

Transcript Prepared by Clerk of the Legislature Transcribers Office
General Affairs Committee February 14, 2022

BRIESE: Thank you. We'll go ahead and get started here. Welcome to the General Affairs Committee. My name is Tom Briese. I'm the senator for District 41. I'm the Chair of this committee and will-- and will be conducting today's hearings. We are here today for the purpose of conducting three bill hearings. If you wish to testify in person on any of the matters before us, we ask that you fill out one of the white sheets of paper. The white sheets are located on either side of the room. If you're here and you do not wish to testify, but you do wish to state your support or opposition for any of the matters before us, we ask that you fill in one of the sign-in sheets. If you do testify, we ask you to begin your testimony by stating and spelling your name for the record, which is very important for our transcribers' office. The order of proceedings is that the introducers will be given an opportunity to open. Then we will hear from the proponents, opponents and neutral testimony. We ask that you listen very carefully to try not to be repetitive. We do use the light system in the General Affairs Committee. Each testifier is afforded three minutes to testify. When the yellow light comes on, you have one minute remaining and we ask that you begin concluding your remarks. When the red light comes on, your time is expired and we will open up the committee to any questions they may have of you. At this time, I'd like to encourage everyone to turn off or silence any cell phones or electronic devices, anything that makes noise. The General Affairs Committee is a committee that is equipped for electronics, so you may see members referencing their iPads, iPhones or other electronic devices. I can assure you they're just researching the matters before us. If you have a prepared statement, an exhibit or anything you would like distributed to the committee members, we ask that you provide 12 copies to our committee clerk. If you don't have 12 copies, don't worry. Provide what you have to the committee clerk. With that, we'll proceed to the introduction of members. Let's begin with Senator Arch on the far right.

ARCH: John Arch, District 14, Papillion, La Vista and Sarpy County.

BREWER: Tom Brewer, District 43, 11 counties of western Nebraska.

BRIESE: And to my immediate right is Laurie Holman, legal counsel; and to the far left is Alex-- Alexander DeGarmo, committee clerk. And for our pages today, we have-- go ahead and stand, guys. And we have Joseph Schafer. He attends UNL. He's a history major. And we have Peyton Larsen, also attending UNL, who's a political science and history major. Thank you, guys. And with that, we will begin the hearing on our first bill, which is LB866. Welcome, Senator Brandt.

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We have the-- and we do have Senator Cavanaugh. Would you like to introduce yourself, Senator?

J. CAVANAUGH: John Cavanaugh, District 9, midtown Omaha. Thank you, Chairman.

BRIESE: You bet. Thank you. Go ahead, Senator.

BRANDT: Good afternoon, Chairman Briese and members of the General Affairs Committee. My name is Tom Brandt, T-o-m B-r-a-n-d-t. I represent District 32, Fillmore, Thayer, Jefferson, Saline and southwestern Lancaster Counties. Today I'm introducing LB866. LB866 will raise the late fee for failing to properly file requests for electrical inspection from \$50 to \$250. The intent of the bill is to incentivize electrical contractors and others to properly file these requests, so the State Electrical Division is aware of electrical projects occurring throughout the state and can properly inspect these projects, ensuring the safety of all involved. It is important to note that the bill does not increase any cost to do business for these contractors who are properly following the permitting processes of the State Electrical Division. Over the past few years, the number of late inspection requests has increased, with an overwhelming majority of them coming from out-of-state contractors who take jobs from our local electricians and seem to have no concern for following the electrical permitting process set out by the State Electrical Board, who brought me this bill. Behind me will be testimony from Craig Thelen, executive director of the State Electrical Division, who can discuss the electrical inspection process and the need for discouraging people from failing to properly file requests for inspection. Other testimony and support will be from electricians and those in the field who can give their perspective of the importance of the bill. I ask the committee to help Nebraska by reining in out-of-state contractors and advance LB866 to General File. With that, I would be happy to answer any questions.

BRIESE: Thank you, Senator Brandt. Any questions of the senator? Seeing none, thank you.

BRANDT: You bet.

BRIESE: First proponent testifier, please. Welcome.

CRAIG THELEN: Thank you. Thank you, Chairman. Members of the committee, my name is Craig Thelen, C-r-a-i-g T-h-e-l-e-n. I'm the director for the State of Nebraska Electrical Division. The State

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Electrical Board would like to thank Senator Brandt for introducing this bill and requests that LB866 be moved forward. The State Electrical Board consists of electricians, engineers, electrical inspectors, and representatives from local utility companies. We are responsible for licensing electricians in the state of Nebraska. We hold approximately 13,000 licenses for contractors, journeymen, residential wiring and fire alarms. We are also responsible for all permits that are filed in the state, and we average just under 10,000 per year. We have 16 state electrical inspectors that oversee these permits. LB866 will help address the increasing number of electrical projects occurring without proper permitting in place before the work begins. Permitting process starts when a contractor electrician licensed in Nebraska files a permit with our office either in person or online for work they will be performing. When the permit is filed, it is assigned to one of the state inspectors, who will then be notified by the contractor when they are ready for inspections on the project. These are underground, rough-in, and final inspections that are performed on each of these projects to ensure that the work is completed to the National Electrical Code, which is currently NFPA 70, the NEC 2017 edition. Most of the not-permitted work is coming from out-of-state contractors. The Nebraska State Electrical Division requests to increase the fees for late filing for permits from \$50 to \$250. Historically, a contractor from out of state will assume work in Nebraska and fail to follow the proper permitting requirements. A good example recently is a contractor doing work on cell towers who was recently doing some work and there was no permits on file. Upon this discovery from a local electrical contractor, the out-of-state contractor ended up filing over 75 permits that would have normally gone unpermitted if they were not caught in the act of doing the work. Ideally, we would receive no money from this increase of the late fees. We'd prefer all the contractors working in Nebraska follow the permitting rules by filing their permits ahead of any work being-- being performed. In the past, we have seen around 50 late fees issued per year out of these permits. This is not a lot, but much of this work does go unnoticed and so by raising the punitive late fee, hopefully, this will encourage out-of-state contractors to follow the state permitting process. This re-- this requested late fee aligns with 14 other states that are part of a reciprocal agreement that we belong to, which is the National Electrical Reciprocal Alliance. I have provided documentation on what several other reciprocal states are charging in this matter. Your support of LB866 to increase this fee for late-filed permits is appreciated. Thank you for your time.

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BRIESE: Thank you for your testimony. Any questions? Senator Arch.

ARCH: What-- thank you for coming. What-- what is considered late?

CRAIG THELEN: The late fee, so if they-- if they've actually started the work and are doing-- in the case of these towers, they actually had the work completed and were already gone from the job site when they were-- when that local contractor realized that there was-- that work had been done on these cell tower stations or locations. And so I know sometimes there is a permit that may not get filed right away. That's not what we're after. We're after the contractors that are coming in from out of state that are doing work without the proper permitting, and this company ended up being from Texas in this case, and they are actually one of our reciprocal states.

ARCH: Is this a-- is this a-- I-- I'm reading the lang-- at or before commencement of any installation required to be inspected by the board. Is this an inspection of the plans or is this actual site inspection?

CRAIG THELEN: Site inspections.

ARCH: So how fast can you turn around when somebody says, I-- I need to start this tomorrow? OK, that's the day before, so I guess they're not late.

CRAIG THELEN: They could do online permits, so they can have them done in less than five minutes.

ARCH: OK. All right. Thank you.

CRAIG THELEN: Yeah.

BRIESE: Thank you, Senator Arch. Senator Lowe.

LOWE: Thank you. And thanks for coming in today.

CRAIG THELEN: Sure.

LOWE: Why are there so many out-of-state electrical contractors coming in? Don't we have enough contractors in our state? I assume everybody's shorthanded across the country. So why do we have so many coming in?

CRAIG THELEN: So it's-- so in this case, it was a cell tower example. Another area is like the Walmarts because they are corporately owned

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out of state. And so they bring their team from their corporate office to do this kind of work. That's happened on several occasions as well. Orscheln's is another good example. And so these companies that have corporates outside of Nebraska, they-- that's where we're seeing a lot of this happening.

LOWE: OK. Do we have enough electrical contractors in our state to handle?

CRAIG THELEN: We do. I think, with our reciprocal agreement, we have a pool of other out-of-state electricians that can actually come in and work and follow the requirements as well. We could always use more electricians and we are heavily working to try to promote the electrical trade to get more electricians. And so there is plenty of work to keep the electricians we have busy. And out-of-state contractors, you know, it's-- unfortunately they come with some of these big corporate companies.

LOWE: All right. Thank you.

CRAIG THELEN: Yeah.

BRIESE: Thank you, Senator Lowe. Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman. Thank you for being here, Mr. Thelen. On that example you used, the 75 things, would they be subjected to that late fee for each one of those 75 or is it a-- that's a per-project?

CRAIG THELEN: Yeah, it-- so that would-- in this case, it would be a one-time fee for that, for them not filing permits. My intent is not to do it for every project. It's just more to stop them from doing it. The \$50 fee, kind of-- they kind of laugh it off a little bit because it's pretty minimal. If you see some of the information, some of the states are charging three times what the permit is.

J. CAVANAUGH: Yeah.

CRAIG THELEN: And the only reason we went with the \$250 is because we were on a dollar amount. We have a \$50 dollar amount. South Dakota does \$250, very similar to what I'm-- what I'm proposing.

J. CAVANAUGH: What would three times the permit be?

CRAIG THELEN: It could vary. So sometimes a permit-- a permit can be \$4,000. So I thought that was a little excessive. I-- I think it

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could-- yeah. And-- and if you notice, some of those are two-and-a-half times, and then after 90 days the number go-- the cost goes up each time, and so I think ours is reasonable and I think we can deter them from doing it by raising these fees.

J. CAVANAUGH: And you mentioned that this-- that example only got noticed-- got filed because somebody noticed it. Are there projects out there that just are not going-- filed at all then?

CRAIG THELEN: Yeah. There's a lot of projects happening without permits being filed that don't get caught or that we don't catch them and--

J. CAVANAUGH: And this isn't going to solve that problem.

CRAIG THELEN: It's not going to solve that problem. But the hope is we can stop these contractors that are doing it by raising those fees to-- to stop them and to-- and if that cost goes up, it's more of a-- it's \$50. They can do five projects and, you know, it's-- and so this one hopefully will raise that fee enough to stop that from happening, and I think, you know, it's-- I don't think we're ever going to stop it. I think you're trying to keep them honest, and I think this helps to do that.

J. CAVANAUGH: Thank you.

CRAIG THELEN: Yeah.

BRIESE: Thank you, Senator Cavanaugh. Other questions? And so if you have a project that doesn't get inspected and then-- or it comes to your attention or they ask for an inspect-- an inspection, excuse me, an inspection too late, what happens then?

CRAIG THELEN: They're issued a late fee for \$50 currently, and they file their permit and then they pay the \$50 late fee. And then, you know, if-- if the work is all done, it could be they'd have to open the walls back up to re-expose it so we can thoroughly inspect it like it should have done when it's properly permitted.

BRIESE: And so you can conduct your investigation or your inspection after the fact to have-- if you have to.

CRAIG THELEN: Absolutely.

BRIESE: And you can do it efficiently and accurately and--

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CRAIG THELEN: And the cost, it's the overrun for the contractor, too, if, you know, if they don't-- if you don't do the roofing inspection and do the, you know, the inspections like they're supposed to be done.

BRIESE: OK. And so really they are the ones at risk here on a late inspection.

CRAIG THELEN: Yes.

BRIESE: OK, because they may have to go back and open things up, redo some things and--

CRAIG THELEN: Yeah, so it's not only the fee, but all the other punitive costs for having to-- if the walls are all built, they may have to open them back up to re-expose that to do a rough-in inspection of those walls that were not inspected properly.

BRIESE: If I understood you correctly in answering Senator Cavanaugh's question, this doesn't solve the issue of those that simply don't get reported or don't get inspected.

CRAIG THELEN: Yeah, there's a percentage of them that go unnoticed, and I think one of the things we're trying to do is build a stronger relationship with the contractors. And-- and that's how this was brought to our attention on the towers is a local contractor brought to our attention because it was taking work away from them.

BRIESE: OK.

CRAIG THELEN: And so--

BRIESE: And then did you provide an estimate as to what this change could mean in terms of dollars annually? I don't recall getting a--

CRAIG THELEN: Well, it's-- yeah, so right now there is about 50 of these permits, late fees that were issued last year.

BRIESE: OK.

CRAIG THELEN: And so I hope the number goes to zero. I hope I don't see any revenue from it. I hope this stops them from working outside of the state requirements. And the interesting thing is, a lot of these contractors that are doing it, like the cell tower company, they have an electrician that's actually licensed in Nebraska through reciprocal, so he could have done work.

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BRIESE: OK. OK. Thank you for your testimony.

CRAIG THELEN: Yep.

BRIESE: Anyone else? Thanks. Next proponent testifier. Welcome.

JON NEBEL: Thank you for having me. Good afternoon. My name is Jon Nebel, J-o-n N-e-b-e-l. I am a business representative for the International Brotherhood of Electrical Workers, IBEW Local 22 in Omaha, representing 2,023 members and 550 nonmembers in Nebraska and western Iowa. I'm also a licensed journeyman electrician in Nebraska and Iowa. LB866 is a step in the right direction for us. It will not raise cost for anyone doing good business in Nebraska. To increase the delinquent fee to \$250 shows Nebraska is ready to make it more difficult to do bad business in our state. As Mr. Thelen said and Mr. Brandt said, it will hold those out-of-state contractors accountable for bad business practices. I just wanted to highlight that there are a few hidden reasons why a contractor will also file a late inspection. You could do it so you could stay out of the working ratios. Right now, we have three apprentices to one journeyman as they work in ratio on the job site. Anytime there's electrical work done, that journeyman will be there. So in essence, if --if you were to file a permit, you wouldn't be able-- you would already have your crew gone, especially if you are from out of state, and so there would be no opportunity to know if you were working within the proper ratios, even if you did have a licensed person at that point. The other one would be to install work out of compliance of current code standards. I know that there's times where I've been on a job site and there was work completed that wasn't necessarily permit-- permitted work. But, you know, if you let it go long enough, you could almost have the stance, if you were to get caught, to say, oh, this is nothing that we have done, that it was there before, you should-- you can inspect it, but it was nothing that we have done to-- to install on the permit, so kind of a way to skirt the system if you didn't have a permit while you were doing the-- the work. And of course, it would cut costs for those contractors looking to work outside of those ratios and maybe not do everything in co-- inside the code compliance. I think it would go a long ways to correcting the situation. Obviously, you don't want to make it an OSHA fine, like when you get hit with an OSHA fine. You know, you could be out of compliance with the OSHA safety standards. It could be \$10,000 would be the fine. That would immediately make a contractor rethink the way they were doing their business. This, I think, gets them on the right track and makes them a good partner with the state if, perhaps, they weren't understanding all the rules and working in the

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state and coming in and doing work for their subs or their corporations that they were doing work for all across the country. I respectfully ask for you to support LB866. As I stated before, there will be no cost increase for any contractor doing good business in Nebraska. Thank you for your time and I'm available for any questions.

BRIESE: Thank you for your testimony. Any questions? Senator Groene.

GROENE: I might have missed this, but the other part of the law says they're going to get rid of the 50 cents, but then along with any inspection fees required for such installation. What are those fees now? Are there any?

JON NEBEL: I would-- I would defer to Director Thelen on that. I'm not too certain on what extra fees there are along with the permit.

GROENE: All right, thank you.

BRIESE: Thank you, Senator Groene. Anyone else? We're raising this 200 bucks. Is that enough to accomplish what you're trying to accomplish here?

JON NEBEL: It makes it harder to do bad business. I would-- I would say go higher, but everybody's got their own story on why they didn't file a permit, and I would expect that the board kind of would call people that they question to be bad business partners in front of them and start correcting it. But it would go-- I think it would go a long ways in showing out-of-state contractors that Nebraska is no longer allowing this type of behavior. It's-- it's-- they're starting to--

BRIESE: OK.

JON NEBEL: --get on the right track.

BRIESE: Thank you.

JON NEBEL: Um-hum.

BRIESE: Seeing no other questions, thanks for your testimony.

JON NEBEL: Thank you.

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BRIESE: Next proponent testifier. Seeing none, any opponent testifiers? Seeing none, anyone wishing to testify in a neutral capacity?. Seeing none, Senator Brandt, would you like to close?

BRANDT: Just a couple of things. There is no fiscal note. The point is not to raise revenue. Like the director said, the-- the point is hopefully not to have any more fines and have no revenue. The 50 cents, Senator Groene, the director-- this is a cleanup and that was actually a typo back in the day. And so because we opened the bill back up, they struck that, so. OK. Any questions?

BRIESE: Yes. Any questions for the senator? Seeing none, thank you.

BRANDT: All right. Thank you.

BRIESE: And I don't believe we have any letters for the record. That be correct? Seeing nothing there, so that closes the hearing on that bill. We'll open up on LB840. Welcome to your committee, Senator.

BREWER: Came prepared just in case. Thank you, Chairman Briese, and good afternoon, fellow senators of the General Affairs Committee. I'm Senator Tom Brewer; for the record, that is T-o-m B-r-e-w-e-r. I represent 11 counties of the 43rd Legislative District of western and central Nebraska. I'm here to introduce LB840. I'm introducing this bill on behalf of the Nebraska Press Association. They brought this idea to me and will be testifying after my opening. LB840 makes two important changes to modernizing Nebraska Public Notice Statutes. Public notice serves as a conduit of information from the government and courts to the public. In Nebraska, like all other states, public notices are required to be published in newspapers of general circulation serving the area in which the entirety placing this-- the entity placing this notice is located. The printed public notice is part of the legal process and the qualifications for the-- for a newspaper to be legal and allowed to publish public notices are set in state statutes. Also set in statutes are the rates papers-- newspapers can charge for the public notices. The rate was last increased 26 years ago in 1996. LB840 provides for an increase in the baseline rate from 45 cents to 50 cents over a two-year period. I'm aware that the Press Association discussed this bill with a variety of groups representing political subdivisions who frequently publish legal notices, and the two-year phase came directly from feedback received from those discussions. LB840 also establishes that all public notices, after first appearing in print, are to be placed on a statewide public notice website that is a repository for such notices. This will help modernize public notices by ensuring greater

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access to the public notices and creating a digital archive of all notices. A statewide public notice website is already managed and maintained by the Nebraska Press Association. Nebraska Press-- Press Association requires that this member-- that these members post their notices to the public notice website and that there are currently-- there are currently 100,000 public notices on the website. There is no cost to the government or to the courts for placing notices on the website. I do have an amendment, which should have been handed around, that clarifies that this notice going on the statewide website is-- is not part of the official legal notice publication process, which will remain publishing the-- publishing in the notice of the local newspaper. Let's see, I'll be followed by folks from the Nebraska Press Association, subject to your questions. And the only other thing I want to throw in is, because we're on a short timeline with Friday being actually the last day before we would have to have stuff on the Speaker priority or content calendar, I would ask for an Exec this week, if we can, on this. With that, I'm open to questions.

BRIESE: Thank you, Senator Brewer. Any questions? Seeing none, thank you, sir. First proponent testifier. Welcome.

MARK RHOADES: Thank you. Good afternoon, Senator Briese and members of the General Affairs Committee. My name is Mark Rhoades; it's M-a-r-k R-h-o-a-d-e-s. I'm president of Enterprise Media Group, headquartered in Blair, Nebraska. I'm a fifth-generation newspaper publisher and owner of ten community newspapers, seven of them here in Nebraska. I'm here today to encourage your support for LB840. LB840 has two key points that are important to the newspaper industry and also to the taxpayers of Nebraska. First point for newspapers is it allows a three-cent-per-line price increase starting in October of 2022, and then an additional two cents per line beginning October of 2023. There's not been an increase in the public notice rate since September of 1996. In the case of our family newspaper, there's literal-- literally been three generations since these rates have been adjusted. While I'm fifth generation, my son has chosen to continue in the family business and will be the sixth consecutive generation to be in the newspaper publishing business. The fact that he's from a younger generation and has chosen to stay in the business shows that he believes that, even though the printed version of newspapers have seen some declines, our overall reach and engagement with our readers is larger than it ever has been. Our newspapers have seen only about a 2 percent decrease in circulation per year the last several years, but our website traffic continues to increase and we're consistent-- and we consistently have more than 100,000 unique views each month to our website in a community of under 10,000

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people. Newspapers have continued to publish public notices at the same rate the past 25 years, while costs for postage, newsprint, salaries, utilities and basically everything we use in the industry have increased, in some cases nearly 50 percent. In addition, the United States Post Office has another 10 percent postage increase scheduled to go into effect in March of 2023. It's doubtful you could find any business that hasn't adjusted their prices since 1996 who would still be in business. In addition to public-- publishing public notices under newspapers, publishers also serve to create the official documentation of all notices through affidavits and printed proof of publications. This is an essential part of the public notice process, as newspapers serve as a watchdog of sorts to make sure all notices are published on time and as required, and this service is included in the basic price of the notice. There have been calls for years to modernize public notices, and LB840 does just that by mandating that all public notices from government entities in Nebraska be placed on one centralized website. This is good for taxpayers and also good public policy. In order to streamline this service, Nebraska Press Association has created a statewide website that will house these public notices in one place. The association will also place these notices on the website, so there's no additional work for any of the government entities. All notices will be available on the site within 48 hours and accessible to anyone from anywhere in Nebraska, in reality, anywhere in the world. Again, this is all being done at no additional cost to any government body. I would like to thank Senator Brewer for introducing this bill and Senator Briese and the General Affairs Committee for giving me the opportunity to speak today in support of this bill, and I ask for your vote of approval on LB840. Thank you.

BRIESE: Thank you. Any questions? Senator Lowe.

LOWE: Thanks. Just curious, how's the bottom line of newspapers doing since you're moving basically from paper to digital, it sounds like?

MARK RHOADES: Well, not-- I mean the-- the print version is still very solid. We're seeing a lot of people take the e-edition of the-- the newspaper, which it looks just like the-- the printed version, but it's, you know, it's online, and then the website's on top of that. The bottom lines are not what they used to be in the glory days, I'll admit that, but most newspapers are still hanging in there pretty well.

LOWE: All right. Thank you.

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BRIESE: Thank you, Senator Lowe. Any other questions? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Briese, and thank you for being here, Mr. Rhoades. So as to the requirement of it being published on the-- the central location, Senator Brewer circulated an amendment that basically said that failure to post it there would not invalidate the publication.

MARK RHOADES: Right.

J. CAVANAUGH: And the-- the Associated Press or the Press Association--

MARK RHOADES: Press Association, yes.

J. CAVANAUGH: --requires that you, as a member, publish to it. So I guess without-- if we're-- are we just adding extra language in the statute to say that you should publish it here and there's no requirement or no ramification if you don't?

MARK RHOADES: The-- I think before-- and-- and Dennis or the Nebraska Press executive director might be able to answer that a little bit better. But before, it was just strictly in print. There was no requirement from the Press Association to mandate that those notices go on the site. It's more of a Press Association mandate that's-- that's doing that, so each newspaper is responsible to get them to the Press Association so they can be posted on the website.

J. CAVANAUGH: I guess my question, from this-- this bill's perspective, is it's saying you have to do that. Well, you just said the Press Association says, but there's no ramification, there's no penalty if you don't do it?

MARK RHOADES: I would pass that question on to Den-- Mr.--

J. CAVANAUGH: And he's going to testify?

MARK RHOADES: Yes, he's going to be up later.

J. CAVANAUGH: OK, thank you.

BRIESE: Thank you, Senator Cavanaugh. Anyone else? Seeing no other questions, thank you--

BREWER: Thank you.

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BRIESE: --for your testimony here today. Next proponent testifier.

PEGGY YEAR: Good afternoon. Good afternoon, Senator Briese and members of the General Affairs Committee. My name is Peggy Year, P-e-g-g-y Y-e-a-r, and I, along with my husband Rob Dump, are owners and publishers of five small community newspapers in northeast Nebraska. We purchased our first paper, the Cedar County News, in 1992; and like farming, we quickly learned the economy of scale and found, with increasing costs of printing and distribution, we would need to print our own paper to be able to stay somewhat ahead of the increase in costs of operation and, as such, in '96, we purchased three other small weeklies, which included a small printing press. In 2000 and 2006, with a declining rural population and economy, we again had to adapt, enabling us to add on and save literally two more small weeklies that could no longer survive under a one-person ownership. That's how quickly things changed in our rural communities, and that change is not slowing down. to stay in business and maintain newspapers in these small communities, we reduced staff and centralized administrative and production services; however, and very importantly, we continue to maintain an office and staffperson in each community our newspapers serve. Because of the large rural area we cover, delivery of our prod-- product is highly dependent upon the U.S. Postal Service. Since 1995, the last time rates for public notices increased, our postage rates have increased 42 percent. All of our operating costs, especially postage, labor and printing, have increased significantly in that time. I'm sharing this as the basis for asking for your support of LB840, which would provide the first increase in 25 years for public notice line rates. Additionally, times have changed, but the importance of public notices being published by an independent third party has not. LB840 contains a provision, a second provision addressing that very concern. Through the leadership of the Nebraska Press Association, Nebraska newspapers have stepped up to modernize public notice access by increasing their accessibility via a statewide public notice website. These efforts were started ten years ago and in June 2021, the web-- the website was redesigned and relaunched with much better features. Today, there are 100,000 notices on the website, which has free access to the public at no cost to government. Also, since June, the board of directors of NPA amended its bylaws to require all members to upload their public notices to this website as a requirement of membership to NPA. We, as a community, newspaper publishers, and our association, believe in rural Nebraska communities, and we have a passion for our roles as community cheerleaders and historians and as the watchdog of elected officials

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and government entities. That's why we have taken on the job of modernizing public notices, utilizing an independent statewide public notice website as a public service by all Nebraska newspapers for all Nebraskans. Thank you for your time and support of LB840.

BRIESE: Thank you for your testimony. Any questions? Senator Groene.

GROENE: Learned about this website just now. How many hits do they have on it, do you know?

PEGGY YEAR: I'm afraid I'd have to defer to Dennis, who-- Dennis DeRossett, executive director--

GROENE: All right.

PEGGY YEAR: --who keeps track of that, yes.

GROENE: On how popular it is or how well-known it is to the public that that exists, ask him? Thank you.

PEGGY YEAR: Yeah.

BRIESE: Thank you, Senator--

GROENE: He knows the question now.

PEGGY YEAR: [LAUGH] He can [INAUDIBLE]

BRIESE: Thank you, Senator Groene. Senator Lowe.

LOWE: Thank you. How do these line rates compare to advertising or a story that may be paid for?

PEGGY YEAR: Well, for-- I can only use our newspaper as an example. Our inch rate, our column inch rate is \$6.51 for a column width by one inch. One line of copy for a legal notice, for one time, would begin at, I think, \$0.0045 per line. Your school board and your county commissioners have a decreased rate. For example, the county commissioners' rate is three quarters of that rate itself and the school board, I'm afraid I don't remember what their rate is, but it's less than that. And in our county, we have three other legal newspapers, and so that three quarter rate is split three ways, so that each person or each newspaper is actually getting one third of \$0.004, whatever that rate might be. I can't remember it exactly, but that gives you a sufficient idea, I think. Regularly, legal notice, like an estate notice that runs three times, would maybe cost \$18.

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LOWE: Per column inch?

PEGGY YEAR: No, \$18 total.

LOWE: Total.

PEGGY YEAR: For a three-week run--

LOWE: OK.

PEGGY YEAR: --it would cost you \$18 for an estate notice.

LOWE: OK. How about like obituary?

PEGGY YEAR: Our obituaries are really cheap, and I hate to say that in front of all the other people here because theirs are probably much better at-- we run-- we're \$35 for an obituary--

LOWE: OK.

PEGGY YEAR: --which includes a photo, so--

LOWE: All right. And--

PEGGY YEAR: --at any size.

LOWE: So you still maintain the different newspapers, or did you combine them into one?

PEGGY YEAR: No, we-- each one is an individual newspaper.

LOWE: OK, thank you.

BRIESE: Thank you, Senator Lowe. Any other questions? Senator Brandt.

BRANDT: Thank you, Chairman Briese. Thank you, Ms. Year, for your testimony. You raised something that piqued my interest. Where you have multiple newspapers in the same county, they have to divide that rate?

PEGGY YEAR: Well, in our county. Each county is allowed to set it up for theirself-- for-- however they would like to. For example, in Knox County, because we own a newspaper in Knox County, there are six legal newspapers, there-- there were-- when the-- when their method was first designed. And so every two years, two different newspapers were allowed to run the county commissioner, the superintendents' minutes, and so it would be split between, for example, Wausa, the

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Wausa Gazette, and the Niobrara newspaper for for one year, and then the next year it would be rotated to two other newspapers. And the-- so you're splitting that money in half each-- every three years.

BRANDT: OK. All right. Thank you.

PEGGY YEAR: Does that make sense?

BRANDT: Yeah, it does.

PEGGY YEAR: OK.

BRANDT: Yep.

BRIESE: Thank you, Senator Brandt. Anyone else? Seeing no other questions, thanks for your testimony.

PEGGY YEAR: Thank you.

BRIESE: Next proponent testifier. Welcome.

KEVIN ZADINA: Thanks. Good afternoon, Senator Briese and members of the General Affairs Committee, I want to thank Senator Brewer for introducing this. My name is Kevin Zadina, K-e-v-i-n Z-a-d-i-n-a. Unlike my colleagues that have just testified about owning newspapers, my wife and I are newspaper owners of 45 days at this time. However, I've been a publisher for 18 years and I've worked in the business for 39, currently on the Seward County Independent, Crete News, Milford Times, Friend Sentinel, and the Wilber Republican, all in Seward and Saline Counties. All the newspapers have been family owned since the time they were published, though, so with that, I mean, I believe that newspapers will be here in the future, whether that's a hard copy or different forms that we adapt to. You know, one of the things, we include the public with all public notices. All government notices are published in a trusted source in our newspapers for the general public. The notices are important and can be found on our pages and online on our websites. Our playing field has changed and it's going to continue to change. We'll continue to change our delivery with our content, which includes public notices, you know, to the general public, with all of our newspapers and our digital platforms. I currently have 14 employees and I have six of those that are under 35 and some younger college people that are excited about what platforms we can do with newspapers, so. The cost of creating newspaper pages has steadily increased over the past 25 years since the rates were last changed. I give our readers something that no one else does, and that's local,

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local news, which attracts them to our newspapers and our websites. The increased readership over all the platforms give more exposure and attention to public notices. As an example of delivery method in Seward County, we actually deliver each morning a daily update that sometimes we include a public notice with agenda items that are important to our readers, and that's at no additional cost to any entity of the government at that time. We're just informing our readers. So LB840 would enable audiences and attention to the public notices throughout state with the public website. Not having the webs-- or by having one website, makes it easier for taxpayers to find information, further ensure government transparency. The bill provides, you know, a two-step rate increase in public notices' line rates, which would be helpful to newspapers and we appreciate. With that, I would like to thank the General Affairs Committee for my time here and appreciate your support of LB840. Thanks.

BRIESE: Thank you for that. Any questions? Senator Lowe.

LOWE: The-- since we're doing both paper and websites now, can this be published in the website legally or does it have to be in paper form?

KEVIN ZADINA: From right now, the only-- the website would not be the same as the affidavits we fill out for public notices that are legal in newspapers,

LOWE: I just didn't know if it had-- if The Times, if it went digital, you could have the notices published there, but it must be in the-- in paper form.

KEVIN ZADINA: At this time, yeah.

LOWE: At this time. All right. Thank you.

BRIESE: Thank you, Senator Lowe. Anyone else? You suggested earlier-- well, you said earlier that your costs have went up considerably in the last 27 years, but also your revenues went up, I assume. How about your margins in any-- any--

KEVIN ZADINA: They've obviously gone up. Our revenues have gone up, but we-- we've got to-- again, you know, I'll go back to being publisher, is that, you know, I've had to trim employees over the course of time. That's the biggest thing, but we still want to be able to deliver on, you know, our content. So-- so, yes, our everything's increased, but it's also on the expense side, too, sir.

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BRIESE: OK. You would characterize these rate increases as extremely important to the viability of small-town newspapers?

KEVIN ZADINA: I don't think they're extremely important. I said that it was-- that they'd be appreciated. You know, if you-- if you look at the revenues that we gain off of public notices, it's not, you know, by any means, a majority of what our newspapers are producing for revenues.

BRIESE: OK. OK. Thank you. Senator Groene.

KEVIN ZADINA: [INAUDIBLE]

GROENE: Thank you. I understand this is being paid by tax dollars, but it's from 48 cents to-- from 45 cents to 48 cents is the increase, correct? That's 6 and two-thirds percent. Inflation this year is 7 percent, so if we would-- you guys are very generous or very-- become very, very productive, if you only need a three-cent increase over 25 years when this year it's 7 percent alone, so, anyway, seems very modest increase to me.

BRIESE: Thank-- thank you, Senator--

GROENE: Would you agree? That's my question.

KEVIN ZADINA: And--

BRIESE: Thank-- thank you, Senator Groene. Anyone else? Seeing no other questions, thank you for your testimony here today. Next proponent. Welcome.

DENNIS DeROSSETT: Thank you. Good afternoon, Senators. Senator Briese and members of the committee, my name is Dennis DeRossett; that's D-e-n-n-i-s D-e-R-o-s-s-e-t-t. I'm the executive director of the Nebraska Press Association. We represent all daily and weekly newspapers in Nebraska. Thank you for this opportunity to speak here today in support of LB840. I also want to thank Senator Brewer for sponsoring this bill and for his opening remarks. Some of my comments may be duplicative because we've put in-- for time purposes, I'll try to cover it all, but-- but also I would like to answer some of the questions that have come up. The-- the people and-- that have, you know, gone before me represent the lifeblood of their communities. The newspapers are the trusted source for news in their communities and, you know, basically they chronicle everyday happenings, the life of their citizens, and they serve as-- serve as the common thread in that community. The local newspaper is a trusted news source, and

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that's where public notices have long been published and read. And the newspaper not only disseminates the information but, in doing so, it fosters civic engagement and local democracy. Public notices are not a large revenue stream for newspapers, but it certainly is a significant one. For the units of government placing the notice, the amount it spends represents a very good return on its investment; that is, keeping taxpayers informed and an efficient, proven and cost-effective manner. So, yes, 25 years without an increase has been-- it's a long time, and I believe a justification has been made. And last fall, we did reach out to several large associations representing government groups and talked about our need, and the result of those discussions was that there would be an 11.1 percent increase that goes from 50 cents-- 45 cents to 50 cents, but over two years, so it'll go 45 to 48, and then the second year it would go 48 to 50 cents a line. And the bill contains that language. The reason for the website, which we relaunched last June, is really all about more readers, accessibility, and transparency. We launched it in June. We've done a soft launch intentionally because there's a process of taking the notices from the pages and getting them uploaded to the website. We've just started promoting the website. I hope you've seen it. It's www.nepublicnotices.com. But it also serves as a permanent archives for notices. Accessibility is greater. Functionality is greater. Searchability is there by any newspaper, any date, any county. However you want to search, it's there. We believe so strongly in having one that we did require our members to test-- excuse me, to-- to upload those notices. I see the red light, so.

BRIESE: Somebody will probably ask you a question, though, I'm guessing.

DENNIS DeROSSETT: Sure.

BRIESE: Questions? Senator Lowe.

LOWE: I didn't get what you were going to say. Could you please finish?

DENNIS DeROSSETT: Thank you, Senator Lowe, appreciate that. So we did launch the website and-- and for a greater accessibility of the notices. And so in modernizing these notices, the-- the idea was that the print news notice, it actually is the legal process. We are part of a legal process. We provide the independent third-party certification of that notice. The website just gives us a greater transparency, greater readership, greater awareness, and it also

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gives, I think, for the taxpayers, more people seeing notices in instances like bids you might have for any project where it could provide more bidders, more opportunity for lower prices for those bids, which is a benefit to taxpayers. But there is no permanent archive except individual newspapers right now. And rather than have hun-- hundreds of thousands or tens of thousands of notices spread across hundreds of government websites, we think it's better that they be in one website, all notices be there and everyone-- every notice be required to be on the site. Thank you.

LOWE: All right.

BRIESE: Senator Lowe.

LOWE: Thank you. So it's-- it's easy to access?

DENNIS DeROSSETT: It is easy to access.

LOWE: Well, I mean, with the 100,000, you would think it'd be complicated.

DENNIS DeROSSETT: We did a soft launch intentionally because of the technology involved, and there's different, you know, levels of technology being used by our newspapers. Some are one-person operations; some are, you know, major ,major operations. So to get all the notices uploaded to the site, to have the functionality and everything in place, I'd say it's-- it's-- we've done a lot in the last six months. It's working well. We're already started, our hard launch, in the last couple of weeks with advertising in all the newspapers, social media, and getting-- getting the word out. We want the URL to be known by everyone, so anyone who wants to access a public notice outside of the newspaper, there's one source to do that.

LOWE: All right. Thank you.

BRIESE: Thank you, Senator Lowe. Senator Groene.

GROENE: So all of-- all of these notices will be archived?

DENNIS DeROSSETT: It's a permanent archive on the site, yes.

GROENE: Can I just go in and say I want to see when the next meeting is on the notices of the local community, type in the community, and it'll bring up the notice?

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DENNIS DeROSSETT: Yes. I wish I could do a demo for you right now, which we did give one to Senator Brewer, but notices that are in the future, unless notice of the meeting has been given, obviously, it's not on the site, but anything in the past that goes-- in this site, it only goes back to June. That's when it started. But you put the date range in and you can access any notice--

GROENE: So a new notice won't be on there that has-- the meeting hasn't been held yet.

DENNIS DeROSSETT: The notices are now established, put on the site within 24 to 48 hours, and we hope by the time that we get to this summer, that the-- it's in the paper, it'll be on the website within 24 hours.

GROENE: So how does this help you with readership if there's just some guy that goes to every single meeting and you-- that's the only reason he buys the paper is to find the notice?

DENNIS DeROSSETT: Well, that's pro-- those are probably few and far between as far as individuals. But, you know, all along, newspapers have been about open government transparency, and this is a way that we feel augments what we do through print and establishes-- we know there's an audience out there for the digital. There's always been talk about, you know, modernizing notices, but that modernizing has only been putting them on government websites. And again, so you have 100,000 notices over 100 websites, nobody knows where to go. So we will publicize one website. All the notices will be there. And what-- while we require our members to upload, the reason we want the statutory language is that in the future, if no newspaper could opt out-- otherwise, you have an incomplete public notice website-- and if you had a group, whether it be a single newspaper or a group of newspapers that changed ownership, and decided, you know, we don't necessarily want to participate in that, they wouldn't have a choice under this. Nebraska still has a complete, accurate, 100 percent public notice website.

BRIESE: Thank you, Senator Groene. Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman, and thank you for being here, Mr. DeRossett. Is that how you say it?

DENNIS DeROSSETT: Yes.

J. CAVANAUGH: So, well, to your point that there's an amendment that basically would say that failure to post on that website does not

invalidate the publication, so what is the-- what is the repercussion under the scenario you're talking about i a-- if a paper decides to opt out of your system?

DENNIS DeROSSETT: Well, then they would not be able to-- with this, be able to use public notices because that would be a requirement. But the-- the idea is that with the print being the valid basis for the notice, if there was a technical error and it wasn't uploaded unintentionally, that wouldn't invalidate the notice. That's the intent of the amendment that we-- we discussed.

J. CAVANAUGH: The in-- so the intent is that there-- it's still not a valid notice if they don't publish it to the-- the website.

DENNIS DeROSSETT: It is a-- it would be a legal notice if it's in print and the-- and they fulfill that. The newspaper has to go the second step, obligated to upload it. If it's a technical issue and they do not, then it doesn't invalidate the notice because in saying a notice isn't legal, you could-- I mean, a meeting couldn't be held or, you know, election would be stopped. Different-- different things could happen. So, but as far as, you know, mandating and saying, you know, you have to publish notices, we think it should be a part of a requirement. To be able to publish notices, you need to upload to this website.

J. CAVANAUGH: I guess I'm having trouble making the distinction between purposefully not uploading it and choosing not to upload it. It seems to have the same effect.

DENNIS DeROSSETT: I-- I guess, could you ask that again, please?

J. CAVANAUGH: Well, so I'm trying to understand the-- you're saying this amendment would make exception, say it's still a legal notice if someone has a technical problem with uploading it. Is that right?

DENNIS DeROSSETT: Yes, and I-- I don't have that particular wording in front of me, but I guess it's, you know, unintentional is the key there as far as being able to publish a notice.

J. CAVANAUGH: OK, I don't see a-- I guess I don't see a reference to intention in-- in the lang--

DENNIS DeROSSETT: OK, I'd have to read. I'm not sure I have that amendment in front of me actually. I'm sorry.

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J. CAVANAUGH: So but your-- I guess you-- what your desire would be, to still have it be a requirement of a legal notice that they at least attempt to publish to the-- that website.

DENNIS DeROSSETT: Yes.

J. CAVANAUGH: OK, thank you.

DENNIS DeROSSETT: Yes.

BRIESE: Thank you, Senator Cavanaugh. Senator Lowe.

LOWE: Oh, thank you. Thank you. The software that you use to publish the notices, easy to use on the user end?

DENNIS DeROSSETT: Very easy from the functionality. The platform we're on is actually used as a public notice platform in about 16 other states. There are various platforms, so it's been developed over the last ten years. There's also new features that will be launched even yet this year that will further aid in-- as far as this whole process. But functionality of this is very easy. You go on and-- and it's just-- I don't know how to describe it, except I wish I could give you a demo right now, but you can by date, by newspaper, by county, by type of notice, and there's just a lot of features that, you know, if you track foreclosures, you can, you know, put in your keywords, your specs, and those automatically-- if you sign up for a smart search, which is a feature, then you're notified that notices containing your keywords are actually now on the site and new ones have been uploaded.

LOWE: All right.

DENNIS DeROSSETT: So--

LOWE: I was just contemplating this because Senator-- I believe Senator Brewer had a bill in front of Executive Board that-- so we could record these hearings and the floor debate and so it would be accessible to the public, so they could actually see these. And a comment was made that would be too tough to have multiple searches and to actually come up with these, along with storage of those files. But if we made it reasonable storage time in like a week or something, it wouldn't be too far out. And so it sounds like this is a fairly easy process and-- and it works pretty well.

DENNIS DeROSSETT: It's a-- it's an easy process, and the goal is that every newspaper would have a link to the site on their home page, and

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we would invite units of government to also have the link so that, again, anyone goes to any website, government website, newspaper website, they want public notice, they click on the link, and they have access.

LOWE: All right. Thank you.

BRIESE: Thank you, Senator Lowe. Senator Brandt.

BRANDT: Thank you, Chairman Briese. Thank you, Mr. DeRossett--

DENNIS DeROSSETT: Yes.

BRANDT: --for your testimony today. Following up on Senator Cavanaugh's rationale, do we have any newspapers that belong to your association that are 100 percent digital, online only?

DENNIS DeROSSETT: No.

BRANDT: What would happen if the world goes that way and, you know, the cost of newsprint goes up so much that you can't do that? Will that aff-- would-- would this law affect those if you had online public notices?

DENNIS DeROSSETT: We-- we know we're in a transition period and we know that some of our members will be in the future, because they've announced it, going more digital editions than they have print editions. So we're going to have to look to evolve notices between print and digital and come up with a solution. That's just, you know, not there yet, but it's one that is out ahead of us and the discussion has to be held. It's being held in many states, a lot of different variations to it. But there's no single answer yet.

BRANDT: And then did I understand you correctly that in the print edition, across the top, they would-- they would say that, like in the Fairbury Journal, for example, is one of the-- one in my district.

DENNIS DeROSSETT: Yes.

BRANDT: You can access all this information by going to this website?

DENNIS DeROSSETT: Yes, we-- we give our newspapers promo material-- we call them house ads-- to run that explain the purpose and value of public notices and where to go also to find public notices, the URL.

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BRANDT: And then real quick, the last question, is there a common architecture so that if one newspaper calls it a sheriff's sale, the next one calls it a foreclosure, the next one might call it something else, or does it-- you have to specifically type in sheriff's sale?

DENNIS DeROSSETT: The keywords, you can-- you can type it in so that keywords include any of the words you put in, specific words or specific phrases.

BRANDT: All right.

DENNIS DeROSSETT: So if you put in ten different words searching for something with foreclosure, sheriff's, or bids, invitation to bid, requests for bids, you put those words in and it'll pull those up.

BRANDT: All right. Thank you.

BRIESE: Thank you, Senator Brandt. Senator Groene.

GROENE: Thank you, Chairman. This website has absolutely nothing to do with the public entity, right? The public entity's requirement is to put it into a local newspaper.

DENNIS DeROSSETT: The-- yes, the government or any unit of government or court is required to put notices in print. Yes.

GROENE: In a local--

DENNIS DeROSSETT: Local newspaper.

GROENE: --paper, nearest one in their county or--

DENNIS DeROSSETT: Yes. Yes.

GROENE: So this has nothing to do with that.

DENNIS DeROSSETT: No.

GROENE: If it does not go on the website, that has nothing to do with the public notice that's been done by the entity.

DENNIS DeROSSETT: Yes, the entity has placed the notice in the newspaper as they would be required and then the--

GROENE: So if the newspaper forgot to publish it in the paper but sent it to the website, the-- that website does not serve as proof by

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the entity that they had a public notice. It has to be in the newspaper, right?

DENNIS DeROSSETT: Right, and the-- the way the process works, no notice can appear on the website until it's first published in the newspaper; and once it's published in the newspaper, it can't be changed on the public notice website.

GROENE: So this-- this website has no added burden to any public entity or any elected officials at the local level?

DENNIS DeROSSETT: No.

GROENE: They have-- they don't even know what's happening--

DENNIS DeROSSETT: Yeah.

GROENE: --as far as they're concerned. All right, thank you.

BRIESE: Thank you, Senator Groene. Are there questions? Seeing none, thank you for your testimony here today.

DENNIS DeROSSETT: All right. Thank you, Senator Briese. Thank you, committee.

BRIESE: Next proponent testifier. Seeing none, any opponent testifiers? Seeing none, any neutral testifiers? Welcome.

CHRISTY ABRAHAM: Thank you, Senator Briese and members of the General Affairs Committee. My name is Christy Abraham, C-h-r-i-s-t-y A-b-r-a-h-a-m. I'm here representing the League of Nebraska Municipalities. I first want to thank Senator Brewer for introducing this bill and the-- I also want to thank the Nebraska Press Association for coming to the league and talking to us about this bill and letting us comment and share our concerns about it. I actually want to talk about something that hasn't been discussed in this bill. It's the provision that eliminates the requirement that you can't publish on Sundays. This was actually brought to us by a member. And he said, you know, don't you think Sunday is a pretty widely read newspaper day and wouldn't it be nice to be able to have these notices be on Sunday when the most people could see them? And we thought that was a great idea, so we are very grateful for the Press Association to include that in this bill. The League is neutral for the reasons you can probably imagine. Even though we appreciate that newspapers' costs have gone up and it's been 27 years since they've seen an increase, it will be an increase on municipalities to

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pay for these extra costs. As this committee likely knows, there are dozens and dozens of references in state law about when municipalities have to publish notices in the newspaper, so this will be an increase for us. And I also just wanted to put on the record that we are interested in this amendment that we are talking about. We certainly want to make clear that when the municipality gets the notice into the newspaper, that that constitutes the notice, that there doesn't-- it doesn't also have to go on to the statewide website. We want to make sure that the meetings are valid and that the publication is-- is correct, even if it doesn't make it onto this website, so we're interested in any clarity that that may be for that. So I'm happy to answer any questions you might have.

BRIESE: Thank you for your testimony. Any questions? You referred to the increased cost to municipalities. Any ballpark number you have in mind or-- that'd be--

CHRISTY ABRAHAM: Senator, that is a great question.

BRIESE: --hard to quantify, I think, but--

CHRISTY ABRAHAM: Yeah, I was-- I was enviously looking at the fiscal note that apparently a couple of counties were asked what their fiscal impact were, and I didn't see that any municipalities were asked.

BRIESE: OK.

CHRISTY ABRAHAM: My guess is some of our larger municipalities, like Omaha and Lincoln, it would be similar, probably, to the larger counties that were asked.

BRIESE: Sev-- several-- several hundred, maybe.

CHRISTY ABRAHAM: Yes.

BRIESE: OK.

CHRISTY ABRAHAM: Yes. Thank you.

BRIESE: OK, very good. Thank you for your testimony. Any other neutral testimony? Welcome.

ELAINE MENZEL: Thank you. Chairman Briese and members of the General Affairs Committee, to-- for the record, my name is Elaine Menzel, E-l-a-i-n-e M-e-n-z-e-l, here today on behalf of the Nebraska

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Association of County Officials in a neutral capacity on LB840. I think I did well by having Ms. Abraham testify first because she's essentially testified to the things that I would te-- testify on behalf of the counties. She shared similarities with the issues that we would have raised. I think the website will be of benefit to all that were discussed by the Press Association. Like Ms. Abraham, I would like to express appreciation to them for coming to us first to discuss this. We were involved in the discussions to address our concerns as well. If you have any questions, I will attempt to answer them.

BRIESE: OK, very good. Thank you. Any questions? Senator Brandt.

BRANDT: Thank you, Chairman Briese. Thank you, Ms. Menzel, for--

ELAINE MENZEL: Thank you.

BRANDT: --for your testimony. And I guess this also kind of applies to the league also where she said it's a cost increase. Well, I would guess over the last 25 years, the buildings that these newspapers are in, their property taxes probably have increased also to help pay for the villages and counties. Do you think that's a true statement?

ELAINE MENZEL: That would be my guess--

BRANDT: All right, thank you,

ELAINE MENZEL: --Senator. And I--

BRANDT: Um-hum.

ELAINE MENZEL: --just with respect to that, as Ms. Abraham discussed, there were a couple of fiscal notes from Douglas County and Lancaster County. I would-- I liked-- Senator Groene returned just in time for me to reference his terminology of "modest." I would suspect that overall, the counties, that generally it would be a modest increase to comp-- or to acknowledge the fact that over the course of 25-plus years, that has been-- has not been raised.

BRANDT: OK. All right.

BRIESE: Very good, thank you. Thank you, Senator Brandt.

ELAINE MENZEL: Thank you.

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BRIESE: Seeing no other questions, thank you for your testimony. Any other neutral testifiers? Seeing none, Senator Brewer, would you like to close?

BREWER: All right, you guys have probably asked enough questions. [LAUGHTER] I thought Tom Brandt brought up a good point. Property tax, electricity, natural gas, it don't matter what we're talking about, everything that makes the world go round, if you have a business, have come up so much in 25 years. This is a pretty modest request. And you gotta remember that, you know, the-- the soul of most of these little towns are their paper. That's how they communicate. As we get to the bigger towns, then the digital plays a bigger factor. But in the small towns, it's still a piece of paper that they read that really matters to them. So I just ask that you'd support this bill. And if you got any more questions, I'll entertain them.

BRIESE: Thank you, Senator Brewer. Any questions? Seeing none, thank you, Senator, for bringing this. We have two letters in support, one from Amy Johnson [PHONETIC] from Springview, Nebraska, and one from Nicole Fox from the Platte Institute, no letters in opposition or neutral. That will close a hearing on that bill. Next up, we have LB126-- LB1256. Wel-- welcome, Senator McKinney.

McKINNEY: Good afternoon, Chairman Briese and members of the General Affairs Committee. Today we're here to discuss LB1256, which would change provisions relating to public libraries and require the election of library boards of a city of the metropolitan class. Contrary to popular belief, I decided to bring LB1256 not as a slight to the city of Omaha or their representatives, but because of my commitment to the people of Omaha. Acting with personal veng-- vengeance has never been me, and that will never be me. The people of Omaha have reached out to me in masses to express their concerns with the operations of the Omaha Public Library Board. I do have a platform to stand in solidarity with the people of Omaha and to their opposition to the-- to what has happened with the library board as of late. And in that, I stand in solidarity to put in some changes. Yes, this targets the-- the library board today. But if the people ask me to amend this bill to add the personnel board, the planning board, or any other board that exists in-- in Omaha, I would do it at the drop of a dime. The Legislature did give Omaha an option to decide how to select li-- the library board and, yes, we can respect their decisions and processes. But we-- but when needed, the Legislature also has the power to reevaluate that option and make changes, especially when issues of transparency and a lack of accountability

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are placed at our doorstep. I am all for innovation and moving the city of Omaha to the future; but sometimes, to move into the future, we have to make changes to protect the rights and concerns of taxpayers. As someone who used to frequent public libraries while growing up, I understand the importance of public libraries. That being said, major developments cannot supersede the people. Making a library board a publicly elected office gives the people voice. In doing so, they do not have to rely on the judgments of the mayor or the city council, who is and who is not appointed. With that, I'll open it up to any questions.

BRIESE: Thank you, Senator. Any questions for Senator? Senator Brandt.

BRANDT: Thank you, Chairman Briese. Thank you, Senator McKinney, for bringing this bill. I would just ask, could you state, for the record, what happened and why you're bringing this legislation?

McKINNEY: So what was it? When we were back for, I think, special session, I began to get some information that the library board were doing some things that the public didn't necessarily agree with as far as the future operations of the library. Fast-forward to this session, the city of Omaha decided to sell the downtown property for-- for some development and move the location of the library in Omaha to another location downtown.

BRANDT: All right. Thank you.

McKINNEY: No problem.

BRIESE: Thank you, Senator Brandt. Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Briese. Senator McKinney, thank you for being here and bringing this bill. So looking at your bill, just so I'm clear, it would maintain the size of the board at nine members. Is that right?

McKINNEY: Yes.

J. CAVANAUGH: And then it would make two of the-- like the at-large and one elected from each city council district?

McKINNEY: Yeah.

J. CAVANAUGH: Are you aware the current board-- I know we got a couple letters on this regarding just the, I guess, diversity of the

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board. Are you aware of whether the current board of those nine members, are they equally distributed amongst the city council districts currently or do you know where they come from in the city of Omaha?

McKINNEY: I can't say off the top of my head, but I've-- have heard that there are some issues with diversity on that board.

J. CAVANAUGH: I see a few people over there kind of responding to my question. I'll-- maybe they'll testify and I can ask them that. So Senator Brandt asked the question about kind of the underlying issue. My impression, and you can answer this as a question, is that there was a conversation about the future of what the library should be in Omaha, and there was a great amount of community engagement, and then the ultimate resolution didn't appear to integrate any of that community input into that. Does that sound accurate?

McKINNEY: That's correct. The community feels-- feels as though, from what I've heard and from what I've talked to people, that their voices were basically disregarded by the city.

J. CAVANAUGH: And the letters that we got said that, you know, there's a mechanism in place when the mayor appoints these people to the board and the City Council approves. And so they-- they-- the opposition to your bill would say that there's sufficient community engagement and input into the library board. Would you say that you think you-- your position would be an elected library board may be more responsive to the concerns of the citizens?

McKINNEY: Yes. I-- I think an elected board holds individuals more accountable. Although you-- the city council approves the current board after the mayor decides to appoint, there are some issues with transparency and accountability because the mayor appoints those individuals.

J. CAVANAUGH: Do you know if the mayor-- can the mayor ask people to step off the board or--

McKINNEY: I think it might be possible. I'll have to double check on that--

J. CAVANAUGH: All right.

McKINNEY: --or they got-- maybe they have to finish their term.

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J. CAVANAUGH: All right. And there's other-- there are people behind you that I think they might also know how to answer that. Thank you, Senator McKinney.

McKINNEY: No problem.

BRIESE: Thank you, Senator Cavanaugh. Anyone else? Senator Brewer.

BREWER: Thank you, Mr. Chairman. Now, for those of us who don't stay on top of the events as they transpire in Omaha, so they made the decision to take an existing library. Now the-- I take it the committee or the the library board okayed the idea of that building going from its current status and being--

McKINNEY: Yeah.

BREWER: --turned in, bulldozed and turned into a skyscraper--

McKINNEY: Skyscraper.

BREWER: --whatever you're doing.

McKINNEY: Yeah.

BREWER: And the library then gets moved to a new location and it's a new library or-- or what's their plan to move beyond where it's going to be now?

McKINNEY: So they-- their-- they plan to move it to another building downtown, and then I believe the central library will be moved to 72nd in Omaha, 72nd and Dodge or some-- somewhere around that area.

BREWER: OK. And the current location is where?

McKINNEY: It's downtown, like right at the Gene Leahy Mall. It's kind of, yeah--

BREWER: OK.

McKINNEY: --right in the middle, center of downtown.

BREWER: All right. Thank you.

McKINNEY: No problem.

BRIESE: Thank you, Senator Brewer. Senator Groene.

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GROENE: So there's two libraries downtown, the central and-- and this one or--

McKINNEY: No, the-- the-- so the-- the one that they decided to move was the central one. They're moving it to another location and then they're opening up another location in another spot--

GROENE: So--

McKINNEY: --so it will only be one library downtown.

GROENE: It'll be a smaller version downtown.

McKINNEY: Yes.

GROENE: How-- [INAUDIBLE] area. How accessible is that downtown library now to a kid? Can he walk--

McKINNEY: Well, currently--

GROENE: --ride his bicycle to it, or--

McKINNEY: Yeah, you can, yeah.

GROENE: It's that close to residential areas?

McKINNEY: Yeah, I mean, it's downtown. It's a lot of commercial properties downtown. I mean, there's residential areas within ride-my-bike distance--

GROENE: [INAUDIBLE]

McKINNEY: --but still it's-- you still would have to--

GROENE: So you'd have to have mom and dad drop you off, as far as a kid.

McKINNEY: Yeah, or ride your bike--

GROENE: I think of libraries, I think of kids.

McKINNEY: Yeah.

GROENE: But anyway, thank you.

BRIESE: Thank you, Senator Groene. Senator Lowe.

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LOWE: Thank you. And because it's a metropolitan area, bus-- or do the buses stop outside the library now?

McKINNEY: Yes. I'm not sure if buses will be stopping outside of the new location though. I don't-- I don't if the bus runs out there.

LOWE: The new temporary location or the new new location?

McKINNEY: It will be a new location. It won't be temporary.

LOWE: And this new location you're thinking is probably out where the Crossroads Mall was? Is that--

McKINNEY: Yeah, there will be a new location out there--

LOWE: --72nd and Dodge?

McKINNEY: --but then or still will be a new location for the downtown library.

LOWE: OK.

McKINNEY: Yeah.

LOWE: OK, thank you.

BRIESE: Thank you, Senator Lowe.

J. CAVANAUGH: Chairman [INAUDIBLE]

LOWE: [INAUDIBLE] put it in my mind.

BRIESE: Anyone else? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Briese. Just, I guess, clarifying questions. So the current li-- downtown library is on the ORBT line, which is the bus rapid transit that runs down Dodge and Douglas Street to-- and I think it's on 15th Street, is where the current public library is?

McKINNEY: Yeah.

J. CAVANAUGH: And then the ORBT runs in a direct east-west pattern, and the new downtown library they're going to move something like four blocks off of the ORBT line--

McKINNEY: Yeah.

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J. CAVANAUGH: --which would actually, in my guess, would be-- decrease the accessibility of the downtown library.

McKINNEY: I would agree.

J. CAVANAUGH: And as to the Crossroads Mall section that Senator Lowe was just referencing, my guess is-- well, maybe you can correct me if I'm wrong-- there's no public plan about putting a library there. There has been some of these-- the emails you were talking about and those discussions that were done in clo-- behind closed doors that has maybe given rise to the question about transparency in how we operate our libraries-- transparency in how our libraries.

McKINNEY: Yes.

J. CAVANAUGH: Is that accurate? And so when we're undertaking these serious decisions about major infrastructure in our city, your objective would be to do those sorts of things out in the open and make sure that everybody's input is under-- is-- is considered and actually has an opportunity for input.

McKINNEY: Yes, especially changes of this magnitude, the public should be fully aware of what's going on and there shouldn't be questions.

J. CAVANAUGH: And when we're making, yeah, making those sorts of changes, people should-- their input should be engaged before the decision is made.

McKINNEY: For sure.

J. CAVANAUGH: And in the particular instance, your bill is not just directed at this one instance. This just an example of a-- of a problem, right?

McKINNEY: Yes.

J. CAVANAUGH: And so I guess my-- the question is-- the intention is to make it a transparent process that's accountable to the citizens, that it requires input, that prevents situations like this from being repeated.

McKINNEY: Yes.

J. CAVANAUGH: Thank you.

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BRIESE: Thank you, Senator Cavanaugh. Anyone else?

GROENE: Um-hum.

BRIESE: Senator Groene.

GROENE: So as far as you know, Senator McKinney, there-- there was no talk or any talk about a rundown building, it was time to replace the library because this-- it-- it wasn't being used. Do you believe that this came from the top down, economic development? Mayor wanted it. Mayor told her appointees to do something. Is that the process you think has happened or am I--

McKINNEY: It-- it kind of seems like that. It's not really clear, but that-- it seems as though there were some conversations about what was going to happen, about the future. And I would be-- it-- it would surprise me to say that they made a decision to do a development of this magnitude and it wasn't a prolonged conversation. It didn't just happen starting in September. I feel like something of this size was planned out pri-- way prior than September to January.

GROENE: Do you-- could you see a process where there was a combination of appointees and elected officials and elected members--

McKINNEY: Yes.

GROENE: --so you get both sides of the--

McKINNEY: Yes.

GROENE: --city government side of it plus the citizen side of it? A lot of boards are that way.

McKINNEY: Yeah, depends on how it works.

GROENE: All right. Thank you.

BRIESE: Thank you, Senator Groene. And so the sale of this property, it was a decision of the Omaha City Council, correct?

McKINNEY: It was the council in com-- combination with the library board as well. It's a com-- yeah.

BRIESE: But it would have been a vote of the council that made this move along.

McKINNEY: Yeah.

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BRIESE: OK. And just so I'm clear here, the library board wouldn't have had the ability to veto that decision.

McKINNEY: They wouldn't have the ability to veto the city council's decision, but they would have had the ability to be more of a voice for the people of Omaha to--

BRIESE: OK. Did the city council do this in an open hear-- or in an open meeting, I assume, with the potential--

McKINNEY: Yeah, city councilmen.

BRIESE: --with the potential--

McKINNEY: Yeah.

BRIESE: --for public input?

McKINNEY: Yeah.

BRIESE: OK. Very good. Well, thank you. Any other questions? Senator Wayne.

WAYNE: Just-- Senator Groene's comments kind of just-- just so people know, right now, almost eight to ten bus lines run downtown where their-- the proposed location on 72nd and Dodge, there's only two, one going across them, the ORBT, so it is a huge concern for access for public. Pretty much, I think, almost 8 to 12, when I think about it, on the northwest, and 4 goes all the way down, so that's the issue.

BRIESE: OK.

WAYNE: Thank you.

BRIESE: Thank you, Senator Wayne. Seeing no other questions, thank you, Senator.

McKINNEY: And I have a bill coming up, like in another hearing, so I'll probably have to step out.

BRIESE: OK.

McKINNEY: And I'll try and be back for closing.

BRIESE: Perfect.

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McKINNEY: All right.

BRIESE: That'll work. Thank you.

McKINNEY: No problem.

BRIESE: First proponent testifier.

JANE SKINNER: Good afternoon. My name is Jane Skinner, J-a-n-e S-k-i-n-n-e-r. I am not representing any of these organizations, but I am a former Omaha Public Library employee and I'm a current library science student at UNO. And I'm here to talk about this bill because I have a very strong ongoing concern in the future of Nebraska's libraries. I'd like to read to you a little bit from the current Nebraska State Statute regarding-- regarding public libraries, 51-201.02: The Legislature finds and declares that public libraries perform services which are vitally important for the maintenance of an educated and democratic society. The Legislature fur-- further finds that an educated and culturally aware society is increasingly important in an economy in which Nebraskans must compete on a global scale. So LB1256 is about placing power back in the hands of the citizens and rectifies a power imbalance that allows one individual-- in this case, the mayor-- to supersede the wishes of the taxpayers. It puts a system of checks and balances in place, protecting one of the most trusted and beloved government institutions. LB1256 would require citizens with a population of more than 300,000 to maintain a publicly elected library board, which would mimic the representation in our city council. This doesn't require state funding, doesn't require the tax-- the creation of new tax forces-- task forces, sorry. It simply requires you to pass this bill. So the impetus for this, as Senator McKinney testified, were-- was that current library board appointees were hand-picked by the mayor and a group of private developers. Back in September, we received a group of emails through a FOIA request showing that three of the board members that we have out of that, at that time, eight were recruited by developers themselves, and two of them were involved in conversations with the mayor about privatizing the library board at that time. Anyone who believes in the privatization of library boards does not belong on a library board, and it is a fundamental misunderstanding of their purpose. So the use of an appointed board, while intended to serve the public, has shown the potential for cronyism. So Omaha's appointed structure for the library board is controlled by city charter and can be reviewed or altered during the city charter review conventions, which are required every ten years. That review content-- convention is made up by 25 members, but 15 of those 25

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members would have to approve, so that's why we're coming before you today and asking you to pass this bill, because we don't believe it can be done at the city level since those members are appointed by the mayor, which means that there's no system of checks and balances. Furthermore, as of February 1, Omaha is removing the main library from the heart of the downtown. Oh, I'm done. Sorry.

BRIESE: OK, thank you. First, I want to apologize. I don't think I welcomed you to our meeting.

JANE SKINNER: Hi.

BRIESE: Welcome [INAUDIBLE]. Any questions? Go ahead, Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Briese. Thank you, Ms. Skinner. Did you have anything you need to finish of your remarks before I ask you any questions?

JANE SKINNER: I mean, no.

J. CAVANAUGH: My first question, are-- you were done with your remarks?

JANE SKINNER: You have my testimony, so-- and I think Senator McKinney covered a lot of it, so, yeah.

J. CAVANAUGH: You heard my question about the makeup of the current board. Do you have any idea about that?

JANE SKINNER: As far as I'm aware, at this time, there's only one member of that nine-person board who is in the core of the city. I might be a little outdated, but the vast majority of the people on the board come from the "exurbs" or the suburbs of the city of Omaha.

J. CAVANAUGH: And, well, first question I want to ask, in light of that it's Valentine's Day and we're talking about our libraries, what's the thing you love the most about the library?

JANE SKINNER: When I worked there, I just really liked talking about books because I'm a big book nerd, and I really liked the level of community trust. I liked going to the store and having people's kids recognize me. It really made me feel valued, and it really made me feel like the library was something that people believed in and really liked about their community.

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J. CAVANAUGH: Thank you. So-- and the story that Senator McKinney referenced about kind of what happened, and you talked about the FOIA, and I followed very closely the actions of the library board through-- actually through your Twitter account over the fall as you went to all of these library board meetings. And they-- could you just sum up, I guess, what the people were saying at those meetings?

JANE SKINNER: Sure. You mean like the citizens, what the citizens were saying?

J. CAVANAUGH: Yeah, the-- the citizens [INAUDIBLE] citizen interest.

JANE SKINNER: Yeah. There were a series of six public forums, in addition to I think I've attended three or four of the formal library board meetings, and in those, so ten meetings, almost every single person spoke in opposition to the plan as we now understand it, which is to move W. Dale Clark off the parcel that it currently sits on, demolish it, sell it to Mutual of Omaha, take half of what is currently at W. Dale Clark and move it to a warehouse at 14th and Jones and take the other half and move it to an old abandoned Shopko at 84th and Center and then, in a few years, move that to 72nd and Dodge, so you're talking about two moves within probably less than five years of a huge collection of historical documents, like a lot of the historical documents of like the city of Omaha and of the state of Nebraska.

J. CAVANAUGH: So you said the comments were largely opposed about the plan as we know it now.

JANE SKINNER: Almost com-- I want to say in those ten meetings I heard two people speak in support of this plan out of several hundred comments.

J. CAVANAUGH: And correct me if I'm wrong, the large amount of interest came as a result of these FOIA requests.

JANE SKINNER: Correct.

J. CAVANAUGH: And it was not as a result of a publicly displ-- released plan.

JANE SKINNER: No, no. There was no knowledge that any of this was going to happen in any way until those FOIA'd emails came out.

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J. CAVANAUGH: And so the public had to basically go around the public notice process that we just had a long conversation about, if you weren't here before.

JANE SKINNER: Correct.

J. CAVANAUGH: So the public had no official notice of this through the public notification process. The board didn't let people know that this is what-- a plan they were considering before those meetings. And so this was affirmative public engagement on the subject without the board members telling the citizens that's what they were looking at.

JANE SKINNER: The board actually-- several people on the board have told me that they were not aware of these plans until those FOIA'd emails came out. They were also out of the loop.

J. CAVANAUGH: OK.

JANE SKINNER: I couldn't speculate as to why that is, but it's also true that none of them really oppose it, so maybe the mayor didn't think that they were worth looping in.

J. CAVANAUGH: Do you know-- maybe I should ask this of somebody else, somebody from the city-- if the library owns the land they're on or does the city own it or how does-- what's the structure?

JANE SKINNER: I'm not sure.

J. CAVANAUGH: OK, thank you.

JANE SKINNER: Yeah.

BRIESE: Thank you, Senator Cavanaugh. Any other questions? Senator Brandt.

BRANDT: Just a point of clarification. If the mayor appoints the board members, does the city council approve those or does the city council have the majority vote and say, no, we don't like Tom Brandt as a board member, pick again?

JANE SKINNER: They have the ability to vet those people, but I've never seen that happen in any meaningful way. They tend to rubber stamp them.

BRANDT: All right. Thank you.

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JANE SKINNER: Yeah.

BRIESE: Thank you, Senator Brandt. Any questions? Seeing none, thank you for--

JANE SKINNER: Thank you.

BRIESE: --your testimony here today. Next proponent testifier, please. Welcome.

EDWIN SCHROEDER: Hello. Many thanks for the opportunity to speak today before the General Affairs Committee regarding LB1256. My name is Edwin Schroeder, E-d-w-i-n S-c-h-r-o-e-d-e-r. I speak today as a librarian and a recent transplant to Nebraska and Omaha. I recently retired after 30 years of working as a librarian at Yale University and served for the last ten years as the director of the Beinecke Rare Book and Manuscript Library. My wife and I relocated to Omaha this past summer, as she took a teaching position at the University of Nebraska-Omaha. We now live downtown and over the last-- since we've arrived. I've had the opportunity to explore the town, the city, the architecture and the history, and, not unsurprisingly, became a regular user of the Omaha Public Library. I'd like to make four observations about this process and four suggestions about how it could have been improved. First, the rollout and proposed plan was opaque at best. There were rumors on social media, as alluded to earlier, articles and news sources hinting at opportunities and changes coming, but there was never a clear statement as to what was happening, why, and how these changes would benefit the library and the residents of the city. Even now, the decision-making process is unclear. What decisions were the responsibility of the board, and what actually-- options did they actually have? What is the role of city council and what is the role of the mayor's office? And throughout this entire process, I've often wondered who is driving the bus. Second, it is still unclear why the city has pushed such an aggressive timeline for moving the contents of the Clark Library to a new location by November. We are now, what, middle of February? We are looking at a six- to seven-month process. Move of dozens of staff and thousands of books is a-- will take time to plan, orchestrate and do right, and it's not a trivial task. As noted earlier, among the collections that the library stewards is an excellent collection of genealogy and local history that documents the history of Omaha and Nebraska. There are hundreds of items that are either unique or known in only a very few locations. This includes books, pamphlets, photographs, ephemera, newspapers, directories, maps, atlases and regalia-- always a favorite topic. This material is essential for

telling the story of-- of Omaha today and in the future. To move this collection requires safe and careful handling and tracking. You can't just throw it in a box. After all, you don't want to be like the final scene from the movie the Raiders of the Lost Ark, where the Ark disappears into a warehouse where no one can locate it. There are-- there are more than just direct costs to the initial moves. There are also indirect costs. Not only are the staff and board expected to plan and execute the move to a new temporary location, develop workflows and procedures for these new locations, create new programs with appropriate outreach; in addition, hopefully, they will be asked to contribute to the planning for a new central library. This will impact not only the work of the proposed locations, but also activities at other branches. Finally, I'd highlight that the planning process for librarians' needs is backwards. The facility reports, as were noted multiple times in discussions of 2010 and 2017, focus on the physical needs of the library system, with the Clark Library, the current, building ranking fourth on the list of priorities.

BRIESE: I would like to stop you there to be consistent.

EDWIN SCHROEDER: Yeah.

BRIESE: But if you have a few points you'd like to make--

EDWIN SCHROEDER: Yeah, I can--

BRIESE: --to finish up, that'd be great.

EDWIN SCHROEDER: I can finish in one minute, and if you don't mind me talking even faster than I normally do.

BRIESE: Yeah. We do have your te-- written testimony here--

EDWIN SCHROEDER: Yep.

BRIESE: --which is good.

EDWIN SCHROEDER: OK. Normally an organization-- OK, I'll just skip down. Suggestions: First, embrace the Omaha Public Library as a great resource for the city, its residents and visitors. Second, the next steps in the library need to be clearly laid out. This includes a timeline, a feedback loop, and a clear understanding of the decision process and decision makers. For example, an announcement for announcing the new library, it was stated that all the stakeholders will decide what the project will-- that the project will move

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forward, and then a pro-- project proposal will go to the Omaha Public Library Board of Trustees for approval. Who are the stakeholders? What is their role? What is the role of the public, who are the ultimate stakeholders? Who's making the decisions as to what's in, what's out? And where should the library-- central library facility be located? Third, communication has to improve. What should have been an amazing opportunity to the library, for the library to think creatively about its mission, has become bogged down in the lack of transparency, confusion about roles and decision making, perceived threats to the Omaha Public Library, and cynicism. And although contributions and opinions from the public are said to be welcome, that is not the case. And fourth, and this gets to the bill, the board of Omaha Public Library needs to be accountable to the people of Omaha. They are the ultimate trustees. The trustees are the ult-- are responsible for the resource of the library that serves the entire community. And I think that's important to highlight it's the entire community. And the-- the board needs to have the independence to be the advocates and supporters for the library. Many thanks for the opportunity to speak and I'm happy to try any-- to answer any questions you have.

BRIESE: Thank you for that, sir.

EDWIN SCHROEDER: Thank you for the extra two minutes.

BRIESE: Any questions? Senator Brandt.

BRANDT: Thank you, Chairman Briese. Real quick, is this the main library in Omaha?

EDWIN SCHROEDER: The one that's downtown on-- at the Clark Library, yes, it is.

BRANDT: And I-- from your testimony, so there's 13 branches?

EDWIN SCHROEDER: Twe-- my understanding, and others who have been here longer can confirm this, 12 branches and there has been a proposal for at least many years for a 13th branch in the south. I'm still learning the geography but--

BRANDT: But this is headquarters.

EDWIN SCHROEDER: Yes, that is correct.

BRANDT: All right. That's what I need to know.

EDWIN SCHROEDER: Yep.

BRANDT: Thank you.

BRIESE: Thank you, Senator Brandt. Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Briese. Thank you, Mr. Schroeder, for being here. I'm going to ask you, what's your favorite thing about the library?

EDWIN SCHROEDER: I would say it's a combination of-- I-- and this is bad on my part-- collections, but it's also the staff and the fact it's open, anyone can use it. I think that's really important, coming from a university that at times limited access, being an institution that anyone can walk in the door and use it and it's free, I think that's--

J. CAVANAUGH: So being as you came here from somewhere else, do you-- are you aware of other ways other cities or other places structure their library? Do other places have an elected board, are you aware?

EDWIN SCHROEDER: I would say you can-- if you look, you can find in model-- almost every model exists. I think you can have-- there are city-- places where you often have a strong mayoral, often as a city-appointed; other places, the board is independent. Sometimes it's not even-- it's not elected; sometimes it's self-selected, which is an interesting concept in terms of these just in perpet-- perpetuity are selecting themselves.

J. CAVANAUGH: You mean people on the board pick the next people on the board?

EDWIN SCHROEDER: Yeah, yeah.

J. CAVANAUGH: OK.

EDWIN SCHROEDER: So I think, I mean, the other option, it also is, you have a mixed bag. You can have elected and you can also have folks who are ex-officio serving on the board as well.

J. CAVANAUGH: And so you moved here during this or you've been here longer? How long have you been in town?

EDWIN SCHROEDER: We arrived in August of this past year--

J. CAVANAUGH: OK, so basically right when [INAUDIBLE]

EDWIN SCHROEDER: --right as this whole thing got interesting.

J. CAVANAUGH: And you alluded to or you made-- I guess the-- you hit on the head that the fact that the whole process was opaque. Do you know who was ultimately the decider, who got to-- to decide whether the library moved from the downtown location or not?

EDWIN SCHROEDER: So I might-- so there are places where there are-- there were decisions in election-- or there votes taken along the way, and I think one of the problems-- and so there was first a vote by the board of trustees and they were given basically, you have to-- my understanding is that, basically, here's what your-- your marching orders, and they tried to negotiate somewhat of an improve, but they really had no choice. And then it went to the council and there was a hearing that was had. I spoke at that hearing. And then the next-- let's see, how did this work? Then the next day, we had the announcement about move of Mutual of Omaha, and then a week or two later they made their vote. It's never entirely clear, so I would go back to some of the comments made earlier. There was a call-- when this first started bubbling up in the fall, there was an opportunity for people to give your feedback or your comments. There was-- I think I heard at one board meeting there were more than 3,000 comments submitted to the board and whoever was gathering that information, and that it was supposed to go into a strategic plan. The strategic plan as of right now is scheduled to come out in March, and yet we were making decisions before that strategic plan is completed. That-- just the logic there doesn't follow. And it also gets tied into why-- what-- and this kept-- kept coming up repeatedly, what was the urgency? In theory, the announcement about the move of Mutual of Omaha to downtown to that site was the urgency, but it's difficult for me, and I've managed major projects, that they are going to be able to start digging, that they will have completed their design and are ready to start digging by November. So there's a urgency that's somewhat-- you-- there's a question there as to why-- what-- they're still not clear what the urgency is. And there's also a cost that's going to come to the city and the library as a result of that urgency.

J. CAVANAUGH: Can I just ask one clarifying question?

EDWIN SCHROEDER: Yep.

J. CAVANAUGH: You mentioned, you spoke at a public comment for-- a public forum--

EDWIN SCHROEDER: The--

J. CAVANAUGH: --or a comment to the city council.

EDWIN SCHROEDER: Yep.

J. CAVANAUGH: That comment period was about the city council's vote on whether to sign a lease on a temporary location. Is that right?

EDWIN SCHROEDER: It was for three-- so it was-- there were three decisions they were looking at. There was, at least for the-- the new or the-- not new, but the-- the proposed downtown location. It was the lease for the proposed administrative location that's in the old-- I'm not sure what a Shopko is, but a strip mall is how I think of it. And then there was also a lease to hire a developer to basically manage the design, move process, etcetera, for the-- for this project, with little or no, that I'm aware of, ex-- maybe have experience in building a building, but has little to no experience in library design.

J. CAVANAUGH: So just--

EDWIN SCHROEDER: Sorry.

J. CAVANAUGH: --sort of to go back and clarify, those are three separate things, but they're all about where the library would go.

EDWIN SCHROEDER: Yeah, that these--

J. CAVANAUGH: None of them were a vote about the disposition of the current location. Right?

EDWIN SCHROEDER: No, that is correct. My understanding is that the vote-- they were voting to approve the lease for the two new locations and then for the contract to help with the move.

J. CAVANAUGH: And then as soon as that hearing was over, it was announced that Mutual of Omaha was moving to the new location.

EDWIN SCHROEDER: The next morning, it-- it was magic timing. Amazing how that timing worked. I'm sorry. Apologies. Sarcasm is not necessary. So it was the next day, yes. And if that was so far along in the planning, and there had been hints in the newspapers-- oh, there's going to be a major announcement, there's a major announcement coming-- but there was nothing that was provided ahead

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of time, and because I'm sure that people would have had a different response or a different way of presenting their concerns.

J. CAVANAUGH: And--

EDWIN SCHROEDER: And it also ended up undermine-- so one of the concerns I have is that that announcement under-- the library's future is not first and foremost. It's more we're now focused on the excitement of a large tower in downtown Omaha. And so the library and the role the library plays in the community slips, and that's not-- that's not appropriate, not fair, so anyway.

J. CAVANAUGH: Thank you.

EDWIN SCHROEDER: Yeah.

BRIESE: Thank you, Senator Cavanaugh. Senator Lowe.

LOWE: Thank you. And thank you, Mr. Schroeder, for coming and speaking today. What brings somebody from New Haven to Omaha, from probably one of the most premier libraries in the country and then the book depository?

EDWIN SCHROEDER: So I would say two things. So the last 30 years we've-- my wife and I have lived in New Haven. We've-- I've had a great career there, and I said to her 30 years is enough, or 32 years-- [INAUDIBLE] years is enough. And my wife's like, I want to-- it's my turn to be the trailing spouse, is the best way to describe it. She's a math professor and she had an opportunity to come to Univ-- UNO to be part of a team to develop a whole new curriculum for teaching mathematics to students who are not math majors. And she loves it, and that's really important, so. And it's been fun here. It's been totally different.

LOWE: OK.

EDWIN SCHROEDER: So, you know, I've-- I've gotten my-- you know, got my-- I've learned a lot, a lot in the last three months or six months.

LOWE: That's an incredible library you left.

EDWIN SCHROEDER: It is. And I would say, if you've never had the cha-- if you go on-- sorry. If you ever have a chance to go to New Haven and visit the Beineke, it is one of the great, great libraries to visit. Unfortunately, with COVID, they're still not open, but--

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LOWE: All right.

--soon. Anyway, sorry.

LOWE: Thank you.

BRIESE: Thank you, Senator Lowe. Anyone else?

EDWIN SCHROEDER: Thank you all.

BRIESE: Yes. Thanks for your testimony.

EDWIN SCHROEDER: Yep.

BRIESE: Next proponent testifier, please. Welcome.

NICOLE WHEELER: Thank you. Whew, I'm terrified, by the way, so--

BRIESE: No, don't [INAUDIBLE]

NICOLE WHEELER: OK. Hello, my name is Nicole Wheeler, N-i-c-o-l-e W-h-e-e-l-e-r. I'm a lifelong resident of Omaha and I co-own the Dundee Book Company bookstore, and I co-direct the Omaha Lit Fest with my husband, Ted Wheeler, who's the author of three books set in Nebraska. Omaha Lit Fest is a festival for readers and we have worked closely with the Omaha Public Library and the Omaha Public Library Foundation on this production. I'm here as a proponent of LB1256 to ensure that the community can choose the representatives of the library board to protect the library as a public good. This board is currently appointed, and these appointments rarely are focused on what is best for the library while other city business can take priority in that decision. One example of this is, in June 2016, Mayor Stothert replaced the library board president Mike Meyer after public disagreements about what was best for the library and its purpose of serving the community. This was after Meyer tried to start a public discussion in 2015 about what would make for a world-class library system and pushed back against the mayor for the city to budget more towards library services. At that time, Omaha Library Director Gary Wasdin said the nation's best library systems generally have a dedicated funding source, such as a tax levy, solely for the library. Many are governed by an appointed or elected board that operates sep-- separately from city or county government. Wasdin was quoted by the Omaha World-Herald saying, the closer you can get to having the public in charge and being able to make that decision, the stronger the library system is going to be. Successful library systems around the country have proven that statement out, and I

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believe that the residents of Omaha deserve a strong library system that grows a love of learning and literature. As someone with an interest in supporting literature and books, as well as a decade-long career in technology, when the discussion of-- around balancing books and technology came to the forefront of the library fiasco discussion, I applied for a position on the library board. I submitted an application, followed up after two weeks, and never received any sort of response until the day the city announced the newest board member. While I had very low expectations that my application would be accepted, the lack of response left me wondering if I was even emailing the correct person to apply. If the city can't take the appointed board seriously and manage the application process in a transparent and timely manner, then we should find another way to create and manage this board. For Nebraska to create vibrant communities with strong libraries, an elected board for libraries in areas of this size is key. The public deserves to be able to hold the board accountable for how it shapes the library's future. In an October 2014 Omaha World-Herald article regarding the library budget process, Mayor Stothert herself said that you can't have a non-elected group of people who are appointed by the mayor managing taxpayer dollars. I believe that we should get the public in charge of making the decisions about our library system so that we can have the strongest library system possible.

BRIESE: Thank you. Any questions? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman. And thank you for being here, Ms. Wheeler. So first off, what's your favorite thing about the library?

NICOLE WHEELER: The community. I mean, it's the people. It's why I have a bookstore. It's getting together with people. It is talking about your favorite books. It's seeing your neighbors. I work in technology, so a lot of times people are virtual, and I love being able to get together with my neighbors in things that re-- revolve around books.

J. CAVANAUGH: Thank you. So you said, you alluded to this story about Mike Meyer being-- basically the mayor removing him from the board. Are-- do you know how that, I guess, went down? Did the mayor ask him to resign? Can the mayor force somebody to resign? How does that work?

NICOLE WHEELER: It was-- so when they're appointed, you can let the mayor know that you want to, like, basically re-up your appointment., but this article said that she was ending it, so it can be ended at

the, you know, choice of either side of it. The person who had gotten appointed to the board, they can say, I don't want to do this anymore, and/or the mayor can say, we're not going to renew this for you, so it was not renewed on the city side.

J. CAVANAUGH: So even if-- though we have a process that requires the city council input, the city council doesn't get any input if somebody gets removed from the board then.

NICOLE WHEELER: Right, because that's like down the line further.

J. CAVANAUGH: And the individual maybe can be removed without-- against their own will then.

NICOLE WHEELER: Right.

J. CAVANAUGH: OK, which in bo-- if we were to have an elected board, the mayor would not be able to remove board members.

NICOLE WHEELER: Right, it's just the people.

J. CAVANAUGH: So do you think, when the mayor has a history of removing people and we have a conflicted situation, that perhaps the mayor could exert influence over the actions of the board?

NICOLE WHEELER: That is my understanding, yes, af--

J. CAVANAUGH: OK.

NICOLE WHEELER: --especially after attending some of the library board meetings recently.

J. CAVANAUGH: Are you saying that some people overtly said that the-- that they were feeling some pressure?

NICOLE WHEELER: Not that they overtly said that, but it-- there are definitely conversations or perhaps text messages happening that let people know, you know, what the city wants or what the mayor wants this board to be doing.

J. CAVANAUGH: Thank you.

BRIESE: Thank you, Senator Cavanaugh. Any other questions? Seeing none, thank you for your testimony.

NICOLE WHEELER: Thank you.

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BRIESE: Next proponent testifier. Welcome.

KIMARA SNIPES: Thank you. Good afternoon, Senator Briese and the members of the General Affairs Committee. Before I start, I am here representing myself, although I am a employee of the Omaha Public Library. I attended--

BRIESE: Go-- go ahead and start with your name and spell it, if you would.

KIMARA SNIPES: Oh, sorry, yes.

BRIESE: No problem.

KIMARA SNIPES: My name is Kimara Snipes. That is K-i-m-a-r-a, Snipes, S-n-i-p-e-s.

BRIESE: Thank you.

KIMARA SNIPES: Thank you. So I attended the most recent Omaha Public Library Board meeting. I didn't go to speak. Instead, I went to listen. I wanted to view the interaction between the board members and the people who were there to be heard. It was quite obvious why so much tension exists around the issue of tearing down the main library. As a former elected official myself, and as someone who serves on numerous boards in Omaha and Nebraska, and as the president of a successful neighborhood alliance, I was extremely disappointed by the behavior and the vote of the president of the Omaha Public Library Board. I was also disappointed by the votes of the remainder of the board. It was obvious to me that they, or at least the half who showed up that day, didn't have a clue what the pulse of the community was. Public libraries serve anyone and everyone. I am a avid patron of the library. But in particular, they are vital to the most vulnerable populations. The number of people who come through our door daily are not just those checking out books, but they are job seekers, people seeking to improve their education, those seeking technology assistance for themselves, those suffering from poverty, and more. Right now, Omaha libraries' trustees are concentrated in wealthy, primarily white neighborhoods in west Omaha and a small, wealthy section of midtown. There is practically no representation from north or south Omaha, and it shows in the decisions that are being made. We need library trustees who understand the vital services the library provides and who ensure that all citizens are represented in the policy decisions that affect their lives, not just those in wealthy neighborhoods. When I made a decision as a school

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board member for Omaha Public Schools, I made that decision based on the feedback that I received from community members, from parents, from people who lived and worked with and dealt with Omaha Public Schools on a daily basis. They had lived experience, and they trusted me because of my own lived experience. They knew that when I made a decision, even if we did not agree, they had the opportunity to talk about it, I had the opportunity to listen, and everyone had the opportunity to express themselves. I can't name one person who has discussed this particular situation with me, who feels that same sense of trust and accountability with the current board as it operates. There is no trust established, there is no accountability, and this would change if the board were elected. Don't get me wrong, this problem is not limited to Omaha, with the lack of geographic, racial and socioeconomic diversity on the board. Indeed, it's an issue with many appointed boards. Lincoln City Libraries, the second-largest system in the state, has a modified appointment system where library boards receive applications and give the city council recommendations, but that system still results in board members coming primarily from the wealthiest and least diverse neighborhoods of the city. Thank you.

BRIESE: Thank you very much for that. Any questions? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman. Thank you for being here, Ms. Snipes. Nice to see you.

KIMARA SNIPES: Nice to see you, too, Senator.

J. CAVANAUGH: Well, first question, favorite thing about the library?

KIMARA SNIPES: Absolutely. And I-- when you asked the question, I actually wrote down my thoughts. And so to me, libraries, it's about social strength, which contributes to civic health. Libraries capture the social ties, networks, levels of trust, and exchange of knowledge and ideas in the community, and I love that.

J. CAVANAUGH: I love it too. I appreciated-- you've mentioned some of the people that the library serves.

KIMARA SNIPES: Yes.

J. CAVANAUGH: And you mentioned a lot of people that haven't been brought up yet. And you-- would you say, and this is like my impression from going to the downtown library, but that the downtown

library in particular, the W. Dale Clark branch, serves a lot more people that you were talking about, that--

KIMARA SNIPES: Absolutely. And during the presentations at city council and elsewhere, there were maps that were used, but they weren't exactly accurate. When you visit the main branch, which is downtown, like I said, those numbers were captured from book checkouts, but the traffic that moves within the library is so much more than that. And so all that I named is what you see coming through the library system, especially the downtown library.

J. CAVANAUGH: Yeah. I-- I went on our last recess day, actually, went and visited the W. Dale Clark Library downtown, and I saw basically they have a whole bank of computers and there were individuals sitting at the computers doing different types of lessons and things like that--

KIMARA SNIPES: Right.

J. CAVANAUGH: --as you were talking about. I just recently discovered actually the library has an available program to take continuing education learning, so I'm-- I'm taking Java myself. But they have ACT prep, SAT prep, CL, there was--

KIMARA SNIPES: A number of resources available.

J. CAVANAUGH: And that's kind of what you were talking about, is that it's providing those services to people for free that are not necessarily book checkouts, but are services that are vital to the community. And those people are using it because they don't have a computer or a place to access that, right?

KIMARA SNIPES: Absolutely, and-- and when you say that, I speak from-- I also have a workforce development background, so I think about it like that. But even as someone who has worked amongst schools, it also provides-- it also fills in gaps there, as well, that maybe our education system can't.

J. CAVANAUGH: And I know-- I think you-- you also spoke at some of these meetings that I talked to Ms. Skinner about. I don't need to rehash everything, but would your impression be the same, that almost-- almost everybody that had any knowledge about the situation were speaking opposed to the ultimate action that was taken?

KIMARA SNIPES: Absolutely. And I would go a step further and say that when I witnessed the board meeting, and you're talking to someone who

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has actually ran meetings, I just didn't feel that people were heard, intentionally.

J. CAVANAUGH: Thank you.

KIMARA SNIPES: Um-hum.

BRIESE: Thank you, Senator Cavanaugh. Any other questions? Senator Brandt.

BRANDT: Thank you, Chairman Briese. Thank you, Ms. Snipes, for your testimony today. Let's imagine that the skyscraper didn't happen. What is the status of the Omaha library system before this-- this event? Was it good, or we still need to change things?

KIMARA SNIPES: You know, the Omaha library system is actually great, and I say that because it's one of the most trusted parts of the city. If you poll people in the city and you really try to gauge where they have trust within the different departments of the city, the library is the highest ranking one. As someone who has worked within the library, not speaking as an employee today, I would say there's always room for change, as Senator Cavanaugh mentioned. When you talk about-- one of my favorite sayings is that the library is so much more than books. I myself create programming for young people. What I have done the most is create programming that focuses on trauma, and one of the things I always do with the young people I work with is start by going in and showing them everything else that is available through the library. I highly encourage anyone, if they have a chance, to just go and check out the online resources that exist and you will see what I mean when I say that the library is so much more than just books.

BRANDT: All right. Thank you.

KIMARA SNIPES: Yes. No, thank you, Senator Brandt.

BRIESE: Thank you, Senator Brandt. Any other questions? Seeing none, thank you for your testimony here today.

KIMARA SNIPES: Thank you so much for your time today.

BRIESE: You bet. Next proponent testifier. Welcome.

LAURA ENGLAND-BIGGS: Thank you, Senator Briese. Good afternoon. My name is Laura England-Biggs, L-a-u-r-a E-n-g-l-a-n-d, hyphen, B-i-g-g-s, and I'm here to speak on behalf of the Nebraska Library

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Association. I'm currently the past president. I'm here to voice our support for the bill before you, LB1256. Public libraries strive to serve all of the population segments of their designated service area. We believe having elected board members from each ward of the metropolitan region would support that effort. Each individual branch library would have representation for their segment of the larger population they serve. Libraries focus services to meet the needs of job seekers, entrepreneurs, those with special needs, refugees, new members of the community, those who are isolated, visiting, homeless, educators and students, families, and the elderly. Having board members who know the unique needs of those demographic segments for their region of the metropolitan community will make libraries stronger and more relevant to those served. As the public library director in Fremont, I know firsthand the importance of having a library board filled with a representative cross-section of my community. Board members listen to their constituents, whether they're residents from the same voting ward or people who represent similar or different social characteristics, be it conservative, liberal parents, retired folks, etcetera. Board members are then able to give valuable input on services and programs based on that community feedback. It appears that the Omaha Public Library Board is an example of disproportionate representation across certain areas of the metro area. This leaves entire segments of the community unrepresented or underrepresented in recent discussions about library programs and services, let alone locations of facilities. So I would encourage you to vote yes on LB1256, and I've also included a statement from the American Library Association that has come out in favor of LB1256 in accordance with what the Nebraska Library Association has said.

BRIESE: OK, thank you for that. Any questions? Senator Cavanaugh.

J. CAVANAUGH: Got to ask you, favorite thing about the library?

LAURA ENGLAND-BIGGS: I love that it's a leveling ground for the public. Anyone can walk through the doors and use my services. I love helping people find someplace to live when their daughter kicked them out. That's one of my favorite stories is helping Barbara find a place to live because her daughter said, you can't live here anymore, mom, you're driving me nuts, and I found a way to connect her with low-income housing in our-- in our community.

J. CAVANAUGH: Thank you for that. That's a good point that libraries do way more than just check out books, not just check out books, but check out [INAUDIBLE]

LAURA ENGLAND-BIGGS: Absolutely.

J. CAVANAUGH: So with your connection to the Nebraska Library Association, American Library Association, are you aware of any other place, cities, anywhere that have elected library boards or anybody else who's [INAUDIBLE]

LAURA ENGLAND-BIGGS: Not off the top of my head, no.

J. CAVANAUGH: Oh. And you said it seems that our board is disproportionate in terms of its breakdown. Do you have an idea of where the folks come from that are on the board?

LAURA ENGLAND-BIGGS: I did not break it down by address. I just kind of looked very generally and it does appear to be very western Omaha and central Omaha.

J. CAVANAUGH: OK, thank you.

BRIESE: Thank you, Senator Cavanaugh. And any other questions? Seeing none, you indicate you're a public library dir-- or the public library director in Fremont.

LAURA ENGLAND-BIGGS: Yes.

BRIESE: How is the board-- how is the board arrived at there?

LAURA ENGLAND-BIGGS: In Fremont, it is an appointed board.

BRIESE: Appointed by the--

LAURA ENGLAND-BIGGS: Our mayor takes suggestions from the current library board and is very careful to spread it across our four wards.

BRIESE: OK. OK, very good. Thank you. Thank you for your testimony here today.

LAURA ENGLAND-BIGGS: Thank you.

BRIESE: Next proponent testifier. Welcome.

JOANNE FERGUSON CAVANAUGH: Good afternoon. My name's Joanne Ferguson Cavanaugh. Happy Valentine's Day. And I passionately support this bill. It's J-o-a-n-n-e F-e-r-g-u-s-o-n C-a-v-a-n-a-u-g-h. I'm a retired public librarian. For 33 years, I've done public library service work in Nebraska. My last 25 years were spent at Omaha Public Library, and the final ten years as the branch manager of the Charles

B. Washington branch, which is in north Omaha, and then finally out at Bess Johnson Elkhorn Branch, which is on the whole other side of the city. I've been selected, elected to serve on many boards throughout my lifetime, professional, civic, neighborhood, historical, and I currently serve on the board of the Great Plains Black History Museum and US Servas. And from my board experience, I know that it takes teamwork to make the dream work, and we have a problem at Omaha Public Library. The Institute for Museum and Library Services 2019 Public Library Survey showed that Nebraska has some of the highest library use statistics in the country. Per capita, Nebraska ranked 14th for library materials circulated; fifth for children materials circulated; and sixth for computer sessions. Because the library budget fails to meet the needs, despite the high demands, this leaves high book use-- high-use books tattered, needing replaced; carpet, furniture, and computers long overdue for replacement; windows dirty; and weed-filled landscaping due to failed water sprinklers. It's overall neglect. Omaha spent roughly half the average per capita of nine peer cities identified by the Omaha Chamber of Commerce in 2019. To put this in perspective within Nebraska, Senator Lowe, in Kearney, you have a beautiful library that's a source of pride and you spend approximately \$57 per capita, and that's compared to Omaha \$30, so basically twice as much as we did. And then, Senator Arch, in Papillion, you also have a wonderful library and also a digital space in the new Landing Recreation Center, and you spend approximately \$50 per capita compared to Omaha's \$30. So do you think these libraries could continue to provide high-quality materials and services the community needs if they had to operate on \$30? With Kearney, that would be looking at a budget of half the size that they currently have. Even the OPL library administration have said for years that the library does not seek to grow their usage because, if more residents utilize the library, they would have-- wouldn't have the staff or the materials to adequately serve them, so we just quietly leave them unserved. Appointed board members have failed to push for adequate library funding, even as Omaha has fallen short of its peers and as the library has decreased public access hours and purchasing due to budget restraints. And reduced access hours means that in neighborhoods like in north Omaha, the Charles B. Washington Branch, people who rely on the library for computer usage and internet for job seeking-- and, believe me, there's a lot of people who do home healthcare work and they need to do their government reporting, they don't have a computer at home, they can't do it on the phone, they come to the library. If the hours are cut, that means whatever little

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time they have left in their day, they are not going to be able to use the library because those hours have been cut.

BRIESE: I'm going to have to--

JOANNE FERGUSON CAVANAUGH: In closing--

BRIESE: Go ahead.

JOANNE FERGUSON CAVANAUGH: --thank you for your support.

BRIESE: You bet. Thank-- thank you for that. Any questions? Senator Cavanaugh.

J. CAVANAUGH: Well, first, did you have anything else you want to say in closing?

JOANNE FERGUSON CAVANAUGH: Well, I just would like to say that we really need to elect board members who are passionate about library services. And right now, with appointed members, obviously, they're not even passionate enough to attend a board meeting where the whole shift of what the main library is doing was decided by four members of a nine-member appointed board. Four people didn't even show up for the meeting, one person abstained from that vote, which changed how the library is going to operate from now on.

J. CAVANAUGH: Well, thank you, Chairman Briese. And thank you, Ms. Ferguson Cavanaugh. Are we related?

JOANNE FERGUSON CAVANAUGH: I'm Labor Union Cavanaugh; you're politician Cavanaugh. [LAUGHTER]

J. CAVANAUGH: It's better than lawyer Cavanaugh. Well, thank you for being here. So you kind of hit on the point I was looking at. I was looking at your comments, and you didn't read this part, but you said that four out of the nine were there-- or five out of the nine were there, only four voted for it. If less than half of the Legislature voted for something, it wouldn't go forward, it wouldn't be approved. Are you familiar with the rules of the Legis-- of the library board? They don't have to-- it's just the majority of those present?

JOANNE FERGUSON CAVANAUGH: Well, apparently, it was a quorum. There were five members present of the nine, but only four voted for that decision. One abstained.

J. CAVANAUGH: OK.

JOANNE FERGUSON CAVANAUGH: So there was a quorum. But also, just so you know, in the last couple of years, they've had ten meetings where there have been no quorum, which is almost like a whole year's of-- in the last four years, there have been ten meetings with no quorum, so that means like a whole year's worth of meetings. I mean, can you imagine operating here with that kind of participation? And then a lot of the members have less than 75 percent participation rate for even showing up for the meetings. They're not accountable,

J. CAVANAUGH: Well, I didn't get to ask my first question, which is, what's your favorite thing about the library?

JOANNE FERGUSON CAVANAUGH: Well, my-- my favorite part of working at the library was working at Charles B. Washington Branch. There was a different thing every day and it was be-- more, more than books. I-- I was more of a social worker connecting people with resources and-- and places in the community that could help serve whatever needs they had. So it was-- it was-- the fun part of it was every day was different. You never knew what the day would bring.

J. CAVANAUGH: So thank you for that. So in terms of you said the most important thing is getting people who are passionate and who actually show up. Do you think there are ways that we could, without making the board elected, add some more requirements in terms of maybe requiring that the board have a librarian or have an attendance policy or have some more clarity about their meetings? Are those-- those type of things, would those serve the objective that you're talking about?

JOANNE FERGUSON CAVANAUGH: It might help, but probably not in the long run, and I-- I'm not sure what-- I mean, I served on boards where, if you don't show up, you're-- you're not there anymore, so if you don't participate, you're gone, and in this case it looks like a lot of the members need to be gone. But, no, we need to have people that are passionate about libraries and providing the funding and fighting for the funding to provide good services. We're crippling along and, as you can see, \$30 per capita compared to Kearney's \$57, you know, it's-- it's-- it's-- it's neglect.

J. CAVANAUGH: This bill wouldn't give the library independent taxing authority. They'd still have to go, I think, to the city council and the mayor and ask for that money. Is-- I guess your position would be that, because they're appointed by the mayor and the mayor basically asked them to step off the board, they're not willing to step out of what the mayor is-- wants and ask for more money?

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JOANNE FERGUSON CAVANAUGH: I really don't know how it works to be appointed, but I-- I know how it works to be elected. And so elected, I know how that works.

J. CAVANAUGH: Gotcha. Thank you.

BRIESE: Thank you, Senator Cavanaugh. Other questions? Seeing none, thank you for your testimony today.

JOANNE FERGUSON CAVANAUGH: Thank you for your service.

BRIESE: Thank you. Next proponent testifier. Seeing none, any opponent testimony? Welcome.

THOMAS WARREN: Good afternoon, Mr. Chairman, members of the General Affairs Committee. My name is Thomas Warren, T-h-o-m-a-s W-a-r-r-e-n. I serve as chief of staff for Mayor Jean Stothert, city of Omaha, and I am testifying in opposition of LB1256, which would change provisions related to public libraries. Specifically, it would require the election of library board members of a city of the metropolitan class, and in our case, the city of Omaha. The Omaha Public Library system is rather unique in that it is actually a city of Omaha department. However, it is governed by an independent nine-member board of trustees. The city of Omaha provides the funding for the Omaha Public Library system through our general operating budget. However, the library director is appointed by and reports to the board of trustees. The current 2022 operating budget for the Omaha Public Library and its 12 branches is \$17.12 million. It has an authorized staff of 100 personnel and they are all city of Omaha employees. Current Nebraska state law requires that the City of Omaha have a library board. State Statute 51-202 leaves it up to the city to determine by ordinance the process for its membership. Current statute allows the city of Omaha dec-- to decide by code whether to elect or appoint its members. The municipal code Section 14-23 states that the mayor is responsible for making appointments to the board of trustees, and these appointments are subject to the approval of Omaha City Council. Converting the Omaha Public Library Board to an elected board would undermine the authority of the mayor and politicize these voluntary appointments. The Omaha Public Library system will evolve over the next few years with the relocation of the main branch and the construction of a new state-of-the-art facility with the support of our donor and philanthropic community. These projects are made possible because of the leadership and influence of Mayor Stothert and the autonomy of the board of trustees. I feel that creating an elected board will cause an undue burden on the system, which could

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lead to inefficiencies in the administration of the programs and the delivery of the services. It is for these reasons that I oppose this proposed legislation. Thank you for your time.

BRIESE: Thank you for your testimony. Any questions? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Briese. Thank you for being here, Chief. Good to see you.

THOMAS WARREN: Likewise.

J. CAVANAUGH: First question, of course, favorite thing about the library?

THOMAS WARREN: The resources and accessibility. The fact is, is that our public libraries are open to the public and the services are free of charge.

J. CAVANAUGH: Thank you. So, I mean, I know you've been sitting here and you've heard everybody talk before you. Do you think that the process that is kind of the impetus for this bill, admittedly, impetus for this bill, went perfectly?

THOMAS WARREN: It was entirely transparent. As you know, the Public Library Board meetings are subject to open meetings law. There is public notice; there's public testimony. And so the appointments are also subject to a public hearing where the mayor simply nominates and makes recommendations for those board appointments, and they are subject to the approval of the Omaha City Council.

J. CAVANAUGH: So after the way this process has gone down with the move of the library, and-- and obviously the-- the hurt feelings and the-- the comments and things, not just here but at other places, is the mayor looking at any changes to the-- how the library board is run, how it's appointed, looking to appoint new people from other parts of the city? Are there any, any tasks, any affirmative steps being taken to change the process?

THOMAS WARREN: Well, I'm sorry to tell you that, you know, we feel we have a very diverse board and it's representative in terms of race, gender, ethnicity, as well as the board appointments are three-year appointments. And so every three years we cycle in and out three new board members, every year, three consecutive years, and so there is turnover. With respect to board attendance and board engagement, we would love to see that improve. I cannot verify nor dispute what was

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suggested earlier in terms of the attendance or the level of engagement of our current board; however, certainly, we'd want to make sure that those who are appointed actually attend the meetings and function.

J. CAVANAUGH: So as to that last meeting, the-- where the board voted for and one abstained, I don't know what that vote was on, specifically, but I guess, as a general question, who owns the land the libraries sit on?

THOMAS WARREN: It is city of Omaha property.

J. CAVANAUGH: OK, so-- and then the city council voted. As Mr.-- sorry, is it Schroeder?-- said, that vote was on the lease of the new place, the operator, and the lease on the other new place. The city council didn't actually vote on whether or not to sell or dispose of the downtown library property. Does that sound-- is that right?

THOMAS WARREN: Well, let me, if I can, clarify.

J. CAVANAUGH: Yeah. No, that's-- I don't know the answer to that question.

THOMAS WARREN: There-- there were-- there were a number of votes with respect to the-- the public library system. One was relative to the owner's representation with regards to the relocation of our main branch of the public library. And there were two lease agreements, one to relocate the downtown branch to 1401 Jones, as well as to relocate our administrative functions and genealogy archives to 84th and West Center. So there were two votes to relocate property, one vote for an owner's representative. And then--

J. CAVANAUGH: OK. Oops, sorry.

THOMAS WARREN: --subsequently there was a decision made with respect to Mutual of Omaha and the announcement. Of course, that is subject to demolition, as well as the actual execution of the transaction for the Mutual of Omaha to ultimately relocate its headquarters to what is currently the site of the W. Dale Clark Library.

J. CAVANAUGH: That decision was made subsequent to the vote?

THOMAS WARREN: The decision was made-- well, it's only been proposed.

J. CAVANAUGH: OK. It has been--

THOMAS WARREN: It's only been-- so it's only been proposed.

J. CAVANAUGH: So the city council will have to vote on that, that ultimate disposition of that property?

THOMAS WARREN: Well, for all intents and purposes, we are going to demolish the W. Dale Clark Library. The ult-- the subsequent decision will be Mutual of Omaha locating its headquarters building at that site.

J. CAVANAUGH: OK, so what I'm trying to understand is, I watched the city council meeting and they talked about this and it became clear that a number of people voted the way they voted or-- because they felt, if they didn't agree to the lease for the downtown library, there was just going to be no downtown library. And so--

THOMAS WARREN: Well, let me--

J. CAVANAUGH: --is that not accurate?

THOMAS WARREN: OK, let me-- I will first suggest to you that, since 2010, as well as the city's master plan of 2017, proposed ultimately demolishing the W. Dale Clark Library and relocating that facility. So since 2010, it's been in the city's master plan. There's been public discussions regarding the disposition of the W. Dale Clark Library, as well as in 2017, so thi-- this is isn't anything new with regards to the city's intent. Our library system is built on neighborhood branches, and so in terms of the services, that will still be provided. Ultimately, at the relocated downtown branch will be those services of distribution, if you will, and so we won't lose that capability downtown. And then--

J. CAVANAUGH: Well, I guess the-- I'm not here to argue with you about whether I think this is the right decision or not. I have my opinion, and you and other people and other folks here have their opinion. The question is whether the procedure that's undertaken to make these decisions is one that the Legislature should change. And so I'm trying to understand what the procedure is currently. So my understanding of the procedure, and you're-- I guess you're telling me that I'm-- my understanding is incorrect, but the city council was told that they had to vote on a new lease and because the library was going to be demolished downtown, that there would no longer be a downtown library. I'm trying to find out who got to decide that the downtown library was being demolished, if not the city council. Was

it the library board? Was it the mayor unilaterally? So that's the question.

THOMAS WARREN: OK. All right. So I suggest that under no circumstances can we dictate or tell the city council to do anything. OK. They are duly elected. They vote independently. With respect to what has been proposed, there was a proposal to first enter into an agreement for an owner's representative to relocate the downtown branch of the library and then two separate lease agreements. It was proposed. We had public hearings. We received a significant amount of public input. The Library Board of Trustees, those who were present, voted unanimously to support the owner's rep and the lease agreements and, by memorandum, agreed to relocate the main branch of the downtown library. That was subsequently presented to the Omaha City Council in the form of an ordinance. They voted on the ordinance to approve the owner's representative, as well as the relocation of the downtown branch, as well as moving the archives and administrative offices to 84th and roughly West Center.

J. CAVANAUGH: And what would have happened if they voted no?

THOMAS WARREN: I can't speculate in terms of what may have happened if they would have voted no. It-- again, it was our intent, as it has been planned since 2010 and ul-- ultimately reinforced in 2017, that-- in our master plan to demolish W. Dale Clark. Obviously, it's a prime site for redevelopment. There's been \$300 million of investment with regards to what was formerly Gene Leahy Mall or Central Park Mall, along the riverfront another \$100 million, and so those locations were prime for redevelopment.

J. CAVANAUGH: And again, I'm not arguing with the-- the ultimate disposition or-- or what the project is. I'm just trying to understand the process to determine whether or not we should make a change in the process. Metro Transit is a similar entity to the public library. Is that about right, has a--

THOMAS WARREN: It's a quasi-public entity.

J. CAVANAUGH: It's a-- it's a department under the city that's a--

THOMAS WARREN: No.

J. CAVANAUGH: No? It has taxing authority--

THOMAS WARREN: Correct.

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J. CAVANAUGH: --which is different than the library. Does Metro own its own property?

THOMAS WARREN: To my knowledge, it owns its headquarters building and-- and the buses. But if you're talking about geography, I'm not sure what you're referring to.

J. CAVANAUGH: No. Well, I'm just trying to understand the distinction. With the-- the li-- who gets to de-- decide what to do-- if we were to buy a new library land, that would belong to the city?

THOMAS WARREN: The city owns the property. That is correct.

J. CAVANAUGH: And then when we tear down or move a library and sell that property, then that money goes back to the city, not to the library?

THOMAS WARREN: It's a unique situation in that the city owns the property, the city funds library operations; however, it is governed by an independent board of trustees.

J. CAVANAUGH: And by "governed by an independent board of trustees," the board of trustees are the ones who make the decision about whether or not to tear down or move the library?

THOMAS WARREN: They make decisions regarding operations. I'm not sure that they can agree to sell or not sell city property because it is owned by the city of Omaha.

J. CAVANAUGH: Subject to the approval of the city council--

THOMAS WARREN: That's correct.

J. CAVANAUGH: --which is what we saw in the la-- that situation. Oh, do you-- you said that we have an accurate, diverse board. Do you know if the board is currently broken down by city council in the way that this bill would propose or--

THOMAS WARREN: It is not by geographic areas or addresses, no.

J. CAVANAUGH: Not purposefully, but do you know where-- if folks live in--

THOMAS WARREN: I do not know their exact addresses--

J. CAVANAUGH: OK.

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THOMAS WARREN: --so I can't really answer that question.

J. CAVANAUGH: Thank you, Mr.-- Mr. Chair. Thank you, Chief.

BRIESE: Senator Brandt.

BRANDT: Thank you, Chairman Briese. Thank you, Chief, for testifying today. What does it cost to move all these libraries?

THOMAS WARREN: So there is cost of acquisition, as well as there is cost to relocate. Now ren-- you know, entering into actual lease purchase agreements on the two facilities, and so we're not actually acquiring the facilities, and so it is pretty complicated in terms of what is the cost of the renovation of the site, which is the site for the 1401 Jones, which would be the downtown branch. The costs are being shared by the city as well as the current owner. We're entering into roughly a ten-year lease with a five-year option, and so the terms are defined. So we're not really purchasing, but we're leasing for five years with the option to buy at ten years.

BRANDT: But there's a cost to pick the books up, move the bookshelves, move the books. What's--

THOMAS WARREN: I can't give you the exact dollar amount.

BRANDT: OK. Did you guys look at rebuilding downtown? I mean, if we're going to level a library and we're going to build a, I've been told, a \$300 million skyscraper, is there TIF funds involved with this?

THOMAS WARREN: Now that's like three different questions, so I'll-- I'll ask you--

BRANDT: OK.

THOMAS WARREN: OK.

BRANDT: Sometimes I go pretty fast. Go ahead.

THOMAS WARREN: Right. So with respect to the library, the TIF involvement is with regards to Mutual of Omaha constructing their headquarters building, and the cost estimate that you just described may be a little off. OK, so that, nonetheless-- again, it's two different issues, I guess, is the point. And so if you could restate your question--

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BRANDT: Have-- OK.

THOMAS WARREN: OK.

BRANDT: Did-- did the city of Omaha look at constructing--

THOMAS WARREN: The-- OK, that--

BRANDT: --a new library? Given the situation that the old one that got torn down on this prime real estate spot and the incentives involved with that, I would think there would be a benefit to the city to use funds to explore the construction of a new library. I guess--

THOMAS WARREN: So--

BRANDT: --did that happen?

THOMAS WARREN: So, OK, so back to your question of regard-- with regard to the downtown library, there were some criteria established; namely, we needed 30,000 square feet to relocate the downtown branch of the library. You know, we have limited options with regards to a facility that would meet the criteria downtown in proximity to what was formerly W. Dale Clark. With respect to constructing a new library, you're talking three to five years, as well as the cost associated with construction versus moving into an existing facility. And the location that we chose met the criteria for the 30,000 square feet, as well as it's a historic building and we feel that it can be renovated and rehabilitated to meet the needs, as well as provide the quality services that we expect with our downtown-- with our library facilities. So I guess the-- the short answer is, it would have taken much more time to build a facility. At the same time, we had little or no options with regards to having the space in the downtown corridor that would have been accessible to the patrons that would have formerly utilized the W. Dale Clark.

BRANDT: All right. Thank you.

BRIESE: Thank you, Senator Brandt. Anyone else? Senator Cavanaugh.

J. CAVANAUGH: I always think of more questions. Sorry. Thank you, Chief. Thank you--

BRIESE: Sure.

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J. CAVANAUGH: --Mr. Chairman. In that master plan you talked about, did it specifically say the library had to move or we just needed a new downtown library? Did it say--

THOMAS WARREN: It-- both, and that it was outdated, it was inefficient, and obviously it was located in an area that was prime for redevelopment.

J. CAVANAUGH: I'm sorry. The library's master plan took into consideration other uses of the place, library, I guess?

THOMAS WARREN: Yes. Yes.

J. CAVANAUGH: OK. Who decides what criteria goes into the master plan?

THOMAS WARREN: There is a committee. We have input from our department heads, as well as leadership, and these discussions and decisions are made on annual basis as those master plans are updated.

J. CAVANAUGH: OK, so the master plan for the library does not necessarily take into consideration what's the best use of the library.

THOMAS WARREN: There are some operational considerations, as well as that of the physical space with regards to upkeep and maintenance and whether or not it's cost-prohibitive or cost-beneficial.

J. CAVANAUGH: Right. That's a question of whether a new building is necessary or not, not whether or not that location could be used for a-- prime for development.

THOMAS WARREN: It's a combination, both.

J. CAVANAUGH: OK. As to the new location you were just talking about with Senator Brandt, how does it compare in terms of accessibility?

THOMAS WARREN: It's four blocks from the W. Dale Clark.

J. CAVANAUGH: OK. And the W. Dale Clark is on the ORBT line right now. Right?

THOMAS WARREN: That's correct.

J. CAVANAUGH: And I recall one of the, I guess, features of the ORBT was its connection to things like the main downtown library. What bus lines is the new location on?

THOMAS WARREN: So the ORBT is an east-west transit line and there are arteries north and south. And so there are probably four bus lines that will run within a block of the 1401 Jones site. And so it is definitely accessible, as well as Metro Transit has been in conversations about additional routes to increase accessibility via bus line.

J. CAVANAUGH: So they're considering changing the bus routes to accommodate the move in the library.

THOMAS WARREN: That's correct.

J. CAVANAUGH: OK. And I guess I-- the fact that-- the "prime for development" line, I guess, really is a-- is a shocking one to me. So my question then is, what happens to-- if we are successful as a city in every other location the libraries are? The A.V. Sorensen Library is right in the middle of a bunch of-- you know, Dundee, and there's apartments going up on the east side of Dundee and apartments going up in the middle of Dundee. If that property then becomes of interest to an apartment developer, do we get rid of the A.V. Sorensen Library because it becomes prime for development?

THOMAS WARREN: That question is fueled by speculation, Senator. I cannot--

J. CAVANAUGH: Clearly.

THOMAS WARREN: I cannot, you know, even-- respectfully, I can't respond to that.

J. CAVANAUGH: No, I-- I appreciate-- I appreciate that response. I apologize for asking that question, but I'm just caught off guard by that statement. But I know that-- that-- the other thing that I haven't gotten to-- and I apologize for talking to you for so long, but I appreciate you being here--

THOMAS WARREN: That's OK.

J. CAVANAUGH: --and this is a conversation I think of great import to my constituents and the city of Omaha in particular. You mentioned the autonomy of the board, and we heard some testimony that kind of contradicted that. Do you have a rebuttal to the fact that individuals are concerned about the autonomy of an appointed board?

THOMAS WARREN: We feel very confident that those who are appointed to the board are mature professionals that engage in a level of

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thoughtful deliberation as they-- as they-- as they will make their decisions. These are individuals that are properly vetted. They typically will have a professional background and an interest and demonstrated passion for the library. And so, yes, we are confident that they operate independently, without any undue influence or pressure from the executive branch.

J. CAVANAUGH: Are you familiar with the story that Mrs. Wheeler referenced of Mr. Meyer from-- I know it predates your term of service here, but are you familiar with that situation?

THOMAS WARREN: No, I'm not.

J. CAVANAUGH: OK. And you referenced that something-- I wrote it down and I can't remember where I wrote it, but that it-- oh, it undermined the authority of the mayor. Is the primary consideration of how we run the city to maintain the authority of the mayor, or is it to have an effective, open government that reflects the interests of the people?

THOMAS WARREN: Well, both. I would suggest to you that obviously we have a strong mayor form of government. Our mayor was duly elected, and in this most recent instance overwhelmingly, two to one. And so she does represent the interests of our citizens and is responsive to the needs and the interests of our citizens. And of course, you know, we are open to receiving input. We do believe in healthy discourse. It's not a dictatorship. It's a very democratic process. And so, along with that, the support that we receive from Omaha City Council, is how we arrive at decisions in city government, much like here in the Legislature. You have a Governor. He makes appointments to boards and commissions. It's very similar to that of the mayor, who appoints to over 60 boards and commissions.

J. CAVANAUGH: Thank you.

BRIESE: Thank you, Senator Cavanaugh. Anyone else? These trustees, they-- they are appointed by the mayor and that-- and that appointment is approved by majority vote of the Omaha City Council, correct?

THOMAS WARREN: That's correct.

BRIESE: Do you recall, in the past, is that vote of the city council typically unanimous?

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THOMAS WARREN: It is not, typically, and we've had rather heated deliberations over board appointments. And if you're referring to the library board specifically--

BRIESE: Yes, library board-- yes, library board specifically.

THOMAS WARREN: Library board specifically, and mind you, there's only been one appointment since I've been back in city government, and I believe that that was a 6-1 vote.

BRIESE: 6-1.

THOMAS WARREN: Um-hum.

BRIESE: And prior to that, you'd have nol-- no real knowledge of--

THOMAS WARREN: I cannot-- I cannot-- that's correct.

BRIESE: Because this is a seven-member city council elected by districts, correct--

THOMAS WARREN: Correct.

BRIESE: --that approve these appointments?

THOMAS WARREN: Yes.

BRIESE: OK. OK. Fiscal note, city of Omaha, I don't think, provided information on the cost of doing what's being proposed here, but you don't have a ballpark number of what this process, but you mentioned ineffi-- potential inefficiencies earlier. Any idea of a dollar amount or how to quantify those potential inefficiencies?

THOMAS WARREN: No, but obviously, you know, you have candidates that would have to run for elected office. There would have to be an election. These candidates would have to campaign. There could be some cost associated with administering the process with regards to the election if this legislation was passed.

BRIESE: OK. Thank you for your testimony.

THOMAS WARREN: You're welcome.

BRIESE: Any other opposition testimony? Any neutral testifiers? Seeing none, Senator McKinney, would you like to close?

McKINNEY: Thank you. And thank you to everyone that came to testify today. One thing that stuck out to me and kind of hit home for me for the reason-- you-- well, a couple of things that hit home and I was like, you know what, the more I listen to this hearing, the more I definitely think LB1256 was needed and the changes to the library board is needed. But I think one of the testifiers, I think it was Ms. Snipes, she said the library-- libraries are more than just books. And I think Senator Cavanaugh highlighted some of the resources that are available that aren't just books. You know, listening here, I was like, you know, all these questions, if it was a simple process, if it was a transparent process that wasn't so confusing, then I could understand the argument to why the mayor should continue to appoint the library board. But it's the nature of the conversation and, you know, the public dialogue and what has occurred throughout the-- from the time I heard about this until they officially started try-- started making these decisions, there's a lack of transparency in how the process is taking place in the city of Omaha. You know, many people, including my staff, you know, use the library for faxing and copying and using computers to apply for college. A lot of individuals, I know me and members of my staff, we used the library to prepare for college and didn't get a laptop until we went to college. I know now OPS is providing students with more access to laptops and things like that, but it was a time where that-- that wasn't true. And even so, when the pandemic hit, there was a lot of kids that ended up out in the streets because they didn't have access to the library, so it-- it's very-- it's important for many reasons. I think transportation is possibly going to be an issue. I know we're saying that, you know, there are lines that'll intersect with the ORBT line and Metro is trying to work on a way to work this out if-- once-- once the move is official, but just saying, oh, it's just a block or so away doesn't mean that it-- that it increased or didn't decrease access-- accessibility. I don't think this would undermine the authority of the mayor, her leadership. I just think it would more so lend a voice for the people of Omaha. Having an elected board shouldn't undermine your authority. I think the mayor should work in-- work in collaboration with an elected board, just as she should work in collaboration with an appointed board, and there should be a clear line of we make decisions over here, you make suggestions. You know, it shouldn't be-- if this undermines her-- her authority-- that means there's a need for electing a board, in my opinion. I don't think it's an undue burden. We can figure it out. And, Senator Cavanaugh, when I heard "prime for development," that hit home. Are we prioritizing development over the needs of the people? We really have to think about that. Just because

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something is prime land for development, doesn't mean we just tear down a library to do so. You know, no matter where that library is located, I know they are investing millions of dollars in downtown Omaha in hopes to attract more people, but that doesn't mean you don't think about people first. You know, developers are developers and they're just trying to make a dollar, but some people, that only-- the only way to a dollar is to use a library to fill out a job application. We have to think about those in need and those that don't have access, not the ones with million-dollar ideas and in developments, so. And I'll end it with that. Thank you.

BRIESE: Thank you, Senator. Any questions for the senator? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman. Thank you, Senator McKinney, for bringing this bill. It's been a really interesting discussion. I don't think I asked you your favorite thing about the library.

McKINNEY: My favorite thing about the library? For me, as a kid growing up, it was to be able to get on the computers. That was my favorite thing, to go to the library and get on computers. I did read books sometimes, but being able to go to the library and get on computers, especially when I spent time at my grandparents' house, because they lived-- when I was a kid, they lived probably a block or two away from the Washington Branch.

J. CAVANAUGH: Well, they didn't have computers at the library when I was a kid. I'm not that old, but I'm old enough they didn't have the computers at the library when I was a kid. The thing you said, you didn't think it undermines the mayor's authority, and I don't disagree-- or I agree with that. And I kind of, you know, I said to Chief Warren that I'm not here to try and litigate whether or not this is the right decision or not. The question for me is whether or not the process works for this decision and will work for other decisions in the future. And it's possible-- I actually read a book from the library this year. Believe it or not, I got a li-- a library book about decision making. And one of the things it said is, if you have a bad process but get to a right answer, that's luck, but if you have a good process, that will get you to a right answer every time. So whether this is the right answer or not, this is the-- is this the right process? That's the question. Right?

McKINNEY: Yeah. No, I think so. And I think the thing to think about is, if it's-- when it's clear to me that the city is prioritizing development over the concerns of the public, to me, that's the line

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you draw in the sand and say, no, that's not acceptable, the process isn't right, because any-- like you kind of pointed out, if somebody says, like, oh, the location where A.V. Sorensen is, is prime for development, we could make billions of dollars off this, we could build condos, and somebody presents the idea to the mayor or the council, will they just get rid of that library too? Or if development begins in north Omaha and somebody says let's tear down the Washington Branch because we could build apartment complexes or something like that, do we just do that? And then the people, I would probably assume, will feel like the process wasn't transparent again, and there's nobody that can answer because the vote, it was, what, four to one or one abstained?

J. CAVANAUGH: Four--

McKINNEY: And that's-- and it's a nine-member board, right?

J. CAVANAUGH: Right.

McKINNEY: So four people decided the fate of the library system, in a sense, not completely but--

J. CAVANAUGH: Yeah, so the-- kind of to that point, and, yeah, I asked Chief Warren this, about whether or not this process went perfectly and whether they would-- the mayor is entertaining any changes. I know you proposed this as a change. Are there other changes you would entertain that would make the board operate better, would service this objective?

McKINNEY: I would say a ballot initiative on the city level to see whether to elect or appoint, as well, so the people of Omaha, you do have the option to do a ballot initiative to make these changes as well--

J. CAVANAUGH: That'd be a transparent process.

McKINNEY: --or get the mayor or the City Council to propose-- I don't know how the ordinance process works, but have somebody on the council put forward an ordinance to make that change as well.

J. CAVANAUGH: Thank you.

McKINNEY: No problem.

BRIESE: Thank you, Senator Cavanaugh. Anyone else? Senator Brandt.

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BRANDT: Did anybody ever bring up the obvious, put the library in the skyscraper?

McKINNEY: [LAUGH] No.

BRANDT: Well, I mean, it makes sense, sort of.

BREWER: Not if you've built the skyscraper and it cost you--

BRANDT: Well, I guess-- I guess that's it. That's it. Thanks.

BRIESE: Thank you, Senator Brandt. Seeing no other questions, thank you, Senator McKinney--

McKINNEY: No problem. Thank you.

BRIESE: --for bringing this. And we had 17 letters in support of LB1266 [SIC] and 3 letters-- 3 letters in opposition, no neutral. That closes our hearing on LB126-- LB1256. And that will close the General Affairs hearing for today. Thank you, everyone.