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Transportation and Telecommunications Committee
January 19, 2016

[LB732 LB735 LB811 LB880]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, January 19, 2016, in Room 1110 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB732, LB735, LB811, and LB880. Senators present: Jim Smith, Chairperson; Lydia Brasch, Vice Chairperson; Al Davis; Curt Friesen; Tommy Garrett; Beau McCoy; and Les Seiler. Senators absent: John Murante.

SENATOR SMITH: Good afternoon, everyone. Good afternoon. We are going to get started on this cold Tuesday afternoon. And it's kind of cold in this room, as well, but not much we can do about that. Welcome to the Transportation and Telecommunications Committee hearing. I am Jim Smith of Papillion, and I'm the Chair of the committee. And I would like my colleagues to introduce themselves, and there will be a few others joining us here a little bit later. But we'll start to my far left with Senator Tommy Garrett.

SENATOR GARRETT: Tommy Garrett, District 3, which is Papillion and Bellevue.

SENATOR SEILER: Les Seiler, 33, which is all of Adams, the west half and the south half of Hall.

SENATOR BRASCH: Senator Lydia Brasch, District 16, Cuming County, Burt County, Washington County.

SENATOR DAVIS: Senator Al Davis. I'm from Hyannis, Nebraska, which is northwestern and western Nebraska.

SENATOR FRIESEN: Curt Friesen, District 34, Hamilton, Merrick, Nance, and part of Hall County.

SENATOR SMITH: And to my left is our committee clerk, Paul Henderson. And Paul will be taking your sign-in forms as you prepare to speak. And then to my right is Mike Hybl. Mike is legal counsel to the committee. Senator Brasch is the Vice Chair of the committee. And then joining us a little bit later will be a couple of our other senators. They are away or in other committees right now. And so, please forgive us; we may be coming and going, because other committees are going on while we're here, and we may need to be pulled away for those. We also have pages with us today. We have Toni Caudillo from North Platte, Nebraska, a freshman at UNL. And we have Alex Brechbill from Aurora, Nebraska, who is a junior at Nebraska Wesleyan. We will be hearing the bills in the order listed on the agenda that's posted outside the

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room. Those wishing to testify on a bill should come to the front of the room and be ready to testify in order to keep it moving. We don't have that many in attendance today, so we're not going to use the light system. But we do ask you to keep your remarks to about five minutes. If you are testifying, please complete the sign-in sheet so it is ready to hand in to one of the pages when you approach the testifier table. And, for the record, at the beginning of your testimony, please state and spell your name. And let's see. If we...if you do not wish to testify, but want to voice your support or opposition to a bill, you can indicate so on the sheet that's provided. This will be part of the official record of the hearing. If you do not choose to testify, you may submit comments in writing and have them read into the official record. We ask you to please silence your phones, your cell phones. And we are an electronics-equipped committee, and information is provided electronically, as well as in paper form, to the members of the committee. Therefore, you may see committee members referencing information on their electronic devices. Please be assured that your presence here today and your testimony are important to us and is critical to our state government. So again, thank you very much for being here. And we are going to...we'd like to introduce Senator Beau McCoy of Elkhorn has joined us. And I think we're still absent Senator Murante, who will join us a bit later. We are going to begin with LB735, which will be introduced by Senator Curt Friesen. LB735 is to provide a length limit exception for an articulated bus vehicle operated by a transit authority. Welcome.

SENATOR FRIESEN: Thank you, Chairman Smith and members of the committee. My name is Curt Friesen, F-r-i-e-s-e-n, representing Legislative District 34. I'm here today introducing LB735, which provides a length limit exception for an articulated bus vehicle operated by a transit authority. I was approached by OMetro, the public transportation provider in the Omaha metro area, to introduce this bill. OMetro is in the process of implementing a bus rapid transit system and hopes operation will begin in the fall of 2018. After researching this issue, they discovered the length of a bus rapid transit vehicle exceeds the current limitations that are in statute. LB735 would make an exception for these vehicles, if operated by a transit authority. The Omaha metro area has an excellent opportunity to embrace the next generation of public transportation with the concept called bus rapid transit, or BRT for short. BRT will link major medical, educational, employment destinations and provide a multitude of community and economic benefits, such as increased transit ridership, increased foot traffic for businesses, improved transportation options, and reduced demand for parking. It should be no surprise that the BRT has been identified as a transit project of highest priority. A BRT is an innovative, high-capacity, lower-cost public transit solution that replicates the performance, reliability, and comfort of rail systems. BRT offers upgraded service with upscale passenger amenities, including eight modern, uniquely branded vehicles, real-time display, and preboard ticketing. It provides faster service with limited stops at 14 station pairs and includes infrastructure investments, such as semi-exclusive guideway, queue jumps, level boarding, and signal prioritization to improve speed and reliability. It is also worth noting that this process has been able to move forward, among others, a \$1 million grant from the Nebraska Department of Roads

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Congestion Mitigation and Air Quality and a \$15 million federal TIGER grant. The TIGER grant is very competitive, with only 72 of the 797 applications being accepted. A crucial part of BRT is the use of specialized articulated buses in exclusive transit lanes. The longer articulated design allows for improved speed, convenience, and utility to passengers traveling to some of Omaha's most congested areas. These articulated buses currently exceed the length limit set by law; thus, it is the purpose of this bill I present today to provide an exception for these articulated buses. And I would ask for your support of LB735 and the opportunity it presents for public transportation. I hope LB735 will receive favorable consideration from the committee. And there will be supporters behind me who can answer further technical questions. Thank you, Mr. Chairman. [LB735]

SENATOR SMITH: Thank you, Senator Friesen. Do we have questions for Senator Friesen? I see none. Thank you. We now will begin testimony with proponents, proponents of LB735. Welcome. [LB735]

CURT SIMON: (Exhibit 1) Thank you. Good afternoon, Mr. Chairman, committee members. My name is Curt Simon, S-i-m-o-n. I'm the executive director of Metro Transit in Omaha. I'd like to thank the committee for hearing this matter and thank Senator Friesen for introducing the legislation. As you consider the matter, some background information might be helpful. In September of...some of this might be redundant as to what was testified before, so...September of 2014 Metro was advised it was a recipient of a competitive \$14.9 million TIGER grant from the Department of Transportation to construct a bus rapid transit line from Westroads shopping center to downtown Omaha via Dodge Street. Metro was one of only 10 percent of the proposals submitted that was awarded funding. BRT, as it was mentioned earlier, is a premium service that emulates fixed rail at a fraction of the cost. The project includes state-of-the-art station stops, traffic signal prioritization for transit, off-board ticketing, real-time display at station stops, specially branded vehicles, and other features that help speed the transit vehicle in order to provide faster service. Along with our partners, the City of Omaha and the Metropolitan Area Planning Agency, we've been involved in the required environmental documentation and preliminary engineering designs of the project. One of the critical factors is the vehicle to be used. And our request for favorable treatment of LB735 will allow for the use of an articulated bus in order to provide greater capacity and interior bicycle storage for passengers that use the service. It's anticipated that eight such vehicles would be purchased, and we're exploring the option of possibly using compressed natural gas as the propulsion technology. The project represents the most significant transit investment in our community in over 30 years. We respectfully request favorable committee treatment of the legislation. I brought some additional materials for your review that provides a greater explanation of the project in more detail. If you have any questions, I'd be happy to answer them. Thank you very much. [LB735]

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SENATOR SMITH: Thank you, Mr. Simon. Do we have questions for Mr. Simon? So let me ask you. About...roughly, what's the difference in number of people that an articulated bus of this size would carry beyond what normally would be carried? [LB735]

CURT SIMON: A typical transit bus would handle about 50 to 55 people standing, on the standing load. An articulated vehicle would handle twice that. [LB735]

SENATOR SMITH: Okay. [LB735]

CURT SIMON: So up to 100 people. [LB735]

SENATOR SMITH: And I take it this type of vehicle is used in neighboring larger cities such as Kansas City and... [LB735]

CURT SIMON: Kansas City's BRT does not utilize an articulated vehicle. And just as a point of explanation, you probably know what an articulated vehicle is, but it's those ones that have like the accordion in the middle of them. But we'd like our BRTs to be a cut above Kansas City's, so we're going with the articulated vehicle. [LB735]

SENATOR SMITH: Okay, very good. I see no further questions. Thank you for your testimony, Mr. Simon. [LB735]

CURT SIMON: Thank you. [LB735]

SENATOR SMITH: We now continue with proponents, those wishing to testify in support of LB735. I see no other proponents. Anyone wishing to testify in opposition to LB735? Anyone wishing to testify in a neutral capacity on LB735? Seeing none, Senator Friesen, would you like to close? Senator Friesen waives closing, and that concludes the hearing on LB735. We now move our attention to LB811, and that will be introduced by Senator Lydia Brasch. It concerns changing the provisions relating to a county's use of alphanumeric and county number system license plates. Welcome. [LB735]

SENATOR BRASCH: Thank you. Thank you, Chairman Smith, and good afternoon, members of the Transportation Committee. I am Senator Lydia Brasch, L-y-d-i-a B-r-a-s-c-h, and I represent District 16 in the Nebraska Legislature. I'm here today to introduce LB811, which was brought to me by the Department of Motor Vehicles. The purpose of the legislation is threefold. First, in counties having a population of 100,000 individuals or more, which is Douglas, Lancaster, and Sarpy Counties, registration of motor vehicles or trailers shall be by the

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alphanumeric system. This will only apply to the farm trucks and trailers in those counties that are currently using the county number system. LB811 does not make any changes to license plate provisions applicable to any other county. Next, LB811 also repeals the requirement that the registration of motor vehicles or trailers classified as farm trucks or farm trailers in those counties use the county numbering system. Lastly, it amends the rule and regulation authority of the DMV; it amends that rule. The additional language pertaining to the rules and regulations allows the DMV to designate plate types that display county numbers on a statewide basis, taking into consideration cost, the benefits of uniformity, factors applicable to the production, distribution, and use of specific plate types, and any other factors consistent with the purpose of the Motor Vehicle Registration Act that the director finds relevant. Also, please note this bill does not become operative until January 1, 2017. The operative date of 2017 ensures that no one in Douglas, Lancaster, or Sarpy County who still has a license plate based on the county numbering system will be found out of compliance. In 2017, new license plates will be issued to everyone in Nebraska. Also please note LB811 will not be a cost increase for those being required to switch from the county numbering system to the alphanumeric system, because the cost of each plate is the same. As you can see from the fiscal note, the DMV indicates that LB811 will result in a savings in the cost of license plates if Douglas, Lancaster, and Sarpy County all use alphanumeric plates rather than plates with a county designation for their farm trucks and farm trailers. There are 4,434 farm plates issued in those three counties, compared to the 1.9 million alphanumeric plates issued in those counties. So we are talking about a relatively small number of plates that will be affected. The cost savings is because the alphanumeric plates can now be exchanged between counties, so less plates are wasted. As I conclude, I want to thank you for your time. I believe you will find that this is a good thing for these counties and our state. Whenever an agency finds a way to cut its costs, I believe we should support that. Thank you for your time, and I'm happy to answer questions you may have. [LB811]

SENATOR SMITH: Thank you, Senator Brasch. Do we have any questions for Senator Brasch? I see none. Thank you. We now open the hearing to proponents, those wishing to testify in support of LB811. Welcome, Director. [LB811]

RHONDA LAHM: (Exhibit 1) Thank you. Chairman Smith and members of the Transportation and Telecommunications Committee, I am Rhonda Lahm, R-h-o-n-d-a L-a-h-m, Director for the Department of Motor Vehicles. I'm appearing before you today to testify in support of LB811. I would like to thank Senator Brasch for introducing LB811 on behalf of the Department of Motor Vehicles. This proposal is timely as the department prepares to produce plates for the 2017 renewal year. LB811 requires farm trucks and farm trailers to bear alphanumeric farm plates in Douglas, Lancaster, and Sarpy Counties. This continues 1999 legislative action when LB556 required most, but not all, motor vehicles registered in Douglas, Lancaster, and Sarpy Counties to bear alphanumeric plates instead of a county number plate. Passenger and commercial plates were converted to alphanumeric in 2002. The plates would still continue to bear the words "NOT

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FOR HIRE" and have a farm designation, as required by Revised Statute 60-3,146. It makes no changes to registration or operational requirements or exemptions. The purpose for the change is twofold, the first being to reduce waste. It's important to understand these three counties share the alphanumeric plates among themselves because there's no county designator, therefore reducing the number of plates produced. County number plates may only be issued in the single county. A total of 4,434 farm plates were issued for the three counties. And of these, 852 plates were never issued, which is a waste of 19.2 percent of the county number farm plates in Douglas, Lancaster, and Sarpy Counties. In contrast, the 1.9 million alphanumerics were issued, in which 1,600 alphanumeric plates were wasted, or .08 percent. The second improvement LB811 brings is to lessen the confusion caused by duplicate plate numbers for different plate types in the county number system. Alphanumeric plate numbers are unique and never repeated in the vehicle licensing records. In a county number system, a vehicle may carry the same number sequence on its plate that appears on other vehicles with other types of plates. DMV receives approximately 100 contacts a month, which is actually less than it used to be, from persons who have erroneously received notice from an outside entity about money they owe for tolls or parking violations. DMV works with residents to resolve these issues, but plate reader systems used in other states to enforce tolls and parking cannot tell the difference between Nebraska's various plate types. Multiple trucks may have plates with the same number sequence, even though they are very different vehicles. The more DMV is able to eliminate the confusion of the duplicate numbers, the less hassle there will be for our residents and less clerical time spent by the DMV resolving these matters. LB811 has no effect on plates issued in any other county. Current statute provides other counties the option to adopt the alphanumeric plates. LB811 moves some statutory language, but does not change it. The proposed language on page 4, lines 21 through 24 of the bill, are to address a specific plate type. The dealer plate is provided for in 60-3,114. When alphanumeric plates were authorized for Douglas, Lancaster, and Sarpy Counties, dealer plates were issued with a specific alphanumeric designation. This caused confusion for law enforcement. As a result, we have attempted to resolve the issue by rule and regulation; however, a statutory change is needed. I understand the language on page 4, in Section 1(3), can be confusing. If the language to the effect of "dealer plates as provided for in 60-3,114 shall be by the county number system" were to be used, that could provide more clarification. Chairman Smith, at this time I'd be happy to answer any questions the committee may have. Thank you for your time and the opportunity to present LB811. [LB811]

SENATOR SMITH: Thank you, Director Lahm. Do we have questions for Director Lahm? Senator Davis. [LB811]

SENATOR DAVIS: Thank you, Senator Smith. Ms. Lahm, how are you? [LB811]

RHONDA LAHM: Good. [LB811]

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SENATOR DAVIS: So I'm confused by the confusing language myself. [LB811]

RHONDA LAHM: Okay. [LB811]

SENATOR DAVIS: So tell me how the dealer plate works today in these counties. [LB811]

RHONDA LAHM: What happened, and originally, was the dealer plate was issued in the alphanumeric after they switched. And they were all ZD, and then alphanumerics after that. But because they only bear one plate, they were being stopped because they only had one plate. And on the registration certificate it had PD, for "passenger dealer." But they were being cited for only having one plate, when in actuality, they were in compliance with the law. And so we felt like we could just change it by rule and regulation, but that didn't work. And they said, you have to have a statutory change. And so that's what we're presenting to you to try to have the statutory change to make that designation for that unique plate type. [LB811]

SENATOR DAVIS: So how will that plate read then? [LB811]

RHONDA LAHM: For a dealer, it'd be like "1 Dealer" just like in Hooker County, "93 Dealer, whatever number." [LB811]

SENATOR DAVIS: So it'll be like...it'll be 1 dash if (inaudible)... [LB811]

RHONDA LAHM: Yeah. And it's a little easier to designate on a dealer, because it actually has that DLR, than like apportion plate versus...if you have like a 1 county farm plate now. Or...and the commercial truck plates are already alphanumeric in these three counties. So if you have like 1, you know, commercial...it says commercial on the bottom, so the plate reader just says 1-2-3-4-5-6, they don't always know if that's 1 dash for Douglas County or is that apportioned 1-2-3-4-5-6? And that's where the confusion comes in. So whenever we're establishing new plates, we're trying to eliminate duplicate numbers. So eventually we can try to eliminate all that. [LB811]

SENATOR DAVIS: Thank you. [LB811]

RHONDA LAHM: Um-hum. [LB811]

SENATOR SMITH: Additional questions for Director Lahm? I see none. Thank you. [LB811]

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RHONDA LAHM: Thank you. [LB811]

SENATOR SMITH: We continue with proponents of LB811, proponents. Opponents of LB811, those wishing to testify in opposition to LB811. And I see none. Neutral capacity, those wishing to testify in a neutral capacity. Mr. Dix, I couldn't tell whether you were moving forward or waiting. [LB811]

LARRY DIX: I'm real slow. Senator Smith and members of the Telecommunications Transportation Committee (sic), my name is Larry Dix, spelled L-a-r-r-y. Last name is Dix, D-i-x. I'm executive director of the Nebraska Association of County Officials, appearing today in truly a neutral position on this bill. And, in fact, over the years NACO has wanted to look at the possibility of even expanding this. But when you look at the language, one of the things that we just bring up, and we wanted to bring to light, is right now, according to state statute, the three counties can have alphanumeric plates. Every...the other 89 counties, the way the language is written today, the county board must vote in order to have alphanumeric plates. And for as many years as I've been doing this, it's always been a little bit of a question mark what a county board, in their policy basis, why a county board really should be making that determination, because it is a state plate. It is a state vehicle, and we don't want to do anything in any way to harm this bill. And so I want to make sure Senator Brasch is aware of that. But I think, at some point in time, we do need to start to look at this. And also as we're starting to see some other counties gain in population, there may be some of the same economies in some of the other counties when you look at that. And again, we're certainly...we're fine with what this is doing. But as we start looking at new plate issuance, and I've been around long enough to know if you introduce that bill, you fill this building with people that have said, that plate has been in my family forever; I don't want to change that number. And it becomes very emotional. The same thing really, really happens when a county board says, we're going to look at an alphanumeric. The last time that happened, it was...really, since the time I've been there, we had a county do that. And within a week, there was recall petitions out for those board members. So I don't really think, you know, unless the state really takes control of this, I don't think we're probably going to see anything other than the three, just based on that. So at some point in time, it's something that you may want to talk about as a committee...take a look at. But otherwise, this makes sense, and we do think there are some economies, and that can be had in other counties over their sizes, also. With that, I'll be happy to answer any questions. [LB811]

SENATOR SMITH: Thank you, Mr. Dix. Do we have questions? I see none. Thank you. [LB811]

LARRY DIX: Thank you. [LB811]

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SENATOR SMITH: Anyone else wishing to testify in a neutral capacity? I see none. Senator Brasch waives closing on LB811. And that concludes the hearing on LB811. We now move to LB732, to be introduced by Senator Dan Watermeier. It is regarding changing the provisions relating to military honor plates. Welcome, Senator Watermeier. [LB811]

SENATOR WATERMEIER: (Exhibit 1) Thank you, Chairman Smith and members of the Transportation Committee. I am Senator Dan Watermeier, spelled W-a-t-e-r-m-e-i-e-r. I am here today to represent and introduce LB732. LB732 proposes to allow nonfederalized Reservists to be eligible for military honor plates. Accordingly, the bill authorizes the Department of Motor Vehicles to design Reservist plates. This issue was brought to my attention when a constituent called my office, informing me that, as a Reservist, he did not qualify for military honor plates, even though he had served ten years with the Army Reserves. I did some research and found that Reservists could not qualify unless they were federalized, which then allowed them to qualify for the plate of the entity that called them up to duty. Currently, military members of the Reserves must serve on active duty that is not considered training before they are eligible for a military honor license plate. Many Reservists in Nebraska do not have active duty except for basic training or job training, which does not currently make them eligible to obtain these plates. Active duty would be such things as deployment, mobilization, or activation for a contingency operation. This would not necessarily involve combat or overseas duty and can even include local service, as long as it is in accordance with Title 10 of the United States Code. Under LB732, the eligibility for the military honor plates is expanded to include reserve duty as well as active duty. Likewise, the statute pertaining to the Registry established by the Department of Veterans' Affairs is also amended to include active duty or reserve duty in the armed forces of the United States. Eligibility for these plates is determined using this Registry. If LB732 is passed, previously denied Reservists would then need to reapply to the Registry. The military honor plates were established by LB383, introduced by former Senator Charlie Janssen two years ago. These plates just became available earlier this month. As proposed, LB732...there would be 11 designs for military honor plates, rather than the current 6 designs. It would create a Reservist companion plate for the current categories of U.S. Army, Navy, Marine Corps, Coast Guard, and Air Force plates. The National Guard is already a Reserve unit, so it does not need a separate Reservist plate. Since the design has already been created for these plates and LB732 would only require the insertion of the word "Reserve," the Department of Motor Vehicles indicated that the minor computer programming expenses to accommodate this could be handled with the existing appropriations. Therefore, the passage of LB732 would provide additional revenue to the Nebraska Veterans Cemetery Systems Operation Fund and the Department of Motor Vehicles cash fund. The director of the Department of Veterans' Affairs, former Senator John Hilgert, is here today to testify in support of LB732. Although I'd be happy to answer any questions you may have, I believe Senator Hilgert...Director Hilgert would be better suited to answer those questions. I urge you to advance LB732 to the floor of the Legislature as it will expand the eligibility for military honor plates to the last group of military service members that currently

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don't qualify for any of the license plates. On a side note, I understand the Department of Motor Vehicles submitted a letter regarding vehicles registered in the name of a trust. I am supportive of the committee amendments, if that's where it goes, to addressing this technicality. Or I would be willing to offer this amendment, as it is my intent to not deny these plates to any qualified veteran. Thank you, Senator Smith. [LB732]

SENATOR SMITH: Thank you, Senator Watermeier. [LB732]

SENATOR WATERMEIER: Did I get my terminology correct? [LB732]

SENATOR SMITH: You do make it very tempting for me to ask you some technical questions (laughter). [LB732]

SENATOR WATERMEIER: Um-hum. [LB732]

SENATOR SMITH: But with that, let me see if we have any questions from any of my colleagues. I see none. And thank you very much. [LB732]

SENATOR WATERMEIER: You'll be better suited off behind me here. [LB732]

SENATOR SMITH: Thank you for bringing this bill forward. Appreciate it. [LB732]

SENATOR WATERMEIER: You bet. I'll stick around for closing, but I don't think I have a need to. But I want to stick around (inaudible). [LB732]

SENATOR SMITH: All right. We now invite proponents, those wishing to testify in support of LB732. Welcome. [LB732]

JOHN HILGERT: Thank you, Senator. Good afternoon, Chairman Smith, members of the Transportation and Telecommunications Committee. My name is John Hilgert, J-o-h-n H-i-l-g-e-r-t, and I am the director of the Nebraska Department of Veterans' Affairs. I'm here today to testify in support of LB732. LB732, as Senator Watermeier had said, would add license plate options for current and former members of the military Reserves that reside in Nebraska. Currently, our military honor plates for those current and former members of the armed forces that served on active duty other than for training, including Reservists, and for Nebraska residents who are current and former members of the Army National Guard, or Air National Guard. Active duty for training includes basic training, boot camp, job training, etcetera. Active

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duty, other than training, would include such things as a deployment or a mobilization, activation for contingency operations. This service does not need to be combat-related overseas, but must, as the senator said, be related to Title 10. And the fact that this bill would add license plates to the current state law, in that it does not currently include Nebraska Reservists who have not served for active duty, except for training. And this is pretty much redundant, so I'm going to abbreviate my testimony. We believe that LB732 is an (inaudible) solution to those Nebraska Reservists who wish to show their military pride by purchasing a military honor license plate that is not currently available to them. And that concludes my testimony. And certainly, I'll answer any questions that the committee might have...or attempt to. [LB732]

SENATOR SMITH: All right, thank you, Director Hilgert. Appreciate the testimony. Do we have any questions for the director? Roughly, how many Reservists are qualified for these plates? Do you have any rough idea? [LB732]

JOHN HILGERT: I don't have those numbers. There's two sets of Reservists, ones that have been mobilized and ones that have not. We will try to get an estimate of those. I mean, you're asking for the numbers that would be impacted, that essentially have not been federalized. [LB732]

SENATOR SMITH: Yes, we guess...just roughly. All right. [LB732]

JOHN HILGERT: Try to get him that. It's not a huge number, but it's a significant number. When you put on the uniform, you raise your hand, you're committed to serve the nation...license plate would be an appropriate and minimal thank you for their service. [LB732]

SENATOR SMITH: That's right. All right, thank you. Thank you very much. Appreciate your testimony. I don't see any further questions. [LB732]

JOHN HILGERT: Thank you, Senator. [LB732]

SENATOR SMITH: Oh, okay. Senator Garrett, did you have a question? [LB732]

SENATOR GARRETT: No, thanks. [LB732]

SENATOR SMITH: Thank you. All right. We now continue with other proponents, those wishing to testify in support of LB732. Welcome. [LB732]

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GREGORY HOLLOWAY: Senator Smith, committee, my name is Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. I am the representative for the Disabled American Veterans and the Vietnam Veterans of America under legislative issues for veterans in the state of Nebraska. I'm also the chair this year for the Nebraska Veterans Council. But since we haven't had an opportunity to meet and discuss these bills yet, I will not be representing them on it. John Hilgert has assured me that there's no change in the definition of "veteran" on this bill. And that's my only problem with some of the bills. So the Disabled American Veterans and the Vietnam Veterans of America actually say this bill is okay, and they allowed me to do that. So I think this bill should move forward, because I have a lot of respect for our Reservists, our National Guard members, and I don't want them slighted in any way. I just have some concern about some legal terms once in a while. So if you have any questions, I'll sure answer them, but we'll probably have questions on the next bill. [LB732]

SENATOR SMITH: Okay. [LB732]

GREG HOLLOWAY: All right. [LB732]

SENATOR SMITH: Well, Mr. Holloway, thanks for being here today. Appreciate your service to our country. And thanks for taking the time to come and testify. Do we have any questions for Mr. Holloway? I see none. [LB732]

GREGORY HOLLOWAY: Thank you. [LB732]

SENATOR SMITH: Thank you. Next proponent wishing to testify in support of LB732. [LB732]

GREGG CLEMENT: Thank you. [LB732]

SENATOR SMITH: Welcome. [LB732]

GREGG CLEMENT: (Exhibit 2) Yes, good afternoon, Chairman Smith and panel. Most of my thunder has already been taken. But I'm Gregg Clement, Army Master Sergeant, retired, Adjutant for the American Legion Post in Table Rock. [LB732]

SENATOR SMITH: And let me ask you to spell that. [LB732]

GREGG CLEMENT: Oh, pardon me. Gregg Clement, G-r-e-g-g C-l-e-m-e-n-t. [LB732]

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SENATOR SMITH: Thank you. [LB732]

GREGG CLEMENT: Gregg Clement. I'm the adjutant for the American Legion Post in Table Rock, and I'm Senior Vice Commander for the VFW in Pawnee City and the Legion Riders recruiter officer for Post 168 at Pawnee City. And most of what I...I would just have to repeat it, but I've handed out some paperwork saying what other states are allowing veteran plates...which is all states now...of some type or another whether it's POW, Pearl Harbor survivor, or whatever. And 28 of the states do now allow Reserve, some even by branch. So I just wanted to let everybody know that Nebraska could get on board. And when everybody takes the oath and signs on the line, they don't know where they're going to go and they may not get deployed. So, whether it's training or not, I believe that they should at least have a chance to get a license plate. So I've already got mine on order. So... [LB732]

SENATOR SMITH: Okay. Mr. Clement, let me ask you a question. Do you have any idea if Iowa or Kansas is looking at this? Is there any movement over there? [LB732]

GREGG CLEMENT: I've...all I could do in the last week was try to talk to people at their DMV, and not everybody knows a lot about it. [LB732]

SENATOR SMITH: Um-hum. [LB732]

GREGG CLEMENT: Kansas said they have it in the works now. As far as I know, Kansas only has a plate that just says "military veteran." But they also have POW and Purple Heart. But from what I understood, the secretary told me, yes, they're working on a Reserve and a National Guard plate. I can't substantiate that, so... [LB732]

SENATOR SMITH: Okay, all right. Yeah, it looks like (inaudible)... [LB732]

GREGG CLEMENT: And I wasn't able to get anything from Iowa, sorry. They didn't return my calls. [LB732]

SENATOR SMITH: Any additional questions for Mr. Clement? I see none. And as well, thank you very much for your service to our country and for coming and testifying today. [LB732]

GREGG CLEMENT: Thank you. Appreciate the audience. [LB732]

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SENATOR SMITH: (Exhibits 3 and 4) We continue with proponents, supporters of LB732. All right. I do have a letter for the record in support of LB732 from Dean Kenkel. And we now invite anyone wishing to testify in opposition to LB732. Anyone wishing to testify in a neutral capacity on LB732? I do have a letter for the record in neutral capacity regarding LB732 from Rhonda Lahm on behalf of the Nebraska Department of Motor Vehicles. And with that, I see no further testimony in neutral capacity. We invite Senator Watermeier to close. Senator Watermeier waives his closing on LB732, and that concludes our hearing on LB732. And the last bill of the day to be heard is LB880, to be introduced by Senator John McCollister. It regards the changing of provisions relating to military honor plates. Welcome, Senator McCollister. [LB732]

SENATOR MCCOLLISTER: (Exhibits 1-3) Thank you, Chairman Smith and members of the committee. This bill will be very similar to the bill that you just heard. Good afternoon, Chairman Smith and members of the committee. I'm John McCollister, J-o-h-n M-c-C-o-l-l-i-s-t-e-r, and I represent the 20th Legislative District. I'm here today to introduce LB880, and you'll be receiving a handout that will...apparently you don't have them yet. But you will be receiving them in a short amount of time...on a handout that I will denote the changes proposed by the bill. LB880 would create a Reservist companion plate for five of the six existing military honor license plates. The National Guard is already a Reserve unit, so it does not need a separate Reservist plate. LB880 would also eliminate the existing restrictions for persons who have served for training purposes only and who are not eligible to display the word "veteran" on an operator's license or a state ID card. The decision to introduce this bill was based on a request from Nebraska Reservist and National Guard members, who asked that their home state allow them to be recognized for their service to the country. I've heard from one individual who states: I'm writing to you because I've learned from Department of Veterans' Affairs that I do not qualify, under Nebraska law, as a veteran for the U.S. Armed Forces, because I served in the U.S. Army Reserve component. I've been told that the way that the law is written, that I need to have a federal Title 10 order that placed me on active duty other than for Reserve training. This information came to my attention when I submitted a request to the Nebraska Department of Motor Vehicles to order a new military honor license plate that will be available January in 2016. I was in the U.S. Army Reserve from 1986 until 1993 and received an honorable discharge. During this time the threat of war, of terrorism, had not yet raised its ugly head. While not deployed overseas to fight terrorism, I still answered the call, my country's call, by serving as a citizen soldier in time of peace. I'm asking that you assist me in obtaining a military honor license plate, either by amending Nebraska law to match the federal law definition of veteran or by making exception for those soldiers who served in the U.S. Army Reserve. In order to qualify for these designations on license plates and driver's licenses, an individual must first apply to the Department of Veterans' Affairs to be placed on the Registry. The department establishes the individual's eligibility for the Registry. When an applicant asks for a designation of a driver's license or a license plate, the Department of Motor Vehicles consults this Registry. The fiscal note shows that this bill has no General Fund impact. The cost of the program, DMV software, is

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minimal and can be done within its existing appropriation. The cost to create and manufacture the license plates would be paid by the individuals who want them. Proceeds will go to the Nebraska Veteran Cemetery System Operation Fund. All the fees and costs are accounted for in cash funds. I'm also offering AM1856 to LB880 for the committee's consideration. AM1856 would become the bill. It was prepared last week, following a Department of Veterans' Affairs referral to my office of an individual who served as a commissioned officer in the United States Public Health Services. PHS and the National Oceanic Atmospheric Division (sic: National Oceanic and Atmospheric Administration), or NOAA, are the only two uniformed services that consist only of commissioned officers. PHS and NOAA officers are detailed directly to a branch of the military. They have veteran status within the VA and the VFW. But they are not currently eligible for Nebraska military honor plates or a veteran's designation on an operator's license or a state ID. PHS and NOAA officers do not receive DD214s when they are discharged. PHS officers receive a statement of service, and an NOAA receive a report of transfer of discharge. AM1856 would also add the eligibility we are discussing for current and former PHS and NOAA officers. This eligibility is represented by the green symbol on my handout. I would be happy to answer any questions. An individual who brought this idea to me is here today and can more carefully explain the full intent and the interest of Nebraska Reservists and National Guard members and the changes proposed in LB880. And I believe that you also have messages of support from (Brigadier) General Paul Cohen and veterans Jerry Anderson, Dean Cox, and Robert Johnson. I also provided proponent testimony from Kim Minino. So thank you very much, members of the committee. I think you now have a copy of the chart, and that looks like this (holding up chart). And the changes envisioned in the bill are represented in those blue stars. As I say, it was...it's very similar, except for the fact it includes operator's drivers licenses, whereas the other bill did not. [LB880]

SENATOR SMITH: Thank you, Senator McCollister, for introducing this bill. Do we have questions for Senator McCollister? I see none. [LB880]

SENATOR MCCOLLISTER: Thank you. [LB880]

SENATOR SMITH: Thank you. Are you going to remain for closing? We now invite proponents of LB880, those wishing to testify in support of LB880. Welcome. Welcome. [LB880]

CHARLES CRAFT: (Exhibit 4) Thank you. Good afternoon, Chairman Smith and members of the Transportation and Telecommunications Committee. My name is Charles, C-h-a-r-l-e-s Craft, C-r-a-f-t. I'm here to testify in support of LB880. There are seven uniformed services in the United States. The Armed Forces include the Army, Navy, Air Force, Marine, and Coast Guard. There are also the United States Public Health Service and the National Oceanic and Atmospheric Administration. PHS and NOAA officers are..they only have an officer corps. Their

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members wear the same uniform as the U.S. Navy with special insignia, and they hold equivalent ranks to the Navy. They are eligible for military awards and receive honorable or dishonorable discharges. Officers of the PHS and NOAA are normally stateside noncombatants, but they can be detailed directly for duty to any service branch of the Armed Forces, as requested by the Department of Defense. They can be activated to serve on training exercises, humanitarian missions, emergency responses in domestic and foreign locations that can include combat zones. Deployments can be short or for extended periods of time, as individuals with specific skills or as part of the larger unit. There's approximately 7,500 commissioned officers on active duty in these services. There's another 10,000 members that have served in a Reserve capacity. Recently, numerous commissioned officer personnel have been detailed to the Department of Defense to support the global war on terror. They served side by side in uniform, taking the same risks as their military counterparts. I, myself, spent 30 years as an 06 captain in the Public Health Service Reserves. I was detailed more than 30 times to the Armed Forces, often for overseas medical missions, which included a tour of duty with the 101st Airborne Division, U.S. Army, Operation Enduring Freedom in Afghanistan. When I returned to the United States, I contacted the Nebraska Office (sic) of Veterans' Affairs to find out about the honor plates and license. They responded that the current wording for eligibility did not address uniformed service members. They acknowledged that qualified uniformed service members have been recognized for veteran status by National Veteran Administration Health Systems and by the Veterans of Foreign War(s). And they suggested that a revision of the Nebraska statutes could correct this oversight. LB880 now contains the appropriate language to recognize Reserve military and National Guard members. I urge the committee to also consider the inclusion of the language in AM1856 to include qualified members of the uniformed services to harmonize provisions for all our service member veterans. I would appreciate your support of LB880 and AM1856, and I appreciate your time and attention. I'd be happy to answer any questions. [LB880]

SENATOR SMITH: Thank you, Mr. Craft, for your testimony. Do we have questions for Mr. Craft? I see none. Thank you. [LB880]

CHARLES CRAFT: Thank you. [LB880]

SENATOR SMITH: (Exhibits 5-8) Continuing with proponents, those wishing to testify in support of LB880. We do have some letters for the record in support of LB880. We have...a record was submitted by Robert Johnson, by Dean Kenkel, by Jerry Anderson, and by Brigadier General Paul Cohen on behalf the Military Officers Association of America, Heartland of America Chapter. We now invite anyone wishing to testify in opposition to LB880, opposition to LB880. Welcome. [LB880]

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GREGORY HOLLOWAY: Senator Smith and committee, again my name is Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. And I'm still representing the same people I did before. Here's my only problem with this bill. We addressed this issue over 20 years ago, at one time, on a bill. I was in opposition to it at that time for this reason. When you go to change the definition of "veteran" within the state by eliminating on page 5, line 23 and 24, you're crossing out "other than active duty for training" purposes. When you change the language in this bill, you will not have a consistency in the definition of "veterans" throughout the state statutes in the state of Nebraska. And you're going to find somebody with the tenacity I do and come in here and say, I'm a veteran over here to put on my license or give me a license plate; why can't I be a veteran when it comes to Nebraska Veterans Aid or county veterans' aid? We need to keep consistency in our statutes so we don't just confuse the people. If you want to do it, then we need to go back in, probably, and try to change all the definitions of "veterans" in all the state statutes pertaining to veterans. And trust me, there's going to be some money involved in that. I'm not opposed to the principle of these bills. And, like I say, I think the Reservists and all those that have served this country honorably for many, many years deserve recognition and be able to be proud of what they did. But this will change the definition; it's simple as that. And I think you should consider that when considering this bill. We have other license plate bills out there, and I understand there will be another one introduced that will give Reservists and National Guard license plates. It's not printed yet, but it's going to be introduced or has already been introduced. So we can discuss it again, and I'll probably be back then on that one. But that's my problem with this. And I think you should actually look at that and study it so you understand that...what repercussions of crossing those few words out might mean. And that's my only opposition to it. [LB880]

SENATOR SMITH: Thank you, Mr. Holloway. Senator Garrett. [LB880]

SENATOR GARRETT: Oh, thank you. Thank you, Senator Smith. Greg, if we went back and redefined "veteran" in all those other statutes, would that...I mean, it is a little onerous, but would that satisfy your concerns? [LB880]

GREGORY HOLLOWAY: No, because I don't think it should be redefined. To start with, it's very (inaudible)...if I got my thinking cap on right, that under the Department of Defense definition of "veteran," and I think we should stay with the definition we have. If you want to go in...in 1969 I started working on legislation through Governor Heineman...Tiemann's office, I mean...Tiemann's office on educational benefits for the Reservists and National Guard members back then. And I support our National Guard and our Reservists 100 percent. But we still need to keep with that definition of "veteran," as far as I'm concerned. And I believe most of the veterans' organizations...and we will be discussing this at the Nebraska Veterans Council meeting. And if we get a consensus within the Nebraska Veterans Council, and possibly the Governor's advisory board, that there should be maybe a change in the definition, and there's some support in it, we'd bring it forward ourselves. We are very conscious of what goes on

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within the veterans' community and the needs of the veterans and the desires of the veterans. And we want to accommodate them as much as we can, because we're the veterans' organizations. We're the leaders of the veterans' organizations, the appointed representatives to represent them with their problems and their issues. So we have to be conscious of what their needs are. And we try to act on those the best we possibly can. We make mistakes. But in this case I think it would be the overall consensus of all the veterans' organizations to leave it like it is, because there will be a financial impact...Nebraska Veterans Aid, county veterans' aid. And I'll probably have several other issues that would make them eligible for it. [LB880]

SENATOR GARRETT: Okay, thank you. [LB880]

SENATOR SMITH: Additional questions? I see none. Thank you, Mr. Holloway, for your testimony. [LB880]

GREG HOLLOWAY: Thank you. [LB880]

SENATOR SMITH: We continue with opponents of LB880. Opponents? Those wishing to testify in a neutral capacity on LB880, neutral capacity. I see none. Senator McCollister, would you like to close? [LB880]

SENATOR McCOLLISTER: Thank you, Chairman Smith. The previous speaker was talking about harmonizing the veteran's definition in state statutes. If I knew where all the state statutes related to this issue were, we'd do that. You know, the harmonizing effect is important. So I'd be happy to work with anybody that can help me locate all those state statutes, and we can certainly amend the bill if we find some of those statutes that need to be amended. I guess I'll make that commitment to move this bill forward. So with that, thank you very much. [LB880]

SENATOR SMITH: Thank you. Thank you, Senator McCollister. Any remaining questions for Senator McCollister? I see none. Thank you for your testimony and bringing the bill forward. [LB880]

SENATOR McCOLLISTER: Thank you. [LB880]

SENATOR SMITH: And that concludes the hearing on LB880. And that concludes our hearings for the day. Thank you. [LB880]