

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 9, 2022
Rough Draft

M. HANSEN: Perfect. All right. Welcome, everybody. Good afternoon. I'm state Senator Matt Hansen and I'm the Vice Chair of this committee. I'll be starting the hearing today because Senator Brewer has a commitment in another committee. Our committee will take up the bills in the order posted on the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. The committee members might come and go during the hearing. This is just part of the process as we have bills to introduce in other committees. And I'll note that I know Senator Brewer has a bill in another committee, as does Senator Halloran. I'll ask that you abide by the following procedures to facilitate today's proceedings. Please silence or turn off your cell phones. Please move to the reserved chairs when you're ready to testify, the first two chairs in either side of the first row. Introducers will make initial statements following by proponents, opponents and neutral testimony. Closing remarks are reserved for the introducing senator only. If you're planning to testify, please pick up a green sign-in sheet that is on the table in the back of the room. Please fill out the sheet before you testify. When it is your turn to testify, please give the sign-in sheet-- sign-in sheet to the page or the committee clerk. This will help us keep a more accurate public record. If you do not wish to testify today, but would like to record your name as being present at the hearing, there is a separate white sheet on the table that you could sign there for that purpose. This will be a part of the official hearing record. If you have handouts, please make sure you have 12 copies and give them to the page when you come up to testify and they'll be distributed to those committees. If you do not have enough copies, the page will help make you copies. When you come up to testify, please speak clearly into the microphone. Tell us your name and please spell your first and last name to ensure we can have an accurate record. We'll be using the light system for all testifiers. You will have five minutes to make your initial remarks to the committee. When the yellow light comes on, that means you have one minute remaining and the red light indicates your time has ended. Questions from the committee may follow. No other displays of support or opposition to a bill, vocal or otherwise, are allowed at the public hearing. With that, we'll ask the committee members today to do self-introduction starting on my right with Senator Blood.

BLOOD: Good afternoon. Senator Carol Blood, representing parts of Bellevue and Papillion, Nebraska.

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McCOLLISTER: John McCollister District 20, central Omaha.

SANDERS: Good afternoon. Rita Sanders, District 45, the Bellevue/Offutt community.

LOWE: John Lowe, District 37, Kearney, Gibbon and Shelton.

HUNT: Megan Hunt, District 8 in midtown Omaha.

M. HANSEN: Thank you. I'll note that we have been joined by our committee clerk, Dick Clark, and our-- it's our committee counsel, Dick Clark, and our committee clerk, Julie Condon, on my right and left, respectively. Our pages for today are Bhagya Pushkaran, who's a junior from UNL in Lincoln, and Sophia Lovell, who's a sophomore from Minnesota. With that, we will open up our hearing and will invite Senator Groene to open on LB787.

GROENE: Thank you, Vice Chair Hansen and the committee members. I consider this a correction bill on a prior legislation that this committee helped get enacted, I believe it was in 2000, no, 2019. It was LB-- 2020, LB148. It was about interlocal agreements. It was specific the to interlocal agreements that we call N-CORPE out there where it was unique where four NRDs went together and created a-- a augmentation project in my district. And it was brought to my attention by constituents that who-- who were upset about the project, that they couldn't find budgets from this project. And it was a two-year period with no budget was even issued. But in our statutes, the state auditor can expect a budget from every entity, government entity, county, city, NRDs, but we've left out interlocal agreement. What happens is-- is the count-- each of these four NRDs, and there's a lot of instances where there's only interlocal agreement, 9-1-1 calls, but I only address this one. I don't think the whole thing should be addressed where money is transferred from the the local-- the government entities to the interlocal and the-- the auditor and the taxpayer loses track. All it has to do is, you sent this. They check the NRD or the county and they say, well, this money was transferred to this interlocal agreement, it's no longer a-- a audit or a responsibility to-- to give it, send an audit to-- I mean, a budget to the state auditor. So what happened? I-- we got the bill passed but we overlooked one issue in it. This last year, the state auditor contacted the N-CORPE management and asked them where their budget was. They replied by email that they did not-- their legal said they did not have to supply a budget because of a loophole that says if any taxing entity did not collect property taxes the previous year,

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they did not have to do a budget. Where N-CORPE gets their money is occupation tax. So what this amendment bill does-- bill does is, says adds that if they're getting money from property taxes or just says-- if you read the bill, in which the governing body will not have a property tax request, well, this N-CORPE didn't have the property tax authority, but that four-- four NRDs did. And beyond that, they could claim that the money that was given to them was not property tax for NRD, so we cleared it up by saying, accept that a joint entity created pursuant to interlocal cooperative act that received tax when generated under Section 23-226 that's-- that's the authority to do the occupation tax. All right. From the parties of interlocal agreement shall be subject to Nebraska Budget Act. I passed out a most recent, we believe, statement of revenues, expenditures and change in fund balance from the N-CORPE. If you were a citizen and you looked at 2020 versus 2019, the first thing that caught my eye was in 2009 investment capital contributions in depth service, 88 million, nine hundred and some thousand, one year, and then the next year it was only seven million two hundred sixty one thousand on the bonded indebtedness. Now, if you were a citizen, wouldn't you want that question answered? Wouldn't you want a hearing to go in there and say, what-- why? Probably a legitimate question, but why? These are tax dollars. Citizens should have a ability to have a budget hearing and then to ask questions. An awful lot of money here, folks. If you look at the budget it's unaccounted for. There's one member of each-- one member of each of the four NRDs that are the board. I've asked some of the NRDs who-- members on Friends From The Middle Republican and the Twin Platte, what's going on with the budget there? Have you seen the budget and never see any of that stuff? They never see it. The other members of the NRD board, and they would like to see it too. This is just a simple fix. When Senator Erdman had a hearing on NRDs and asked some questions in Natural Resources, which I sat on the committee, I-- the manager testified and I bluntly asked him about this, and he said, I said so. I already said, you followed the law. He didn't-- but do you have any-- would you have any trouble with us clarifying it to you that it was also included use of occupation taxes? He said, no. He just wanted clarity. So we'll see today if-- I'm not going to make any judgment. I just know if I was on the board of any kind of elected board or government entity and somebody walked in my office and said, could I see your budget? Or the state auditor called me, I would say, sure. I'm a-- I'm a public servant and I will gladly give you a copy of my budget. All we're asking for is accountability. An awful lot of tax dollars here from this interlocal agreement, and it's unique. And that's why I brought a unique bill because of the occupation tax. So I

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would-- it's-- to me, it's just clean up. If it fails, it will fulfill the intent of the original bill, LB148, in 2020. That there was a budget hearing, they had to present their budget, they had to send it to the auditor. The auditor could audit if he wished. They can audit now because we did change that in interlocal agreement. But they do get a budget in advance. So anyway, that's-- that's the purpose of this bill. A clean-up bill, and I'd love to see it on consent calendar unless somebody decides to testify against it. Thank you.

M. HANSEN: Thank you, Senator. Questions from committee members? Seeing none, thank you for your opening. With that, we'll invite up our first proponent. Welcome.

CHRIS BRUNS: Good afternoon, members of the committee. My name is Chris Bruns, C-h-r-i-s B-r-u-n-s, and I am the chairperson-- the chairman of the Lincoln County Board of Commissioners. I'm here today to speak in favor of LB787. As a member of a local government entity, the county board in Lincoln County, who shares constituents with Senator Groene, I can attest to the fact that my board values transparency and accountability, especially when it comes to tax dollars and doing our due diligence for the taxpayers. This is a good bill. It allows for the closing of a loophole that an entity in our county has taken advantage of and right or wrong or indifferent, we're not alleging that there's any-- any malfeasance or-- or anything untoward going on, but we do believe in accountability and making sure that the entity that does receive tax dollars and does impact a large area in Lincoln County and the operations of many farm, ranch operations in Lincoln County, that-- that they're held to the same standards that other government entities should be held to. So I humbly ask for your support and advancement of LB787, and thank you for your time.

M. HANSEN: Thank you, commissioner. Questions from the committee? Seeing none, thank you. All right. We'll take up any other proponents to LB787. Seeing none, we'll move to opponents. Is there any opponents to LB787? Seeing none, anybody who wishes to testify in neutral?

NATE JENKINS: Chairman Hansen and members of the committee, thank you. My name is Nate Jenkins, I'm assistant manager. That's N-a-t-e J-e-n-k-i-n-s. I'm assistant manager of the Upper Republican NRD in Imperial, Nebraska, testifying on behalf of our NRD in a neutral capacity and also on behalf of the Nebraska Association of Resources districts in a neutral capacity. As you probably know by now, our NRD is one of four member NRDs formed N-CORPE in 2012, 2013, with the

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primary purpose of helping the state stay in compliance with the Republican River Compact and meet Platte River obligations. We've done that successfully, I think, since 2013. I think it's important to note in terms of approving budgets, our board, since N-CORPE's inception nearly has found value in that and has approved budgets the last several years, including, I think, two to three years prior to LB148 being introduced two years ago. So our board has no issue approving budgets. Enjoy the transparency and we plan to do so in the future. I do think it's important to note that like any interlocal agencies subject to the Interlocal Corporation Act, at least any interlocal agencies I'm aware of, our budget is almost solely dictated by the member districts. All of N-CORPE's expenditures are approved at the NRD level by those member NRDs. N-CORPE has no property valuation. We don't levy taxes, and all of our expenses are shared by-- by the four member districts. In the case of overhead administrative costs, for example, those expenses are split equally. In the case of operating the project, which is to augment streamflow, the volumes of water that each NRD needs varies annually. Some years some NRDs need-- don't need any water at all. All of those decisions and those expenditures to pump the volumes of water that are necessary, again are approved by the local NRD-- local NRD boards. The issue we had following LB148, I think Senator Groene explained it fairly well, is we had a budget hearing, approved a budget as we have done since at least 2018, went to file the budget form, which is required under the Budget Act, and discovered that there wasn't a budget form that fit an entity like ours that does not have any property valuation, no property tax levy. I'm sure some of you are aware of those-- those budget forms. Almost all the questions-- the information they request is related to tax levies, property valuation. Again N-CORPE doesn't have any of that. So we weren't able to file one. So this-- I would urge you, you know, as you consider advancing this bill to help ensure that if indeed it does pass, we're able to complete a budget form that-- that fits with the type of entity that N-CORPE is. I might also mention some of the same issues I just described applied to the Nebraska Association of Resources Districts, it operates under an interlocal cooperation agreement. NARD, as we call it, also also has a health benefits risk insurance pool. We think there's a possibility that this bill would apply to those entities and other NRD entities across the state that have interlocal arrangements and receive occupation tax dollars. I think it's fair to expect that in the future, more NRDs may be collecting occupation tax. Those NRDs that develop what are called integrated management plans, have the ability to collect occupation tax. But we do think that there's again the possibility that maybe

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there are some unintended consequences of entity such as NARD and the risk insurance pool of having to hold a budget hearing and be treated like what we normally think of as a-- as a government-- a government body. The last point I'd make is, again, we aren't necessarily opposed to the bill. Obviously, I'm testifying in a neutral capacity. I would maybe give some thought as to why this legislation only applies to entities that receive occupation tax. Personally, I can't think of a compelling reason to distinguish between entities that receive occupation tax and property tax for the purposes of having to develop a budget. That's all I had. Thank you for your time, and I'd be glad to answer any questions if you have them.

M. HANSEN: Thank you. Are there questions? Seeing none, thank you very much.

NATE JENKINS: Thank you.

M. HANSEN: Any other neutral testifiers to LB787? Seeing none. Senator Groene, we invite you up to close. While he's coming up, I will note we had no position letters of any kind on this bill.

GROENE: Thank you. As I said, this is a very unique situation. It's never happened before with this N-CORPE and NRD. Most interlocal agreements have no employees. They are like 9-1-1. They're either the employees of the city, the employees of the sheriff's department. The tourism bureaus, I guess those are entities of the county, they're not actually interlocal. So it is very unique. This thing has a unique budget, a unique payroll, a unique expenses that are not really covered in a city budget or a county budget or an NRD budget. It's a very unique situation, and it involves an awful lot of money. That's still a lot of money and when you look at that budget and I would disagree with the last testifier about the local NRD does not have a lot of say on what those four members do on-- when they vote because it's a tie-tie, two-two, you know, it's an even number, whatever that four individuals. And I know in my NRD because I know a couple of members of the Twin Platte, who just got elected when they addressed in their committees, in their meetings, what's about what's going on at N-CORPE, they said there are bylaws that says whoever we appoint makes that decision. It is not a majority board decision. It's that person we trust to make that decision. So that said, I'm just wanting to accept it, there was a misunderstanding. The manager, I'm not going to-- the four NRDs I don't know if they had anything to do with it and the budget not being presented, my Twin Platte didn't know what happened. I'm assuming the manager and-- of the N-CORPE and their

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legal counsel made that decision not to present the budget to the-- to the-- we just want it fixed. And when I become a private citizen again and not down here, I want to be able to go to a budget hearing and ask some questions. Thank you.

M. HANSEN: Thank you, Senator Groene. Questions? Seeing none. Thank you for your bill and we will close the hearing on LB787, and we'll open the hearing on LB742, and welcome up, Senator Erdman. Welcome.

ERDMAN: Thank you, Senator Hansen. Thank you for the opportunity to be in front of your committee today. I just came from the closet. This is really a nice room. (LAUGHTER) My name is Steve Erdman, S-t-e-v-e-E-r-d-m-a-n. I represent District 49, which is now nine counties in the Panhandle of Nebraska. You moved right through that last bill, and I hope that will be the case with this one. The next bill I have up may not be that way. So, but this bill here is basically a cleanup bill that-- well, it was brought to my attention that some elected official-- elected bodies think, I believe they didn't have the authority to store their minutes in electronic form. So what we're trying to do today is accomplish that so that they can continue to do business, which is the most efficient manner. So a very simple bill as you-- as you see it there. We just strike the minutes of the meetings of the board of the school district or educational services and may be kept in electronic record. So that gave confusion to people to think if you weren't a school board or ESU, you couldn't keep your minutes electronically. So the purpose of the bill is to actually straighten that out and to clear it up. And this is another one of those rare bills I have where it has no fiscal note. Pretty amazing. Had one last Thursday or last week the same way. So LB742 allows all public bodies to store their minutes-- their meeting minutes in electronic form. LB742 does not remove the option to store their minutes in paper copies if they so choose. The confusion arose between the Nebraska statute 84-1413, Section 6, it says meeting minutes of the Board of the School District or Educational Service Units may be kept in an electronic record. So as I said, some took this to mean that only school-- public schools or ESUs can keep their records electronically-- their minutes. Well, this is not the case. LB742 is a cleanup bill to make the statute clear that anybody may store their meeting minutes electronically. And because the meeting minutes require a signature, electronic meeting minutes are already subject to the security measures contained in the Nebraska statute 86-611, Section 1. And so if a register of deeds stores their records electronically, the statute says if a-- if a computerized system of indexing is used, the register of deeds may maintain a printout of all

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records stored in the computer system and shall have security backup system for the data and other programs in electronic medium, which shall be stored in a secure place. So electronic media in a secure place, a PFD that archived and in-- in a secure place so the records are kept and secure. So it's a very simple cleanup bill that allows local units of government to store their minutes in electronic form. It does not prevent them from continuing to use paper-- paper forms of-- of recording if they would like. So that's basically what we're trying to accomplish here today, and I think there'll be other people behind me that will be in support that may understand what it does to their organization better than I do. So with that, I'll take any questions you may have.

M. HANSEN: Thank you, Senator. Senator McCollister.

McCOLLISTER: Thank you, Senator Hansen. What incident occurred that gave cause to this legislation? What-- what-- what happened that, you know.

ERDMAN: It just made-- Senator McCollister, it just makes it more efficient for them because they weren't of the impression that they could do that. And so they've been keeping all their minutes in a paper form. This allows them the opportunity to keep them electronically.

McCOLLISTER: OK.

ERDMAN: It really just clears up-- it just takes up that part that says only school districts or ESU you can do that. So they weren't convinced that they could do that, so this allows them that opportunity.

McCOLLISTER: I understand. Thank you, Senator Erdman.

ERDMAN: Thank you.

M. HANSEN: Seeing no other questions, thank you, Senator Erdman.

ERDMAN: Thank you.

M. HANSEN: With that, we'll invite up our first proponent to LB742.

CHRISTY ABRAHAM: Well, thank you, Senator Hansen and members of the Government 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

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Municipalities, and we want to thank Senator Erdman for introducing this bill. He did a great job of explaining to you what this bill does and what the intent is. In 2015, it was actually the year that ESUs and school districts got this ability to have their records-- their minutes, excuse me, be kept in electronic form. I was ironically, the bill drafter at the time on that bill, and it was a good change and it made sense for them. They were doing some other work in other parts of the statute that it made sense to have that clarity here. But as Senator Erdman discussed, it really would be nice if the rest of us could also keep our minutes in electronic form. We're kind of moving toward that where a lot more people are keeping minutes in electronic form. As Senator Erdman said, of course, cities can still keep them in written form, in paper form, if they would like to. There's nothing in this bill that says that they can't. It just gives them the option. And I also wanted to mention that this doesn't change anything regarding the public access to these documents. You are still able to access those documents in public records requests that come in. Anybody can get those minutes if they request. So there's no change there. And I would just like to add that this feels like maybe a consent calendar bill and if there is anything that we can do, dear legal counsel to make that happen, please don't hesitate to reach out. I'm happy to take any questions.

M. HANSEN: Thank you. Are there questions from the committee? Senator Lowe.

LOWE: Thank you, and thank you, Christy, for being here.

CHRISTY ABRAHAM: Sure.

LOWE: Do they have to keep a backup if they stored in an electronic form?

CHRISTY ABRAHAM: You know, that's a very good question. I think the majority of municipalities do have backup systems. If they keep records electronically, there is a server and other backups that they have. I will tell you, a lot of the municipalities also have paper copies of things. You know, it's just sort of by having-- you know that they write the minutes and they're in paper form, they're showing them to their councils and village boards. So I think a lot of folks will continue to do it on paper. It's just nice to have this option.

LOWE: OK, thank you.

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CHRISTY ABRAHAM: You're welcome.

M. HANSEN: Any other questions? Seeing none, thank you for your testimony.

CHRISTY ABRAHAM: Thank you so much.

M. HANSEN: Welcome.

CHRIS DIBBERN: Good afternoon, members of the committee. My name is Chris Dibbern, C-h-r-i-s D-i-b-b-e-r-n, and I'm the general counsel to the Nebraska Municipal Power Pool. And in our organization, we have three organizations that actually have to keep public records open minutes. And we would like to thank Senator Erdman for just clarifying this bill. We do think it is a simple, cleanup bill clarifying the act to reflect modern technology. We do keep up backup books. I think that was great question, but we just want it clarified that electronic records are records in any form, and this is just a simple way to do it. Any questions?

M. HANSEN: Thank you. Are there questions? Seeing none.

CHRIS DIBBERN: Thank you.

M. HANSEN: All right. Any other proponents? Welcome.

BETH BAZYN FERRELL: Thank you. Good afternoon, Vice Chair Hansen, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm appearing in support of LB742, and we'd like to thank Senator Erdman for introducing this bill as a clarification. This gives counties another option to be able to keep their minutes electronically if they choose. I would be happy to answer questions.

M. HANSEN: Thank you. Are there questions? Seeing none, thank you for your testimony. Any the other proponent?. All right, seeing none, any opponents? Seeing none, any neutral testifiers? There are none. And we will note for the record that we had one proponent letter, no opposition, and no neutral and we'll invite Senator Erdman to close.

ERDMAN: Thank you, Senator Hansen. So, Senator Lowe to speak to that, once they put that PDF archived, it's a variation of a PDF format, which allows the bodies to archive records safely and to be reprinted when necessary. So they do have some precautions there to make sure

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that they're archived and they're protected. So I appreciate that. This is a very rare thing for me. I would ask that you advance this to the consent calendar if it-- if it is possible. I've never had a bill do that before, but there's a first time for everything. So with that, I would take any questions you may have.

M. HANSEN: Thank you. Are there questions? All right, seeing none, that will close the hearing on LB742, and we'll stay with Senator Erdman on LB743.

ERDMAN: All right. As I said earlier, I am Steve Erdman, S-t-e-v-e E-r-d-m-a-n, and I still represent nine counties in the Panhandle. And today I bring you LB743, and I'll just give you a little background information as to how I arrived at submitting this bill. Earlier in 2021, the Nebraska Brand Committee had several meetings that were closed to the public. They were not open for the public to attend. They-- they said, because they were a subcommittee of the Brand Committee that they didn't have to remain as an open meeting. According to the Open Meetings Act, I found several people that were involved with the branding and were concerned about what they were doing in that committee setting, wanted to attend and they did not allow them to attend. So what I would like to do is make sure that any public body that receives tax dollars or money from my constituents or any constituent in the state of Nebraska that's open to the public unless certain things are met. And so I would like to go through what those certain things are. And I have had several people come to me recently, lately, like yesterday, and say they have an issue with this bill and the restriction it's going to put on them to have closed meetings. I was disappointed that some of those people waited until yesterday to speak to me. This bill was introduced on the very first day of the session, January 5. The bill was announced for a hearing over a week ago, and I would assume that people look at the hearing schedule and say, hey, that bill is coming up, I need to see what it is, and maybe I need to make adjustments or share with the senator how we might make that better. So I would hope that after we have had this hearing today that those people who have concerns or have ideas on how we may fix this bill to meet their needs, that they would come forward and we could work together to accomplish that. So the statute 84-1410 lists six purposes for having a closed meeting, six of them. Strategy session with respect to collective bargaining, real estate purchases, pending litigation or litigation which is intimate-- imminent, as evidenced by the communication of a claim or threat or litigation to a public body. Number two, discussion regarding deployment-- deployment or security personnel or devices. So for security reasons you can have

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a closed session. Investigative processing regarding allegations of criminal misconduct. If somebody's done something illegal, you can have a closed session to discuss that. Evaluation of job performance of a person necessary for a needless injury to the reputation of the person and such person-- if such person has requested to have a public meeting they can have a public meeting, but you can be closed to do that. For the community trust it created under Section 81-1801.02 discussion regarding the amounts paid to individuals who have suffered in a violent tragedy or a natural disaster. And finally, the public-- public hospitals governing body, peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transitional modes to get transitional noto-- negotiations with any referral source that is required by federal law to conduct at arms length. So there are several-- there are several things that one can have a closed meeting for, and when they were having the discussion about the Brand Committee that was going to develop a method to use electronic identification, none of those six were part of the reason they should have a closed meeting. And so it is my intention that every time there is a meeting, even if it's a subcommittee of someone who collects money from the public, it should be open for discussion unless one of those six things come into play. And I think there's plenty of provisions there to offer people the protection to do whatever they need to do in a closed session. And so I would assume that you're probably going to hear from people that say, well, it prevents us from doing certain things, and maybe it does, maybe it doesn't. Some people have reached out to me and said, these are the things that is going to stop us from doing. And as I reviewed those, every one of those things that they said it was going to stop them from doing fell within one of these six things I just read to you. And so I don't know exactly all of the provisions or all the things they think is going to stop them from doing, but I will tell you this. When we have a closed meeting in the Legislature in Executive Session, the media is in here. When we have meetings, people are there to see what we do. We collect tax dollars from people and we spend their money. They should be able to see what we do and I feel that's the same way when a local-- local unit of government is making decisions about what's going to affect them, that they should have the ability to come and share their opinions or listen to what the discussion is. And so that's how we got here. That's how we got to this bill. It's a difficult thing for me to understand why they would have a closed meeting, and they said it was for proprietary information. I'm not sure why you would have proprietary information

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if it didn't follow within one of those six things I just read. So with that, I'll leave it there. And after the-- the opponents come up and share all their tragedies that are going to happen to them, I'll try to wrap it up and close up and try to-- try to clarify that. But that's where we're at. That's how we got here and that's what the intention of what I'm trying to do. Thank you.

M. HANSEN: Thank you, Senator Erdman. Questions from committee members? All right, seeing none, thank you for your opening.

ERDMAN: Thank you.

M. HANSEN: And we will move to proponent testimony. Anybody wishing to testify in support of LB743? Seeing none, we'll switch to opponent testimony.

SHELLEY SAHLING-ZART: Good afternoon, Vice Chairman Hansen and members of the Committee. For the record, my name is Shelley Sahling-Zart, S-h-e-l-l-e-y S-a-h-l-i-n-g, hyphen, Z-a-r-t. I'm vice president and general counsel for Lincoln Electric System, and I'm here today testifying on behalf of the Nebraska Power Association in opposition to LB743. The Nebraska Power Association represents all of Nebraska's consumer-owned electric utilities, municipalities, public power districts, rural electric cooperatives. The first major concern we have with this, which Senator Erdman touched on, is that if you note on page 2, lines 10, 11 of the bill, it is taking out several very important words. It is taking out the words "shall not be limited to". So yes, the Open Meetings Act today allows you to go into closed session for the litany of reasons discussed here, but not limited to those reasons. Why is that important? We go into closed session as full public bodies for lots of reasons. One of them is related to a bill this committee advanced in the Legislature passed a few years ago. We had an exception added to the Public Records Act. You will recall in the Public Records Act there's 20-some exceptions by which public entities may lawfully withhold records. If we can lawfully withhold those records from public disclosure, it seems that we should also not be required to discuss them in an open public meeting. One of those is related to critical energy and electric infrastructure information. There are lots of threats going on every day to critical infrastructure in this country. There are things we like to brief our board on so they can carry out their fiduciary responsibilities. It's difficult to brief those on-- brief them on those in an open meeting. We do those in closed session. We also do a lot of those in committee meetings. But if you look at the public records exceptions, there's a

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whole lot of things. There are other things that occurred to me, economic development. Those of you familiar with economic development, when large companies are coming to your city, those are usually very tightly-held discussions. We have a lot of those discussions. We will brief our board on those, but those are pretty tightly held till those announcements are made, not covered by the six things here. The litany will go on and you will hear others. I could provide other examples, but I want to get to the second concern, which is trying to understand the intent of subcommittee under the bill. I handed out to you Section 84-1409, which is the definition of public body, and you will see it very clearly excludes subcommittees unless the subcommittee is-- represents a quorum of the public body or if they are taking formal action or adopting some sort of policy on behalf of the body as a whole, or the third one is, all subcommittees of the Nebraska Environmental Trust Board are considered public bodies. If they meet any of those three criterias, they are a public body and they are subject to the act. So this seems to be extending the Open Meetings Act to all subcommittees, which I think is a really bad precedent. And I think it is going to hamper our ability as public body-- bodies to do some of the work of the public. Board structures often have committees to do the work of the larger public board. We go into a lot of detail in some of our committee meetings. We will talk about confidential market pricing information. We will talk about various negotiations. I mentioned economic development. There might be negotiations of proprietary renewable energy contracts. There's a number of things which we do a lot of that in committees. Under this bill, I'm a little concerned that it's purporting to make subcommittees subject to all of the Open Meetings Act, although I think there's a definitional problem because it doesn't amend 1409. Not advocating that it does, by the way. So I appreciate the concern. My concern on the Brand Commission is, if the Brand Commission as a whole is meeting, they are subject to the Open Meetings Act. And if they went into closed session for a reason that wasn't, one, wasn't articulated because it has to be articulated and stated in the minutes or-- and they were somehow circumventing the spirit and intent of this, that's a violation of the act. And there are provisions in the act for recourse on that. Senator Erdman and I discussed that a little bit yesterday and-- but this doesn't beef up any of the enforcement provisions of the act. It seems to sort of restrict the reasons that you can go into closed session, but I'm not sure it even really fixes the problem. If you've got somebody intent on circumventing the act, they're going to circumvent the act. The problem is enforcement at that point, right? So I think the vast majority of public entities in

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the state are complying with the Open Meetings Act. And for that reason, I don't think there's a real great reason for this legislation, so we have opposed it. I would answer any questions.

M. HANSEN: Thank you. Are there questions? Senator Lowe.

LOWE: Thank you, and thank you very much, Ms. Sahling-Zart. Is there a path forward for LB743, Senator Erdman and-- and you and maybe a couple of other entities could come together somehow?

SHELLEY SAHLING-ZART: Potentially, I mean, I'd like to talk to him more about what happened with the Brand Commission specifically and whether there's, you know, more to be done on the enforcement side. I think there's great danger in making the litany of reasons, specific reasons to go into closed session, making that longer and taking up the flexible "shall not be limited to". Because if we violate that and we go into closed session, for some reason that doesn't even make sense, somebody should be calling us to task for that and contacting the county attorney or the Attorney General and holding our feet to the fire on that because that would be inappropriate. So I want to avoid doing the laundry list because you'll never hit-- you'll never catch everything for every type of public entity or you'll have statutes that are so long they're unmanageable. So I would refrain against that. I think perhaps the focus should be more on the enforcement than the areas that he's addressed, but I'm happy to have that discussion.

M. HANSEN: Thank you, Senator Lowe. Any questions? Seeing none, thank you for your testimony.

SHELLEY SAHLING-ZART: Thank you.

M. HANSEN: Take our next opponent. Welcome.

LYNN REX: Thank you. Senator Hansen, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. First of all, I would apologize to Senator Erdman for not having a detailed discussion or any discussion with him about our reasons for opposing this. But I would like to just put something in perspective about how many reasons are there for going to closed session? As your committee counsel can tell you, there are only two to protect the public interest, and I would refer you on page 2 of the bill to line-- starting on line 5, if it is clearly necessary for-- you can put a 1 there, protection of the public interest or, 2, for

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the prevention of needless injury. Excuse me-- to the reputation of an individual and if such individual has not requested a public meeting. So there are two reasons. There is a gentleman by the name of Alan Peterson, who used to be the representative for Media of Nebraska and in negotiating the provisions of the Open Meetings Act in Chapter 84, Article 14, it was decided that, let's put examples, when those were put in, let's put examples. These are just examples so the public bodies would have a sense of when is it appropriate? What constitutes this? And that's why you have the six items listed here. But that's why it says, but not limited to, because these were just to be examples. And by the way, it's very clear that just because you're having a personal evaluation, it actually restates it. Again, that's only if it's to protect the public interest or to protect the reputation of the individual, and that person is not requested that it be an open session. So again, as Shelley Sahling-Zart mentioned to you, the list is so extraordinary in terms of what are the kinds of things and all the different types of public bodies. Let me give you a couple of examples. Before I talked about the subcommittee issue and underscore her point as well, which is a definitional issue, but it's also just a reality issue in terms of what makes sense and what doesn't. So, for example, the League Association of Risk Management is a public agency under the Open Meetings Act as well it should be. And the League is not. We're not a public agency, but-- but they are. And so as a public agency that provides risk management services for over 170 entities in the state, there are times on a regular basis once a meeting that they may need to go into closed session, not every meeting, but once in a while they have to, why would that be? Because there's sensitive information that needs to be discussed in terms of various things, strategy, not just for litigation, not just what falls under a, but other things as well. It's important to note that the Attorney General has highly recommended that when a public body is deciding to go into closed session that they don't just have a motion, which is what this bill says you have to do. Let me rephrase that. The statute Section 84-1410 requires this. The bill is just in it. So in indicating that the same thing that when you go into closed session, what happens? Let's take the mayor and Mayor Sanders knows this is, as does council member Blood, former council member, Blood. So the mayor makes a-- the mayor said, are there any motions to go into closed session? And Senator Lowe, if you happen to be a council member in Kearney, you're going to say, I move that we go into closed session to protect the public interest because we're going to be discussing litigation. And then there's a second. And then if that passes, then the presiding officer repeats that, or I move that we go into closed

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session to protect the reputation of an individual. That individual is Harry. Harry does not choose to have this in open session. And so I move that we go into closed session to protect his interest and also to discuss personnel-related issues. But again, the list goes on and on. In terms of the subcommittee issue, just in terms of timing here, the reason why subcommittees, if you look as-- and Shelley handed out to you, 84, the statute that defines subcommittee, and if you look at that definition it says, subcommittees are not included. But as she noted, unless they are basically a quorum, they're taking formal action, they're having hearings, that sort of thing. Why would that be? Because my guess is in Kearney and in most cities, you would have a subcommittee on sidewalks. Maybe it's two council members in Bellevue, Nebraska, who are supposed to go out and kind of look with the staff and see sidewalks and then report back. They have no independent authority to do anything. Well, they're not under the Open Meetings Act in terms of saying we're going to have two council members meet and do certain things. So in essence, there are only two reasons for going to closed session. The history here is that these were just examples to provide examples to the public bodies in terms of what constitutes a reason to go into closed session, and that should be very narrowly construed. And the Nebraska Supreme Court has said that more than once. So in any event, I'm happy to answer any questions you might have and we're happy to meet with Senator Erdman and discuss this further. But there, you would have a long, long laundry list of examples. And the dilemma is there may be something that comes up in Kearney on some economic development project that doesn't quite fit one of these other considerations and then what do you do? So, with that, we support transparency. We support the Open Meetings Act and not just myself, but Chris Abraham and our whole staff works very hard to make sure our members understand what compliance means. I'm happy to answer any questions that you might have.

M. HANSEN: Thank you. Are there questions? Seeing none.

LYNN REX: Thank you very much for your time. Thank you.

M. HANSEN: Our next opponent. Welcome.

BETH BAZYN FERRELL: Good afternoon, Vice Chair Hansen, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials, and I'm appearing in opposition to LB743. The two previous testifiers have really set out our concerns as well. We have concerns

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about striking B, "but not limited to" language in the list of potential reasons for holding a closed session. The examples that were provided in statute. Counties use subcommittees for a number of the same things that cities do. For example, they might meet to go look at a road or to talk about a potential benefits package for employees, those kinds of things. Sometimes those can be in public. Sometimes it's best not to have those in public. The Supreme Court has said, as Ms. Rex indicated, that the policymakers don't have to remain ignorant of the issues that are going to be presented to them at a public meeting. And so there are times when it's appropriate to have a subcommittee meet. There are times when it's appropriate when the body as a whole meets to be able to go into closed session. There-- we just appreciate the flexibility that's in statute now, and we'd be happy to work with Senator Erdman and others if there's a way we could come up with something that works for all of us to maintain the flexibility that we need, but also address some of his concerns. I would be happy to answer questions.

M. HANSEN: Thank you. Are there questions? Seeing none, thank you. Our next opponent?

JOHN SPATZ: Good afternoon, Senator Hansen and members of the committee. My name is John Spatz, J-o-h-n S-p-a-t-z. That is pronounced spots. I am the executive director of the Nebraska Association of School Boards. And I don't want to be too redundant, but I want to reiterate something Ms. Rex said is that there's only two reasons you can go into closed session right now, to protect the public interest or to protect the reputation of needless injury. And over the years, our Supreme Court has weighed in on this and I've said, you know, they have a very narrow definition of that and rightfully so. One of the things that I think is very beneficial is that I feel like we have a pretty good relationship with our Attorney General's Office. They are charged with enforcing these open-- the Open Meetings Act and over the years, you know, if there's a complaint, they notice the Attorney General's Office and they weigh in on these. And when we work with school boards across the state of Nebraska, we say the courts, rightfully so, and our Attorney General's Office err on the side of the public when there's an openness issue. If you're going into closed session for an inappropriate reason, the courts and our Attorney General's Office have made it very clear that that's not appropriate. And we work with school boards to-- just to-- to make sure that they're not doing that. I just scribbled out a few notes while I was sitting there. You know, a handful of reasons we may go into closed session that aren't listed in the reasons here, for

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example, administrative contracts-- your administrators. That wouldn't fall into the collective bargaining area. And, you know, school boards and city councils and county boards, they have a fiduciary responsibility to the taxpayers out there. And if you're negotiating an administrative contract, for example, you may want to say we're willing to offer a certain dollar amount and that's all that we're going to offer. And those are the types of the discussions you may want to have behind-- in closed session. The statute currently talks about purchasing land. It doesn't address selling land. If you have land that you need to sell, you may want to discuss how much you're willing to sell that for behind the scenes. Doesn't address confidential, potentially student information that you may need to discuss a potential legal discussions. It talks about currently pending litigation or litigation which is imminent, as evidenced by communication. But there are a number of potential legal issues that a board may want to discuss with their attorney, hopefully to prevent a possible legal action. So more importantly, there's probably some things that may come up that we can't even anticipate now that I think most reasonable people would say would be to protect the public interest or to protect the reputation of an individual. So, like the others said, we'd be happy to have a discussion about this with Senator Erdman or whomever else, and we appreciate having an opportunity to be here today.

M. HANSEN: Thank you. Questions from committee members? Seeing none.

JOHN SPATZ: Thank you very much.

M. HANSEN: OK. Any other opponents to LB743? Seeing none, anybody wish to testify neutral? Seeing none, Senator Erdman, we'll invite you up to close. As you're getting ready, I'll note for the record, we had two position letters and they were both opposed. With that, you're welcome to close.

ERDMAN: So I might say this may not make the consent calendar? (LAUGHTER). Well, as you heard, each one of those, the testifiers said that they would be willing to work with me to try to fix the situation. It would have been great to hear from them last week, but I will work with them and try to figure out what we can do. One issue that I think you need to understand is, if you've ever tried to get someone to enforce the Open Meetings Act, if you have and you were successful, please tell me how you did that because I have tried on several occasions and I get zero help-- zero. So to say this is an enforcement problem is an understatement because I've not been able to

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get anyone to help enforce the Open Meetings Act. This was an issue that we have to deal with. You have a policy or an eight-- or a requirement in place, Model Meetings Act, but it can't get anybody to enforce it. So what good is it? And I was interested to hear Shelley say she's a little concerned. She didn't say she was a lot concerned, just a little, so I appreciated that. So, but I will work with them and try to bring this back in a way that makes sense for everybody, but there are issues that need to be dealt with. And so hopefully we can come to some conclusion that makes sense for everybody.

M. HANSEN: Thank you, Senator. Any questions from the committee? Seeing none, thank you.

ERDMAN: Back to the closet. (LAUGHTER)

M. HANSEN: Yeah, thank you. And this will close the hearing on LB743. With that, we will move to LB7-- sorry, LB691. We'll invite up Senator Blood. Welcome.

BLOOD: Thank you. So good afternoon, Vice Chair Hansen, and to the entire Government Affairs Committee, friends all. My name is Senator Carol Blood. That is spelled C-a-r-o-l B-l-o-o-d, and I represent District 3, which is western Bellevue and eastern Papillion, Nebraska. So thank you for the opportunity to bring forward LB691 to your esteemed committee. The purpose of this bill is to add survivors of kidnapping to the eligibility requirements for the Address Confidentiality Program to create an extra layer of protection for those victims. The ACP enables state and local agencies to respond to requests for public records without disclosing the location of a victim of abuse, sexual assault or stalking. I bring forward LB691 as part of my work with the National Center for Missing and Exploited Children. They came to me with requests to expand the ACP for survivors of child abduction because in many states, voter registration rolls and driver's licenses are accessible public records. These records included names and addresses of state residents, including survivors and their families. Consequence-- consequentially, perpetrator-- I just cannot get these words out today. We'll say, bad guys can obtain a survivor's physical address and trigger additional trauma by initiating unwanted contact, communicating threats or worse. Address Confidentiality Programs empower survivors of a certain violent and abuse crimes to rebuild their lives by shielding survivor addresses from public records so that their abusers cannot use public resources to locate survivors and harass them and harm them again. LB691 provides that victims of

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kidnapping qualify as program participants under existing Address Confidentiality Act. The Address Confidentiality Program was created in 2003 through legislation sponsored by Senator DiAnna Schimek. The purpose of the program is to provide victims of abuse, stalking and sexual assault with a-- with a substitute address that they can use when interacting with state and local agencies. The program also provides them with a new mailing address to ensure their actual mailing address remains confidential and does not enter the public record. This program is critical in ensuring the safety of many victims. When victims and survivors move to a new address that is unknown to their abuser, the ACP ensures that they can fill out any necessary applications with government departments, register to vote and will receive mail without fear that their address will become surgical to the public. Currently, the language in the Address Confidentiality Act states that the program participants must be a victim of abuse, sexual assault-- assault or stalking. But in 2017, Senator Sue Crawford's LB280 was signed into law, and that list now includes victims of trafficking. Although for some reason that is not listed as such on the Nebraska Secretary of State's resource page for this program. If eligible for the ACP in Nebraska, individual must be a victim of abuse, sexual assault-- assault or stalking, who fears for his or her safety, or a parent or guardian applying on behalf of a minor or incapacitated person, a Nebraska resident who has recently relocated to a place unknown to his or her abuser or is planning to move in the future. Applications are made in person at one of the many designated victim assistance centers located across Nebraska. These designated centers also provide counseling and sheltering services to these victims. In Nebraska, kidnapping is defined in Chapter 28 of the state statute. It says that a person commits kidnapping if he abducts another or having abducted another continues to restrain him with intent to do the following: hold him for ransom or reward; use him as a shield or hostage; terrorize him or a third person; commit a felony; interfere with the performance of any government or political function. Nebraska does actually have a lower rate when it comes to kidnapping, but that doesn't mean it's not happening. In eastern-- eastern Nebraska, there are approximately 76 incidents of kidnapping per year, while western Nebraska is approximately 4 incidents per year, which basically has to do with population factors. After hearing the definition of kidnapping, it's clear something as traumatic as this crime, based on the definition that I described, needs to be included as one of the definitions included in state statute for CAP. Violating a Nebraskan's safety is something that we can never take lightly. So with that, I will stay for closing. I am happy to answer

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any questions you may have, but you'll notice a very slight change in state statutes, so there's not a lot left to question.

M. HANSEN: Thank you, Senator Blood. Questions from committee members? Seeing none, thank you. And with that, we'll invite up our first proponent to LB691. Any proponents? Seeing none, we'll invite up our first opponent to LB691. Seeing none, any neutral testifiers? Seeing none, Senator Blood, would you like to close? Senator Blood waives closing, I will note for the record, we had one position letter in support, no opposed, no neutral, so one in support. And with that, we will close the hearing of LB691 and welcome up Senator McCollister to open on LB1178. Welcome, Senator.

McCOLLISTER: Vice Chair Hansen, members of the committee, my name is John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I represent Legislative District 20. I come today to offer your consideration for LB1198-- excuse me, LB1178. LB1178 makes one simple change to existing Nebraska law by adding judges to the list of persons who might request county officials to refrain from publishing their home addresses online. The Nebraska Legislature overwhelmingly supported a bill in 2017 that allowed law enforcement officers to make such a request. With the passage of then, LB624, the state recognized the important and dangerous role our public safety officers play in protecting society, and that members of law enforcement deserve the same narrowly tailored measure to provide them and their family some comfort and peace of mind while living in our neighborhoods. One tragic-- tragic example that demonstrates the need for this protection occurred in July of 2020, when a gunman approached the front door of federal Judge Esther Salas' home in New Jersey. The gunman approached carrying a package and when the door opened, he opened fire, injuring the judge's husband and killing her 20-year-old son in the attack. The gunman was later identified as having appeared before the judge in a civil case months earlier. While this may seem like one tragic situation, statistics suggest that these types of incidents where individuals attack or threaten the presiding officers of the American judicial system are increasing. According to a report on Judge Salas' attack by NPR, the U.S. Marshals Service has confirmed that four federal judges have been killed since two thousand-- 1979. Attacks against judges' families like the attack on Judge Salas have occurred at various levels of the judiciary against judges, both state-- in both state and federal courts. U.S. Marshals also note the number of threats is skyrocketing, with less than 1,000 threats being made in 2015 to nearly 4,500 threats and inappropriate-- and inappropriate communications being tracked in 2019 alone-- alone. Under this bill,

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judges would be exempt from official online records of their home addresses. A person seeking a home address of a judge who option could obtain it, would need-- they would need to place a request for the information in writing. Although practically, this does not prohibit the public from access to a judge's public information. The cooling off period afforded when an individual submits a written-- written request and appears in person provides a critical moment for them to rethink their intentions and the consequences of their intended actions. Furthermore, it ensures that a record is kept who might be seeking this information in the unfortunate event, an accident does occur. LB1178 is a common sense bill that provides an important layer of protection for the men and women who make up our justice system work and who will also ensure the general public is safe. I ask the committee to consider this bill for quick advancement to the floor where it could possibly be considered for a consent bill. Happy to answer any questions.

M. HANSEN: Thank you, Senator. Are there questions from the committee? Senator Lowe.

LOWE: Thank you, and thanks, John. You were reading off some facts and figures. Were those nationally or were those--

McCOLLISTER: Nationally.

LOWE: --in the state of Nebraska?

McCOLLISTER: Nationally.

LOWE: OK.

McCOLLISTER: Yes, sir. Pretty, pretty scary statistics, but this is a very similar legislation to Senator Blood's bill. Police officers and apparently National Guard officers, when they're under the control of police, they-- they have these same protections.

M. HANSEN: Thank you, Senator Lowe. Any other questions? Seeing none. Senator McCollister, with that, we'll invite up our first proponent on LB1178.

COREY STEEL: Sorry for my rush in. I was across the hall testifying there.

M. HANSEN: Welcome.

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COREY STEEL: Senator Hansen, thank you, and members of the Government and Military Affairs committee. My name is Corey Steel, C-o-r-e-y S-t-e-e-l. I am the state court administrator for the state of Nebraska. We come in support of Senator McCollister's bill. As Senator McCollister mentioned, there already is state statute that allows for law enforcement and Nebraska National Guard active military members to have their addresses confidential. That bill was-- it has-- it was extended a few years ago to the active members of the Nebraska National Guard. At that time, the judicial branch did ask for an amendment to add judges, and at that time it was not brought forward. So we are-- we are glad to see that this bill is on its own in order to secure judicial officers address is confidential. I think we've heard nationally, we see on the news that there have been tragedies with judges across the United States. That family members have been shot, killed, because individuals have come and found judicial officers' home addresses and didn't like the decisions that were made and have come to their homes. But I also want to, you know, we hear those nationally, but I also want to bring it to Nebraska. So just in the past year, we've had two very serious issues that have taken place with our local judges, one here in Lancaster County and then one in southeast Nebraska. One in Lancaster County was a judge made a decision somebody didn't like and that individual made threats upon that judge. In those threats said, I know your address, I know what your house looks like, I know the makeup of your house and how your house is set up and went on to describe those issues because they were able to gather that information. And this was an active threat on a judge because of a judicial decision that they had made. And that is concerning. What we currently do is turn that over to State Patrol. State Patrol gets involved, local law enforcement, we get involved as well. And so that was-- that was within the last year. Most recently, we had an incident that took place in the southeast corner of Nebraska, where there's an individual that's in jail, and he put an active hit out on a judge. He was utilizing the phone system through the-- the jail that he was in and was trying to find a hit man, and offered his money that was coming from the government to pay somebody to off, not only the judge, but also the prosecutor and then also the young child that turned him in for the allegations that he was in front of the court for and being held in jail. This individual again was trying to find somebody to do that. That's an active threat against a District Court judge. And so again, we involved State Patrol. We made sure that their surroundings were-- their home was. For a few days, there was police presence and so forth. Now, those are two local issues just in the-- in the recent year. We could go back to

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numerous-- numerous judges across time that have had active threats. People show up at their house and different things like that. So we're in full support through the judicial branch for this bill in order to make sure that records are confidential of our-- of our judiciary. There is in this bill, I believe, a mechanism. If there-- if somebody does want that, they can get that. But again, it's just not anybody can search. Right now, I could open my laptop and search and I could find Judge Strong is back here, I could pull up Judge Strong's address. I could get a full description of her house, how many square foot it is, what her property assessment is, what her value is and so forth. And so that's-- that's concerning when we have judicial officers information out in the public like that. So I'd be happy to answer any questions anybody may have. I do-- I also can tell you, I do want to add that several states do have this type of legislation. When I got information from the National Center for State Courts, there's currently four bills that are introduced this year in other states that are acting the same style legislation. And currently, from what we can tell, there are currently, I believe, eight states that have something on the books that make judicial address is confidential. So with that, again, we're in full support, and I want to thank Senator McCollister and we're happy to answer any questions you may have.

M. HANSEN: Thank you. Are there questions? Senator Lowe.

LOWE: Thanks. So say I'm going to white pages on the Internet. I just type in the judge's name. Nothing will show up for that?

COREY STEEL: Currently?

LOWE: Current-- well, if this gets put in, because when I go, I type in Senator Halloran, I can find out his wife's name and his children's name because they're-- it shows relatives.

COREY STEEL: Correct.

LOWE: And is there any way to stop that from--

COREY STEEL: So-- so I think.

LOWE: --stop that?

COREY STEEL: Yeah, well, I don't know the exact answer to that. I think this bill is strictly with the address at the County Treasurer's Office-- yeah, at the Register of Deeds Office there. That's where

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that would stop. There still are other mechanisms to potentially get other information, but I think this is a start to protect it locally so that it wouldn't be out and easily, readily available.

LOWE: All right, thank you.

M. HANSEN: Thank you, Senator Lowe. Other questions? Seeing none, thank you for your testimony.

COREY STEEL: Thank you.

M. HANSEN: We'll take our next proponent.

LAURIE YARDLEY: Mr. Chairman, members of the Government Committee, my name is Laurie Yardley, L-a-u-r-i-e Y-a-r-d-l-e-y, and I'm a Lancaster County judge in support of this, and I am representing the Lancaster-- or the Nebraska County Judges Association in support of LB1178. I would like to thank Senator McCollister for introducing LB1178 which takes steps to ensure the safety-- I'm sorry, have to take this off --safety of our judges and families. The county judges are uniquely situated to preside over a wide-- a wide variety of cases. Our jurisdiction includes small claims, probate, guardianship, conservatives. We have count-- criminal jurisdiction, which includes misdemeanor crimes, including domestic violence. We preside over preliminary hearings in felony cases. We see individuals when they're first arrested in the jail. We're the ones responsible for setting the first bonds on these individuals. We are seen as taking away their liberty at the very first stage, and these courtrooms, especially in rural areas, are pretty small. It's a very intimate courtrooms and you're real close to these individuals and they-- I think like they know us well. They call us by our names. So it's not just one hearing, and that's the end of it. We see them on a repeated basis and again, they get to know us pretty well. And again, I think they hold us responsible and we do for taking away their liberty. We also provide over mental health or competency hearings in which we will commit individuals to the regional center. And currently they have to stay a long time in the jail before they're actually beds available in the regional center, which allows long-- people sit in jail a long time being very angry at the judges. It's not unusual for the judges to receive threatening letters from these individuals. A couple of years ago, I was at home and I received a call from law enforcement that one of the individuals that I committed to the regional center had escaped, and so they wanted to warn me. My husband was home and he stayed up until they actually caught the individual. When I went to

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work the next morning, I had a message from the regional center indicating to me that had he not been caught, they wanted to get together with me for a safety plan. They have a duty to report if there's a credible threat against an individual and for them to leave that message indicated that they considered that to be a credible threat on my life. This bill would allow us to take some steps or to provide some security. And again, it's not just for the judge's, you are always worry about the collateral damage. You got family with children, you've got grandchildren, grandparents, you've got grandkids that you know are at your house that also would be at risk. So the Nebraska County Judges Association respectfully ask the committee to vote LB1178 to General File and that I would take any questions at this time.

M. HANSEN: OK, Your Honor. Are there questions? Seeing none, thank you for your testimony.

LAURIE YARDLEY: Thank you very much.

M. HANSEN: Invite up our next proponent. Welcome.

SUSAN STRONG: Welcome, I mean, thank you. I'm Susan Strong. I am a District Court Judge here in Lancaster County and I think I'm here on behalf of the District Judges Association. I'm kind of pinch-hitting for Judge Otte who is responsible for legislative matters for our association. But I have been a District Court Judge since 2015 here in Lancaster County. I was also a county court judge starting in 2006. So I've been around for a while and I would welcome your questions. In general, of course, all the judges are in favor of this bill. We believe that judges need to be free to rule on a case based on the facts and the law, and not on any-- not influenced by any fear of harassment or personal harm. As judges, we routinely, as Judge Yardley had pointed out, we routinely receive letters criticizing our rulings and getting personal in attacks. I myself have received several of those letters. Some of them are very scary. What we do is we turn them over to the deputies and so that they can keep an eye out for those individuals as they approach the courthouse or the courtroom. We've had a couple of incidences just in this last couple of years where we've had individual stalking us on-- on our floor in the courthouse, and just being a nuisance. We've got the deputies there, of course, to protect us. But those individuals were not happy with the ruling that I made and one my fellow judges made, and they came for several-- several weeks. They were there every day and would sit in, in our courtroom hearings and would just glare at us and stand outside. And

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there was nothing really that the deputies could do, but they were at least there to protect us. In our homes, we don't have that. I myself have had someone confront me in the elevator at the courthouse. Again, we have the deputies there to protect us, but in the home, we don't have that. I've even had my tires slashed in the parking garage at the courthouse, and it was apparent that they were targeting me because there were several other cars parked next to me. It's a very full garage. I'm the only one that had my tires slashed. So I had the wall damaged in my courtroom just about two years ago. That was an individual who I was committing to the Regional Center for mental health reasons. He came after me. The deputies were able to grab him, but he punched a hole in the courtroom wall right next to my bench. That was pretty terrifying. We've had other incidences. We've had, unfortunately, two of our judges here in Lancaster County District Court judges have had criminal defendants show up at their house. I know that Judge Merritt, who is now retired, had someone come to his door and speak to him about a ruling that he made. Those are things that are very difficult for judges. But you know, again, we-- we normally have our deputies to keep us safe at the courthouse. We now have a different elevator that we use. We don't use the public elevator anymore. And we also have secure parking at the courthouse. But in our homes, we don't-- we don't have any of those protections. And we want to be free to do yard work, to walk around the block. You know, just like everyone else does without fear of getting accosted and harassed, if not harmed. I'd be happy to take questions. Like I said, I don't really have any prepared remarks because I'm kind of pinch-hitting today, but does anyone have any questions about things that have happened?

M. HANSEN: Thank you. Are there questions from the committee? Seeing none.

SUSAN STRONG: OK.

M. HANSEN: Thank you for being here, Your Honor.

SUSAN STRONG: Thank you.

M. HANSEN: We'll invite up any other proponents to LB1187. Welcome.

BILL MUELLER: Senator Hansen, thank you. Members of the committee, my name is Bill Mueller, M-u-e-l-l-e-r. I appear here today as the president and the legislative counsel of the Nebraska State Bar Association in support of LB1178. You've heard from the judges and Mr.

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Steel who testified previously of the very concerning situation with the security of judges. Senator McCollister testified about a very recent murder in Chicago of a son and wounding of a judge's husband. The U.S. Marshal's Office has confirmed that four federal judges have been murdered since 1979. Attacks against judges' families, like the attack in New Jersey, have resulted in two judges' family members being killed. The U.S. Marshal's Office also notes that the number of threats is skyrocketing, with less than 1,000 threats being made in 2015 to nearly 4,500 threats and inappropriate communications being tracked in 2019 alone. So unfortunately, this is a growing problem. Six months ago, we were talking to our federal delegation and the issue of judges' security came up and we were lobbying our senators and members of Congress, and Congress is committing millions of dollars to enhance federal judicial security, both in courthouses and in parking facilities and in those judges residences. The judges who you heard from today are state court judges and as one of the judges stated, they have little, if any, residential security. That's not addressed by this bill, but that is something I think needs to be addressed. We do support LB1178. That doesn't mean that judges personal information is not accessible online, it is. This is just one step that we can take that at least someone in the heat of the moment can't go online and get a judge's home address. They can go to the courthouse and they can request it, but they will-- will fill out a form indicating that they've requested that. So we would ask that the committee advance the bill, and I'd be happy to answer any questions that you may have.

M. HANSEN: Thank you. Senator Blood has a question.

BLOOD: Thank you, Vice Chair Hansen. How are you today, Bill?

BILL MUELLER: I'm good. How are you?

BLOOD: I'm well, thank you. It's a little chilly in here.

BILL MUELLER: I almost testified supporting your bill, but I hadn't read the bill, so I was a little--

BLOOD: Well, don't let that ever stop you from coming.

BILL MUELLER: --ill-prepared.

BLOOD: I just have a general question.

BILL MUELLER: Yes.

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BLOOD: Less about the bill, more about process. So with the judges did you-- do they have staff or somebody that advises them to also write to all the various groups like I-- even if we eliminate this, I can go. We've probably had this discussion before. I can go on the Internet and go into any of that who is, through-- or the-- the white pages like Senator Lowe talked about. And unless they physically write a letter, an email to them and say, I don't want to be on these sites, there's nothing that prevents them from being on those sites. Is that something-- a precaution that you guys take as well?

BILL MUELLER: I don't know that that is being done at the state level. Interestingly, that was part of the discussion that we had with our federal delegation. And I think even the U.S. Marshal's Office might be tracking that information on behalf of judges in the federal system to periodically make those requests. So that-- that is something that we need to do because there's so much personal information available online and I don't see us putting that genie back in the bottle.

BLOOD: But it's so easy to get your name off those--

BILL MUELLER: Yeah.

BLOOD: --I think people just aren't aware that they can do it sometimes.

BILL MUELLER: I'm going to get a copy of the federal law and talk to our Marshal's Office and see what they do at that level.

BLOOD: OK. Thank you.

BILL MUELLER: Thank you.

M. HANSEN: Thank you, Senator Blood. Are there questions? Seeing none, thank you.

BILL MUELLER: Thank you.

M. HANSEN: All right. Any other proponents for LB1178? Seeing none, any opponents? Seeing none, any neutral testifiers? Looks like we have. Welcome.

BETH BAZYN FERRELL: Thank you. Good afternoon, Vice Chairman Hansen, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials and I'm testifying neutral on LB1178.

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We recognize the reasons for protecting judges residential addresses, and you've heard some very compelling testimony this afternoon about why that's important to provide security through this mechanism. We just wanted to let you know that we do have the sort of infrastructure in place to add judges to the lists of law enforcement and certain National Guard members that have their residential addresses protected. So there would not be a cost or the cost would be very minimal to counties to implement this. I'd be happy to answer questions.

M. HANSEN: Thank you. Are there questions? Seeing none, thank you for testifying. Seeing no other testifiers, we'll invite up Senator McCollister to close. While he's coming up, I'll note we had no position letters of any kind.

McCOLLISTER: I'm prepared to answer any questions if you have any.

M. HANSEN: Great. Questions from the committee? All right, seeing none, thank you, Senator McCollister. And that will close our hearing on LB1178 and our hearings for the day. We will be going into Executive Session once we get.