

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
November 04, 2011

[CONFIRMATION]

The Committee on Judiciary met at 10:00 a.m. on Thursday, November 4, 2011, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on the confirmation of Brian Wachman. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Colby Coash; Burke Harr; Tyson Larson. Senators absent: Brenda Council; Scott Lautenbaugh; Amanda McGill.

SENATOR ASHFORD: Brian, why don't we get started. I think we can at least...
[CONFIRMATION]

BRIAN WACHMAN: Okay. [CONFIRMATION]

SENATOR ASHFORD: ...why don't you come on up. [CONFIRMATION]

BRIAN WACHMAN: Sure. [CONFIRMATION]

SENATOR ASHFORD: Thank you for coming. We don't always...sometimes the appointments come in without the actual appointee, which is not as much fun for us.
[CONFIRMATION]

BRIAN WACHMAN: Okay. [CONFIRMATION]

SENATOR ASHFORD: Why don't you go ahead and we'll include Senator Harr on our attendee list here so we've got a quorum. And why don't you go ahead and give us your background and we'll proceed from there. [CONFIRMATION]

BRIAN WACHMAN: Okay, great. Well, good morning, everyone. My name is Brian Wachman and I am the executive director of United Way of Lincoln and Lancaster County and been working for United Way for about 21 years. And I know that the...I was invited, I think, to be on the Crime Reparations Commission due to Mike McLarney's retirement, and he was the president of United Way in Omaha. And I know that was...I was asked to take his place, more or less, on the commission. I've been to one meeting already. And I know that the United Way in Omaha had a real interest in the commission... [CONFIRMATION]

SENATOR ASHFORD: Right. [CONFIRMATION]

BRIAN WACHMAN: ...due to what happened with the Von Maur incident.
[CONFIRMATION]

SENATOR ASHFORD: Right. [CONFIRMATION]

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BRIAN WACHMAN: And so I was happy to serve on the commission. I haven't served on a commission like this so I was honored to be asked to do it. And I don't know what else to tell you. [CONFIRMATION]

SENATOR ASHFORD: Let me ask this...Lamont, where are we on that fund? I know you've worked on that project. Can you bring everybody up to speed on where we...I know we passed... [CONFIRMATION]

LAMONT RAINEY: We passed some legislation to allow the community trust that creates the community trust which is overseen by the Crime Victim's Reparations. There were some changes needed so that they would be able to properly formulate the trust. They are going through that process now. They're going through the 501(c)(3) process so that the donations made by individuals will be tax deductible. Last session we made some changes so that they could actually receive the amount...the funds from private citizens that they could, if the amount received didn't warrant kind of the expenditure of time and resources by the committee to be able to donate what they received to another nonprofit who was responding to that same crisis or tragedy for them to disburse that...the funds received. And so the...where we stand is that the trust is still being formulated and... [CONFIRMATION]

SENATOR ASHFORD: What's that mean? [CONFIRMATION]

LAMONT RAINEY: Well, we're still identifying individuals to serve on it. We're still...they are putting together materials that they kind of let the rest of the state know that there is this entity available for these tragedies of violence or natural disasters. And that's where we are at this point. [CONFIRMATION]

SENATOR ASHFORD: So the trust isn't in existence yet? We've set it up, but it's not... [CONFIRMATION]

LAMONT RAINEY: Not...they have not received any funds or not responded to any (inaudible). [CONFIRMATION]

SENATOR ASHFORD: Because there hasn't been a... [CONFIRMATION]

BRIAN WACHMAN: Yeah. And they're still forming the 501(c)(3). At the meeting in July, I was elected to be on the board of that...when it is formed. [CONFIRMATION]

SENATOR ASHFORD: Oh, okay. How's that going to work, Brian? [CONFIRMATION]

BRIAN WACHMAN: There are articles of incorporation and then bylaws that Rand Hansen, who is on the committee, has drafted. But there's still other things that have to get done to get it in place. [CONFIRMATION]

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SENATOR ASHFORD: Okay. And the idea of this trust is to avoid some of the problems that... [CONFIRMATION]

BRIAN WACHMAN: Right, because what happened in Omaha with the Von Maur incident is United Way stepped up to be the entity to accept funds and to help the victims and it became very political for the United Way there and it was very stressful for them to deal with it. And so I think the idea was just to have an objective or an impartial entity to be a conduit for those types of situations. So, it was approved by the...of course, by the commission to have the...to set up the trust. That was approved at the July meeting. [CONFIRMATION]

SENATOR ASHFORD: And the trust could accept private donations other than for a specific... [CONFIRMATION]

BRIAN WACHMAN: Yes. It will be set up as a 501(c)(3). They'll have a board; and I'm on that board. And then they'll have... [CONFIRMATION]

SENATOR ASHFORD: Right, okay. They could promote that, actually, statewide, if they wanted to,... [CONFIRMATION]

BRIAN WACHMAN: Right. [CONFIRMATION]

SENATOR ASHFORD: ...to have a general fund there so if there is a tragedy at least there would always be some money in there. [CONFIRMATION]

BRIAN WACHMAN: There will be a brochure; it will be just like a nonprofit raising funds. [CONFIRMATION]

SENATOR ASHFORD: Okay. [CONFIRMATION]

LAMONT RAINEY: The funds that are donated will, I mean, yes, there could be funds that are generally donated, but the idea of it was to have it for specific tragedies and disasters. [CONFIRMATION]

SENATOR ASHFORD: Well, I know, but, I mean, if you have some money in there, a corpus of money that...so if there is a specific disaster those dollars could also be...but to your point... [CONFIRMATION]

LAMONT RAINEY: There are no state dollars, there's no (inaudible). [CONFIRMATION]

SENATOR ASHFORD: No, no, but I think Brian, his experience is in doing creative things with...in the nonprofit sector. So if you have this trust and it can collect general

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funds, other than for a specific tragedy, can you not use those funds, for example, to...for other purposes that would be related to this kind...or does it have to go specifically into a specific tragedy? [CONFIRMATION]

BRIAN WACHMAN: Well, I think there would be some allowance for operations. There won't be any paid staff. [CONFIRMATION]

SENATOR ASHFORD: Right. [CONFIRMATION]

BRIAN WACHMAN: And, you know, I'm not...I don't know all the details of it because I've only been to one meeting. And I had to miss the last meeting, but I know that articles were brought...articles of incorporation and bylaws were brought to the last meeting of the Crime Commission to approve. [CONFIRMATION]

SENATOR ASHFORD: Okay, that's great. That's good. [CONFIRMATION]

BRIAN WACHMAN: So I'm still learning myself, but I know it will be a separate standalone nonprofit. I think it's still being determined exactly how the process will be for the funds to be distributed. But it will be decided by the board of that entity. [CONFIRMATION]

SENATOR ASHFORD: Okay. Good. Thanks. Any other questions? Yes. Senator Harr. [CONFIRMATION]

SENATOR HARR: I see you...thank you, Senator Ashford. I see you have Mike McLarney as one of your references. Now that he has left the United Way, where is he? What is he doing? [CONFIRMATION]

BRIAN WACHMAN: He is in Omaha; he's retiring and he's going to be staying in Omaha. And he's on a couple of other boards, but he's going to be staying in the area. [CONFIRMATION]

SENATOR HARR: He is going to stay, okay, just wondering; good guy, yeah. He ran it there for a while. Thank you. [CONFIRMATION]

BRIAN WACHMAN: Yeah. You're welcome. We tried to recruit him to be on this board, but he, I think, would rather not at this point. [CONFIRMATION]

SENATOR ASHFORD: Not be on this board. (Laughter) [CONFIRMATION]

BRIAN WACHMAN: Yeah. [CONFIRMATION]

SENATOR ASHFORD: I think that experience was...that he had, was maybe, it was

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really gut-wrenching, I mean, seriously, I mean, he had a...he...well, I mean, you know, that was a tough deal. Okay, thanks. [CONFIRMATION]

BRIAN WACHMAN: Yeah. And I need to follow up with Rand to see if they've recruited all the board members. [CONFIRMATION]

SENATOR ASHFORD: Okay. [CONFIRMATION]

BRIAN WACHMAN: But I will help him and support him. Rand Hansen, if you don't know, he's really engaged in this and he's got all the bells and whistles going for it. [CONFIRMATION]

SENATOR ASHFORD: Is he a CPA? He's a CPA, isn't he? [CONFIRMATION]

BRIAN WACHMAN: Yes. [CONFIRMATION]

SENATOR ASHFORD: Yeah, okay. Yeah, thanks. Thanks, I think you've passed the test here. Thanks. [CONFIRMATION]

BRIAN WACHMAN: Okay. [CONFIRMATION]

SENATOR ASHFORD: We haven't voted, but I mean I... [CONFIRMATION]

BRIAN WACHMAN: Okay. Well, thanks for having me today. Is that all? [CONFIRMATION]

SENATOR ASHFORD: Thanks very much. Thanks for your service. Yeah. [CONFIRMATION]

BRIAN WACHMAN: Okay. [CONFIRMATION]