

Transportation and Telecommunications Committee January 29, 2019

FRIESEN: [00:00:01] I know we have, we have a few senators missing, but I think we'll get started. And welcome to this afternoon's public hearing of the Transportation and Telecommunications Committee. I'm Curt Friesen from Henderson, Chairperson of the committee. I represent District 34. Please, ask you to silence your cell phones and other electronic devices, and we'll be hearing the bills in the order listed on the agenda. Those wishing to testify on a bill should move to the front of the room and be ready to testify. We have a chair set up front here for an on-deck chair so that you're ready to go when your turn comes. If you'll be testifying, I'd ask that you legibly complete one of the green testifier sheets located on the table just inside the entrance. Give the completed testifier sheet to the page when you sit down to testify. Handouts are not required but, if you do have a handout, we need ten copies. One of the pages will assist you with that if you need help. When you begin your testimony, it is very important that you clearly state and spell your first and last name slowly for the record; and if you happen to forget this, I will stop you and ask you to do that. We will use the light system today, I think. It will give you five minutes: the green light is when you start; the yellow light means you have one minute left; and the red light means you need to wrap it up. Those not wishing to testify may sign in on a pink sheet, in the back by the door, to indicate their support or opposition to a bill. The staff is legal counsel Tip O'Neill, and the committee clerk is Sally Schultz. Pages are Alyssa and Preston, and I will let the committee introduce themselves, starting on my right with Senator Bostelman.

BOSTELMAN: [00:01:37] I'm Senator Bruce Bostelman, District 23: Saunders, Butler, and the majority of Colfax Counties.

ALBRECHT: [00:01:42] Good afternoon. I'm Joni Albrecht from District 17: Wayne, Thurston, and Dakota Counties.

GEIST: [00:01:49] Good afternoon. I'm Suzanne Geist. I represent District 25, which is the east side of Lincoln and the towns of Walton and Waverly.

DeBOER: [00:01:57] I'm Wendy DeBoer, District 10; that's northwest Omaha and Bennington and surrounding areas.

CAVANAUGH: [00:02:03] Machaela Cavanaugh, District 6; it's west-central Omaha.

HUGHES: [00:02:09] Dan Hughes, District 44: ten counties in southwest Nebraska.

FRIESEN: [00:02:13] Today were missing Senator Mike Hilgers; I don't think he'll be here. He's from Lincoln. With that, we will start the hearings, and the first one, LB142. Welcome, Senator Geist.

GEIST: [00:02:26] Thank you and good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Suzanne Geist, S-u-z-a-n-n-e G-e-i-s-t, and I represent the 25th District, which is the east side of Lincoln and the cities of Walton and Waverly. In December of last year, this committee heard testimony on the operation of autonomous vehicles in Nebraska. It was encouraging to hear feedback on the shuttle project in Lincoln and from a range of other stakeholders on their perspectives of the potential impact of autonomous vehicles. Many of those who commented noted the need to encourage these vehicles as an innovative solution to improving road safety, travel for those unable to drive themselves, and as a way of addressing the lack of transport options in our rural communities. The committee also heard of the need to be mindful of the safety concerns of our residents by ensuring appropriate legislation remains in place. LB989, passed by the Legislature in 2018, opened the door for the deployment of

automated vehicles on the roads of Nebraska. The aim of LB142 is to ensure Nebraska stays at the forefront of legislation aimed at encouraging innovation. During the interim hearing LR4, on LR424 on December 18th, the Transportation Committee was informed of enacted legislation and best practices in other jurisdictions, in addition to guidance issued by the federal government, an area in which Nebraska is out of steps in turns, is out of step in terms of liability. LB142 seeks to correct this position. The first update revises existing definitions to match those contained within the Society of Automotive Engineers' recommended practice document published in June 2018. These definitions are considered standards for the industry, and the usage of them is recommended by the federal government. This may seem like a minor change, but it protects consumers and manufacturers by ensuring an autonomous vehicle means the same thing in Pennsylvania as it does in Nebraska. The updated definitions also ensure a more nuanced approach to the oversight of these kinds of vehicles by distinguishing between those capable of performing substantial portions of the driving task and those require--excuse me-- and those requiring regular human intervention, playing more of a driver-assistance role. This change ensures unnecessary oversight is not placed on vehicles incorporating the kind of features common in vehicles today, such as adaptive cruise control. Secondly, this bill seeks to clarify liability for a driving automation system, should it be involved in a collision, in addition to requiring the manufacturer to retain proof of financial responsibility. I have brought an amendment, AM49, to LB142; and I believe you should have the amendment. AM49 takes out multiple sections of the bill and leaves the liability sections. It requires the manufacturer to retain appropriate liability coverage. The current legislation obliges only the owner of the vehicle to hold this proof of financial responsibility. This is out of step with enacted legislation in other jurisdictions, which typically require the manufacturer to also retain coverage. Evidence to respond to damages in the amount of at least \$5 million, to include minimum coverage of \$1 million per vehicle per occurrence, must be provided to the Department of Motor Vehicles. Five million dollars is a widely applied figure and the requirement would only apply to those vehicles capable of performing the entire driving task and not those where frequent human

intervention is required. This proof of financial responsibility is in addition to that required to be held by the owner or the operator, as in, as is in compliance with the Motor Vehicle Safety Responsibility Act. The second change to liability clarifies responsibility should the vehicle be involved in a crash or collision. Again this would apply only to those vehicles capable of performing the entire driving task in circumstances where human intervention is not frequently required. Section 6 of AM49 would determine liability in the event of a crash or collision, based on whether the human driver or automation system was in control of the vehicle. If the human driver was in control, liability would, would apply no differently than it does to any other vehicle on the road. However, if the automation system was in control of the vehicle, liability would sit with the manufacturer. Section 6 of AM 49 also includes an exemption from liability for those repairing such vehicles, should there be a product liability action for damages resulting from the repairs. And lastly, LB142 would ensure an appropriate, forward-looking definition of a manufacturer, as is used when considering autonomous vehicles. And I also want to add that this next part also applies to the amendment that I brought. As this technology advances, it's likely some may choose to retrofit vehicles with autonomous technology. Therefore it is essential the liability requirements in the bill apply to the appropriate party, and that is the manufacturer of the automation system and not the manufacturer of the vehicle. The handout that you received was a breakdown of the current SAE international definitions from June 2018, and a chart that lists the liability and insurance requirements on the other states. You should also have received that amendment, AM49. I would like to thank Deputy Director Maaske with the Department of Motor Vehicles, who will be here to testify today and can provide more detail on these provisions. I would also like to thank the Auto Alliance, Uber, and Tesla for their willingness to meet before the hearing. I urge your support of LB142 and AM49 and its advancement to the General File. Thank you. And I'm open to any questions you may have.

FRIESEN: [00:09:37] Thank you, Senator Geist. Any questions from the committee? Senator

DeBoer.

DeBOER: [00:09:44] Thank you. Senator Geist, I have what is probably a very simple question, but I'm just not familiar with these vehicles.

GEIST: [00:09:52] OK.

DeBOER: [00:09:52] So how would you know who was operating the vehicle when there was an accident, if it was the automated system or if it was the human driver? Is there some way of recreating that?

GEIST: [00:10:07] Well, they are computerized vehicles, and currently, in a, in a modern, a vehicle today, there is-- and I'm sure people behind me, you might ask this question, as well-- but they can look on the computer and see if the automation was--

DeBOER: [00:10:26] Kicked in at the time of impact--

GEIST: [00:10:27] Yes.

DeBOER: [00:10:27] --or something like that?

GEIST: [00:10:27] Correct.

DeBOER: [00:10:27] OK.

GEIST: [00:10:27] Or if you were, if it was disengaged and you're actually driving, so they

wouldn't, they would know.

DeBOER: [00:10:36] Yep, all right.

GEIST: [00:10:36] And the driver would be able to attest, as well.

DeBOER: [00:10:39] Sure.

GEIST: [00:10:39] If you look, I gave you the chart so that if you had questions, we, I could refer you to those. This liability is very specifically for the Level 4 and Level 5.

DeBOER: [00:10:51] Yeah.

GEIST: [00:10:51] And those are mostly automated.

FRIESEN: [00:10:56] Thank you, Senator DeBoer. Any other questions from the committee?
Seeing none--

GEIST: [00:11:01] OK, thank you.

FRIESEN: [00:11:03] Proponents? Welcome.

JULIE MAASKE: [00:11:19] Thank you. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunication Committee. I am Julie Maaske, J-u-l-i-e M-a-a-s-k-e, deputy director of the Department of Motor Vehicles. I'm appearing before you today to offer testimony in support of LB142, as introduced in the green copy. I'd like to thank Senator Geist for

introducing LB142 on behalf of the Department of Motor Vehicles. LB142 seeks to update current legislation in light of guidance documents issued by the U.S. Department of Transportation and the National Highway Traffic Safety Administration. In addition to enacted legislation in other jurisdictions, a key issue in any discussion surrounding the deployment of driving automation systems in Nebraska is the need to ensure innovation is not stifled, while maintaining balanced oversight of relevant safety features. Overregulation, or being overly prescriptive-- excuse me-- prescriptive, may result in damaging a promising technology. Underregulation may result in unsafe vehicles operating on roads and putting other road users at risk. Maintaining this balance requires regular communication with stakeholders and the ability to respond to changes in technology and the market. With these goals in mind, LB142 seeks to establish standardized definitions for vehicles equipped with driving automation systems in Nebraska. The changes to definitions would match those contained within the latest guidance documents issued by the Society of Automotive Engineers or the SAE, as referenced in the federal guidance documents. Adhering to these definitions ensures Nebraska is in step with best practice and helps remove confusion for customers and business. The amended definitions also distinguish between the various levels of driving automation systems. Due to the similarity of some of the terms, it may be useful to provide a brief overview. A driving automation system is a generic term and encompasses all types of automations, Levels 1 through 5. An automated driving system applies only to those more capable systems which include Levels 3 through 5. These systems are able to complete the driving task either completely or under limited situations. Dual-mode and dedicated vehicles encompass Levels 4 and 5 only and do not require regular human intervention and may operate under broader circumstances or conditions. These terms also encompass those vehicles which do not require human intervention under any circumstances. What distinguishes these from Level 3 vehicles is that a Level 3 vehicle are unable to achieve a safe condition, known as a minimal risk condition, on their own without human intervention. And I believe the handout that the senator provided kind of lays out these, these levels, as well, for your information. Updating liability requirements to ensure the manufacturer of a

vehicle retains appropriate coverage also brings state statute into line with federal guidance and other jurisdictions. While driving automation systems Level 1 through 5 have the potential to drastically reduce traffic fatalities, it's unrealistic to believe these types of vehicles will never be involved in a crash or collision. Due to this, it is only correct these vehicles maintain appropriate proof of financial responsibility, as is the case with the majority of other jurisdictions. The \$5 million requirement contained within LB142 is a standard figure, and the bill would more explicitly require minimum coverage of \$1 million per vehicle per occurrence. Failure to hold a hold appropriate liability, or to do, differentiate responsibility, may cause confusion and undermine confidence in the technology. Section 12 explicitly states where liability would lie in the event of a crash or collision. The responsible party is determined by whether a driver is in control or the autonomous system is engaged at the time of the collision. Doing so makes it clear that, when the driver is actively controlling the vehicle, the driver retains responsibility for the vehicle. Should the automation system be engaged for those dual-mode or dedicated vehicles, the Levels 4 and 5, liability would rest with the manufacturer of the system as there is no expectation of a regular human intervention. Less capable automation systems, the 1 through 3s, would not be included in this requirement as the expectation remains for the driver to intervene as and when hazards present themselves. Section 12 would exempt those who repair Levels 4 and 5 vehicles, in accordance with specifications of the manufacturer, from a liability and a product liability action for damages resulting from the repairs. This change ensures repairing a vehicle does not transfer liability to those persons or facilities undertaking repairs. Lastly, Section 13 addresses the Department of Motor Vehicles issuing guidance and allows for the adoption and promulgation of rules and regulations as necessary to oversee driving automation systems. Any guidance issues would be exactly that, guidance. As I mentioned previously, there is a desire to avoid becoming a regulatory island. The use of a guidance document in lieu of a legislative solution allows for a more flexible responsive approach. A similar approach is being used in other states, with success, to facilitate faster adaptation to the rapidly evolving industry. I would also just like to mention regarding the Senator's

amendment, AM49, we support such amendment and happily work with her and any other interested parties on that, on that amendment or any other amendments. So with that, Chairman Freeman, I-- excuse me, Chairman Friesen-- I urge you to support and the committee to support LB142 and advance it to General File. At this time I'd be happy to answer any questions.

FRIESEN: [00:17:38] Thank you, Ms. Maaske. Are there any questions from the committee? Seeing none, thank you for your testimony.

JULIE MAASKE: [00:18:03] Perfect.

FRIESEN: [00:18:03] Welcome, Director Schneweis.

KYLE SCHNEWEIS: [00:18:04] Thank you. Good afternoon, Chairman Friesen. Members of the committee, I'm Kyle Schneweis, K-y-l-e S-c-h-n-e-w-e-i-s. I'm the director of the Nebraska Department of Transportation, or NDOT. It's a pleasure to be here today and offer our support for LB142. I want to thank Senator Geist for your work with the Nebraska state agencies on the issues of autonomous vehicles, and to Director Lahm and Colonel Bolduc and our colleagues at Motor Vehicles and the State Patrol for their collaborative approach as we looked to update provisions relating to the operation of autonomous vehicles and, specifically, the liability surrounding their operation. Last year's LB989 laid the groundwork to support advanced automotive, automotive technology in the state, allowing the state to benefit from the dynamic improvements in safety, mobility, and productivity this technology can offer. It proved Nebraska is serious about creating a culture of innovation that appreciates and considers the benefits of being at the forefront of technological advancement. And our goal at the DOT remains creating and supporting opportunity, while preparing for this new area of transportation, by leveraging new technologies to improve public safety, ensure that Nebraska companies can remain competitive, and that protect our state's

interests without hampering innovation. LB142 improves on that foundation laid by LB989. One gap we've identified relates to insurance requirements and, specifically, liability coverage. When we discuss liability, we're talking about the net, the negligence of parties involved in crashes, including allegations of negligence on part of public agencies who manage the transportation system. With the revisions in this bill, we seek to address the introduction of a new potential at-fault-and-responsible party. We expect that, with the introduction of autonomous vehicles into Nebraska roadways, we could see a change in the way that vehicle crashes are viewed for liability. And there may be more focus and attention paid on the highway facilities or road facilities that currently occur when a human operator is in control of the vehicles. These provisions support the administration's goal of controlling overregulation, while still providing an incentive for developers of autonomous technology to consider the need for vehicles to be, to be able to safely navigate existing roadways and public roads. LB142 introduces two primary changes related to potential liability within the two categories of autonomous vehicles: those that are capable of handling all dynamic driving tests and those that are not. For vehicles capable of handling all tests, the manufacturer of the system is deemed to be in control the vehicle for purposes of liability when the system is in full operation mode. It also confirms that the human driver is still responsible for the actions of the vehicle equipped with an autonomous, automated driving system when the vehicle's controlling only some of the driving tasks. It clarifies that mechanics and repair shops are not responsible for damages when they repair autonomous vehicle systems according to the manufacturer's specifications. Additionally, the manufacturer will be required to provide proof of ability to respond to damages in the amount of \$5 million. Automobile liability insurance coverage of \$1 million, \$1 million per occurrence per vehicle is also required, which is consistent with the commercial motor vehicle insurance requirements we currently have. LB142 builds off of LB989 to modernize our transportation policies and regulations to respond to rapidly evolving technologies without prejudging these technologies and their capabilities, although both pieces of legislation, the state and the Legislature has maintained the correct approach don't get in the way of innovation but

provide for the protection of life and the interests of our state. And because of this approach, representatives from the NDOT, the State Patrol, and DMV were invited to travel to Oregon just this last year to learn from DaimlerChrysler and their trucking advancements in autonomous vehicles, freight management and Level 2 autonomous and electric vehicles. We were invited. Those invitations were limited to states who've taken deliberate steps to create a space where autonomous technology is welcome. And so partnerships like this, especially in the freight world where our partners are already leveraging technology to improve efficiency, they're vital as public and private entities work to bring advanced technology to our roads. As a state we need to be continue, continually mindful and have an approach that supports public policy and promotes safety and an environment that businesses can thrive, and the technology is here. Driver Assistance technologies in today's cars is already helping to save lives and prevent crashes. We had 230 fatalities in Nebraska last year. I get a report every time one occurs, and I can tell you it's almost always one of a few things: its lane departures, its crossovers, its failure, failures to yield. And these kinds of technologies are already helping to prevent these kinds of crashes, and they're going to help us as we look forward to really make some headway towards our goal of zero deaths. Chairman Friesen and members of the committee, I appreciate your consideration of LB142. The technology is, is evolving rapidly and could soon offer solutions to some of the major challenges we face in transportation. And this evolution will have profound impacts on the way we travel and the way freight moves through our state, impacting everything from revenue levels to the kinds of future priorities we set for our transportation system. The legislation, I believe, stands, stays on trend with the intent of LB989 while affording the state the protection needed in the areas of liability. I thank you for your time and would be happy answering questions.

FRIESEN: [00:23:33] Thank you, Director Schneweis. Are there any questions from the committee? They can't let you off completely free. Is there--

KYLE SCHNEWEIS: [00:23:43] Oh sure, sorry. I always forget the Chairman.

FRIESEN: [00:23:43] Is there, is there any, any liability on the state's part as far as pavement markings, those types of things, when it comes to autonomous?

KYLE SCHNEWEIS: [00:23:52] Well, I think that's what we're hoping to be able to address here. While we welcome the technology, we need those, we need the technology to be able to operate in the real world. And, and today when we are held to be liable, meaning a state agency or a city or a county, if our, if our maintenance activities are deemed to contribute to a crash, but not for things like striping and potholes that are a regular occurrence in terms of operating and maintaining a system. I think that's where we need to be clear in statute, because we can't have vehicles that, that, that are causing crashes but then pointing to say, well, your pavement marking wasn't absolutely perfect. We live in Nebraska with all the snow and the rain and the, and the, and the rest of it that comes with it, and, and so we need to be able to make the improvements to those things. And if certainly those things are, are required for the technology to, to thrive, we want to address that. But in terms of being liable, we need these vehicles to operate on the roads as they currently exist today. We have 10,000 miles of highways. They were not designed with this technology in mind 60, 70 years ago. So we need, we need to [INAUDIBLE].

FRIESEN: [00:25:06] Well, current signage then, it still needs to be in place. I mean these vehicles need-- they use that information yet for the driver?

KYLE SCHNEWEIS: [00:25:15] Well, I think that that's a question for a manufacturer. I would say that when I've, when I've participated in forums on these kinds of things, the goal is to have several layers of protection. And so the striping, for example, might be one layer but there are other layers built into the system, as well, so you're not relying on any one thing, you know, only at one

time [INAUDIBLE].

FRIESEN: [00:25:35] OK, thank you. Seeing no other questions--

KYLE SCHNEWEIS: [00:25:37] OK, thank you.

FRIESEN: [00:25:39] Any other proponents? Seeing none, anyone wish to testify in opposition?

Welcome.

LEIGHTON YATES: [00:26:09] Good afternoon, Mr. Chairman, members of the committee. My name is Leighton Yates. I'm the senior manager of state government affairs for the Alliance of Automobile Manufacturers. For those of you that are not familiar with the Alliance, we are a trade association--

FRIESEN: [00:26:21] Would you spell, spell your first and last name, please?

LEIGHTON YATES: [00:26:24] Yes. L-e-i-g-h-t-o-n; last name Yates, Y-a-t-e-s. As I was saying, for those of you that are not familiar with the Alliance of Automobile Manufacturers, we are an association representing 12 of the world's leading car and light-duty truck manufacturers. Annually each year, we represent roughly 70 percent of all new cars sold in the United States. On behalf of the Alliance, I'd like to thank you for the opportunity to speak with you on behalf of autonomous vehicles, but also a technology that has lifesaving potential and that has already placed Nebraska among the leaders in the United States. We'd also like to share our opposition to LB142. Last year LB989 was enacted into law. Thanks to Governor Ricketts and Senator Wishart's efforts, they've put Nebraska at the forefront, at the forefront of states that offer, that foster innovation and at the forefront of states that embrace new businesses and technology. In addition to the members of

the Legislature which endorsed the legislation, it passed with the support of automotive manufacturing interests, technology development, ridesharing industries, and others. Alliance members believe that the existing statute provides the ideal framework for automated vehicles. It is widely been accepted and supported as one of the most favorable AV laws in the United States. The statute set by LB989 creates a set of definitions based on common industry terms. They are similar to a large majority of the states, however, LB142 would rewrite every definition in statute in an attempt to keep them in step. While SAE has set definitions, if you took a landscape of what laws are in statute now across the country, they more resemble the current statute in Nebraska, more so than the June 18 SAE definitions. I will also point out that SAE, in the last two years, has already updated those definitions three times and they're expected to update them further. I do know that some comments I've made, as far as I know Nebraska has a, an update bill every year for these types of measures for reference, referencing outside documents but, in the scenario that the Legislature adjourned and SAE updated those definitions and terms again, Nebraska would still be out of step. Just wanted to point that out. Additionally, the statute set by LB989 allows for automated driving system operation on Nebraska roads. Those vehicles must comply with Nebraska rules of the road and are held to the same high standards that Nebraska drivers are today. It also preempts local government. This allows the state to be the clearinghouse for all things AV, in and avoids a municipal-level patchwork that would create significant barriers for those developing the technology and enforcement on the state side. It allows for transportation network companies such as those ridesharing companies, to operate their autonomous networks, once available to the public. It also requires any person or entity to have proof of insurance or be self-approved. This is a common element in most state AV policy, as the previous test fires have mentioned, but I would also point out that the \$5 million policy is not common across the board. Your neighboring state, Colorado, as well as the state of Texas, have created, have referred to motor, motor vehicle product liability law to defer to insurance and self-insurance currently in law, similar to Nebraska now. The bill also provides accident reporting requirements. There is a new section in LB42 that would

absolve repairers of any liability. And automakers have an issue with that for the reason that repairers are not exempt from liability today currently. Vehicles right now on the roads are highly automated already. They are highly advanced and have a great deal of technology, and it's an issue across the country when repair shops are not held liable. There is a rather large case that happened last year in Texas that was related to this similar issue of a repairer not being held liable and they ended up failing in court. Additionally, the statute created by LB989 is not the end-all be-all [SIC]. This is a basic framework to prepare Nebraska for the introduction of automated vehicle technology. It allows the state flexibility to regulate AV activity within its borders while allowing transit and commerce across those same borders. As the technology matures, we fully expect the laws to do so, as well. We hope to continue as a partner in this area as Nebraska blazes its own trail and takes advantage of this lifesaving technology. The Alliance sees Nebraska as a leader on AV policy, not only in the U.S., but also regionally. In fact, we are working with many of your surrounding states right now on policy, and we are pointing to Nebraska as a law that is favorable to industry, as well as across the board. LB142 has been described as pro-innovation, but Nebraska currently has a pro-innovation law in statute that was signed into law by Governor Ricketts all but six months ago-- excuse me-- enacted six months ago. The Alliance and its members, however, do appreciate the efforts and the communication and stakeholder engagement from Senator Geist. But unfortunately, for the reasons I mentioned above, we are not able to support this bill. And this sentiment is echoed by other auto manufacturers and ridesharing companies that have been a part of this process since the beginning. For those reasons we ask that LB142, in its current form, is voted against and not passed by this committee. I'd be happy to answer any questions.

FRIESEN: [00:32:07] Thank you, Mr. Yates. Any questions from the committee? Senator Bostelman.

BOSTELMAN: [00:32:11] Thank you, Mr. Chairman. Thank you for being here today, for your

testimony, Mr. Yates. Did I understand-- point of clarification for myself. In here it talks about the federal standard definitions. You're saying those are not accurate? Compared to what?

LEIGHTON YATES: [00:32:24] I did not say-- oh, excuse me, Senator. The, I didn't say they're not accurate. They are not consistent with state policy that's been adopted in the majority of states currently.

BOSTELMAN: [00:32:34] Do-- would you agree that typically states will follow federal guidelines at one, at--

LEIGHTON YATES: [00:32:41] To this point, I cannot say with 100 percent that they do, because we've seen deviation in nearly every state that's enacted a law.

BOSTELMAN: [00:32:51] And on the liability, I think we had the discussion during the summer, during a, of our, on who's, what the liability is of a, like a Level 5 vehicle.

LEIGHTON YATES: [00:33:02] Correct.

BOSTELMAN: [00:33:02] And it was, was it a product liability thing we were talking about?

LEIGHTON YATES: [00:33:06] That's correct, Senator.

BOSTELMAN: [00:33:06] So I guess my concern, or question that was at that time, again is, is that really a proper coverage of this, one, Level 5 vehicles don't even exist now. So there's a lot that we don't know about them, how they will function and that. And product liability, I think, may fall short on the need for protection from, for the public if something would happen. And I guess I'd like

to hear a little bit more about your comments, you know, the discussion we had earlier. If you could share that with me again, I'd appreciate it.

LEIGHTON YATES: [00:33:41] Sure, Senator, I'd be happy to. You're correct; we do refer to general motor vehicle liability product law, so in short, if the system is being used properly and there is an accident caused by, we'll say you, Senator, and it was your fault, it will be your fault. If the system was engaged and was in an accident and it was the system's fault, it would be the system's fault. If the system was being used improperly or it was modified, and that vehicle was at fault in an accident, it would be that person's fault who's, who's the owner or at that, if it's a Level 3 vehicle, the, the, the driver, the conventional human driver in the vehicle. I will point out with product built, liability law, that applies to most everyday things in our lives, from your motor vehicle now, to your cell phone, to the toys your kids play with. And if any of those result in a fatality or an injury, the same result would be expected in this instance with automated vehicles.

BOSTELMAN: [00:34:41] I guess, you know, part of the concern is where, you know, identifying where that fault would lie, if it was, if it was a computer malfunction, if it was a connectivity malfunction, if it was a design malfunction, and if a general liability policy would kind of eliminate some of that confusion or, or more so, pointing a finger as to who is responsible for it. I'm not so sure that that might be a, you know, that might be something that'd be a better solution than a product liability, because now we're gonna have to go through litigation as to all the different parties that are involved with that vehicle or if that vehicle is covered with some type of a liability policy that would, that would take care of the injured parties quicker than it would protracted, prolonged litigation.

LEIGHTON YATES: [00:35:38] Perhaps.

BOSTELMAN: [00:35:43] Thank you.

FRIESEN: [00:35:44] Thank you, Senator Bostelman. Any other questions from the committee?

Seeing none, thank you for your testimony.

LEIGHTON YATES: [00:35:51] Thank you, Chairman.

FRIESEN: [00:35:51] Other opponents wish to testify? Seeing none, anyone wish to testify in a neutral capacity? Welcome.

KIM QUICK: [00:36:28] Good afternoon. Senator Friesen, members of the committee, my name is Kim Quick; that's spelled K-i-m Q-u-i-c-k. I'm the, the president of Teamsters Local 554, located at 4349 South 90th Street in Omaha. We serve the members and their families in the state of Nebraska. I'm appearing here today in a neutral capacity because we believe there needs to be more changes in this law than are contained in the well-meaning bill, LB142. LB142 deals with the very real liability issues confronted by this new law. We support that portion of the bill. Notwithstanding the reference to federal statute and regulation, we believe that there are several other areas that deserve your attention; and you will have the opportunity to hear those suggestions in a future public hearing and on LB521, which we understand you will, be your last hearing of the year. So we look forward to this as much as you do. To that end, let me be clear. We believe that this existing statute needs to recognize that an individual human being needs to be with an autonomous vehicle, and especially a commercial vehicle, when operating currently, when operating. Current law and LB142 does not provide such, and we think it should. LB521 does provide a human being in the vehicle. We think that this new statute should include public safety concerns for such as school zones, as much as, also, railroad crossings. Neither LB142 or the existing statute does that; LB521 does. Finally, we believe that the Legislature should revisit the preempting of local law

enforcement and safety professionals, which occurs in Chapter 60-3308 in subsections (2) and (3).

LB521 strikes the language which we believe deprives local communities from developing their own specific rules to accommodate new technology and the ability to finance the necessary infrastructure changes that will likely be required to adapt to the integration of automated vehicles within the existing transportation system. The Teamsters Union. We look forward to discussing with you on how to best integrate new vehicle design into our existing transportation system. I look forward to meeting with you, each one of you senators individually, to discuss our mutual interest of public safety, which we believe will be furthered by Senator McDonnell's LB521. Thank you.

FRIESEN: [00:39:33] Thank you, Mr. Quick. Any questions from the committee? Seeing none, thank you for your testimony.

LEIGHTON YATES: [00:39:41] Thank you.

FRIESEN: [00:39:42] Any others who wish to testify in a neutral capacity? Seeing none, Senator Quick, you're willing to close?

TIP O'NEILL: [00:39:49] That's Senator Geist.

FRIESEN: [00:39:49] Geist-- Quick. You changed your name.

GEIST: [00:39:49] It sounds alike. Just in closing, I want to recognize that one of the historic things that I didn't address was, that helps explain some of the confusion about the guidance, and that is that in the states, the guidance from the federal government was slow in coming. So when these vehicles were seen on the road, states were kind of left on their own to give definition of what different vehicle levels were available. So currently-- well, in 2017 and 2018-- is when guidance

from the federal government, such as what we've passed out to you, started coming. That's why you see a difference in definitions. And what the federal government is trying to do is get a uniformity across the state with definitions. And so that's why there's confusion in the definition portion of this bill. And, but I want to be clear that with, what we're doing with AM49 is eliminating those definitions for now, and we're, we're just leaving the liability portion of the bill, and we're also leaving the definition of manufacturer in the, in the bill. So what you're reading in AM49 is the original LB989 bill, with the liability and the manufacturer definition inserted in that bill. So it gives clarity to who is actually responsible in case of a collision. And that's vital that we have that in statute for the state. So with that, I would ask, I would encourage the committee to support LB142 with the AM49, so it clarifies to the body what is most important in this bill. And that's all I have.

FRIESEN: [00:41:52] Thank you, Senator Geist. Any questions from the committee? Seeing none, we'll close the hearing on LB142.

GEIST: [00:42:00] Thank you.

FRIESEN: [00:42:02] LB111, Howard.

HOWARD: [00:42:21] Yeah.

FRIESEN: [00:42:21] Senator Brewer.

BREWER: [00:42:22] I'm not next?

FRIESEN: [00:42:22] Not next yet.

BREWER: [00:42:26] I've been given false information.

FRIESEN: [00:42:27] Sorry. You're after this one.

HUGHES: [00:42:32] Tom-- Tom.

DeBOER: [00:42:33] You're next.

HUGHES: [00:42:34] Good-- good start.

FRIESEN: [00:42:36] We'll now open the hearing on LB111. Welcome, Senator Howard.

HOWARD: [00:42:48] Good afternoon, Senator Friesen and members of the Transportation and Telecommunications Committee. My name is Senator Sara Howard, H-o-w-a-r-d, and I represent District 9 in midtown Omaha. I'm here today to bring you LB111, a bill that makes a simple, yet important, change in our statute regarding who is allowed to obtain a certificate of title on behalf of their spouse. Currently our statute doesn't allow many forms that are used by the state, including the Department of Motor Vehicles, to reflect current law regarding same sex marriage. LB111 amends statutes regarding obtaining a certificate of title to use the words "married couple" instead of "husband and wife," as it does now. This bill came to my attention from a constituent who was doing some research to obtain a certificate of title, and he's here today to tell you that story. After the process, he felt it was important to make sure that the language used on the Douglas County Web site and worksheets recognized all forms of legal marriage. When Mr. Shively contacted his Douglas County commissioner, he was told that the language was in our statutes and it was our fault, and it could not be changed without an action of the Legislature. He contacted my office and I

agreed that we should at least attempt to try to change this language. While it seems like a very small change, and overall I think it is, I think it's important for us to remember that our statutes have to reflect federal expectations and federal laws. And because this has been a federal change based on the Supreme Court decision in Obergefell v. Hodges, I want to make sure that our statutes really reflect accurately all forms of marriage in our country. So I believe this bill is a simple change and I hope you will consider LB111. I'm happy to try to answer any questions you may have. And also, I got married in this room, and I'm, and I'm way like less nervous now than when I was here for that.

FRIESEN: [00:44:47] Thank you, Senator Howard. Are there any questions from the committee? This seems like a really tough bill.

HOWARD: [00:44:52] I know. I'm sorry. I bring, I bring you a really difficult things. This is my only time in Transportation, too. So-- all right. Well, thank you so much for your time, and I'll stay to close, just in case.

FRIESEN: [00:45:04] OK. Proponents who wish testify in favor of LB111.

MARK SHIVELY: [00:45:05] Good afternoon, Senator Friesen and members of the Transportation and Telecommunications Committee. My name is Mark Shively; that's spelled M-a-r-k S as in Sam, h-i-v as in victory-e-l-y-- Mark Shively Thank you, Senators, for this opportunity to express my support for LB111. And a huge shout out and thank you to my District 9 senator, Sara Howard, for introducing the bill. The proposed language modification in LB111 would make it equitable for all married couples in Nebraska to make changes on vehicle titles. The current language that all counties in Nebraska must use in making vehicle title changes is to complete the application and be signed by all interested parties. The only exception to this are vehicle titles held by husband and wife, in which case either one, acting as an agent for the other, may sign the

application. This is discriminatory to same-sex couples who are legally married in Nebraska. Last May, all I wanted to do was add my husband's name to a vehicle title of an old handyman pickup that I thought we both legally owned. We used the 1990 Mazda pickup-- do the math, almost 30 years old-- for home improvement projects that goes with the territory of owning a 100-year-old-plus house and yard in the Gifford Park neighborhood of District 9. I went to the Douglas County Treasurer's office to make the change. Upon reading the requirements to make the change, I discovered the signature requirement that I could sign for my wife if she was not present. Not having a wife, I stated my concern to the person behind the counter, that I did not have a wife, but a husband, and this language was discriminatory. She said: just ignore it if I wanted to because they do it all the time. I said that is contrary what to the law says, and she just shrugged. It was not acceptable for me to proceed with the vehicle title change, knowing that it was discriminatory language. I contacted the Douglas County treasurer, which led me to my county commissioner, which led me to the clerk of the county, where I was informed that the Nebraska Legislature has to make those changes. This issue and concern has brought me here today to urge your support for LB111. Please make all Nebraskans not only have equality before the law but, also, equality under the law. Let me repeat that one. Please make sure all Nebraskans not only have equality before the law but, also, equality under the law. So before spring rolls around and we need a load of mulch for the yard, I encourage you and ask you to, please, support LB111, relating to certificates of title and the amended sections, as proposed. I thank you for your time, and I'm open to any questions or comments that you may have at this time.

FRIESEN: [00:48:57] Thank you, Mr. Shyly [SIC]. Any questions from the committee? Senator Cavanaugh.

CAVANAUGH: [00:49:01] Thank you so much for your testimony today. I just wanted to say that my daughter, Harriet, will be four on June 25th. And June 26, 2015, was the day that same-sex

marriage came down from the Supreme Court. And I remember it very vividly because I was in Methodist Women's Hospital. So it's been nearly four years, and I appreciate that this isn't a statute you should have to live with anymore. And I appreciate you coming out here and sharing your story with us.

MARK SHIVELY: [00:49:36] Thank you, thank you, Senator Cavanaugh.

FRIESEN: [00:49:37] Thank you, Senator Cavanaugh. Any other questions from the committee? Seeing none, thank you for your testimony.

MARK SHIVELY: [00:49:44] Thank you.

FRIESEN: [00:49:53] Proponents? Welcome.

SPIKE EICKHOLT: [00:49:58] Welcome; thank you. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunication Committee. My name is Spike Eickholt. First name is S-p-i-k-e; last name E-i-c-k-h-o-l-t, appearing on behalf of the ACLU of Nebraska, in support of LB111. Senator Howard did a very clear and simple introduction to the bill; I can't do any better than that. Mr. Shively explained the reasons for the change. I would just summarize my written testimony, just to point out a couple of things. As Senator Cavanaugh just indicated, in June 2015 the U.S. Supreme Court issued its decision, granting equal marriage rights, in the case of Obergefell v. Hodges. Even though that is the law of the land that states recognize same sex marriages, some language in some of our statutes is antiquated and only refers to gender-specific terms, with respect to marital couples like husband and wife. And this is, or at least this bill addresses a couple of those statutes. The law ought to be accurate. The law ought to be clear. A person ought to be able to look at what the statutes are and be able to understand exactly how they

are applied. The terms "husband" and "wife" are not accurate. What it sounds like, the explanation that Mr. Shively was given, is that the local county treasurers don't feel comfortable changing the application process because the statute still used the terms "husband" and "wife." As a matter of policy, we shouldn't, or I would respectfully suggest we shouldn't allow for local officials to suggest that people just disregard forms that are issued by the state, or somehow just supplement or cross off, particularly when you're talking about vehicle titles, 'cause there are consequences for having improper titles and not recording things accurately on titles and title applications. So for that reason alone, in addition to the discriminatory language that appears in the statutes, we would urge the committee to change this. And if we look at the bill, it's four pages-- it's actually three pages of text-- some of the statutes, statutory language already uses the nongender specific term of spouses. Sometimes, even in the same sentence, the husband or wife appear. So I think the chance that changes are relatively simple to make. We would urge the committee to adopt those for the reasons that you heard Mr. Shively give, and also simply for good sound legislative policy.

FRIESEN: [00:52:18] Thank you, Mr. Eickholt. Any questions from the committee? Senator Bostelman.

BOSTELMAN: [00:52:22] Thank you, Mr. Chairman. Just-- I don't have the form in front of me. Do you happen to have a copy of the form--

SPIKE EICKHOLT: [00:52:28] I don't [INAUDIBLE]--

BOSTELMAN: [00:52:28] --that you could provide that, provide the committee? Or could we get one?

SPIKE EICKHOLT: [00:52:32] I could, I certainly will supplement one.

BOSTELMAN: [00:52:32] Just so we could see one. I'd appreciate it.

SPIKE EICKHOLT: [00:52:32] Absolutely, I [INAUDIBLE].

BOSTELMAN: [00:52:32] Great. Thank you.

FRIESEN: [00:52:37] OK, are there-- thank you, Senator Bostelman. Any other questions from the committee? Seeing none, thank you. Any other proponents? Seeing none, are there any who wish to testify in opposition? Seeing none, anyone wish to testify in a neutral capacity? Senator Howard, you may close.

HOWARD: [00:53:01] I just want to say I appreciate your consideration of this bill. I always try to bring a couple of very specific constituent bills every year when they come to me. And Senator Bostelman, I will find that form for you and get it to you. Any final questions for me?

GEIST: [00:53:20] I do have one.

HOWARD: [00:53:20] Oh, fabulous.

FRIESEN: [00:53:21] Senator Geist.

GEIST: [00:53:22] Is, is-- thank you, sorry. Is the, is the-- this is simple--

HOWARD: [00:53:23] Sure.

GEIST: [00:53:23] --but is the boat form and motor vehicle form the same?

HOWARD: [00:53:28] I will find out and I will get them both for you. How's that sound?

GEIST: [00:53:32] I don't need one. I'm just curious.

HOWARD: [00:53:34] You don't need a boat form from Douglas County?

GEIST: [00:53:36] No, I don't. I'm just curious if, if the verbiage on each is the same.

HOWARD: [00:53:41] Oh, is the same. Yes. Yes, we'll get those and find out.

GEIST: [00:53:43] OK, OK.

HOWARD: [00:53:43] Perfect.

GEIST: [00:53:44] Thank you.

FRIESEN: [00:53:44] Thank you, Senator Geist. Senator Albrecht.

ALBRECHT: [00:53:47] Thank you, Chairman Friesen. And Senator Howard, I guess I probably should have asked, or maybe I missed it with Mr. Shively. Did he end up getting his title? So you have to wait until this is changed?

MARK SHIVELY: [00:54:00] Still waiting.

HOWARD: [00:54:00] He's still waiting for that 90s pickup.

ALBRECHT: [00:54:02] And my other, and my other question would be, is this just about married couples? Or can it, can instead of it saying married couples or husband and wife, just say individuals?

HOWARD: [00:54:16] Well, so this is actually so that you can act as an agent for somebody else for the title, and so we wouldn't necessarily want an individual to say I'm gonna be an agent for someone I don't know.

ALBRECHT: [00:54:26] Well, would they have to bring in any proof, like a power of attorney or anything like that? Or-- and I'm just wondering because, selling cars for 33 years, I think of a father coming in to buy a car for, and cosign, and be on the title with a son or a daughter, you know? Or a mother getting on a title with a son or a daughter. So could it just say individual instead of specifically stating--

HOWARD: [00:54:55] A married couple?

ALBRECHT: [00:54:56] A married couple or--

HOWARD: [00:54:58] You know, let me look at that because this is-- you're thinking of when you already have a title and you're both going to go on the title together. In this instance, one person has a title and you'd like to--

ALBRECHT: [00:55:08] And you want to add somebody to it.

HOWARD: [00:55:09] You want to add somebody. And an agent can be somebody who has a merit, a marital relationship. But I could see wanting to make sure that a power of attorney, which I believe would be binding--

ALBRECHT: [00:55:18] Right.

HOWARD: [00:55:18] --or sort of a kin relationship would also be appropriate in this regard.

ALBRECHT: [00:55:24] Um-hum. Well, I'm just wondering if we're gonna look at it, let's look at the broader spectrum of everyone being able to do that for each other.

HOWARD: [00:55:30] Absolutely.

ALBRECHT: [00:55:30] Individual meaning, covering everyone.

HOWARD: [00:55:33] Yeah, that's a great addition; thank you.

ALBRECHT: [00:55:34] Just something to think about. And I'd like to look at the forms, too, when they come.

HOWARD: [00:55:38] I will, I will get those forms.

FRIESEN: [00:55:39] Thank you, Senator Albrecht. Any other questions from the committee? Seeing none, thank you, Senator Howard.

HOWARD: [00:55:46] Senator Friesen, have a great day.

FRIESEN: [00:55:48] We'll close the hearing on LB111. Earlier on LB142, I did forget to read in two letters of support: Dean Kenkel and Tom Tibortz. Now we will open the hearing for Senator Brewer, LB156. Welcome, Senator Brewer.

BREWER: [00:56:27] Thank you. Awesome committee room. Thank you, Chairman Friesen and fellow members of the Transportation and Telecommunications Committee. I'm Senator Tom Brewer. For the record, that's T-o-m B-r-e-w-e-r. I represent the 43rd District of western Nebraska. I'm here today to introduce LB156. I bring this bill on behalf of my constituents and, actually, myself. First, I want to thank Rhonda Lahm, with the Department of Motor Vehicles. Her and her staff have been patient and professional. We have worked together all through the summer and the fall to prepare this bill. DMV supports this bill and will testify after me, I hope. Imagine that you go down to an auction and buy a surplus military vehicle in either a beautiful green or desert camouflage. And the vehicles that are available now, either by auction or online auction-- if you get on GovPlanet or IronPlanet or the primary locations where they sell military vehicles-- most of them fit into two categories, either the military Humvee or what we call the new family of trucks, which are the two-and-a-half-ton versions. Those vehicles are available to the civilian population because they come with all of the features necessary to be on the road. We drive them on the road in our convoys. What has happened is the military has upgraded their vehicles to be armor plated, so there's no need for the first generation, which are just standard, I guess, thickness of metal and configuration. So you head down to the county courthouse to pay your taxes, get your title and your registration. And you find out that your military surplus truck is not considered a motor vehicle under Nebraska law, and you cannot get title plates and, as a result of that, your vehicle becomes of little value to you or you risk the fines that would come with it. You discover that people in other counties in Nebraska did find a way to get their vehicles licenses and registered. This comes down to the county clerk or the county treasurer making the call. The problem that my cost, my

constituents brought up to me was that, in order to make it available for them to use to go into towns, villages, they had to go on Nebraska roads. And as we examined the law, we realized that it needed some major changes. My staff and I worked together with Rhonda for the many months leading up to this and, as a result of that, the bill itself is 15 pages. And I know by itself, that appears to be a little overwhelming. But keep in mind that they wanted to do it once; they want to do it right. They didn't want to have a bunch of cleanup bills afterwards. So that is part of what has resulted in the bill and the length of the bill. I handed an amendment just before I walked up here. The amendment simply gives a plate, title, and it would be former military vehicle, just as any the other plates that you see have different things on them, just to identify that as a former military vehicle. So to summarize this in simple terms, it is the ability to license military vehicles that this bill will enable us to do. So pending any of your questions, that completes my testimony.

FRIESEN: [01:00:14] Thank you, Senator Brewer. You done?

BREWER: [01:00:24] Yeah.

FRIESEN: [01:00:24] Are there any questions from the committee? Senator Cavanaugh.

CAVANAUGH: [01:00:29] Thank you, Chairman. Thank you, Senator Brewer. So currently, if somebody owns one of these vehicles of like if you own a vehicle, it's not licensed in Nebraska. So we're losing out on that revenue.

BREWER: [01:00:44] That is correct.

CAVANAUGH: [01:00:44] OK, thank you. That was it.

FRIESEN: [01:00:47] Thank you, Senator Cavanaugh. Any other questions? Senator Bostelman.

BOSTELMAN: [01:00:50] Thank you, Mr. Chairman. Thank you, Senator Brewer, for bringing this. A couple questions. Is there a limitations as to which military vehicles? I understand Humvees, Deuce and a Halves-- or where does it go? I don't know what are, what's out there in the market to buy, I mean, so what would apply?

BREWER: [01:01:10] Great question. And just for clarification,, too there was a-- how shall we put it-- compromise that the Department of Motor Vehicles and our team worked out, and that was that the military vehicles will be restricted from the interstate. As you know, most of our five-tons or even Humvees, you heard about 60-65 mile an hour for your max speed. For the safety of the public, that just wasn't the right place for them. So that was one of the compromises out of it. As far as is which vehicles, right now all of the vehicles that are being sold that are currently being used. Now of course, if you go back far enough to, you know, I guess, the Second World War, vehicles that old may not have-- you know, are the old quarter-tons were never really road legal as they were anyway. But all of the current vehicles being sold come with all the requirements of lighting, braking, all the configuration of mirrors, and everything that are required. So everything that is being sold now-- and, and we really cease to talk military vehicles as we go up to like what we call the 913s or the semis, because they're simply a commercial semi painted green. But the lower five-tons, Deuce and a Halves, and Humvees would just be specific to the military vehicles that we addressed in this bill.

BOSTELMAN: [01:02:37] OK, thank you.

FRIESEN: [01:02:37] Thank you, Senator Bostelman. Any other questions from the committee? So these vehicles, obviously they-- you said they come with the blinkers and everything-- brake

lights. Do they have the National Transportation Safety Board vehicle safety permit?

BREWER: [01:02:57] We are using them to take convoys down the roads in every state, so I don't know how we could have them on the roads without them. But have I specifically seen that? I have not.

FRIESEN: [01:03:09] OK.

BREWER: [01:03:09] But I will, I'll find out.

FRIESEN: [01:03:11] Question.

BREWER: [01:03:11] I don't think that the departmental vehicles would have agreed to this if they didn't, but I'll check.

FRIESEN: [01:03:18] You never know.

BREWER: [01:03:19] You never know.

FRIESEN: [01:03:21] Seeing no other questions, you going to stick around closing? Proponents. Welcome.

JULIE MAASKE: [01:03:39] Good afternoon. Chairman Friesen and members of the Transportation and Telecommunications Committee, I am Julie Maaske, J-u-l-i-e M-a-a-s-k-e, deputy director of the Department of Motor Vehicles. I'm appearing before you today to offer testimony in support of LB156. LB156 would allow for the titling, registration, and operation of

former military vehicles on most roads in Nebraska. It provides a definition of a former military vehicle as a vehicle that was manufactured for use in any country's military force and is maintained to accurately reflect its military design and markings, regardless of the vehicle size or weight, but is no longer used nor-- or never was used by a military force. Sections 4 and 5 of the bill outline the mechanisms for owners of these vehicles to title them, including a detailed list of the documentation required to do so. Former military vehicles would be able to be titled much like other vehicles at the county treasurer's office. The certificate of title would distinguish the vehicle by including the words "former military vehicle," vehicle on the document. Sections 9-11 detail the fees associated with registering a former military vehicle. These fees are consistent with those of many trucks, the vehicle in which they are most similar in terms of tiling and registration. The registration fee would be established at \$15.00, the motor vehicle tax will be \$50.00 and is reduced each year over a 14-year period, and the motor vehicle fee will be \$10.00 and is reduced the 6th year and the 11th year. Similar to many trucks, the LB156 prohibits the operation of former military vehicles on the interstate, as some do not meet the Federal Motor Vehicle Safety Standards. Former military vehicles would be subject to rules of the road and be required to use headlights and tail lights when operating on roadways. Finally, I'd like to indicate my support for the amendment to LB156. It would facilitate the use of a specific license plate for former military vehicles and allow the display of special or organized license plates, as desired. I urge you to support LB156 and advance to General File. At this time I'd be happy to answer any questions the committee may have.

FRIESEN: [01:05:57] Thank you, Ms. Maaske. Any questions from the committee? Senator Geist.

GEIST: [01:06:02] Hi, Julie.

JULIE MAASKE: [01:06:03] Yes, ma'am.

GEIST: [01:06:03] Thank you. I'm just curious-- like any other vehicle from out of state, would this vehicle also have to be inspected before it could obtain a license?

JULIE MAASKE: [01:06:12] Yeah, this is not, it's not addressed in this bill, but out-of-state-- if vehicles come in with an out-of-state title, they are required to be inspected.

GEIST: [01:06:20] OK, thank you.

FRIESEN: [01:06:20] Thank you, Senator Geist. Senator Bostelman.

BOSTELMAN: [01:06:23] Thank you, Mr. Chairman. I guess my follow-up to what Senator Geist's question is, is what, what requirements do these vehicles have, or do not have, that other vehicles have? In other words, is it safety, safety belts, airbags, front bumper, back bumper? What, what is, what, is there a difference, and what's acceptable?

JULIE MAASKE: [01:06:43] Some, they're much like the minitrucks in that, that we, that we authorize here. Some of the vehicles would meet all of the federal safety standards and some would not. Federal safety standards are a wide variety of things. It does include safety features like you, like you mentioned, but also things like bumpers and windshield wipers and a plethora of different ones. So there is a variety there.

BOSTELMAN: [01:07:12] OK, thank you.

FRIESEN: [01:07:12] Thank you, Senator Bostelman. Any other questions from the committee? Seeing none, thank you for your testimony.

JULIE MAASKE: [01:07:20] If I could just add, part of what this LB would do is to help some of the confusion that happens out in the county treasurer's office and would provide some very specific guidance as to how to handle those situations.

FRIESEN: [01:07:32] OK.

JULIE MAASKE: [01:07:32] To address some of the things that the senator mentioned.

FRIESEN: [01:07:34] Thank you.

JULIE MAASKE: [01:07:37] Thank you.

FRIESEN: [01:07:37] Any other proponents? Seeing none, does anyone wish to testify in opposition? Opposition? Anybody wish to testify in a neutral capacity?

JERRY STILMOCK: [01:07:56] Mr. Chairman, members of the committee, my name is Jerry Stilmock, J-e-r-r-y Stilmock, S-t-i-l-m-o-c-k, testifying on behalf of my clients, the Nebraska State Volunteer Firefighters Association and the Nebraska Fire Chiefs Association, merely neutral. We had a conversation earlier regarding the legislation with a representative of the Department of Motor Vehicles to let them know that volunteer firefighters throughout the state rely heavily on former military equipment. It comes forward from the military, drops down to the University of Nebraska State Forest Service [SIC]. The Nebraska State Forest Service [SIC] then dispatches. At this time we believe there's about 500-600 vehicles out there being used for firefighting purposes. Will this impact? We don't believe so, but information is always helpful; we just want to make sure you have the information. We're using these vehicles now. They're critical, absolutely critical because they come on loan, there's no payment. The department is able to use them until the

department is done with them. If the department then finishes use with them, they're returned to the Forest Service. The Forest Service has the option at that point, as I understand it, to either refurbish for another department to use or to move it back up the chain, either to the federal government or, depending on the type of mechanism that was used to get into the Forest Service, the Forest Service would return it to the federal government or another type that they could actually sell it for scrap. Do volunteer departments have to go out and get these titled? It is my understanding they do not. Do volunteer departments how to put plates on these? It is my understanding they do. And so far that has all worked just fine over the years, no problems. We just want to make sure, because it is so critical, that you are aware of this information, senators. That's really all I have. Thank you.

FRIESEN: [01:09:43] Thank you, Mr. Stilmock.

JERRY STILMOCK: [01:09:44] Yes, sir.

FRIESEN: [01:09:44] Are there any questions from the committee? Seeing none--

JERRY STILMOCK: [01:09:49] OK, thank you.

FRIESEN: [01:09:50] --thank you.

JERRY STILMOCK: [01:09:51] Yes.

FRIESEN: [01:09:51] Any others who wish to testify in a neutral capacity? Seeing none, Senator Brewer, you wish to close?

BREWER: [01:09:58] Thank you, Mr. Chairman. I would be remiss if I didn't tell you that I

actually own one of these military Humvees. I'm sure you're very shocked to hear that. But to the process that you went through, after you get the title, you have the sheriff's office come out. They do a general inspection on the vehicle to include seat belts, headlights, wipers, all that. And they give you the blessing to go ahead and go to the courthouse and hopefully, with this law, bill the license. So there is a process with it. Obviously because of the design of the vehicles, they do not have airbags but all the other safety requirements are there. Any questions?

FRIESEN: [01:10:48] Thank you, Senator Brewer. Any questions?

BREWER: [01:10:49] Thank you.

FRIESEN: [01:10:52] Seeing none, thank you, Senator Brewer. We have one letter of opposition from the city of Lincoln. We'll close the hearing on LB156. Next we will open the hearing on LB192. Welcome, Senator McCollister.

McCOLLISTER: [01:12:02] Thank you, Senator Friesen. Good afternoon, Chairman Friesen and members of the committee. I am John McCollister, J-o-h-n M-c-C-o-l-l-i-s-t-e-r, and I represent District 20 in central Omaha. Today I'm introducing LB192. This bill is a reintroduction, with one notable change, of LB351 from 2017. Both LB351 and now LB192 have been offered at the request of the Nebraska Reservists and National Guard members, who asked that their home state allow them to be recognized for service to their country. Currently, a veteran designation may only appear on an operator's license or state identification card of individuals who served on active duty in the armed forces in the United States, other than active duty for training, and were discharged with a characterization of honorable or general, under honorable conditions. Under LB192, references in statute to the note notation of the word "veteran" on an operator's, operator's license would be changed to "veteran designation." Those eligible for the veteran designation would be changed to

individuals, would be charged to the individuals who have been discharged, or otherwise separated, with the characterization of honorable or general, under honorable conditions, from the U.S. Army or Army Reserve, the Navy, Navy or Navy Reserve, the Marine Corps or the Marine Corps Reserve, the Coast Guard or the Coast Guard Reserve, the U.S. Air Force or the Air Force Reserve, or the National Guard. Individuals who served as a commissioned officer in the U.S. Public Health Service or the National Oceanic and Atmospheric Administration and were detailed to any branch of the Armed Services, on active or reserve duty from which they were discharged with the characterization of honorable or general, under, under honorable conditions, would also be eligible to have one of the designations provided for this bill placed on the operator's license or a state identification card. The language that appears on page 15, lines 15-19, makes it clear that the eligibility standards provided in LB192 would only be used to determine the eligibility for placement of the veteran designation on an operator's license and state identification card and not for the determination of veteran status for any other purpose. This language was originally agreed to and proposed in 2017, as an amendment. It included LB192 as a gesture of good faith, in keeping with the agreement reached by the members of this committee and individuals who met with us to craft this agreement. The fiscal note shows no General Fund impact for LB192. The one-time cash fund impact for mod, for modifications to the driver's license issuance system is minimal. To accommodate the administrative needs of the Department of Motor Vehicles, LB192 includes the operative date of January 1, 2020 or 2020. However, we know that the department provided technical comments that describe the need to push the date back to accommodate a production process for operators' licenses and state, state ID cards; and that is currently underway. The department also provided notice that the font size for the new language proposed, proposed for licenses and cards will have to be smaller to fit into the available space on these documents. We appreciate the department's courtesy and support the committee's need to adjust the operative date that appears in LB192. Last year LB351 was advanced on a clean vote by this committee, and I request that LB192 be promptly advanced on the floor in the same manner.

FRIESEN: [01:16:22] Thank you, Senator McCollister. Any questions from the committee? Seeing none-- no questions.

McCOLLISTER: [01:16:35] Thank you very much, committee.

FRIESEN: [01:16:36] Is there anyone who wishes to testify in favor of this bill?

GREG HOLLOWAY: [01:16:50] I do. Don't go too far; I won't be long. Good afternoon, senators.

FRIESEN: [01:16:54] Welcome.

GREG HOLLOWAY: [01:16:54] My name is Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. I represent, I'm the veterans' advocate for the Nebraska Veteran's Council, the Purple Hearts, the DAV, pretty much everybody. This bill, we've been discussing this for the last-- this is the third year that we've discussed this issue and, with Senator Bostelman's assistance last year, we come to some pretty good agreements to settle any differences we had in this issue. And so I just want to say that I support this. I think it's fine. Senator Bostelman supports it. So I said let's go with it-- as far as I'm concerned anyway, so--

FRIESEN: [01:17:40] Thank you, Mr. Holloway.

GREG HOLLOWAY: [01:17:41] All right.

FRIESEN: [01:17:42] Are there any questions from the committee? Seeing none--

GREG HOLLOWAY: [01:17:47] Thank you for your time.

FRIESEN: [01:17:49] Thank you for your testimony. Any the other proponents? Welcome.

RYAN McINTOSH: [01:17:52] Good afternoon, Chairman, committee. My name is Ryan McIntosh, R-y-a-n McIntosh, M-c-I-n-t-o-s-h. I'm here today on behalf of the National Guard Association of Nebraska, which includes the current commissioned officers and warrant officers of the Nebraska Army and Air National Guard and a large, large number of retired officers, as well. Today the Nebraska National Guard is nearly 5,000 members strong. This is a very important bill to our organization and allows those of us in the National Guard, along with our brothers and sisters in arms in the Reserves, to be recognized for service. Currently the title of veteran may only be claimed by those who served for a sufficient period of time on Title 10 active duty. Meanwhile, those who serve on Title 32, whether on reserve status or on Title 32 active duty, and a full-time status here in Nebraska, do not have the same recognition. This bill offers the compromise, as Mr. Holland [SIC] mentioned, denoting such duties as either Guard veteran or Guard Reserve, and does not create any new benefits or entitlements for members of the National Guard or Reserves. Rather, it recognizes those service members that joined the military and volunteered for service for our country. Much of the training and duties that accompany the service of the National Guard Reserve is the same as of active duty and just as dangerous. As a note, a substantial, a substantially similar bill, LB351, was passed, as the senator mentioned on an 8-0 vote, in the previous session. We ask that you support LB192, which recognizes the service of members of the National Guard and Reserve, and ask the Transportation Telecommunication Committee to adopt this bill and pass it to General File. Thank you.

FRIESEN: [01:19:33] Thank you, Mr. McIntosh. Any questions from the committee? Seeing none, thank you for your testimony. Any other proponents wish to testify? Welcome.

MERWYN PEARSON: [01:19:52] Thank you. Chairman Friesen and the members of the committee, My name is Merwyn Pearson; that's M-e-r-w-y-n P-e-a-r-s-o-n, and I'm here in support of LB192. I was a, or I am a former member of the U.S. Army Reserve-- served six years. Reserves, National Guard that were not on active duty get no recognition from the state or anyone. It-- to me it makes us feel as second-class citizens 'cause the state doesn't even recognize us. We provided service to the state when their Guard units were activated. My Reserve unit has provided community service to a community, which is a thing that a lot of units don't do. There are many businesses that recognize Guards and National, or Army Reservists for their service. Even the American Legion now accepts members that were in the National Guard or Army Reserve during a certain period of time that were not on active duty. Again, the state does not do that at all. I was in a military police unit that ran prisoner-of-war compounds. When we did our annual training, it's Wisconsin-- or Sparta, Wisconsin, Camp McCoy-- we had personnel from Washington, D.C., officers come out to see how to run a POW compound. There are no POW compound units in the active military. They're all run by Reserve units. They came out to see how we did it, and I feel if they came out to see how to run one, they felt we were quite important to the military. And again, we were getting no recognition for our services. Many people feel that those that went into the Reserves, National Guard during the Vietnam War were there to avoid being drafted. There may be some that did that, but a lot of them did not. The, they feel that, a lot of them feel that the, our time in the service was an easy job. It was not that easy. If you look at what a draftee, the active duty hours they put in as far as being on duty five days a week for two years, with two weeks off a year for vacation, they put in 480 days. I put in better than 417 days in the Reserve when I count my basic training, my time at meetings, my summer camp, travel time. In fact, I traveled-- my unit was in Columbus, Nebraska. I traveled from Omaha, one and a half hours each way, three hours for a meeting, three times a month. There are times with my job I was farther than that away and had to return after a Tuesday night meeting, which is over-- you know, from, for a four-hour meeting, it

was over 11:00 you can come back to Omaha. It was after, way after midnight before I ever got home. Also in this time, I took correspondence courses, which I have no idea of the hours I put in for that. My vacation time was spent in my two-weeks annual training. I had no vacation for six years because of that. Employers that-- they did not have to give you additional time for vacation. They had to allow you your two weeks annual training, but they didn't have to give you additional vacation time. If I would've taken vacation time, it would, it would have been without pay. So then many of our units, or members in our unit, were farmers. Say we met on two Tuesdays or just one Sunday a month. If they fed livestock, they had to find someone, a neighbor, to take care of their livestock for that time or they had to hire someone. If they hired them, it was out of their pocket again to serve our country and to service state of Nebraska in there. So for this reason, I support, and I feel the committee should approve, this bill and pass it on to the full Legislature.

FRIESEN: [01:24:23] Thank you, Mr. Pearson. Any questions from the committee? Seeing none, thank you for your testimony.

MERWYN PEARSON: [01:24:30] Thank you.

FRIESEN: [01:24:31] Any others, proponents, wish to testify? Seeing none, are there any that wish to testify in opposition? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator McCollister, are you willing to close?

McCOLLISTER: [01:24:51] Members of the committee, this bill has had quite a workout. I want to thank Senator Bostelman and Greg Holloway for the changes we've made in the bill to make it acceptable to all. So with that, thanks so much for your kind attention.

FRIESEN: [01:25:15] Any other questions from the committee? Seeing none, we do have some

letters for support, of: Charles Craft, Dean Kenkel, Paul Cohen, Roger Lempke. We have a letter from Director Rhonda Lahm, from, in a neutral capacity. With that, we'll close the hearing on LB192, and we'll close the hearings for the day.