providers to submit detailed reports on internet service plans to the Nebraska Broadband Office. We see this as a great step forward in promoting transparency and accountability with the, the broadband market. The reporting would be an important tool for the broadband office, as it undertakes the mission of ensuring that all Nebraskans have access to reliable and affordable internet services. During a broadband focus group strategic planning meeting last May, there was discussion regarding the importance of providers reporting data to the broadband office. The insights from these discussions underscored the significance of oversight and motivating providers to maintain service quality and adopt industry standard speeds and would be beneficial to the overall success and longevity of the deployment of broadband. Implementing reporting requirements creates a pathway toward a more accountable and consumer friendly broadband market. Clear reporting requirements create a framework for providers to showcase the value and reliability of their services. NACO believes that this is a great starting point to ensure that consumers are receiving standard speeds at an affordable rate. I'd be happy to answer questions.

MOSER: Thank you. Questions for the testifier? Seeing none, thank you very much. Other supporters of LB865? Greetings. Welcome.

BRUCE RIEKER: Thank you. Good afternoon, Chairman Moser, members of the committee. It'd probably take me longer to say who I'm here representing than what I have to say. But I'm Bruce Rieker. I'm senior director of legi-- oh. B-r-u-c-e R-i-e-k-e-r-- senior director of state legislative affairs for Nebraska Farm Bureau. Also here on behalf of the Nebraska Corn Growers, Nebraska Cattlemen, Pork Producers, Nebraska Sorghum Growers, Nebraska Soybean Association, the State Dairy Association, Wheat Growers Association, and Renewable Fuels. And my message is-- just be reiterating what the previous testifiers have said, that when it comes to utilizing public funds, transparency and accountability are a good thing for all stakeholders involved.

MOSER: OK. Questions for Mr. Rieker? Thank you very much for your testimony.

BRUCE RIEKER: You're welcome.

MOSER: Are there more supporters for LB865? Proponents? OK. Are there opponents of LB865? Any opponents of LB865? OK. Is there neutral testimony on LB865? Well, Senator Bostelman, come on back. He waives

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his closing. Thank you. That'll move us on to our next bill. Pages, if you could change the-- thank you. I figured there'd be a ruckus. Uh-oh.

FREDRICKSON: Uh-oh's right.

MOSER: Greetings, Senator. Welcome to Transportation and Telecommunications.

FREDRICKSON: Thank you, thank you. Good afternoon. Thank you, Chair Moser and fellow members of the Transportation and Telecommunications Committee. For the record, I am John Fredrickson, J-o-h-n F-r-e-d-r-i-c-k-s-o-n. And I represent District 20, which is in central west Omaha. I am happy to be here today to introduce LB929. This is a bill that will help ensure that Nebraskans undergoing a mental health crisis are connected to mental health professionals through the 988 crisis line as intended. In 2020, Congress enacted the Federal National Suicide Hotline Designation Act, which established 988 as the universal three-digit number for the purpose of the National Suicide Prevention and Mental Health Crisis Hotline. This number became operational in 2022. Boys Town serves as the call center for the 988 line, and will be here today to talk about how our state is a leader in 988 services. I introduced LR202 last interim to examine gaps in our state's mental health services. As part of this interim study, we learned that 988 operators may currently use 911 as they deem appropriate, but 911 is not doing this in reverse. This means law enforcement are still responding to mental health calls that currently come through the 911 system. Part of the benefit of the 988 system as designed was alleviating stress on the 911 system for mental health-related calls that do not require a law enforcement response. According to the National Alliance on Mental Illness, 20% of law enforcement's staff time is spent responding to and transporting people in acute psychological distress. Everything we hear from law enforcement in Nebraska reinforces this point. I hear it consistently in my own discussions, including in discussions with Douglas County Sheriff Aaron Hanson and other law enforcement officials. So I introduced LB929, which accomplishes several things. First, it ensures that Nebraska will continue to utilize the 988 system by establishing it in statute. Second, it provides that the Public Service Commission shall adopt standards for technical enhancement, support, and training that will allow the 911 system to interoperate with the 988 system. Third, it removes liability concerns that may currently make the 911 system hesitant to work with 988. For 988 to fulfill its purpose, we need the systems to work collaboratively. The Substance Abuse and

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Mental Health Service Administration makes clear that having these systems collaborate is part of the federal goals. SAMHSA is working towards a long-term vision of strong coordination between 988 and 911 so that people get the most appropriate care in a moment of crisis. So this conversation is happening at the federal level and in many states across the country. There's recognition that there continues to be many contacts made with the 911 system that should, in fact, be going to 988. LB929 seeks to remedy that. There are constraints in place, as the Public Service Commission will point out in its testimony today. There are georouting differences between the two systems that make things a little bit challenging. I originally wrote this bill to provide for a direct transfer of calls between the two systems. But in meeting with the PSC, it became clear that warm transfers-- where an operator may bring on an operator from the other system-- is a more practical way of moving forward rather than direct transfers. So we wrote the bill in a way that will allow flexibility as the technology catches up. The important thing now is to make sure that 988 is a resource available to 911 operators as they may deem appropriate. I have been very encouraged in my discussions with operators for both the 988 and 911 systems. Lancaster County 911 is already moving forward to utilize the 988 resource, understanding the value this can bring to their operations. And Boys Town has done really an incredible job with 988. Both of them will be here today to testify. I have also filed an amendment to the bill. AM2080 follows the advice of counsel and simply places liability protections already in the bill within its own section, making it consistent with how these liability protections are treated in similar statutes. This amendment doesn't change anything related to the substance of the bill. Finally, I would put out that there is no fiscal note on the bill and would ask you to advance LB929 with AM2080. With that, I'll be glad to answer any questions you may have.

MOSER: Questions? Yes, Senator DeBoer.

DeBOER: Thank you. So somebody suggested to me that maybe the technology isn't up to date enough to allow this to happen yet. Do you have any information on the technology?

FREDRICKSON: Yes. So thank you for that question, Senator DeBoer. So essentially, the way we originally had the bill written was for direct transfers to occur, and we did learn that the technology was not up to date for that. So we switched that to warm transfers. So if you're a 911 operator getting a call on your system, you'd be able to make what's called a warm transfer. So they would call 988 and

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warm-transfer the caller that way, as opposed to a direct transfer, which would prohibit that. The technologies eventually will be up to date, but this will sort of allow for that mitigation.

DeBOER: A kind of patch in the meantime.

FREDRICKSON: Yep.

DeBOER: Thank you.

MOSER: Senator Bosn.

BOSN: Are you staying warm as in, like, w-a-r-m?

FREDRICKSON: Oh, yes. So that's a--

BOSN: OK. Sorry. I just-- you were talking in that direction and-- unfortunately-- both times you said it, and I couldn't see, so I wasn't sure. What is a warm transfer versus a direct transfer?

FREDRICKSON: So thank you for that question. So a direct transfer would be-- so if I got a phone call and I just entered, like, an extension for Senator Bosn, hung up, and it went right to you--

BOSN: OK.

FREDRICKSON: --a warm transfer would be if I have a caller on the phone, I can call you and say, hi, Senator Bosn. This is Senator Fredrickson. I've got a caller for you regarding X, Y, Z, and then connect the two of you. So it's more of a direct-- a handoff [INAUDIBLE] as opposed to just a direct--

BOSN: And that's the technology issue that wasn't allowed for with direct transfers that you were talking about?

FREDRICKSON: That's my understanding.

BOSN: OK. Sorry. Thanks.

MOSER: Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you, Senator Fredrickson, for bringing this. Clarify for me then: the intent of the bill is to go from 911 gets a phone call and, and they believe that 988, Boys Town can help them-- so, so my ques-- and then this would enable that to

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happen. So now 988 is helping this individual, determines they need 911 help. Is the ability there to go back to the 911 operator?

FREDRICKSON: Yes. So the way we currently have it set up, 988 is already ready to utilize 911 as indicated. So if there's a caller to 988 and the 988 counselors deem that 911 is indicated, they're able to collaborate in that direction. This bill would allow the collaboration to go in both directions. So if 911 gets a call and they say, hey, this is actually more appropriate for a mental health counselor, they'll be able to transfer the call in the other direction.

BRANDT: All right. Thank you.

MOSER: Other questions? OK. Thank you very much, Senator. Appreciate that. Are there supporters of LB929? Please come forward. Welcome to Transportation and Telecommunications.

MATTHEW HARWELL: Thank you. Good afternoon, Chairmen and Senators. My name is Matthew Harwell, M-a-t-t-h-e-w. Last name is H-a-r-w-e-l-l. As a public safety dispatch supervisor with the Lincoln Emergency Communications Center at the Lincoln Police Department, I am pleased to appear before you in support of LB929. This bill provides for coordination of the 911 service system and the 988 Suicide and Crisis Lifeline. Daily in 911, we are trusted to provide the appropriate services to our community members during an emergency in their time of need. For too long, we have been ill-equipped for those that reach out experiencing a mental health crisis, sending the same response that we would send in a criminal event. The collaboration between 988 and 911 empowers us to connect the caller with the most appropriate response during the crisis, which might be connecting them to a mental health professional. However, this is only possible with the dual capabilities that this bill is putting into place. To highlight the significant importance of this, I would like to share some brief statistics from the Lincoln Emergency Communication Center. During the last six months of 2023, our team answered just under 6,000 calls regarding persons in a mental health crisis. Though we were able to send a law enforcement officer, it meant a 911 dispatcher would be dedicated to the caller until the officer arrived-- many of those situations where a 988 call taker is better trained and equipped. Yes, each of these times we provided a response, but we did not have the capacity to provide the same response or services as 988 to contribute to the future well-being of that caller or the caller's family member. We are current-- or, we are currently completing processes to support a collaboration between 988's and the Lincoln Emergency Communication

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Center to provide direct line access to 911 dispatchers to those 918--988 call takers, that warm transfer. It remains a priority that our community members trust that placing a call to 911 will connect them to the right resource in their time of need. The Lincoln Emergency Communication Center not only supports LB929, but we are committed to piloting this partnership while acting out of the responsibilities of our services outlined within the bill. LB929 will address gaps in reliability in 911 for emergency services, recognizing the critical role 988 plays in the first response to mental health crises. On behalf of the leadership and team at the Lincoln Emergency Communications Center and the Lincoln Police Department, I want to thank your committee, the Transportation and Telecommunications Committee, for this opportunity to speak. And I'm available for questions.

MOSER: All right. Questions? Sounds like you're doing good work. Thank you.

MATTHEW HARWELL: Thank you.

MOSER: Other supporters of LB929? I like that you're racing each other to get up to testify. Welcome.

KYLE KINNEY: Thank you. Good afternoon, Chairman Moser and members of the Transportation and Telecommunications Committee. For the record, my name is Kyle Kinney, spelled K-y-l-e K-i-n-n-e-y. I'm the manager of the 988 Nebraska Suicide and Crisis Lifeline at the Boys Town National Hotline. We appreciate Senator Fredrickson introducing LB929. The intent of the bill, as I understand, is to, one, ensure legal liability protections to persons providing 988 and 911 system services and, two, adopt statewide uniform standards to prepare and facilitate 911 systems communications with the 988 Suicide and Crisis Lifeline. As cited in the bill language, in 2020, Congress enacted the National Suicide Hotline Designation Act, designating 988 as the United States universal three-digit telephone number for the National Suicide Prevention and Mental Health Crisis System, previously the National Suicide Prevention Lifeline. The three-digit 988 number became operational nationally in July of 2022. Before serving as the 988 Nebraska Suicide and Crisis Lifeline, Boys Town operated as the provider of the Nebraska Suicide Prevention Lifeline call center and as the backup call center for the National Lifeline since 2005. The intention of the 988 Suicide and Crisis Lifeline is to serve as an alternative to 911 in addressing the growing need for mental and health-related-- mental health-related crisis intervention. Since the

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implementation of the 988 Nebraska Suicide and Crisis Lifeline, our Nebraska Center has received over 38,000 calls, chats, and texts seeking mental, behavioral, substance abuse, and suicide support. 96% of these contacts were able to be resolved over the phone, meaning callers in crisis were able to receive help and resolution without ending up in police contact or in the waiting room of an emergency room. Conversely, when a caller's level of crisis requires it, we are equipped to initiate emergency intervention via the local 911 center, which occurs for just under 3% of all contacts. This 988 Nebraska data illustrates not only the need for mental health and suicide crisis intervention but the impact that this critical resource has had on quality of life. LB929 will help to ensure this potentially lifesaving tool is available for Nebraskans well into the future. As indicated in the data reported, 988 does, does initiate collaborative communication with 911 centers statewide to connect callers in imminent need of emergency intervention. We are excited about our partnership with the 911 center here in Lincoln to pilot a process for 911 to warm handoff appropriate callers to our crisis counselors at the 988 Nebraska crisis line. Prior to this pilot project, 911 calls from individuals seeking mental health or suicide intervention crisis assistance have not been referred to the 988 Suicide and Crisis Lifeline. It is an exciting development. Boys Town believes that mutual collaboration between 988 crisis counselors and 911 operators will ensure that the health and well-being needs of individuals in crisis are being addressed by those specifically trained to intervene in the caller's area of need. I open up for questions.

MOSER: Questions? Senator Bostelman.

BOSTELMAN: Thank you, Chairman Moser. And I'm sure Fredri-- Sen-- Senator Fredrickson explained it well, and sometimes it's just hard to hear in this room.

KYLE KINNEY: Sure.

BOSTELMAN: I can hear your voice real well, so that's good.

KYLE KINNEY: I talk for a living.

BOSTELMAN: [INAUDIBLE]. So a call comes into 911, and that's just a matter of referring it to 988-- call-- to--

KYLE KINNEY: Yeah. So through a series of, of protocols and qualifiers, they'll identify, this does not require a law enforcement

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or emergency medical intervention. It's something more mental health, behavioral health, substance abuse, suicide. They will offer it because it's got to be-- it is a voluntary service-- offer it. And then patch in-- caller will have a dedicated pilot. They'll call that dedicated pilot. Our crisis counselor will come online. They'll make the warm handoff. And then at that point, we will take ownership of the call. If at some point during that call they are determined to be at imminent risk of harm to self for others, we can then reroute it right back to 911 through their designated access number.

BOSTELMAN: So on the telecommunications side itself--

KYLE KINNEY: Yeah.

BOSTELMAN: --is there any differences, software or anything else, difference that has to come into this? Or is it just using existing systems to just be able to connect to--

KYLE KINNEY: I think as it, as it relates to-- the how-- so the bigger piece with this is that geolocation, georouting issues that 911 has access to. The FCC and Congress would have to change some laws that would give us access to that. That's not anytime soon. I think our best bet would be a georouting protocol. But even then, that wouldn't allow an alignment of technology cleanly. From a service delivery side, the warm handoff probably at this point is a better option anyway because then it allows that caller to be handed off in a warm way rather than a, a cold transfer, where they-- they don't really know who they're getting dropped off-- let me give you an example of the negative. If they were to hang up in that transition-- you have a caller who's called 911. They suspect a good disposition would be a mental health, but you really don't know until we've received it. So if they hang up and cold transfer, who owns that? Where did it go? Who makes the follow-up? Did it even get to us? That kind of thing. So until there is a better of alignment of process and protocols and technology, the warm handoff probably is the, in my opinion, the better option anyway. So while it would be-- some of that technology would be nice from an interventions standpoint, I think from a user standpoint, from the caller's perspective, this is, this is a good plan.

BOSTELMAN: OK. Thank you.

MOSER: Senator DeKay.

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DeKAY: Thank you. At any one time, how many 988 counselors are available to--

KYLE KINNEY: Yeah. We-- so we staff by volume. At, at our most busiest times of the day, which is going to be any time after 4 p.m. till about 2 a.m., there might be 10, 12 on. Our slowest times of the day is-- we do-- [INAUDIBLE] about four or five. So, like, after 3 a.m. to about 9 a.m., that's the-- that would be the slowest time.

DeKAY: So if all those counselors were-- their time was being used at that time, it would stay on the 911 without transfer?

KYLE KINNEY: Correct. So we currently have real high answer rates, real high service levels. We answered 95% of our calls within nine seconds. So we do staff well, and that's always been ours, Nebraska's, DHHS's intent to service this thing well. And so they would have a direct route that would go into our queue. If for some reason they caught us during a call spike, it would then-- they would, they would hold on to it and serve it like they would normally. So they would-- there would never be this left hanging-- no. That [INAUDIBLE].

DeKAY: Yeah. Thank you. I appreciate it.

KYLE KINNEY: Yeah. Sure.

MOSER: So if you see a missed call, you'd call them back.

KYLE KINNEY: If it was 911, probab-- yes. If it-- the-- and so with the anonymity of 988, we wouldn't cold--

MOSER: [INAUDIBLE].

KYLE KINNEY: --we, we wouldn't call-- we wouldn't on purpose cold call without knowing who that was. For the sake of the committee-- I'm guessing we don't want to talk about today-- but for a lot of reasons, we wouldn't just cold call somebody. Because we do get a l-- we do get domestic violence and some of those kinds of situations. We don't necessarily want to pop in on someone we don't know who we're looking for.

MOSER: One place I worked had a-- you dial 9 to get an outside line, and then you dial 1 to dial long distance. And then if you hit another 1, boom.

KYLE KINNEY: Yeah.

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MOSER: There you are. And so I realized-- I hung up. And they called back. And they said, we had a call from this number. Is everything OK? Which, it was me, so I'm relatively OK [INAUDIBLE].

KYLE KINNEY: And I, I do want to give assurance on that, even on that one. So because of the national routing that does come with 988, there are those backup centers like we talk-- I-- that Boys Town has been in the past. So at a min--

MOSER: Also, a call could get transferred [INAUDIBLE]--

KYLE KINNEY: A call at, at-- from the, the national routing, yeah. It would, it would route to a national backup. The 9-- the 911 transfers would not. They would stay within our queue because there wouldn't be in-- a reason--

MOSER: They're more geographically--

KYLE KINNEY: Yeah. Correct.

MOSER: --[INAUDIBLE]. Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you, Mr. Kinney, for your testimony today. You serve the entire state of Nebraska, is that correct?

KYLE KINNEY: Correct.

BRANDT: OK. How many phone calls annually does that represent from where you guys sit?

KYLE KINNEY: So in the first year, we had 18,000 contacts. We're going to be well over that. So far, we've had 38,000 contacts in 18 months.

BRANDT: But that's contacts. How many of those are repeat callers?

KYLE KINNEY: Oh, so about 15% of our callers are what we would call a treatment plan caller. So someone who is probably-- most likely suffering from severe and persistent mental illness, where we're going to create an individualized treatment plan so when they call we're going to address their needs specifically. We've, we've likely connected with perhaps their service providers. These are folks that, by and large, have a lot of services. Not so much a service navigation. It's more of a daily maintenance plan. But in the end, it's about 15% of the callers.

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BRANDT: So then how many unique callers do you get in a year?

KYLE KINNEY: I don't have that number off the top of my head. 85% of the calls are u-- are not chronic, I would say, or not treatment plan--

BRANDT: I would assume some of those people are going to be calling back to follow up--

KYLE KINNEY: For sure. Yeah. I, I don't have that number off the top of my head.

BRANDT: --38,000 represent 5,000 people or 10,000 people.

KYLE KINNEY: Yeah. I could absolutely get that number.

BRANDT: All right. Thank you.

MOSER: Senator Bosn.

BOSN: Thank you. So tell me, and I-- maybe you said this and I missed it. If a call is transferred to you and I'm the 911 dispatcher and I'm calling, do I have to stay on the phone until you hang up with this individual or do I transfer, you say, yes, I'll accept Senator Brandt's call and talk with him, and then I hang up?

KYLE KINNEY: So with the pilot project protocols as, as it stands now-- with a-- like with any pilot, these might get tweaked along the way. But as it stands right now, once we have completed the handoff-- so we have possession of the call. Hi, Todd. How's it going? At that point, 911 will disconnect.

BOSN: OK. And do I tell this individual who's calling I'm going to hang up or is that--

KYLE KINNEY: Yes.

BOSN: OK.

KYLE KINNEY: And, and-- and 9-- 911 probably would be able to best answer to their protocols. But as they're written today, yes.

BOSN: OK. Thanks.

MOSER: The client might be more comfortable talking to the 988 counselor rather than 911.

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KYLE KINNEY: Correct.

MOSER: Because 911, they're going to send a sheriff or a deputy or
[INAUDIBLE]--

KYLE KINNEY: Correct. Yeah. And I, I, I think there's--

MOSER: --challenge to their--

KYLE KINNEY: Yeah. They're-- they-- I think over time it's gonna be interesting to see because I, I'm assuming that there are going to be folks that want to continue-- they want the 911 response, whether that was emergency, medical, or law enforcement, even though perhaps they aren't at imminent risk. Because we see that even with callers to us where they, they want that, that level of response. So I, I would assume there will be a certain percentage. I don't-- I have a hard time predicting what it's going to be at this point.

MOSER: Some-- sometimes in situations, the presence of the peace officers helped everybody calm down, everything kind of was defused. And then other times-- you know, a police officer's trained to take control of the situation, and sometimes things get crazier, so.

KYLE KINNEY: Yeah, there's definitely times it escalates and both happen.

MOSER: Not crazier. More out of control, [INAUDIBLE] talking about mental health. I won't use a bad term. Other questions? OK. Thank you for your testimony.

KYLE KINNEY: Thank you for the opportunity.

MOSER: Yes. More supporters? Welcome.

TONY GREEN: Good afternoon-- almost evening-- Chairman Moser and members of the Transportation and Telecommunications Committee. My name is Tony Green, T-o-n-y G-r-e-e-n. I'm the interim director for the Division of Behavioral Health with the Department of Health and Human Services. And I'm here to testify in support of LB929, which provides the coordination and dual capability between 911 service system and our 988 Suicide and Crisis Lifeline. The interoperability between 911 and 988 will help ensure that individuals who contact 911 and may need a mental health crisis intervention are connected to the trained behavioral health crisis professionals. LB929 requires the Public Service Commission to adopt uniform statewide standards to

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communicate across systems safely and effectively to better serve individuals who are in crisis. The Division of Behavioral Health oversees the administration of the 988 Suicide and Crisis Lifeline. Until July 16, 2022, the only number the public knew to call in a crisis was 911. Since the activation of 988, Nebraska has received an average of 1,600 calls per day. The first service is someone to talk to. And of those calls that come in, approximately 97%, as you've heard, are managed over the phone by a trained 988 crisis counselor who is skilled to de-escalate and safety-plan with those callers who are in crisis. This response frees up law enforcement and emergency personnel to respond to other emergent calls. The 3% of calls not managed over the phone are those that are elevated to the crisis response teams, law enforcement, or EMS for a coordinated response as necessary. During the early planning and implementation of 988, 911 partners voiced concerns related to the liability should something occur after a call was transferred. LB929 addresses the liability protection for both 911 communication staff and the 988 crisis counseling staff when acting in good faith and while conducting those warm handoffs of callers. The training, coordination, and communication protocols, quality assurance, and uniform standards are imperative. In summary, by enacting it LB929, no matter which three-digit number that folks might call-- 911 or 988-- they will be connected to the appropriate mental health or substance use crisis professional to receive help and support. The interoperability between 911 and 988 is the next vital component to meet the need for crisis intervention in Nebraska and to help save lives. I would respectfully request that the committee advance the bill to General File. And I'm happy to answer any questions that I can.

MOSER: OK. Questions? Yes, Senator Cavanaugh.

M. CAVANAUGH: Thank you. So nice to see you on day one of hearings.

TONY GREEN: Yes. Good to see you.

M. CAVANAUGH: And not even in our usual setting.

TONY GREEN: Yes.

M. CAVANAUGH: My question is actually about your title. It still says interim director. Is that-- is-- I guess-- my question, it's not really for this committee, more HHS. But are you anticipating or rehiring a new director? Or is this interim eventually going to go away and you're just going to be overworked--

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TONY GREEN: Yeah. So--

M. CAVANAUGH: --to put it nicely?

TONY GREEN: --I, I still hold the title of interim director, and we continue to work on what that looks like long term as far as a consolidation. But right now, there is not a plan to replace that title at this point.

M. CAVANAUGH: OK. Well, Senator Walz has a bill that would help with that, but I won't ask your opinion on it. Thank you.

MOSER: Other questions? Thank you for your testimony.

TONY GREEN: Thank you.

MOSER: More supporters of LB929? Welcome to Transportation and Telecommunications.

PATRICK KREIFELS: Thank you. I was going to say good afternoon, but I might change that to good evening. Chair Moser and members of the Transportation and Telecommunications Committee. My name is Patrick Kreifels, P-a-t-r-i-c-k K-r-e-i-f-e-l-s. And I'm the administrator for Region V Systems Behavioral Health Authority. I'm here today on behalf of the Nebraska Association of Behavioral Health Organizations and on behalf of the Nebraska Association of Regional Administrators and the Region V System's governing board. Region V is comprised of 16 counties in southeast Nebraska, including Butler, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Polk, Richardson, Saline, Saunders, Seward, Thayer, and York. As we don't normally appear before this committee, let me give you just a bit of background on who we are and what we do. In 1974, the Unicameral established the six behavioral health regions to address the diverse population, resources, and needs across the state. State statute defines the regions' responsibility for planning, coordinating, and evaluating publicly funded behavioral health system-- service system to address needs, gaps, and barriers, and contracting with community-based service organizations to provide behavioral health treatment, recovery, rehabilitation, and prevention activities. The regions are local units of government that the Nebraska Department of Health and Human Services Division of Behavioral Health contracts with to engage in planning and service implementation. I want to thank Senator Fredrickson for his commitment to mental and behavioral health needs of Nebraskans and the committee for your time today. I am here to

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offer support-- our support for LB929, which would provide for coordination of the 911 service system and the 988 Suicide and Crisis Lifeline. The 988 Lifeline was established to improve both accessibility of crisis services to meet the nation's growing suicide and mental health-related crisis care needs. The 988 system is separate from the public safety purpose of 911, where the focus is on dispatching emergency medical services, fire, police as needed. The 988 system has been implemented in its current form since July of 2022, and through the year ending in June 2023 averaged 50 calls per day. This is a 66% increase in calls since the transition to the 988 Helpline. Currently, 988 Lifeline uses georouting as a way of directing phone calls locally without precision location information in the transferred call data. Calls are routed by area code to the nearest 988 crisis center based on the caller's code-- area code of the caller's phone number. This poses a problem when a caller has a cell phone area code from New York and they live in Nebraska. G-- geolocation, which is not used, would include the precision location in the transferred call data so many emergency providers would know where to go. I ask for you to support LB929. And I'm here to answer any questions that you may have.

MOSER: Questions? OK. Thank you very much for your testimony.

PATRICK KREIFELS: Thank you. Appreciate the time.

MOSER: Sure. Next supporter.

ERIN FEICHTINGER: Chair Moser, members of the Transportation and Telecommunications Committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r. And I'm the policy director for the Women's Fund of Omaha. We work to ensure that all people are free from gender-based violence and that victims and survivors of that violence can access the help and support that they need. LB929 helps us in that mission by ensuring that victims are connected to comprehensive support when reaching out to either 911 or 988. People experiencing domestic violence, sexual violence, and/or trafficking are at a higher risk for thoughts of suicide or suicide attempts due to the traumatic and complex emotional, psycho-- psychological, and/or physical abuse they have experienced. There's some data in the testimony in your hands that illustrates the intersection between that victimization and behavioral health to help you understand the broader reasons that victims might reach out to either 911 or 988. Ensuring the 911 system can refer to 988 is important to support survivors of domestic violence, sexual violence, and trafficking, as these situations, like

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I said, involve those complex emotional, psychological, as well as safety concerns. Given that complexity, victims may call either 911 or 988, and it is critical that whoever is on the end of the line knows what kinds of services and response is needed so we can minimize future harm. By integrating 911 and 988, we can create that integrated, responsive, and supportive system when supporting survivors in this state without causing further harm. And I would encourage you to support LB929. And I'm happy to answer any questions you might have.

MOSER: Questions? Seeing none, thank you very much. Further supporters of LB929?

MICHEAL DWYER: So just to clarify, is it good evening or good night? I think it's good evening. Good evening, Senator Moser--

MOSER: We'll respond to either one.

MICHEAL DWYER: --Chairman and members of the Telecommunications and Transportation Committee. My name is Micheal-- mm-hmm. Did that again-- M-i-c-h-e-a-l, Dwyer, D-w-y-e-r. And I'm a 40-year veteran of the Arlington Volunteer Fire and EMS Department. And I'm here today to testify in support of LB929. I was down on another firefighter bill and wanted to check in with Senator Fredrickson's office about this bill. And their LA asked if I would testify. So in short, what I'd like to do is give you a volunteer's perspective, a volunteer EMT's perspective of what this bill and the system that it supports would offer. So typically, 2:00 in the morning, I'm resting comfortably and think-- dreaming about work tomorrow. Pagers go off. And somebody has called 911-- as the director alluded to-- and they're not sure what to do with this, so they send law enforcement. And law enforcement arrives there and nobody's broken a law. And there's no violence involved, so they're not sure what to do with it. So if it has any kind of a health component, they'll ask for EMS, which is me. And in rural Nebraska, 72% of your state, that's a guy like me, who's just a volunteer that wants to do the right thing, but, quite frankly, isn't very well trained for this. This would offer both that patient and the volunteer EMS system in Nebraska-- which is really stressed-- another tool to be able to not only-- and, and, and it's a wonderful thing-- not only help the patients and-- but it would also help the system and support-- again, give us another too-- tool in volunteer EMS to be able to serve the patients. The other piece that I think is important is that, as I understand it, the uniform standards that this is working through are really important going forward because-- I'll

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defer for a minute. I did a long report for the [INAUDIBLE] Volunteer Fire and EMS Summit around EMS. And one of the things that points to the South Dakota and our other states do-- are doing is they're utilizing technology to be able to support that volunteer EMS system. This would be a really good-- I don't want to call it a test case-- but a really good piece of being able to take that technology forward as well. I thank you for listening. And I would be happy to take any questions.

MOSER: Questions? Senator Brandt.

BRANDT: Thank you, Senator Moser. And thank you for your service. Which department do you serve?

MICHEAL DWYER: Arlington, Nebraska.

BRANDT: OK. So when we talk about technology, are you thinking that when you respond with the ambulance crew and you suspect it's, it's possibly a 988 thing, that you can have an iPad with you or something that you can get an expert at Boys Town to talk directly with them so you don't have to transport, or are you obligated to transport?

MICHEAL DWYER: I, I would-- great question. And, and, frankly, great answer. You painted the picture pretty well. South Dakota is experimenting with a telemedicine system that does almost exactly that. It's not specific to mental health yet, but it certainly could be for calls, whether it's mental health or other technically difficult calls. Just the ability for me in the back of an ambulance at 2:00 in the morning to have a resource-- to your point, an iPad-- in, in all cases is incredibly important. In, in my never humble opinion, that's where EMS is going. At the very least-- again-- and I hope I'm answering your question-- to be able to support guys like me at 2 a.m. that are just trying to do the right thing. Not only for us, to be able to contact [INAUDIBLE], I, I got-- I, I'm not sure what to do here-- which has happened in at least two cases that I've had this year-- or, last year in '23. We just didn't know what to do. And hopefully this would be a, a piece of that, and all the other things that we face.

BRANDT: All right. Thank you.

MICHEAL DWYER: I hope that answers your question.

BRANDT: It helps.

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MICHEAL DWYER: Good. Thank you.

MOSEY: Comments? Questions? Thank you. More supporters for LB929? Opponents to LB9-- [INAUDIBLE]. Are you getting up to speak? OK. Thank you. Opposition to LB929? Opponents to LB929? OK. Neutral testimony to LB929?

DAN WATERMEIER: Good afternoon, Chairman Moser and members of the Transportation Committee. I am Commissioner Dan Watermeier, spelled W-a-t-e-r-m-e-i-e-r. I represent the first district of the Nebraska Public Service Commission. And I'm here today on behalf of the commission to provide neutral testimony on LB929. The Public Service Commission is the statewide implementation and coordination authority to implement, coordinate, manage, maintain, and provide funding assistance to the 911 service system. The commission supports the concept of establishing standards that would provide for improved communication and coordination between the 911 service system, the Nebraska 911 call centers, and the National 988 Suicide and Crisis Lifeline operating in Nebraska. Improving coordination between the services provided by 988 Suicide and Crisis line and those provided by 911 call centers allows for callers in crisis to get the appropriate services they need. Need to back up and state: I handed in my testimony on LB929 with my LB1031 testimony. So you should have it laying on your desk. I appear before you today in a neutral capacity. However, [INAUDIBLE] technology currently in use by the 9-- National 91-- 988 Suicide and Crisis Network is not interoperable with the technology used by 911 call centers across the country. For the most part, callers to 911 are located and routed to the appropriate 911 call center using GIS. This not only allows for the caller to be located and routed to the appropriate 911 center, but also it allows for the caller's location to be known to the 911 operator. In contrast, 988 callers are routed to a designated call center using their area code. Citizens calling 988 in the 402, 308, and 531 area codes will be routed to the Nebraska call center at Boys Town regardless of what location they are calling from. Additionally, due to private concerns, the location of callers to the 988 Suicide and Crisis Lifeline is not immediately known to the 988 operators unless the caller discloses this location. Since the technology used by 988 network is not interoperable with the 911 equipment, it will require that calls transferred from 988 to 911 for the dispatching of emergency services will meet-- will need to be completed using a ten-digit administrative line. Conversely, if a 911 center wants to transfer a call to 988, it will need to utilize the ten-digit administration line, which doesn't allow for information like caller

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location and identity to be transferred automatically. Again, the commission believes that establishing standards for the improved communication between 988 Suicide Crisis Network and the Nebraska 911 call centers is a good idea. With that said, we wanted to make sure the committee was aware of the technology barriers that currently exist. We thank Senator Fredrickson for his support in both 911 services and 988. We also thank the committee for its time and attention. And I'd be glad to try to answer any questions, if need be. I made it three minutes. I'm surprised.

MOSER: Good job. Senator DeKay.

DeKAY: Is there any interconnection fees or anything going--
[INAUDIBLE] the Public Service Commission in between the two services or not?

DAN WATERMEIER: No, there won't be any, any fees that we can envision today-- in a warm transfer like what we're talking about here.

DeKAY: Thank you.

DAN WATERMEIER: I would just admit, you know, no one ever brought up the standards. And it's my understanding that this group had gotten together when 988 was created a year and a half ago. So what we'll do is we'll head that up and we'll start to bring those parties together, and we'll get really ready to make these standards that are going to be applicable with the 911 and the 988 operators.

MOSER: OK, great. So you're going to be helpful even though you're neutral.

DAN WATERMEIER: We'll, we'll, we'll be the lead on it in, in the way it looks to us because we've done it already and got the groups together.

MOSER: Good attitude. Sometimes when you're from the government, you're not here to help. OK. Questions? Yes, Senator Bosn.

BOSN: I just want to make sure I'm understanding. So it's your testimony that, right now, this can't be done because of the technology deficiencies?

DAN WATERMEIER: Automatically, it cannot be done.

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BOSN: OK. So it can be done under the warm transfer that we've talked about.

DAN WATERMEIER: Correct, which is the human being in between the two calls.

BOSN: And you don't object to that. You're just alerting us to the reality of direct transfers are not options. Warm transfers are our only option.

DAN WATERMEIER: Right.

BOSN: OK.

DAN WATERMEIER: Yes.

BOSN: Thanks.

MOSER: OK. Thank you for your testimony.

DAN WATERMEIER: Thank you.

MOSER: Any other-- oh, I'm sorry. Another question.

BOSTELMAN: Yes. Thank you.

MOSER: Senator Bostelman. Thanks for the cue.

BOSTELMAN: Commissioner, the question I have with the new 911 system that's being built out across the state. Is there any way that this gets tied into that?

DAN WATERMEIER: We don't think so. The SAMHSA system that the 988 is platformed on-- and I think the gentleman from Boys Town had mentioned, it's in FCC standards-- it's just not going to work. It's a different system talking language all the way down the state. I don't see it happening from what I'm being told [INAUDIBLE]. But when we go to next gen-- it won't be worse when we get the next gen 911, it's just not going to be-- it's not going to help us in that transition.

BOSTELMAN: OK. Thank you.

MOSER: Committee counsel trying to keep us on task here mentioned that I didn't give the proponent/opponent count for the email and snail mail comments we got. There were 8 proponents and 16 opponents. Welcome back, Senator Fredrickson.

FREDRICKSON: Thank you, thank you. I'll try to keep this fairly brief. So thank you to the committee and to you, Chair Moser, for listening. I'm also really grateful to all of our testifiers who were here today to answer questions. I appreciate Lancaster County's 911 operators kind of moving forward on their own with this. I want to also thank Boys Town for their incredible work with the 988 system, the PSC for their willingness to work to make interoperability happen, and DHHS for their support as well. So I did also want to clarify. There was one question, Senator Brandt, you had related to kind of, you know, what does the future with this look like. And, you know, the, the-- this is maybe a little bit separate from this bill, but I was recently at the conference. So last year, we adopted our CCBHC infrastructure model. Part of that will require that every CCBHC has a 24/7 on-call mental health provider. And what some law enforcement in other states-- so I think Oklahoma is one state-- have done is that they allow for law enforcement to have a direct line in, whether it's with an iPad or whatever, to that on-call mental health provider through the CCBHC system. So that helps with kind of connecting with law enforcement maybe when they're out in the field, et cetera. That could be a direction we eventually go into as we get that infrastructure up and running, so. There's a lot of, I think, excitement and hope that's to come with that, so. But I'm also happy to answer any questions folks might have. And hope to have this advanced from committee.

MOSER: I'll tell them one story at the risk of getting into trouble because we're going late. But I was mayor of Columbus for 12 years, and we had a sad situation where a young man wasn't getting along at home. His parents kind of threw him out. Grandma took him in because everybody loves grandma. And she was trying to raise him. And, and he got out of control one night, and she called 911. And they came out. And they wound up taking him in because he was chasing her around the kitchen with a knife. And they-- this was in Columbus. And we don't have any mental health crisis center there, so they took him to Norfolk. And the arresting officer or the officer who picked him up thought it was more of a, of a mental health case than a illegal act. And so they didn't arrest him. And then the mental health guy said, well, he seems to be calm and, and-- maybe if we just have defused the situation, you know, maybe everything will be OK. So he was out of the home for-- out of grandma's house for 8 hours, 12 hours or so. But he went back to grandma's house, had another event before grandma could call 911. He killed her with a butcher knife. So there, there are some sad stories that-- you know, where people need some help. And some can be helped, some you just don't know what to do.

FREDRICKSON: Yep.

MOSEER: Anyway, I appreciate you testifying and bringing the bill. Any further comments? Thank goodness. That concludes the hearing on LB929. Thank you all for being here today.