

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

Executive Board Committee
February 19, 2015

[LB349 LB501]

The Executive Board of the Legislative Council met at 12:00 p.m. on Thursday, February 19, 2015, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB349 and LB501. Senators present: Bob Krist, Chairperson; Dan Watermeier, Vice Chairperson; Kathy Campbell; Ernie Chambers; Colby Coash; Galen Hadley; Dan Hughes; Tyson Larson; Heath Mello; and John Murante. Senators absent: None.

SENATOR WATERMEIER: Welcome to you all for joining us with the Executive Committee. I'll just go over a few things here. Please turn off your cell phones or other devices, at least on vibrate. If you are going to introduce bills today, we'll hand out...I'm not sure there's anybody else that's going to be discussing. This is Executive Board here for LB349. We will go ahead and introduce the board members. Senator Hughes.

SENATOR HUGHES: Dan Hughes, District 44, southwest Nebraska.

SENATOR COASH: Colby Coash, District 27, southwest Lincoln.

SENATOR MURANTE: John Murante, District 49, Gretna, Chalco, northwest Sarpy County.

SENATOR CAMPBELL: Kathy Campbell, District 25, Lincoln.

BETH DINNEEN: Beth Dinneen, committee clerk.

SENATOR WATERMEIER: Vice Chairman Watermeier from Syracuse.

JANICE SATRA: Janice Satra, legal counsel.

SENATOR WATERMEIER: All right, let's proceed. LB349.

SENATOR KRIST: Good afternoon, Senator Watermeier and fellow members of the Executive Board. For the record, my name is Bob Krist, B-o-b K-r-i-s-t, and I represent the 10th Legislative District, northwest Omaha along with north central portions of Douglas County, which includes the city of Bennington. I appear before you today in introduction and support of LB349. LB349 amends provisions relating to review and approval of acquisitions of real property to require review and approval when the total amount of gifts exceeds a quarter of a million or \$250,000 and if the combined proceeds exceed the existing capital appropriation for the acquisition.

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Existing statutes requires that only the \$250,000 threshold be met. And Mr. Douglas is here and will explain that connection to you after I finish. This change would allow state agencies, boards, and commissions to accept donated funds in a more efficient and timely fashion for projects that have already been approved by the Legislature and that fall within the budget authority that the Legislature approved for the capital project. The change would allow state agencies, boards, and commissions to replace state funds with donated funds for capital projects that have already been approved by the Legislature. This approach will assist creating more private partnerships with state government. The agencies benefit by being able to respond more quickly to accept donations for capital projects which are being designed and bid. The ability to accept donations still has to be within the existing authority provided by the Legislature. Legislative approval will be needed if the costs for the project exceed that authority. With that, I'll answer any questions you have, but Mr. Douglas is here to give you some background. [LB349]

SENATOR WATERMEIER: Very good. Thank you, Senator Krist. Any questions? Thank you. [LB349]

SENATOR KRIST: Thank you. [LB349]

SENATOR WATERMEIER: Director Douglas. Welcome. [LB349]

JAMES N. DOUGLAS: Thank you. Good afternoon. Mr. Chairman and members of the Executive Committee, my name is Jim Douglas, J-i-m D-o-u-g-l-a-s, and I serve as the director of the Nebraska Game and Parks Commission, located at 2200 North 33rd Street in Lincoln, Nebraska. I appreciate the opportunity to speak to the Executive Committee today and to appear before you in support of LB349. We believe that if the change in statute reflected in LB349 becomes law it would assist state agencies, boards, and commissions in the efficient use of state funds; increase the use of donated funds; and essentially save time and state dollars to effect completion of state projects which have already received legislative authority to proceed and already received legislative authority for the expenditure of certain level of funds. So I think it's important to note not only what the change would accomplish, but what it would not change under the current procedures for accepting donations of money or donations of donated land or real property. It would not change the required submission that currently exists to an approval from the State Buildings Division and the State Task Force for Building Renewal, which is done to ensure that among many things that there's not future obligations that are excessive with the acceptance of those properties. It would not allow spending authority previously granted by the Legislature for a particular project to be increased by virtue of the donated funds. And it would not change the necessity of a state agency coming before the Legislature or this committee to gain approval to accept a gift of real property. So what this would affect is the acceptance of donated funds. What it would do is allow the donated funds, when available, to be used instead

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of other state funds. So it would encourage the seeking and allow the acceptance of I think a greater amount of donated funds for projects. And I can give an example if the committee would be interested in that. For example, last year in Buffalo County near and on the Fort Kearny State Historical Park a bridge existed across the channel of the Platte River that was a hike/bike bridge. That bridge was destroyed in a wildfire some sort of an escape fire, the cause of which was never completely determined but came from outside of the state recreation area. It's expensive to reconstruct bridges, and we worked with the Department of Roads to see about the reconstruction of that hike/bike bridge. The Department of Roads has state highway funds designated for trails that funnel through Department of Roads and then in conjunction with the Nebraska Game and Parks Commission administer trail project funding. In that case, the local community was extremely interested in replacing this bridge because of the hike/bike connection and also because it was used extensively for crane viewing during the crane viewing season. So it was local economic development that drove the community to be really interested in seeing that project completed. So the local community was interested in helping raise funds for that project. The kinds of funds that we were utilizing were federal funds that required a nonfederal match. So, for example, in this case, the total project cost was \$1.8 million and the cost share needed to be 20 percent or just over \$362,000. Now the way projects work, of course, you don't know exactly what it's going to cost until you have bids. In this case, when we received bids, it was under the authority granted to Department of Roads and Game and Parks to complete the project. It was more, however, than we anticipated; and we had raised 200 and...we had the opportunity to raise funds, but we only had a 60-day window for the bids to be accepted and to move forward with the project. So we decided to raise \$247,000 when we needed \$362,000. And that's because we did not have enough time frame back within the current statute that would require legislative approval to spend more than \$250,000. And there's a couple of other times when we've done the same thing where we've actually asked for donations and received donations less than what we could have received. So what this bill would do, in our opinion, is help alleviate that kind of a problem but not negate the authorities that already exist for the Legislature to determine what authority the commission has to spend money. [LB349]

SENATOR WATERMEIER: Good example. Questions for Director Douglas? Thank you for your testimony. Are there others wanting to testify in proponent position of LB349? Those opposed? Anyone in the neutral position? Senator Krist. [LB349]

SENATOR KRIST: I'll waive closing. [LB349]

SENATOR WATERMEIER: Okay, very good. We'll conclude the hearing on LB349. We'll open up the hearing for LB501. Go right ahead. [LB501]

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SENATOR KRIST: Thank you, Senator Watermeier. Good afternoon, members of the Executive Board. For the record, my name is Bob Krist, B-o-b K-r-i-s-t. I represent the 10th Legislative District in northwest Omaha, along with the north-central portion of Douglas County, which includes the city of Bennington. I appear before you today in introduction and support of LB501. LB501 was drafted with the intent to begin a discussion regarding the use of audio and video legislative materials. The bill prohibits the use of audio and video materials produced by the public television or radio broadcasting station of the Legislature or a committee or a division of the Legislature for a commercial purpose or political advertising unless the Executive Board gives permission. Permission may be granted if the materials will not be used for commercial or political use and (a) the person uses them for education and public affairs or news programming; or (b) the person transmits to paid subscribers an unedited feed of these materials. "Commercial purposes" is defined to mean a purpose intended to result in a profit or other tangible financial benefit. "Political advertising" is defined to mean a communication supporting or opposing a candidate or a ballot measure. The Executive Board may give permission to use the video as outlined in the bill. As you know, historically, the Legislature and Nebraska Educational Television have worked together to provide gavel-to-gavel coverage for the legislative activities since the 1970s. Now we also offer video streaming of the not just floor debate, but legislative hearings. The filming, production, and broadcast work is done by NET; however, the Legislature is the owner of the video content for legislative proceedings. Video from legislative proceedings is currently used for internal purposes, such as transcription, Unicameral Information Office, and new senator orientation. However, last year, during an election cycle, for the first time we saw a legislative video show up in a campaign material. Why do we care? Well, one of the main reasons we care is because NET's broadcast license requirements do not allow for video content provided by NET to be used for political or commercial purposes, so their license would be in jeopardy. NET is our partner in providing access to legislative activity, and we need to make sure that we do not allow use of the content in any way that will jeopardize their FCC licensure. Another question that comes to mind that the Executive Board should consider is whether it is appropriate for video created and owned by public entities to be used for campaign or commercial purposes. I'm asking for your help in starting the discussion and getting input on this issue so we can work on solutions over the interim and hopefully come back next year with a well-crafted committee amendment, which basically means we're going to have a discussion, we're going to let it sit, and next year we're going to probably come back with an amendment to this green copy that is our new process, new procedure. I've asked Mr. O'Donnell, Patrick O'Donnell, Clerk, to come up after me and provide you with additional information and to give you some specific examples of situations that his office has dealt with and, in addition, allow you to ask any questions that you might have. [LB501]

SENATOR WATERMEIER: All right. Questions? Senator Coash. [LB501]

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SENATOR COASH: Thank you, Senator Watermeier. Senator Krist, would this...and I know you don't want to do anything with it this year. But if it was put into effect, would this be retroactive? In other words, would something that was, you know, filmed four years ago be subject to this or only things that would be filmed moving forward from the enactment of this law? [LB501]

SENATOR KRIST: It would be my intention that we stay consistent in terms of protecting the licensure for NET, number one, and that we, beginning on whatever date this is passed, have policies and procedures in place that would talk about all of our archival information, today and past. [LB501]

SENATOR COASH: Okay. One of the provisions in this bill that made me wonder, I mean, if the...if this board is going to be the permissive board, how would you anticipate it works if the request came when we're out of session? [LB501]

SENATOR KRIST: This has happened before on other Executive Board issues, and we've had to bring ourself back in to talk about the issues and deal with it as a committee. [LB501]

SENATOR COASH: Which under our rules we can do that outside of the session. [LB501]

SENATOR KRIST: Yes, sir. Right. [LB501]

SENATOR COASH: Okay, that answers that question. My final is a comment. My concern would be that a bill like this, this may be unintended, but would put the Exec Board in a pretty political...highly politicized environment where this board could sit around and this entity is requested and we say, hmm, nope, we don't think we're going to let you have it, maybe because we...a majority of the members support or oppose the candidate who wants to use that, and then the next person comes up and says, we want to make a request, and the majority of the committee members like that person and decide we're going to allow you to do that. And that's scary to me. I don't think that's a good place to put this committee, to pick those winners and losers with regard to who gets to use these materials and who doesn't. It may be based on something very different than what we mean, so that was just something I thought of as a practical implication if this became law. [LB501]

SENATOR KRIST: And I hear your concerns and I understand them. I do think within the jurisdiction of the committee there falls to us things that, for continuity purposes, historical purposes, we have to remain consistent. And so if that policy went into place, I would hope that...I would not hope. I would insist, if it is us, that there are procedures and policies in place where there's very little question that... [LB501]

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SENATOR COASH: Right. [LB501]

SENATOR KRIST: ...it's fair on all sides. [LB501]

SENATOR COASH: Right, well, and I would agree with you. I just don't know if the bill...the bill itself doesn't give us any... [LB501]

SENATOR KRIST: As written. [LB501]

SENATOR COASH: It...as I read it, it looks like we might be picking winners and losers here as to who gets it and who doesn't, and I just don't want to see this committee put in that position. [LB501]

SENATOR KRIST: Understand. Thank you. [LB501]

SENATOR WATERMEIER: Good question. Senator Campbell. [LB501]

SENATOR CAMPBELL: Senator Krist, in the example that you used and that a campaign had used part of this, did they take it directly--I mean they took a tape or a recording or whatever--while it was happening? How did they get...they did that themselves without asking NET or anything. [LB501]

SENATOR KRIST: The example I used, in broad terms, it can be explained by the Clerk, who will follow us. [LB501]

SENATOR CAMPBELL: Oh, okay. I'll wait. [LB501]

SENATOR KRIST: And I'd rather let him do that. But I can tell you that when I am not in a hearing, we record the hearing so that I can review it, fast-forward through the stuff I don't want to see... [LB501]

SENATOR CAMPBELL: Okay. [LB501]

SENATOR KRIST: ...but watching the things I do. (Laugh) I'm kidding. But that's a matter of record then. [LB501]

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SENATOR CAMPBELL: Okay. [LB501]

SENATOR KRIST: And I could probably use that as I need to, without other restrictions. It's out there all the time and I've seen people behind the glass filming. I mean there...this is a deep issue. It's not an easy topic to talk about, but... [LB501]

SENATOR CAMPBELL: All right. [LB501]

SENATOR WATERMEIER: Senator Coash. [LB501]

SENATOR COASH: That I want to...that brought up another question, Senator Krist. The LR424 committee, right, I DVRed...that was on NET and I DVRed that. [LB501]

SENATOR KRIST: Right. [LB501]

SENATOR COASH: I could have put in a tape or something like that, but I DVRed it so I could watch, since I wasn't on the committee. If I had put it in a...I know VCRs are kind of antiquated, but if I had put that in the...and got a tape of it and decided I wanted to use that, I'm not sure...I don't know what's currently in place to prohibit me from using that. I mean, is everything that we do...I mean, if we make a movie or something that's copyrighted and owned by somebody, but what we do here is...I mean is by NET but owned by the Legislature... [LB501]

SENATOR KRIST: By the Legislature, right. [LB501]

SENATOR COASH: ...of which we're owned by the people, so you kind of have to think through who really is the owner of this material. But I mean I wouldn't have...if I had a mind to, I wouldn't have had to ask the Clerk for anything. I had a...and I think I still do. [LB501]

SENATOR KRIST: That's...yeah, exactly. I mean that's the...that...the question that Senator Campbell asked and the example that I gave. I think this is a three-tier question: How much of that information do we want to endorse as going out of this building and being used for particular political interests? How much power do we have in terms of enforcing it? But more importantly, we need a disclaimer that NET is not in jeopardy of any kind of licensure issue. So it's a difficult topic, and I think that the Clerk has been dealing with it and had this as a result of us deciding that we have to have this discussion, so. [LB501]

SENATOR COASH: Thank you. [LB501]

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SENATOR WATERMEIER: Thank you, Senator Krist. Mr. Clerk. [LB501]

PATRICK O'DONNELL: (Exhibit 1) Mr. Chairman, members, I'm not quite sure where to begin. I think the genesis for this whole issue originated because of our involvement in the work that NET does for the Legislature. Senator Krist is absolutely right in that, in effect, I'm going to ask the page to pass out to you a resolution that was adopted by NET last fall that is--actually, give me one, thank you--a result of their licensing obligations with respect to the FCC. As I understand it, and I'm not totally conversant in this, but NET was concerned that they had been requested by...they had both been requested and had observed the uses of some of their original video content in campaigns. There were at least two different campaigns, one state legislative campaign, one federal office campaign, where material was used in political advertisements. In both instances, the material was pulled down very quickly. Apparently, the FCC...because ETV is a public entity, they are prohibited under FCC licensing guidelines to utilize material in a political or commercial purpose. So if you're using it in a campaign or you're going to make money from legislative video, if you will, NET cannot provide that to the requesting party. Okay? We have always maintained, and NET completely agrees, that the content is ours. We own it. Okay? We have had in my office on occasion requests for video material. I will tell you that our position has been that the video does not constitute final work product. We continue to transcribe all of our proceedings. That is the final work product because that involves committee Chairs signing off on it, the work of my Transcription Office who, without sounding too self-aggrandizing, those people spend an inordinate amount of time making sure that that's a good work product. I will also tell you that the other reason we have kept our transcription records as our official records is that there have been times and lapses when records weren't maintained. ETV didn't flip a switch, all right, so we missed this hearing or we missed this day's floor debate. So that's part of the conversation I think this summer in terms of what the board would like to see as part of the official record. I'm trying to think. I'm trying to...your question, Senator, let me maybe start with...what was the last question you asked Senator Krist? [LB501]

SENATOR COASH: Well, my question, Patrick, was, what happens when somebody of their own accord records the hearings, the floor debate, and puts it on their own device and says, you know what, I heard what Senator Coash said,... [LB501]

PATRICK O'DONNELL: Right. [LB501]

SENATOR COASH: ...and I'm going to put this on a radio ad? [LB501]

PATRICK O'DONNELL: Right. [LB501]

SENATOR COASH: Right? [LB501]

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PATRICK O'DONNELL: Right. [LB501]

SENATOR COASH: Or I saw what he did and I'm going to put this on the TV ad. My question was with ownership and you answered that. But you...and you said "we" and I wanted to clarify what you meant. [LB501]

PATRICK O'DONNELL: The Legislature. [LB501]

SENATOR COASH: The Legislature owns... [LB501]

PATRICK O'DONNELL: Yes. [LB501]

SENATOR COASH: ...that footage. [LB501]

PATRICK O'DONNELL: Yes. [LB501]

SENATOR COASH: It's produced by NET. [LB501]

PATRICK O'DONNELL: Right, at our request. [LB501]

SENATOR COASH: But we...do we...well, here would be a question: Do we pay NET to provide that? I mean are they... [LB501]

PATRICK O'DONNELL: We pay NET through the appropriations process. I mean it's...I think it's part of their ongoing budget request that comes in. [LB501]

SENATOR COASH: So once that recording is made and we've paid our bill,... [LB501]

PATRICK O'DONNELL: Yeah. [LB501]

SENATOR COASH: ...that becomes the Legislature's property. [LB501]

PATRICK O'DONNELL: Yes. [LB501]

SENATOR COASH: And so my question would be if somebody decided to DVR something I said and put it in a campaign ad, you know, they didn't ask the Clerk's Office to do that or via the

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Legislature. So, you know, if it were a movie, people would say, well, you're violating copyright, you're...I own that and you can't use it, you can buy it from me. But if somebody decided to just take something that belongs to us, this is weird because this...we're a public entity. [LB501]

PATRICK O'DONNELL: Right. Well, and I think you're answering your own question because the reason the bill is here is for you to begin that conversation. I will tell you, it is a mixed bag around the country. The bill you have in front of you is based on a Texas law. There are multiple...there are several states that have prohibited altogether the use of any of that video for any purpose. This proposal is a little bit of a more moderate approach in that an entity, in this case the Executive Board, could decide that the video was not being used for a political or commercial purpose but could be used for an educational purpose, for example. We've had some commercial televisions come...networks come to us that want to record video to use in the production, extended video for a story that they were working on. Okay? We have declined that, at least up to this point. So this is kind of the beginning of a conversation in terms of where the Legislature wants to take this. There is technology on the market that, as I know some of you know, that allows for the capturing of an electronic video signal and manipulation of that data. Okay? I don't think the VCR is necessarily going to get you there to do that. It maybe could, but there clearly is technology out there today that would allow for easy manipulation of that data. That's my cause for pause here in terms of whether that's something the Legislature ultimately decides that they want to do and allow anybody to use that for whatever purpose they choose to use it. There are a number of states that make video available in an unlimited way. Okay? But again, I'm not...because of our connection and relationship with NET, that FCC compliance guideline which is...which resulted in that policy you have in front of you that was adopted by the NET board, I don't know if it complicates our situation, but I think it makes us ask additional questions. Okay? That's a long-winded answer to your question, but... [LB501]

SENATOR COASH: So, Patrick, do you know, like...it seems like you kind of know what other states are doing. We're...we could hire a production company to do what NET does for us. [LB501]

PATRICK O'DONNELL: For a lot of money. [LB501]

SENATOR COASH: We could. [LB501]

PATRICK O'DONNELL: Yes. [LB501]

SENATOR COASH: But that production company would be a privately owned... [LB501]

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PATRICK O'DONNELL: Yes. [LB501]

SENATOR COASH: So they wouldn't have the same rules that NET has to operate under. [LB501]

PATRICK O'DONNELL: I...subject to whatever their business requirements would be, no, I think that's right, Senator, yeah, I mean, and that would be something the board could negotiate with the entity. I mean, there are commercial entities out there that are doing that right now, you know, in several states. [LB501]

SENATOR COASH: Right. [LB501]

PATRICK O'DONNELL: But it's a pretty expensive proposition. That's why we've kind of... [LB501]

SENATOR COASH: We get a pretty good deal from NET, right? [LB501]

PATRICK O'DONNELL: I think so. [LB501]

SENATOR COASH: Okay. [LB501]

SENATOR WATERMEIER: Any other questions? I have a question, Mr. Clerk. [LB501]

PATRICK O'DONNELL: Yes, sir. [LB501]

SENATOR WATERMEIER: You said you denied a request one time for the use of the video. [LB501]

PATRICK O'DONNELL: We... [LB501]

SENATOR WATERMEIER: What method did you use to... [LB501]

PATRICK O'DONNELL: I don't want to...I did characterize it as a denial. It was more of a conversation wherein... [LB501]

SENATOR WATERMEIER: Okay. [LB501]

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PATRICK O'DONNELL: ...both parties concluded that...not to make the video available.
[LB501]

SENATOR WATERMEIER: Okay. [LB501]

PATRICK O'DONNELL: Okay? I've had a contact this session from an interested party in Omaha, a civilian, if you will, who would...who is encouraging us to download all of our video on YouTube so people have the ability to watch it in the evening or on the weekends or whenever they want to do it. I responded to that request by saying, this bill has been introduced, the Legislature is going to be discussing it, so for now the answer is no. Okay? [LB501]

SENATOR WATERMEIER: Very good. Thank you. Senator Campbell, do you have a question?
[LB501]

SENATOR CAMPBELL: So at this point, if someone walks in...Senator Mello is going to run for reelection. He's not, but he...so if he comes in and he brings in a filming crew, he can film anywhere he wants in this building. We're only talking...is that right? [LB501]

PATRICK O'DONNELL: Not in the Chamber. [LB501]

SENATOR CAMPBELL: He cannot in the Chamber? [LB501]

PATRICK O'DONNELL: Well, at least, not on the floor in the Chamber. He can be up in the balconies, because that's a public area. But we would not allow that to happen on the floor, because of...we have accountability and disclosure issues associated with doing something on the floor. Because Senator Mello is an incumbent, he has the ability to be on the floor, but not his opponent. Okay? [LB501]

SENATOR CAMPBELL: Okay, so someone can... [LB501]

PATRICK O'DONNELL: They could be in the... [LB501]

SENATOR CAMPBELL: Senator Mello's wife couldn't come in and start taking the...sitting in the...in there and take a video. [LB501]

PATRICK O'DONNELL: I'd probably want to have a conversation with Senator Mello.
(Laughter) [LB501]

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SENATOR CAMPBELL: I'm just trying to clarify where you can and cannot,... [LB501]

PATRICK O'DONNELL: Yeah. [LB501]

SENATOR CAMPBELL: ...because a lot of people use the Capitol as a backdrop... [LB501]

PATRICK O'DONNELL: Oh, sure, sure. [LB501]

SENATOR CAMPBELL: ...or inside of it for their campaigns. [LB501]

PATRICK O'DONNELL: Yeah, I mean, I will...this is more than you probably want to know, but for years we allowed members to take pictures for use in a variety of ways in the Chamber. And of course, we would deny nonincumbents that opportunity. Well, that got pointed out to us, that accountability, because we were extending a privilege to an incumbent that was...and we didn't extend that to nonincumbents. We needed to seriously stop doing that, which we did. [LB501]

SENATOR CAMPBELL: I think a former senator talked about that in relation to their Christmas card. I think we all remember that. [LB501]

PATRICK O'DONNELL: I mean, let me just say this, Senator: It would be my intent, working with Senator Krist and the board, to pull together, you know, take a good, hard look at what other states are doing. There are some states that don't do video but there are, obviously, are more and more all the time and it's becoming more...much more of a sophisticated operation. I know there's place...I know there are states that have gone both ways, so it's kind of a...it's certainly not a clear path. But again, I think our...my urge of caution here is because of our relationship with NET and whatever their obligations are with respect to the FCC. [LB501]

SENATOR WATERMEIER: Very good. Senator Hughes. [LB501]

SENATOR HUGHES: One...just a clarification for me. [LB501]

PATRICK O'DONNELL: Yes, sir. [LB501]

SENATOR HUGHES: If we're broadcasting live, which we are now,... [LB501]

PATRICK O'DONNELL: Right. [LB501]

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SENATOR HUGHES: ...and someone is DVRing that or recording it,... [LB501]

PATRICK O'DONNELL: Right. [LB501]

SENATOR HUGHES: ...then, my understanding, it would be their property. But if they come to us, come to you a week from now and want to see this proceeding, then it's our property. Would that be a fair statement? Or is that what we need to decide? [LB501]

PATRICK O'DONNELL: Well, I think that's in part what you need to decide. [LB501]

SENATOR COASH: I think, Senator Hughes, if you DVR something, you're taking the Legislature's property, just like as if you...if I DVRed a television show and decided to broadcast that and say, well, I DVRed it. [LB501]

SENATOR HUGHES: Okay, depending on what you use that for would be... [LB501]

SENATOR COASH: Yeah. [LB501]

SENATOR HUGHES: ...whether I was in trouble or not. [LB501]

PATRICK O'DONNELL: Well, I...yeah, I think...I mean we are...every...we're all sensitive to the fact that we're in the public domain here. Okay? And what one of the really big questions that board is going to have to deal with is what our obligations are vis-a-vis the public and operating in the public domain where the public has a right to see what we're doing. But I don't know if that necessarily translates into providing two requesting parties some of the material that we own. Okay? It's...I don't want to...I'm not...I...as I started this conversation, this is kind of a first step in my mind. This is to begin a conversation. Senator Krist I think told the board earlier, it's not our...my intent. I would encourage the board not to take any final action on this, this year. I think it's something that we spend some time this interim looking at and then maybe coming back with a proposal to you that at least warrants further conversation. [LB501]

SENATOR WATERMEIER: I think so too. I'll just give Senator Hughes my take on it. You know, you could have a public person come in here, stand up in the back corner, be almost identical to that camera back there, do his own video. That's his property. But once it goes through the NET's video into the system and he DVRs it at home, he is stealing it from the NET. That's the way I view it. [LB501]

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SENATOR COASH: Yeah, I would too. [LB501]

SENATOR HUGHES: Okay. [LB501]

SENATOR WATERMEIER: It's about...to me, it's when it was produced. [LB501]

SENATOR HUGHES: Thank you. [LB501]

SENATOR COASH: I would too. [LB501]

SENATOR WATERMEIER: So, Senator Coash. [LB501]

SENATOR COASH: Mr. Clerk, just...I want to make sure I...do you get requests for transcripts though? [LB501]

PATRICK O'DONNELL: A lot. [LB501]

SENATOR COASH: A lot. [LB501]

PATRICK O'DONNELL: Yes, sir. [LB501]

SENATOR COASH: And there is no problem... [LB501]

PATRICK O'DONNELL: No. [LB501]

SENATOR COASH: ...giving anybody that asks transcripts... [LB501]

PATRICK O'DONNELL: No, no. The only thing we would...there is a nominal fee associated with reproduction. I mean it's...I don't even...dime a page, maybe, something like that, but we don't...if it's under 30 pages, we don't even charge that. So we produce a lot of legislative histories for a lot of variety of people, lot of lawyers, judges, as you might expect, but, no, that's a...there...I will tell you, there is less and less of it though, Senator, because there's so much more video opportunity, now with especially the video streaming of hearings. You know, people are watching those things. It's not as...it's not...it's a...we get a report every day from ETV in terms of the number of, quote, hits. Okay? A big hearing, you might see 1,000 people. You know, average-day hearing, you might see 200. Okay? Floor yesterday, we had 500-some people

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watching the stream, not ETV's TV signal, but the stream. Okay? So it's...I wouldn't say it's exhaustively used, but there is usage out there and we're seeing that increase. Okay? [LB501]

SENATOR COASH: I wanted to clarify something you said earlier. Your reason for denials of those videos was that you were able to tell the requestor, that's just a means to the end,... [LB501]

PATRICK O'DONNELL: Right. [LB501]

SENATOR COASH: ...which is the transcript. [LB501]

PATRICK O'DONNELL: Right. [LB501]

SENATOR COASH: We don't consider the video a true record of what... [LB501]

PATRICK O'DONNELL: Final work product, yeah. [LB501]

SENATOR COASH: ...a true record of what we're doing here. [LB501]

PATRICK O'DONNELL: Right. [LB501]

SENATOR COASH: So we rely on the transcripts for that purpose, and that... [LB501]

PATRICK O'DONNELL: At this point. [LB501]

SENATOR COASH: ...was the reason that you said... [LB501]

PATRICK O'DONNELL: Yes. [LB501]

SENATOR COASH: Okay. [LB501]

SENATOR WATERMEIER: Good. Any questions? Any further questions? [LB501]

SENATOR CAMPBELL: I have one. [LB501]

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SENATOR WATERMEIER: Senator Campbell. [LB501]

SENATOR CAMPBELL: Thank you, Senator Watermeier. [LB501]

SENATOR WATERMEIER: Mr. Clerk, hang on a second. [LB501]

PATRICK O'DONNELL: I'm sorry. [LB501]

SENATOR CAMPBELL: Mr. Clerk, has NET asked at any point that on our Web site we give some... [LB501]

PATRICK O'DONNELL: Publish that? [LB501]

SENATOR CAMPBELL: ...publicity to this or disclaimer that people would know that as they're watching it they can't just use it for that? Or do we have to take that action? [LB501]

PATRICK O'DONNELL: I can tell you that Dick and I have been out to...Dick has been out there several times. I've been out at least for one meeting before they adopted that. I can't say that they've asked us to post anything or do anything. Their standard response should someone ask them for video is, you've got to contact the Legislature. I mean they pass the ball our way, okay, unless, except in the example of the campaigns, or at least the federal campaign this year, there was video out there that it wasn't legislative video. It was other government video that they contacted the campaign and had it pulled down immediately, and the campaign did that, because of their FCC concerns, so. [LB501]

SENATOR WATERMEIER: Okay. Senator Murante. [LB501]

SENATOR MURANTE: Let me ask one question, as well. Sorry, Senator Krist. (Inaudible.) [LB501]

SENATOR KRIST: Oh, I'm just exercising (inaudible) (laughter)... [LB501]

SENATOR MURANTE: So the rules and regulations right now, I mean, there's probably not a day that goes by that there's not somebody somewhere posting some video on Facebook of legislative proceedings. Is that okay? [LB501]

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PATRICK O'DONNELL: I mean I don't...I'm not sure how to answer that. I would...I don't think we know the answer to that today,... [LB501]

SENATOR MURANTE: Okay. [LB501]

PATRICK O'DONNELL: ...okay, because I'm asserting the Legislature owns the property and it's not final work product, therefore, I rely on that to essentially decline requests--not that we've had a lot, but we've had some. You know, Senator, I mean, I don't know how you ever begin to police that. [LB501]

SENATOR MURANTE: Right. [LB501]

PATRICK O'DONNELL: That's the problem. [LB501]

SENATOR COASH: I guess I... [LB501]

PATRICK O'DONNELL: But I think it...I'm...Dick, am I misstating something here? [LB501]

SENATOR COASH: Well, I've seen screen shots of the Legislature, but I've never seen video. [LB501]

SENATOR MURANTE: I've seen members of the Legislature post their floor speeches on Facebook. [LB501]

PATRICK O'DONNELL: Sure, sure. [LB501]

SENATOR CAMPBELL: Yeah, I have too. [LB501]

SENATOR MURANTE: I've never done it because I don't know how, but I've seen it done. [LB501]

SENATOR COASH: But when you've seen that, who took the...did they pull that from NETV? [LB501]

SENATOR MURANTE: Well, it...the video is on the Web site, right? [LB501]

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SENATOR WATERMEIER: It's not recorded. You'd... [LB501]

SENATOR MURANTE: But there is video on the NebraskaLegislature.gov Web site. I think I've... [LB501]

SENATOR WATERMEIER: No archives, I don't believe. [LB501]

PATRICK O'DONNELL: There actually is... [LB501]

SENATOR MURANTE: Yeah, it's buried deep, but it's there. [LB501]

PATRICK O'DONNELL: It's deep and we use it for...we use that...this is part...we use it for transcription. [LB501]

SENATOR WATERMEIER: Yeah, but it's not available to the public, or are you saying it is available to the public? [LB501]

PATRICK O'DONNELL: Well, no, not "wholesalely," but there are people that have figured out ways to get to it. Okay? [LB501]

SENATOR WATERMEIER: Oh, I see. [LB501]

PATRICK O'DONNELL: I will tell you that. But I, you know, the Facebook stuff is...you're right, that can...I...I mean I don't know how...I don't pretend to understand that technology. I mean I would defer to all of you about that. But you're right, it's out there. We're...this year more, for the first time, we're seeing more and more...we talked about this in the Chairs' meeting the other day, about members who are tending to use the opportunity of committee hearings to express themselves on a public policy position and those things then end up out there in some version of social media. Okay? And again, that's a conversation I think all of you need to have about whether that's a good idea or not during the conduct of committee hearings. [LB501]

SENATOR WATERMEIER: Senator Campbell. [LB501]

SENATOR CAMPBELL: I'm just wondering whether we...I would guess most of the senators do not realize that this would affect the NET license. I mean I didn't. I mean I sort of went, whoa, okay. I question whether we don't need some kind of a short memo or whatever from Senator Krist as Chair of the Exec Board saying, we have had this bill introduced, we are going to spend

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some time studying it, but we want to make you aware. And it's sort of the like the "whereas" here, you know, that it does...in effect and that's part of the question, so that senators know that there's a bigger issue here, because I doubt very many people know that that could put it in jeopardy. [LB501]

PATRICK O'DONNELL: I mean, I would think, Senator, one of the things that the board might want to do this summer is we bring NET in and have them talk to us about... [LB501]

SENATOR CAMPBELL: Yeah, absolutely. [LB501]

PATRICK O'DONNELL: ...what they think their obligations are under their FCC licensing rules, give you a better sense. I'm not disagreeing with what you're saying, but I think that's... [LB501]

SENATOR CAMPBELL: Yeah, I'm just saying that the membership ought to know that this is a discussion and if they want to make comment to any of the members of the Exec Board, we will be looking at this, but we do want you to know that it might...the issue might affect NET in this way. [LB501]

SENATOR WATERMEIER: We could make the general body just aware of their resolution,... [LB501]

SENATOR CAMPBELL: Right, right. [LB501]

SENATOR WATERMEIER: ...at the very minimum. Senator Coash. [LB501]

SENATOR COASH: Yes, thank you, Senator Watermeier. Mr. Clerk, I just...I want to make sure I understand this a little more fully. So we have...on our devices that we have, we can get some archived video. Correct? [LB501]

PATRICK O'DONNELL: I guess. [LB501]

SENATOR COASH: I'm...I've never had a need to look for it, but I...after you said that, I know that there's a place where you can go find it. [LB501]

PATRICK O'DONNELL: Yeah. [LB501]

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SENATOR COASH: But my access is different than the public's access to those videos. [LB501]

PATRICK O'DONNELL: Yes. [LB501]

SENATOR COASH: Is that correct? [LB501]

PATRICK O'DONNELL: Yes. [LB501]

SENATOR COASH: Okay. Here's another question. We've talked about campaigns requesting it. What about media access? [LB501]

PATRICK O'DONNELL: What? Media? [LB501]

SENATOR COASH: Media access, have you had request for media for... [LB501]

PATRICK O'DONNELL: Just that one in terms of an education...a background story they were doing on a...news article they were doing. It was kind of an educational piece, but that's really the only one I'm familiar with. [LB501]

DICK BROWN: And Andy Ozaki in December. [LB501]

PATRICK O'DONNELL: Yeah, that...isn't that the one I'm thinking of? [LB501]

DICK BROWN: That's the only one. [LB501]

PATRICK O'DONNELL: Andy Ozaki was doing a story for whatever station he works for, and they wanted some video as part of a kind of an expanded news (inaudible)... [LB501]

SENATOR COASH: I just was curious if the Clerk's Office ever had, like, a FOIA request for these videos from the media. [LB501]

PATRICK O'DONNELL: Not yet, no. [LB501]

SENATOR COASH: I bring it up because it's probably something we ought to consider while we're considering all this, as well, is the media's access. [LB501]

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PATRICK O'DONNELL: Yeah. Well, but, you know, it's kind of where I go back from my position, and that is that the video does not represent the final product. Okay? And I'm not going to tell you how my friend in the back of the room probably could talk to us a little bit about what the media's expectations are here, but I will take the position that, you know, our FOIA obligation is the final work product, whatever this Legislature does, which is that transcript that we prepare and ultimately becomes the permanent record. Okay? The video isn't the permanent record. The transcripts that we prepare and digitize are. [LB501]

SENATOR COASH: Thank you, Mr. Clerk. [LB501]

SENATOR WATERMEIER: Thank you, Mr. Clerk. [LB501]

PATRICK O'DONNELL: Okay. [LB501]

SENATOR WATERMEIER: Mr. Krist, Senator Krist...no, no, excuse me. Are there other proponents for LB501? Excuse me. Proponents? [LB501]

SHAWN RENNER: No, not proponent. [LB501]

SENATOR WATERMEIER: Okay, opponents to LB501? [LB501]

SHAWN RENNER: I neglected to fill out a green sheet. I'll do that when I'm done testifying. [LB501]

SENATOR WATERMEIER: Okay. Welcome. [LB501]

SHAWN RENNER: Thank you. Thank you, Senator Watermeier and members of the Executive Board. My name is Shawn, S-h-a-w-n, Renner, R-e-n-n-e-r. I'm a lawyer at the Cline Williams law firm here in Lincoln, and I'm here today representing Media of Nebraska, Inc. As I suspect most of you know, Media of Nebraska is an umbrella group that represents the news interests of the press and broadcast news media in the state. I'm testifying in an opponent position. I understand from the previous conversations that we're starting a conversation, and as long as we're part of that conversation, I don't know that "opponent" is truly the right way to say this. I think there are some real concerns with the bill as it's drafted, and those may well get resolved over the summer when everybody is talking. But I wanted to at least raise those for your attention, and I think Senator Coash has already identified several of them. Whatever else you say about my broadcast clients and my newspaper clients that have Web sites, they make money off of advertisements that run on those Web sites and broadcast entities. That's the nature of

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broadcasting is you sell advertisements and you make money. That includes political advertisements. And when you read the definition of "commercial use" in this bill, you will see that pretty clearly describes what would happen if a broadcaster, for example, broadcast a political ad brought to it by a candidate for office. That candidate provides the footage for the ad, provides the text for the ad. All we're doing is airing it over a broadcast station. Nonetheless, I think this bill would reach that conduct as it's written on behalf of my broadcast clients. That's a problem for us. I don't know anything about the NET licensing by the FCC and I'm not familiar with the resolution that was mentioned. I'll get a copy of that and I'll take a look at it and, to the extent I can offer any thoughts, I'll be happy to do that. But I do think that Senator Coash identified an issue that you need to think hard about that probably has nothing to do with the NET license and that is, what happens when someone captures streaming or broadcast video put out by NET on your behalf that you may well own but then does that through a device of their own? There are...I'm no technological expert, but there are literally dozens of ways, I suspect, that you could capture this information. If they're already putting it on Facebook, you know it can't be all that difficult to do. So it's that possibility that is of the most concern to my clients. And I think Senator Coash also identified one of the issues that relates to that, that you need to think about here, and I also don't know the answer to this. But the difference between a movie and what NET does is the nature of the copyright that exists. I don't know whether the Legislature claims a copyright in the video or NET claims a copyright in the video. My guess is that NET does. Certainly, for all of its programming that it broadcasts that actually goes over the broadcast airwaves, which much of your legislative work does, NET has a logo at the bottom that says they claim the copyright to that. Now they may claim it on your behalf. I'm not sure what legally that means. But one thing to keep in mind is one of the primary exceptions that my clients rely on in the copyright area is fair use. And the nature of the fair-use doctrine is that you can use portions of copyrighted material for certain purposes as long as you use a limited portion of the material, you give credit to the actual owner of it, and you meet several other criteria that are set out in the copyright statutes. I've never researched the topic, so take this with a grain of salt, but my guess is most political ads would qualify as fair uses if they used publicly available material that was held by a copyright owner that isn't the government. And how that plays out in your context, I honestly don't know, but that seems to me to be an issue that you need to think long and hard about. I'm not confident that you can control from a constitutional standpoint the use that someone makes once that is broadcast over the airwaves. And as a general rule, in broadcasting law, once a broadcast leaves a broadcaster's hands, that broadcaster isn't responsible for what somebody else does with that. And so, for example, take 10/11 News. They make a news broadcast tonight and someone records that in one of the many dozens of ways you can record that, and they make some nefarious use of that. It was a perfectly innocent news broadcast. Someone else takes their video and uses it in some way or another. 10/11 isn't responsible for that use, from a legal standpoint, as a general rule, and 10/11 can't be responsible from a licensing standpoint, but from the FCC, for the use that someone else makes, unauthorized use makes. And I don't know but strongly suspect that that's the case with you, as

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well. I doubt that you have the legal ability to control under the First Amendment what someone else does with video they capture on the NET broadcast site, certainly, and I suspect the Web site, as well. [LB501]

SENATOR WATERMEIER: Senator Coash. [LB501]

SENATOR COASH: Thank you, Senator Watermeier. But the Legislature is paying NET. [LB501]

SHAWN RENNER: Correct. [LB501]

SENATOR COASH: So it's kind of like, you know, we bought it. So typically, when you buy something, you own it. [LB501]

SHAWN RENNER: And I think that... [LB501]

SENATOR COASH: I mean, they may have the right to...I mean, I don't know. I'm curious, as well, what rights NET has if...I mean it's...there was an exchange; a transaction occurred. We wrote them a check and said, we want you to do this for us, and in consideration for that, we'll do what we want with it, we'll give it to the Clerk and he can use it to transcribe, we'll post it out there for the public. But I think we do need to find out who owns this because ultimately, you know, if...I think if the Legislature owns it, then we're the people's branch, so you...there's a...maybe an argument that the people finally do own that, so. [LB501]

SHAWN RENNER: There's certainly good policy argument to that effect, regardless of what the law is. And I honestly don't know how the law impacts that question. I think you guys need to know that before you adopt legislation one way or another. [LB501]

SENATOR COASH: I would agree. [LB501]

SHAWN RENNER: But I do think even...let's assume that the Legislature owns the content, the Legislature claims a copyright, and if the Legislature takes the step to file with the federal Copyright Office and actually makes a formal claim that's of record for everybody in the world to know, that doesn't mean that people can't use it under the fair-use doctrine. That assumes there's a valid copyright and then the question is, is this a fair use or not? And what I'm telling you is I think most political ads, because they would use some small portion of an otherwise larger legislative hearing, legislative debate, and could generally I think leave the standard set out in the various statutes, probably qualify. So I think you're going to have to deal with what

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happens when somebody captures somebody running for office...leave the commercial side out of it. Somebody running for office captures NET video, legally, through any one of dozens of ways and does something that amounts to a political ad with it, that would...it would be in violation of the statute. The remedy set out in the statute is for the Attorney General to go sue them and get an injunction. We're talking about enjoining political speech. Whatever else you say about the First Amendment, it is at its highest and foremost--and there are literally hundreds of cases that say this, including from the United States Supreme Court--at its primary when you're talking about political speech. And that is at least part of what we're talking about here. I think there are probably at least three ways that this bill potentially runs afoul of the First Amendment, assuming that it has the effect that I believe it has. And again, I'm leaving aside your ability to control the actual content, not archive it, not make it easily available. I'm talking about someone having legally captured it off of a broadcast or a Web site. The general First Amendment standard is where some government restriction burdens speech, particularly political speech, the government has to have a compelling interest to start out with in whatever control it's putting on that speech. So the first place to start is, what is the compelling interest here? One interest you've identified is NET's license. I believe that in the end that's not going to be an issue with regard to what I'm talking about, that is, the private capture of...private legal capture of this video and use elsewhere. But the other part of that component is it has to be the least-restrictive alternative available to the government to promote its compelling interest. And I don't know, perhaps there are other least-restrictive alternatives here. I don't know. But that's the very first, basic First Amendment step. There's a line of First Amendment cases and I've looked and I couldn't find anything specifically on point here. So this is drawing analogies from other areas, but there's a long line of First Amendment cases that say that once someone, and they all come out of the news-media context, once a member of the news media acquires legally some piece of information, that it is a violation of the First Amendment to criminally prosecute or civilly prohibit the use of that legally obtained information. And that sounds an awful lot like what you may be doing here, at least with regard to the video or audio that's captured by someone and isn't taken directly off the Web site or directly from NET or gotten from Mr. O'Donnell. Finally, I think Senator Coash identified a third problem--and this is probably a problem under both the First and the Fourteenth Amendments, the due process clause--and that is, this body gets to play decisionmaker about who gets to use and who doesn't and yet, as the statute is written, there are no standards that guide that discretion whatsoever. And to the extent that you can pick and say, this political use is okay, this political use is not, this candidate gets to use, this candidate does not, and there are no standards that guides that discretion, I think that violates both the First Amendment and the due process clause of the Fourteenth Amendment, because there's a long line of cases in, oh, a variety of areas--zoning, literally, dozens of areas--that say that if the government sets itself up as decisionmaker, it has to provide notice to those who are subject to its decisions about what standards guide its discretion and how those standards are going to be exercised. And at least as the bill is now we're doing, there's none of that. So that doesn't mean there won't be next session when this moves; it doesn't mean that these questions can't be

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answered over the summer. But I think, in addition to the very real policy issues that you've identified and are going to have a good debate on, I think you need to look hard from a constitutional standpoint about whether this can be done at least at the portion of the issue where it is someone that is not coming to Pat O'Donnell and saying, please, give me footage from your archives to use. That, I suspect, the Legislature can control. But I think there's a lot of this that you probably can't control and I'm really not sure how the law is going to view it all. But to the extent I can be of any assistance over the summer while you folks are working on this, I'll offer myself. I'm not sure I can, but I've done a lot of First Amendment litigation over the years and know a little bit about the law in the area. So I'm willing to at least talk if you want to talk to me. And I'm happy to try any questions. [LB501]

SENATOR WATERMEIER: Senator Mello. [LB501]

SENATOR MELLO: Thank you, Senator Watermeier. And thank you, Mr. Renner. As you probably heard from Senator Krist and Mr. O'Donnell, other states have this policy. I mean this is not trailblazing legislation, so to speak, of other states have somewhat similar policies that oversee their legislative use of produced digital material, so to speak, that...whether it's transmitted electronically and/or through broadcast. Have you been able to identify any other states that have had some similar constitutional issues that you've just raised possibly that may...you may think arises with LB501? [LB501]

SHAWN RENNER: I have not. And I will tell you that I don't view the research that often. I spent about two hours yesterday doing what research I was able to do in that period of time... [LB501]

SENATOR MELLO: Okay. [LB501]

SHAWN RENNER: ...because that's what time I had to devote to it, frankly. And so I don't want to tell you that there is no law on the topic or that the law clearly holds it unconstitutional. [LB501]

SENATOR MELLO: Okay. [LB501]

SHAWN RENNER: And...but I didn't find anything in that period of time that related to these kinds of restrictions. Doesn't mean it's not out there, it means that it wasn't easily obtainable if it's out there. [LB501]

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SENATOR MELLO: That...I guess clarification. So there wasn't any other First Amendment or Fourteenth Amendment cases filed against the Utah Legislature, for an example, on their restriction of utilizing legislative footage for political campaigns or... [LB501]

SHAWN RENNER: None that I was able to find in the quick look I took yesterday. [LB501]

SENATOR MELLO: Okay. [LB501]

SHAWN RENNER: One place I did go yesterday, and perhaps this provides another...I'm not sure it gets to the same issue here, but it relates to it. There was a case in the United States Supreme Court last term that ended up being decided on standing grounds, so it didn't provide any guidance. But the facts of the case were Ohio has a statute that makes it a crime to lie about someone in a political campaign. And the (laughter)...you think of that in the context of political (inaudible)...yeah, we've got chuckles going on, but it's a pretty interesting concept. And a criminal penalty for lying during a political campaign is a pretty serious thing too. The United States Supreme Court didn't decide, well, that's constitutional and the First Amendment...that's been remanded. It's now working its way through the lower courts. And I checked this morning and there are no more court Opinions that provide us any guidance. But that's another state looking at, at least, one aspect of this issue and attempting to do it in a different way and at least having...actually, both the liberals and the conservatives from the political universe were all over that law and said, that simply can't be, you can't have a crime to make it a lie politically, no offense, but that's what politicians do, and how are we going to tell good lies from bad lies, real lies from political puffery, etcetera, etcetera. So you're...there's probably a half a dozen different ways you can crack this nut, and they may all lead in different directions. But I think you need to look at a variety of them before hopping. [LB501]

SENATOR WATERMEIER: Thank you for your testimony, Mr. Renner, and no offense taken. (Laughter) [LB501]

SHAWN RENNER: Thank you. [LB501]

SENATOR WATERMEIER: Are there further opponents to the LB501? Anyone in neutral testimony? Senator Krist, maybe you should do a chin-up or two. (Laugh) Senator Krist. [LB501]

SENATOR KRIST: Just a couple of quick comments. I think I said at the very beginning that this is the start. This is nowhere near where we're going to end up. Senator Campbell, to your point, it might be a carefully worded letter that just says, until we figure this out, a moratorium on

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doing this to make sure that we're not jeopardizing license, something like that, and legal counsel and Patrick can help me. Janice and Patrick can help me do that. That's a...I think it's valid, it's a good idea. I'll run that by you before I send it out. Mr. Renner is a fine attorney and he's thrown, as you might have seen, many land mines in front of us that we'll have to work around. And I think they're all valid. We need to consider all of them. But the university is taking a pretty dim view of jeopardizing the license of NET, and I think that has to be at the forefront of what we do. Finally, I'll say, if we do this right, we won't have to be judge and jury about who gets it and who doesn't. It will be a clear-cut mind that, if it's potentially...I'm just theorizing that if it's acquired in a certain way, it cannot be used. And how we enforce anything else other than that is just, you know, we're at the whim of technology at that point. So thank you for your attention and...
[LB501]

SENATOR WATERMEIER: Senator Krist. Any further questions? That will conclude the hearing on LB501. [LB501]