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Executive Board Committee
February 02, 2017

[LB407 LB445]

The Executive Board of the Legislative Council met at 12:00 noon on Thursday, February 2, 2017, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB407 and LB445. Senators present: Dan Watermeier, Chairperson; John Kuehn, Vice Chairperson; Kate Bolz; Ernie Chambers; Sue Crawford; Dan Hughes; Tyson Larson; John McCollister; Jim Scheer; and John Stinner. Senators absent: None.

SENATOR WATERMEIER: Welcome to the Executive Board Committee hearing. My name is Dan Watermeier. I'm from Syracuse and I represent the 1st Legislative District in southeast Nebraska. I serve as the Chair of the Executive Board. Committee will take up bills in the order they are posted. Our hearing today is the public part of the legislative process and your opportunity to express your position on the proposed legislation before us today. The committee members may come and go during the hearing. We get called away for various reasons and is not an indication of not interested in the bill being heard at this committee; it's just part of the process. To better facilitate today's proceedings, I ask that you abide by a few simple procedures. Please silence or turn off your cell phones. The order of testimony will be introducer, proponents, opponents, and neutral, and then closing from the introducer. If you are testifying, please make sure you fill out a green testifier sheet. These are located outside the entrance in the south room. When you come up to testify, please hand the green paper to the page. Please state and spell your name for the record at the start of the testimony. If you will not be testifying but want to go on record as having a position on a bill being heard today, there is a white sign-in sheet at the entrance where you can leave your name. These sign-in sheets will become exhibits in the permanent record at the end of today's hearing. Written materials may be distributed to committee members while testimony is being offered. Hand these to the page when you come and testify. We will need 12 copies. If you have written testimony but do not have 12 copies, please raise your hand. We'll have the page help you today. To my immediate right is Legal Counsel Janice Satra. To my left is Committee Clerk Laura Olson. And I'll have the committee members introduce themselves, starting with Speaker Scheer.

SENATOR SCHEER: Jim Scheer, District 19.

SENATOR McCOLLISTER: John McCollister, District 20, central Omaha.

SENATOR BOLZ: Senator Kate Bolz, District 29 in south-central Lincoln.

SENATOR HUGHES: Dan Hughes, District 44, ten counties in southwest Nebraska.

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

Executive Board Committee
February 02, 2017

SENATOR KUEHN: John Kuehn, District 38.

SENATOR CHAMBERS: Ernie Chambers, District 11.

SENATOR CRAWFORD: Good afternoon. Senator Sue Crawford, District 45.

SENATOR WATERMEIER: Not with us today is Senator Stinner, who's Appropriations Chair, and Senator Larson from northeast Nebraska. Our page today is Alex and he would be glad to help you if you give him a little bit of warning. Just so you have heads up today, we are only here for an hour and a half before we starting hearings at 1:30, so I determine, after the introducer, I'll ask who's going to testify today and I'll determine what the time limit will be. It will either be three, four, or five minutes, depending on what I see coming up. So with that, we'll start with the agenda with LB407. Senator Pansing Brooks, welcome. [LB407]

SENATOR PANSING BROOKS: (Exhibits 1, 2, and 3) Thank you. Thank you, Chairman Watermeier and members of the Executive Committee. For the record, I'm Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, and I represent District 28 right here in the heart of Lincoln. I'm here to introduce LB407 today, which creates the Whiteclay Public Health Emergency Task Force. During my interim study on Whiteclay last year, LR567, we examined the sale of alcohol in Whiteclay, Nebraska; the adequacy of law enforcement in the area; and the public health problems taking place there. To be clear, this bill does not address law enforcement in Whiteclay. That issue is currently being addressed by the Liquor Control Commission. There are nearly...at our...excuse me one second. At our public hearing in October and during my two trips to Whiteclay over the interim, it became apparent to me that we have a public health emergency in Whiteclay, Nebraska. There are nearly 3.5 million cans of beer of high alcohol content malt liquor being sold annually in this town of 11 people. It's a census area, not a city, not a town. As I speak to you today, there are people lying passed out in the street of Whiteclay, Nebraska. When I visited Whiteclay I talked to one Native woman who told me about her experience selling sex for alcohol. She said trafficking was not uncommon in Whiteclay. I saw mattresses and clothing scattered about the landscape where people sleep and sleep off their alcohol. I even saw a tiny pair of baby shoes in the fields. This issue affects many people in Nebraska, including Nebraskans and including all ages of people. In August, Sherry Wounded Foot was found beaten in an abandoned building in Whiteclay, later died from the wounds inflicted there. I did not realize it at the time but I saw Sherry Wounded Foot on my first trip to Whiteclay. She was in the KETV video coverage of my first visit. Four years ago, Sherry Wounded Foot's brother was found in a similar condition. No one was ever charged in his death. I tell you this because we often hear that this is a South Dakota problem or a Pine Ridge problem, but all these things that I have just mentioned we have right here in Nebraska, in our own backyard. To be sure, both our actions and inactions in Nebraska are having devastating consequences for the people of Pine

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

Executive Board Committee
February 02, 2017

Ridge. More than one in four babies born on the Pine Ridge Reservation are born in a bath of alcohol and suffer fetal alcohol syndrome--25 percent--with debilitating physical and mental disabilities that are irreversible. The alcoholism rate is as high as 80 percent. Infant mortality is three times the national average and teen suicide is more than four times the national average, all of this while we pour millions of gallons of beer across our border. I believe we are contributing to these problems through alcohol sales on our border. We should do something to alleviate the problems and address this genocide of a very vulnerable people, and we can do it while benefiting Nebraska and Sheridan County. LB407 sets up a framework to do that by exploring detoxification treatment and economic development solutions. There are already good things starting in Whiteclay. With the establishment of a nursing home and a recent grant through Grow Nebraska and the Lakota Hope Center, positive things are starting to happen to bring jobs and opportunities to the area. This grant will...that grant will help Lakota artisans sell their art. We also announced last summer that a wireless tower was established, bringing wireless broadband access to Whiteclay that carries over 15 miles into the Pine Ridge Reservation from Nebraska. This is due to the generosity of Viaero Wireless and work of the committee of the Public Service Commission. This presents immense opportunities for telehealth and distance learning that were not previously possible, and we received rave reviews from people of the Pine Ridge Hospital, including Charles Sitting Bull, the director of behavioral mental health at the hospital. He said this tower opens up tremendous opportunities for them to be able to connect with various mental health facilities in the state of Nebraska. These efforts are part of the multifaceted plan that Senator Lindstrom and I unveiled over the interim with support from Senator Baker and Senator Cook too. Our multifaceted approach called for: one, the establishment of a Nebraska State Patrol substation and/or enhanced hours in Whiteclay to enforce laws; two, the condemnation and removal and...the condemnation and removal of abandoned buildings where crime and trafficking occur; three, the creation of a drug and alcohol detox and treatment center combined with a job training program; four, expansion of economic development opportunities in Whiteclay and Sheridan County; and five, the establishment of wireless broadband for enhanced public safety, telehealth, and distance learning opportunities. The plan is an effort to compassionately deal with people who are injured by the predatory sales of alcohol in Whiteclay and does not directly address the closing of the beer stores, which I ultimately support. We cannot continue to avoid helping the people we are hindering by the sale of alcohol in our state and while we reap the benefits of the tax sales. Remarkably, the Governor's Task Force on Whiteclay came out with a similar proposal to my...to our five-point, multifaceted plan, and they were almost identical in the recommendation. I have two letters of support that I will...or three letters that I'd like to submit for the record. One is from the Lakota Hope Center, the other is from the Nebraska Association of Social Workers, and also from the Nebraska Family Alliance. I have also put...have a map that was put together by Legislative Research showing the Oglala Lakota tribal land that actually comes across our border and into Nebraska and around the west part of Whiteclay. I present this to you to reinforce the proximity of Nebraska, our responsibility, and the proximity of the Pine Ridge Nation which we are affecting. The nursing home is actually

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

Executive Board Committee
February 02, 2017

on tribal land south of Whiteclay in Nebraska. I do have an amendment for the bill. AM140 answers concerns from Speaker Scheer regarding the makeup of the committee. You will see that we have established five voting members from the Legislature. We eliminated the advisory council of the task force so that no additional members can be appointed beyond those laid out in the bill. One area we did not change was the inclusion of nonvoting members, including the director of Indian Affairs and others. I believe it's really important for these individuals to be involved in this, as they bring relevant subject matter expertise. The University of Nebraska-Omaha Medical...the University of Nebraska Medical Center has already been working with the Pine Ridge Hospital since this summer on behavioral health issues. They are willing to be a part of this, they need to be a part of this, and they are here to testify today. If we need to further amend the bill to specify these various people as collaborators or...and not members, I would accept such a change. But we must have these specific experts included. Otherwise, the task force would be tantamount to an interim study and we've already had an interim study on this. My intention with this task force is to move us beyond the study aspects toward real collaborative solutions. I'd like to point out that we originally modeled this task force after the Intergenerational Poverty Task Force, whose report was released in December, and the Aging Task Force. These task forces were complete successes, due in large part to the collaborative approaches they took. So I urge you in the strongest terms to allow the same collaborative opportunity regarding Whiteclay. I have provided copies of the statutes that created those task forces so you can see my approach directly follows the creation of those successful task forces and, with my amendments, have done even more to delineate between voting member legislators on the task force and those who are on the task force that are nonvoting ex officio capacity. Next I just want to mention that I am very grateful to be working with Senator Brewer, who has added amazing expertise, knowledge, vision, and help in dealing with the issues in his district, which includes the census area of Whiteclay. I want to personally thank him right now for his work and his vision and his ability to help us move forward. And in closing, I'd just like to say that amidst all the despair and hopelessness in Whiteclay, Nebraska, we have a tremendous opportunity with LB407 to turn Whiteclay into a place of hope and healing. And I ask for your support and I'd be happy to answer any questions that you may have. [LB407]

SENATOR WATERMEIER: Thank you, Senator Patty Pansing Brooks. Very good. Questions for the senator? Senator McCollister. [LB407]

SENATOR MCCOLLISTER: Yeah, thank you, Mr. Chairman. Senator Pansing Brooks, what's the status of the Governor's Task Force? [LB407]

SENATOR PANSING BROOKS: I think they are still meeting periodically, but they are not reporting on it necessarily. We found out about the fact that their approach was similar to mine. And somebody had made a FOIA request and so that came out. And so I was really pleased that they're all...that we're thinking along similar paths. [LB407]

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

Executive Board Committee
February 02, 2017

SENATOR McCOLLISTER: I would guess that you'll include or at least converse with those folks as well as you move forward. [LB407]

SENATOR PANSING BROOKS: Oh, definitely, yes. Yeah. [LB407]

SENATOR McCOLLISTER: Thank you, Mr. Chairman. [LB407]

SENATOR WATERMEIER: All right. Any further questions? You stick around for closing? [LB407]

SENATOR PANSING BROOKS: Yes. Thank you so much. [LB407]

SENATOR WATERMEIER: All right. Very good. [LB407]

SENATOR PANSING BROOKS: Thank you for your time. [LB407]

SENATOR WATERMEIER: Very good. Could I get a show of hands for people that want to testify, proponents, opponents. I'm sorry. One, two, three. [LB407]

SENATOR PANSING BROOKS: Can you see past me? [LB407]

SENATOR WATERMEIER: Yeah, I can. Proponents or opponents. Okay, five of us. Senator Brewer, why don't you come on up. I am going to limit testimony to four minutes because we do have a second bill here today as well, except for you, Senator Brewer. Take the time you need. [LB407]

SENATOR BREWER: I'll hurry. [LB407]

SENATOR WATERMEIER: All right. [LB407]

SENATOR BREWER: (Exhibit 4) Thank you, Chairman Watermeier, and good afternoon, members of Executive Board. I am Senator Tom Brewer, for the record, Tom Brewer, bravo-romeo-echo-whiskey-echo-romeo. I represent...okay, you can't take the soldier out of the senator here. I represent the 43rd Legislative District in western Nebraska. I'm here to testify in support of LB407 which establishes a task force to study the very old problem and the ongoing ill effects of alcohol on the Lakota Oglala Sioux Indian Reservation in South Dakota and as it relates to the citizens of neighboring Sheridan County, Nebraska. For the record, the unincorporated village of

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

Executive Board Committee
February 02, 2017

Whiteclay, which features prominently in every discussion on this topic, is 1 of the 13 counties of the 43rd District. Sheridan County is not only in my district but it is near where I grew up in Gordon, Nebraska. I am the new Chairman of the Tribal Relations Committee and I have been a commissioner on the Nebraska Commission on Indian Affairs for the past five years. I'm also a member of the Oglala Sioux Tribe. Sadly, I've had a lifetime of experience with this particular problem. I'm honored that Senator Pansing Brooks invited me to testify on behalf of this bill. To me, this bill is a long-overdue starting point to a real long-term solution on this ongoing tragedy on alcohol in the Native American community in this part of western Nebraska. Not to use this well-worn phrase, but a comprehensive solution is definitely needed. And by that I mean a solution that has multiple parts. We have to have a solution that is as big as the problem, and that is where I'm at today with this. Partnering with this bill, I see a solution which should have five parts. The first would be the state of Nebraska and the Nebraska Legislature, then the county of Sheridan County, the Oglala Sioux Tribe, the Bureau of Indian Affairs because they do control the law enforcement piece of that border, and ultimately the state of South Dakota. All of these stakeholders need to be brought together at the table for real lasting solutions to this problem. LB407 builds a foundation for a solution and sets favorable conditions for positive change that we all want and look forward to. I look forward to working with the Tribal Relations Committee and Senator Pansing Brooks on the way forward. I, for one, am glad to see that this effort is moving forward. I thank you for this opportunity to speak on this very important subject and I'll be happy to take in your questions at this time. [LB407]

SENATOR WATERMEIER: Thank you, Senator Brewer. Questions from the committee? Thank you, Senator. [LB407]

SENATOR BREWER: All right. And just as a parting... [LB407]

SENATOR WATERMEIER: Yeah. [LB407]

SENATOR BREWER: ...note, I can't thank enough Senator Pansing Brooks on this because keep in mind this not in her district. She has taken on this awesome responsibility out of the goodness of her heart, and so for that I say thank you. [LB407]

SENATOR WATERMEIER: Very good. All right. We'll start with those proponents for LB407. Come on up. Welcome. We'll have the green light system here today, four minutes. You'll see the yellow light come on at three and the red at four minutes. [LB407]

FERNANDO WILSON: All right. Thank you very much. [LB407]

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

Executive Board Committee
February 02, 2017

SENATOR WATERMEIER: All right. Welcome. [LB407]

FERNANDO WILSON: (Exhibit 5) I am Fernando Wilson, F-e-r-n-a-n-d-o W-i-l-s-o-n, a faculty member in the UNMC College of Public Health. I'm also acting director of the UNMC Center for Health Policy. I was invited to testify on behalf of LB407, which will establish a public health emergency task force to analyze the public health implications of alcohol sales in Whiteclay, Nebraska, on Whiteclay and neighboring communities and on Pine Ridge Reservation. I am here speaking for myself and not as a representative of the University of Nebraska. The Center for Health Policy has been closely following the serious alcohol-related issues resulting from the availability of alcohol in Whiteclay, which is in close proximity to the Pine Ridge Reservation. In my opinion, the situation in Whiteclay has become a public health emergency that involves a high rate of alcoholism; fetal alcohol spectrum disorder, i.e., FASD; a critical need for additional clinical and detox facilities and resources; and a very high rate of poverty. Thus, solutions to address this emergency are vitally and promptly needed. Because of the complexity of this public health emergency, there are a number of legal, clinical, technological, public health, and other options available. However, many of these options may not be economically feasible, may take too long to implement, or may otherwise be inappropriate or inadvisable to use in the current situation at Whiteclay. Solutions chosen to address the emergency should be feasible in their implementation and have a high, near-term impact in improving the health of communities surrounding Whiteclay. Multiple solutions are also needed given the complexity of this issue. For example, public health programs that emphasize primary prevention efforts can help reduce alcohol abuse and, thus, break the multigenerational cycle of alcoholism and its profoundly negative consequences, such as FASD. In addition, Dr. Tom Magnuson, a faculty member in the UNMC Department of Psychiatry, is finalizing arrangements to deliver psychiatric consultations via telehealth in collaboration with the Oglala Sioux Lakota Nursing Home which is located in Whiteclay. Dr. Magnuson is also developing a grant proposal to work with Indian Health Services to provide similar telehealth programs for the Pine Ridge Reservation. Other solutions will address the treatment of alcoholism, rehabilitation, economic development and job creation in the area, and other important concerns. After reviewing LB407, I believe that the establishment of the Public Health Emergency Task Force will help identify specific, high-impact solutions based on best available evidence, data, and analysis. Furthermore, I also believe that, based on the comprehensive list of tasks set before the task force, it will identify policies, programs, and interventions that will help address the multiple, longstanding challenges that constitute this public health emergency. Thank you for providing me this opportunity to testify. [LB407]

SENATOR WATERMEIER: Certainly, Mr. Wilson. Are there questions from the committee? Thank you for being here today. [LB407]

FERNANDO WILSON: Thank you. [LB407]

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

Executive Board Committee
February 02, 2017

SENATOR WATERMEIER: Further proponents on LB407. Welcome. [LB407]

MARY BARRY-MAGSAMEN: (Exhibit 6) Thank you. Good afternoon. My name is Mary Barry-Magsamen, it's a mouthful, B-a-r-r-y-hyphen-M-a-g-s-a-m-e-n. I'm here today representing both my field, the behavioral health field, as well as my experiences in Whiteclay. I'm the executive director of St. Monica's Behavioral Health Services for Women here in Lincoln. We serve between 350 and 400 women each year, both in inpatient and outpatient services. And to kind of touch on the issue of women and children, we're one of only three programs in the entire state where women can keep their children with them while they're in treatment, which can be extremely beneficial for both the children and the mothers. And to give you a perspective, currently on our wait list 68 women are waiting to get into services, and that's in Lincoln, Nebraska. The women we serve, much like the women in Whiteclay, have multiple issues in addition to their substance use disorders: undiagnosed and untreated mental illness, untreated physical health, trauma from episodes of domestic violence, sexual assault, human trafficking, oftentimes going back to childhood, homelessness, no education, minimal job skills. And as been mentioned, all of these complex issues are interconnected and often not addressed in treatment, which typically sets up a good chance for failure in recovery when you're not addressing all of these interrelated issues. So while most treatment programs are not charged with addressing all of them and certainly don't have the resources, most of us do the best we can because we're trying very much to set the women up for success when they graduate. So these same issues are very similar but even more extreme for women in Whiteclay. Just to give you a national perspective, NIDA, which is the National Institute for Drug Abuse, says: American Indian, Alaska Native women are more likely than any other racial group to be victims of rape and physical violence by an intimate partner in their lifetime, issues that are a factor for substance abuse and should be treated during treatment. Over the past two and a half years I've traveled to Whiteclay on several trips with several state senators, some of them here, with healthcare providers, and concerned citizens, and each time, like you often hear, it's overwhelming, the complexity and the severity of the issues that arises out of these four liquor stores. So my first recommendation, which is not what you're charged to do today, is what you hear often, is close those four stores. I'm sure you've heard it many times, I thought it might be interesting to put the numbers in perspective, so we hear there...we know there are four white off-sale stores in Whiteclay and there are 12 to 14 residents. I put those numbers in perspective, for example, of Lincoln. And if we have roughly 290,000 residents, we could have, with the same ratio, 82,857 off-sale liquor stores in Lincoln if you used the same math. So it's not difficult to see the absurdity of what's happening there. But I know as well as (inaudible) that those store closings will be only the first step of many steps needed, just like the women we serve here in Lincoln. If women don't have access to treatment they need, innocent babies and children with suffer, which is what's happening. On my trips, I've talked with several women who are living with the impact of Whiteclay and it was clear that domestic violence and sexual assault on women and children was not only occurring. It was rampant and had become so common that it

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

Executive Board Committee
February 02, 2017

was expected. It was just normal. Whiteclay and the surrounding areas have become really a nurturing home for these social issues to grow and flourish. And like any complex problem, as been mentioned before, it's going to require multiple approaches and many areas of expertise, including the inclusion of the Native people to untangle this. Treatment programs and treatment capacity will be a huge factor and will have to be developed appropriately to address this specific population. So, quickly, and fetal alcohol syndrome someone else will touch on, but it's huge. I'm a huge proponent of LB407 as well as closing the stores. Thank you very much. [LB407]

SENATOR WATERMEIER: All right. Thank you for your testimony. Are there questions from the committee? Thank you for testifying today. [LB407]

MARY BARRY-MAGSAMEN: You bet. [LB407]

SENATOR WATERMEIER: Further proponents on LB407. Welcome. [LB407]

SHERRY MILLER: (Exhibit 7) Thank you, Chairman and members of the committee. I am Sherry Miller, S-h-e-r-r-y M-i-l-l-e-r, with the League of Women Voters of Nebraska. First of all, I want to thank my senator, Pansing Brooks, for taking lead on this situation. I was so pleased that I'm able to work with her. I also want to thank Janice Walker, who is a league member who brought attention to the dire circumstances in Whiteclay to our board meeting last July and it was her passionate...it's her passion that made me think: yeah, league can do something about this; we have a position. And what I want to share with you today is the positions. I don't have to go into all of the other details because the other speakers are covering them very, very, very well, and you'll hear it over and over I'm sure. Our support for LB407 is based on the position of our national league related to the well-being of children. The position states, "The league supports policies and programs at all levels of the community and government that promote the full development and ensure the safety of all children. These include child abuse/neglect prevention, teen pregnancy prevention, family support services, and violence prevention." And then lastly I want to share with you our position that regards Native Americans. Native Americans should participate in the formulation, development, implementation, and valuation of all policies affecting them. And I'm pleased to hear that they will be represented on the task force. Everything else in the letter you've already heard: suicide rates, teen pregnancies, rampant violence. And I don't need to repeat that. That's my testimony. I'll be glad to answer questions. [LB407]

SENATOR WATERMEIER: All right. Thank you for your testimony, Ms. Miller. [LB407]

SHERRY MILLER: You're very welcome. [LB407]

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

Executive Board Committee
February 02, 2017

SENATOR WATERMEIER: Questions from the committee? Thank you. [LB407]

SHERRY MILLER: Okay. [LB407]

SENATOR WATERMEIER: Further proponents on LB407. Welcome. [LB407]

JUDI GAIASHKIBOS: Thank you, Chairman Watermeier and Executive Committee members. My name is Judi gaiashkibos. I am a member of the Ponca Tribe of Nebraska and I am the executive director of the Nebraska Commission on Indian Affairs. Do I need to spell my name? [LB407]

SENATOR WATERMEIER: Please. (Laughter) [LB407]

JUDI GAIASHKIBOS: Judi, J-u-d-i, gaiashkibos, g-a-i-a-s-h-k-i-b-o-s. (Laugh) I think I spelled that right. Okay. Thank you, Senator Patty Pansing Brooks, for having the courage and the commitment to spend the last year visiting Whiteclay and working with all the communities in the state of Nebraska to develop LB407. The Nebraska Commission on Indian Affairs and our member tribes and our commissioners met last Friday and we are here to state that we support LB407. We, too, are fighting to end the carnage at Whiteclay. The carnage goes back 100 years and will continue to have an impact 100 years into the future. We support closing the stores but we don't think that that will be the absolute solution. Do we really end the carnage by shutting down the stores at Whiteclay? No. It can be a part of the solution. Will this repair the historic damage and stop the fetal alcohol babies being born in the future? No, it will not. But does LB407 forestall the closure of beer stores at Whiteclay? No, the two can happen simultaneously. We do support closing those stores but we're here to support LB407, which has a broader vision of making positive changes for those impacted by the carnage at Whiteclay. Is there one simple solution, one silver bullet, one person who can end the carnage? No, it will take all of us working together. It is such a vast problem that there's room for everybody to be a part of the solution. And we are grateful for all those that have worked in the past and we need everybody's help going forward in the future. Can we all be part of the needed change at Whiteclay? Yes, I believe we can. And I also want to remind the committee and the body that the Oglala Sioux children and citizens that live in Nebraska have dual citizenship, and many of these families that come over and consume the alcohol and have the babies that are born with fetal alcohol end up moving and living in Lincoln and throughout the state. Our agency deals with many cases and DHHS does, prisons here in Nebraska have those tribal members, and it starts at Whiteclay and we bear the cost. So don't think that this is just a problem for Nebraska or for South Dakota or for the Oglala Sioux. It's all of our problems. And I do believe that the real bottom line issue here is not about the alcohol but it's about the hopelessness, it's about the poverty, it's about the lack of opportunity for the families and the children. That is why I think LB407 is really going to be

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

Executive Board Committee
February 02, 2017

helpful in moving us forward to find some ways that we can address economic development, job training, substance abuse treatment. And through that, Nebraska, for the first time, as we begin to celebrate the sesquicentennial, can really be proud to say that this is Nebraska, the good life for all of us and for our first peoples. So once again, I'd like to thank you for listening to my testimony and thank Senator Tom Brewer and Senator Patty Pansing Brooks for this legislation, LB407. And I would be happy to respond to questions. [LB407]

SENATOR WATERMEIER: All right. Thank you for your testimony. Are there questions from the committee? Thank you. Oh, I'm sorry, Speaker Scheer. [LB407]

SENATOR SCHEER: Well, not really a question. I just wanted to make sure that the committee knew that such a passionate, intelligent person that you see in front of you today has worked very diligently most of her life in regards to the Native people of Nebraska. And as a secondary note, she is a native of Norfolk (inaudible). [LB407]

SENATOR WATERMEIER: I forgot to mention, too, could you fill out a green sheet some time today too? [LB407]

JUDI GAIASHKIBOS: Oh, sure, I would be happy to. [LB407]

SENATOR WATERMEIER: Thank you. All right. [LB407]

JUDI GAIASHKIBOS: And I'm just fortunate that growing up in Norfolk that my mother had a job and that I had opportunities that many of these children didn't have. And I'm so glad that through my voice that I can help continue to give a voice for those that often are forgotten. And thank you, Senator Scheer, for your leadership and for all that you do. [LB407]

SENATOR WATERMEIER: (Exhibits 8, 9, 10, 11, and 12) Thank you. Further proponents for LB407. Okay, opponents to LB407. Anyone in neutral testimony? Senator Patty Pansing Brooks, you want to come up and close? I want to read into the record letters for support from Mary Sullivan and the Nebraska Chapter of the National Association of Social Workers; Bruce and Marsha BonFleur of the Lakota Hope missionary (sic--Ministry) in support; Nate Grasz of the Nebraska Family Alliance in support; and Tom Venzor of the Nebraska Catholic Conference in support. Senator. [LB407]

SENATOR PANSING BROOKS: Thank you, Chairman Watermeier. I just want to say in closing that in the past, as you've heard it referenced a little bit, there's been a lot of everybody pointing at somebody else for responsibility and who needs to step up, or that the state of South Dakota

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

Executive Board Committee
February 02, 2017

needs to step up, whether the tribe needs to step up. And you know, everybody has a part to this. And clearly, Nebraska, where the sales occur, we are complicit in the public health emergency that is going on up there. You heard Dr. Wilson from the University of Nebraska Medical Center. I just think it's so important. You've heard today that domestic violence and rape and human trafficking is flourishing up there, and we have to do something, I believe, as Nebraskans. If you haven't been there, and I hope that you'll consider going up with Senator Brewer and with me in the upcoming year, it is a beautiful area of our state. It's...if we can work together and clean this up, we can support tourism up there. We can support some job creation. Clearly, just like people from Council Bluffs come across and work in Nebraska, the people from Pine Ridge would also, I believe, with skills and opportunities, come across and enhance the work development needs that we have in our state. That's the number one issue of the State Chamber is work force development. Again, we can make this a positive win for our state and heal the area. And you know, I ultimately think closing the stores is a goal, but this is about healing the whole area of Whiteclay, cleaning it up, the abandoned buildings, the filth and degradation that is going on up there, feces in an area where people are just sleeping in our Nebraska state. In our state of Nebraska, they're just lying in filth and in squalor. There's nothing I've ever seen like this. And it wouldn't be allowed in any other community. And again, when you hear some of the discussion about, oh, well, it will just cause everybody to move down to other areas, I want to point out that Senator Brewer is here. It is not happening in Rapid City, South Dakota, where they are a city and community of laws. And so to say, oh, it will just move down the road, I don't think is genuine because clearly we don't have people lying in the street in Rapid City and the tribe is near to that area as well and buys alcohol from that area. So clearly, because we have a census area that is not incorporated and not subject to any laws for any kind of village or city or community, there's no way to enforce some of this that's going on. So we know that there's trafficking going on. We also know that the sales of alcohol, there are probably illegal sales because the 15 to 20 people who are lying on the street are not the people buying the 3.5 million beers. So clearly people are buying it in bulk and taking it across our border into the Pine Ridge Reservation. That is an illegal activity that is going on. So there are all sorts of activities going on up there. We need to do what we can to heal that whole area. We would never allow Chadron or Scottsbluff or Venango to have people just lying on the street drunk. It would not be occurring. It's a pitiful thing that we are complicit in, and I ask you to help us to set up this task force to look at the public health emergency that we are creating up in our...at our northern border. And I just want to thank you all. We are also, as it mentions in the bill, looking at all sorts of funding sources about what could be done, whether there's things from the federal government, definitely public and private partnerships and nonprofits who have stepped up and said they are willing to help and willing to contribute to cleaning up the mess and to help with the healing up there. So again, I thank you for your time and hope you'll favorably consider this task force. [LB407]

SENATOR WATERMEIER: All right. Thank you, Senator. [LB407]

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

Executive Board Committee
February 02, 2017

SENATOR PANSING BROOKS: Thank you. [LB407]

SENATOR WATERMEIER: Are there further questions? Did you...you had mentioned a couple times amendments. [LB407]

SENATOR PANSING BROOKS: Oh yeah, did you not (inaudible). [LB407]

SENATOR WATERMEIER: I don't think I saw them and that's okay. That's fine. [LB407]

SENATOR PANSING BROOKS: You should have them. [LB407]

SENATOR WATERMEIER: The only other question I ask, and maybe it's in the amendment, was the naming of the Health and Human Services Chairperson and/or designee, just in case that person is not your best fit. You might want to add that, unless that's in here. [LB407]

SENATOR PANSING BROOKS: I thought we put that in there. [LB407]

SENATOR WATERMEIER: Was it? Okay. [LB407]

SENATOR PANSING BROOKS: Yeah. [LB407]

SENATOR WATERMEIER: I apologize. [LB407]

SENATOR CRAWFORD: It is in there. It's in there. [LB407]

SENATOR PANSING BROOKS: No, good. [LB407]

SENATOR WATERMEIER: I didn't see it, so. [LB407]

SENATOR PANSING BROOKS: Yeah, thank you for noticing that. [LB407]

SENATOR WATERMEIER: Thank you. [LB407]

SENATOR PANSING BROOKS: So we definitely wanted that. [LB407]

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

Executive Board Committee
February 02, 2017

SENATOR WATERMEIER: Okay. [LB407]

SENATOR PANSING BROOKS: Thank you very much. [LB407]

SENATOR WATERMEIER: Thank you. All right, that will close the hearing on LB407 and we'll move into LB445. Senator Chambers. Senator Chambers, welcome, LB445,... [LB407 LB445]

SENATOR CHAMBERS: Mr. Chairman,... [LB445]

SENATOR WATERMEIER: ...unless you want to wait for the room to clear a little bit here,... [LB445]

SENATOR CHAMBERS: Oh, okay. [LB445]

SENATOR WATERMEIER: ...maybe just a second. You need that powerful voice you have on the floor. Then you can go ahead and proceed. Go ahead. [LB445]

SENATOR CHAMBERS: Mr. Chairman, members of the Exec Board, I'm Ernie Chambers from the 11th Legislative District. Ever since I came to the Legislature, I was disturbed when I saw that there were formal gatherings where the senators would all collect in that Lounge, and the lobbyists would come. And in those days, they actually had devices where they could cook the food on the place and do all of these things that didn't seem appropriate to me. And at that time I had, I'd guess you'd say, a naive, romanticized notion of what a Legislature should be and it did not include being fed by the lobbyists. Everything would come to a halt when time came for the lobbyists to feed them. I would make disparaging comments on the floor about the practice from time to time. Last session I offered a resolution. And as things worked out, I did not have the opportunity to get a vote on that resolution because, putting the best possible construction on what happened, there was a breakdown in communication between me and the Speaker. This bill that I'm offering, LB445, would put into statute what you might call, in my view, a minimum ethical standard for the senators. And to facilitate my presentation and to have something in the record to justify this resolution turned into a bill, I'm going to state the arguments that were contained in that resolution. I will note that there is an amendment that has been presented. It was called to my attention by Director Frank Daley of the Accountability and Disclosure Commission, and if you read the amendment you will see that the words included are "principals of lobbyists." That would cover the waterfront in terms of those who may be providing these meals, because in some instances their principals may be behind it all. And when I say "behind it," I don't mean like committing a crime or anything but putting up some, whatever it takes, to do it. And I didn't want to leave any loopholes should the Legislature decide to act on this. The

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

Executive Board Committee
February 02, 2017

Nebraska Legislature comprises 49 members elected by the citizens of the state. The members of the Legislature are elected to serve and act with undivided loyalty in the best interests of the people of the state. As elected officials and lawmakers, members of the Legislature are held to a higher standard. Members of the Legislature are expected to exemplify integrity, be above suspicion, and avoid even the appearance of impropriety in discharging their duty. Lobbyists are paid to influence members of the Legislature to advance the particular interests of their clients by various and sundry official legislative acts. The appearance of impropriety and undue influence may be fostered when members of the Legislature are provided and I accept free meals and beverages in the State Capitol Building from lobbyists who are paid to influence the members of the Legislature to advance the interests of their clients by various and sundry official legislative acts. In politics, "there is no such thing as a free lunch," and "the hand that feeds controls." Then comes the operative language of the bill: No meals and beverages shall ever be provided anywhere in the State Capitol Building by members...to members of the Legislature by any lobbyist--then with the amendment--principals of lobbyists, or groups of lobbyists while the Legislature is in session. I would not say that a senator would sell a vote for a meatloaf sandwich and a chicken dinner or a plate of ribs or whatever, but there's something unseemly about legislative action being suspended in order for the lobbyists to have access to the senators in a way that nobody else is. I would not want to see private citizens do this either. It does not...this bill, if enacted into law, would not prohibit senators from going anyplace they want to where the lobbyists are, doing whatever they and lobbyists do at these gatherings. It would just mean that the Capitol Building, when we are in session, is a place where the lobbyists can be outside the Chamber in the Rotunda and do everything that they do, but they should not be the ones feeding the senators or, as some of the people who are even more cynical than I, should not be wining and dining the senators in the Capitol Building while we're in session. I don't want to prolong it, so those are my reasons. And any questions that you have, I will answer. [LB445]

SENATOR WATERMEIER: Thank you, Senator Chambers. Questions from the committee?
Senator Bolz. [LB445]

SENATOR BOLZ: Thank you, Senator Chambers. Is there a penalty if a lobbyist or principal does it? And if so, what would that penalty be? [LB445]

SENATOR CHAMBERS: Is there what? [LB445]

SENATOR BOLZ: Is there a penalty or a punishment if someone were to provide such a meal?
And if so, what would that be? [LB445]

SENATOR CHAMBERS: No, this is one of those situations where I think...I know the lobbyists would not violate this because it's against their interest. I'm going to leave it up to the senators

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

Executive Board Committee
February 02, 2017

once they know that this is the standard to comply with and without a club over their head.
[LB445]

SENATOR BOLZ: Thank you. [LB445]

SENATOR WATERMEIER: Senator McCollister. [LB445]

SENATOR McCOLLISTER: Thank you, Mr. Chairman. How about those groups that come in here and supply a breakfast or something in the mornings, that they aren't lobbyists, per se, but they're trying to represent their particular organization and they provide rolls or coffee or some other kind of food? [LB445]

SENATOR CHAMBERS: If they are not lobbyists, if they are not the principals of lobbyists, if they do not comprise groups of lobbyists, they would not be covered by this. But I think there would have to be some discretion used to make sure that people don't pretend that they're something other than what they are in order to circumvent what the law would say. [LB445]

SENATOR McCOLLISTER: Thank you. Thank you, Senator Chambers. Thank you, Mr. Chairman. [LB445]

SENATOR WATERMEIER: McCollister. Further questions? All right. Thank you, Senator Chambers. [LB445]

SENATOR CHAMBERS: Thank you. [LB445]

SENATOR WATERMEIER: You know, Senator Chambers, I'll ask. I didn't really make this public at the beginning of the Executive Board as far as a policy on a bill introducer serving on the same committee. I guess I would appreciate you...sitting here is fine but maybe not asking questions of the introducers (sic--testifiers). [LB445]

SENATOR CHAMBERS: Oh, no, I won't. [LB445]

SENATOR WATERMEIER: You're welcome to sit here, but I appreciate you not asking questions. [LB445]

SENATOR CHAMBERS: Okay. (Inaudible.) [LB445]

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

Executive Board Committee
February 02, 2017

SENATOR WATERMEIER: We hate to intimidate our poor lobbyists today. All right. Can I get a hands that show who's in proponent of LB445? Excuse me, proponents or opponents? Three or so? Okay. Come on up proponents. We'll have four minutes, so you'll see the yellow light at three minutes. Welcome. [LB445]

STEPHANIE MEYER: Hi there. My name is Stephanie Meyer. Do you need me to spell that for you? [LB445]

SENATOR WATERMEIER: Please. [LB445]

STEPHANIE MEYER: It's S-t-e-p-h-a-n-i-e, Meyer, M-e-y-e-r. I'm very grateful to be here today and able to speak in support of this bill. My interest was piqued last session when this resolution was first introduced. I thought to myself, who could possibly argue against this bill? I can certainly understand innocently eating snacks, but the concern has been raised that the food being provided is for maybe bribery. Because it is gifted to lawmakers by lobbyists of special interest groups, the intention is to gain trust and admiration and also any favors or vote swaying that may go on. What concerns me is it seems you don't want to stop. Your colleague has introduced this bill due to deep concern for the corruption that occurs doing...being fed by an agenda. I'm a citizen of this state and I am very worried. This bill brings peace of mind to your coworkers and constituents. When I thought about what this means for you all, it means that there's going to be some questions of what you're going to eat each day, I suppose, like rolls, coffee, how are you going to feed yourself during the day. So what I thought I would do is pack a lunch and bring it to give you an example of what I do each day. I brought these... [LB445]

SENATOR WATERMEIER: You know, Ms. Meyer, I'm sorry. [LB445]

STEPHANIE MEYER: Yes. [LB445]

SENATOR WATERMEIER: We really don't have a policy as far as props and things. You can refer to what's in there. [LB445]

STEPHANIE MEYER: Oh, can I...can I let you know but you don't want to see it? [LB445]

SENATOR WATERMEIER: Yeah, you can refer to it,... [LB445]

STEPHANIE MEYER: Absolutely. [LB445]

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

Executive Board Committee
February 02, 2017

SENATOR WATERMEIER: ...but the props kind of gets a different path. [LB445]

STEPHANIE MEYER: Absolutely. [LB445]

SENATOR WATERMEIER: Thank you. [LB445]

STEPHANIE MEYER: Sure. I brought a sandwich. I decided to keep the tomato separate because sometimes your tomatoes make your sandwich soggy, so that's in a separate bag. I also brought a half of a grapefruit, including my own grapefruit spoon. Another thing I brought was some raw carrots, broccoli, some pickles to eat. I brought a packet of hot chocolate mix, some fruit snacks, and some chocolate, if I recollect. It took me 20 minutes this morning to pack my lunch. I washed my dishes before I came here and...actually didn't go to work but normally would have taken that lunch to work. I implore you to consider moving this bill to the floor for debate. What I am concerned in is who...like is how are you going to vote. I want to know who will do the lunch packing work and I want to know who doesn't want to put forth that effort. The food that I packed is something that I like. I know it's nutritious for me. It serves my body well. And I implore you think if you can do this for yourself and to talk to your other lawmakers to see if they're willing to do it for themselves. It would give me a great sense of peace of mind. Thank you very much. [LB445]

SENATOR WATERMEIER: All right. Thank you. Are there are questions for Ms. Meyer? Thank you for your testimony. [LB445]

STEPHANIE MEYER: Uh-huh. [LB445]

SENATOR WATERMEIER: Further proponents, LB445. [LB445]

MAN FROM AUDIENCE: We're merely a watchful citizens group. [LB445]

SENATOR WATERMEIER: Okay. I thought I saw a couple more hands in that. That's fine if you change your mind. Are there any other proponents of LB445? Opponents of LB445? Anyone here to testify in the neutral? Oh, come on up. [LB445]

FRANK DALEY: Chairman Watermeier,... [LB445]

SENATOR WATERMEIER: Welcome. Yeah. [LB445]

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

Executive Board Committee
February 02, 2017

FRANK DALEY: ...members of the Executive Board, my name is Frank Daley, D-a-l-e-y. I serve as the executive director of the Nebraska Accountability and Disclosure Commission. I am appearing here on behalf of the commission in a neutral capacity as to the bill, but in support of the amendment which Senator Chambers has submitted. The bill is a pure public policy bill and, as I said, the commission is taking no position on it. However, the commission does have an interest in, oh, comprehensive and effective legislation if it's something that we potentially have to enforce. And so, as Senator Chambers explained, the green copy of the bill applies only to lobbyists, whereas the types of meals that are under discussion are actually often paid for by principals. So we do support the amendment. It provides a more-effective piece of legislation and we appreciate the opportunity to talk to you about it. I do want to respond to Senator Bolz's question that you posed about any penalty, and actually at the same time disagreeing with Senator Chambers. Because this would appear in the Accountability and Disclosure Act, it would fall under the general penalty provisions so that any violation could result in a civil penalty of up to \$2,000. So that's the situation there. So, want to thank Senator Chambers for introducing the amendment and thank you all for the opportunity to testify. [LB445]

SENATOR WATERMEIER: All right. Thank you, Mr. Daley. Questions? Senator Larson. [LB445]

SENATOR LARSON: Just for clarification, even...you're supporting that if we were to move the bill that the amendment gets on, but that still puts you in a neutral capacity on the bill in general. [LB445]

FRANK DALEY: Correct. [LB445]

SENATOR LARSON: I just wanted it...because it made it sound like, as you were saying, like you support the amendment which would make you support the bill. I just wanted for clarification sake if we were to move the bill, you would support the amendment. But that doesn't change your neutral stance on the bill as a whole. [LB445]

FRANK DALEY: That is correct. [LB445]

SENATOR LARSON: Thank you. [LB445]

SENATOR WATERMEIER: Thank you, Senator Larson. Senator Bolz. [LB445]

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

Executive Board Committee
February 02, 2017

SENATOR BOLZ: Thanks for the clarification. And one further clarification: Would the penalty apply equally to senators and lobbyists and principals, or would it be incumbent upon the lobbyist or the principal not to defy the rule? [LB445]

FRANK DALEY: As I read the bill, the prohibition is against lobbyists and principals,... [LB445]

SENATOR BOLZ: Okay. [LB445]

FRANK DALEY: ...so it would apply to them. [LB445]

SENATOR BOLZ: Okay. So because it would apply to the lobbyist or the principal, if I were to, say, use my campaign funds to have a staff appreciation lunch and those funds are commingled funds that may or may not have come from a lobbyist, that would not be covered under this bill. [LB445]

FRANK DALEY: To the extent that a lobbyist made a campaign contribution to you, the identity of the funds change as it becomes your campaign funds. The only situation I could see where it may be different is if a lobbyist gave you money specifically for the purpose of providing the meal. [LB445]

SENATOR BOLZ: Very good. Thank you. [LB445]

SENATOR WATERMEIER: All right. Thank you. Senator Crawford. [LB445]

SENATOR CRAWFORD: Thank you, Senator Watermeier. And thank you for being here. I want to just clarify, with the addition of the amendment, so the bill discussion is about the dinners that happen in the Lounge, is the key issue. The addition of the amendment to include principals, does that include something like the situation that Senator McCollister was mentioning? So this morning we had physical therapy students and physical therapists from around the state coming to the Capitol to meet with us before session. And so I assume, yeah, and they employ a lobbyist so they would be a principal. So with the addition of the amendment, we would be including, I assume, those opportunities for any group like that, that comes to the state, if they employ a lobbyist, because they would be a principal. [LB445]

FRANK DALEY: Yeah. [LB445]

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

Executive Board Committee
February 02, 2017

SENATOR CRAWFORD: Is that true? [LB445]

FRANK DALEY: With the amendment, if you have a group that employs a lobbyist, that group would fall within the prohibition. My fear is that without the amendment it only applies to "lobbyist," when in fact it's often the principal of the lobbyist that's actually paying for the meal. So the lobbyist is the face but maybe the pocketbook, if you will, is the principal. [LB445]

SENATOR CRAWFORD: Thank you. [LB445]

SENATOR WATERMEIER: All right. Thank you, Senator Crawford. Speaker Scheer. [LB445]

SENATOR SCHEER: Thanks for coming, Frank. How often do you reprint your guidelines for lobbyists? [LB445]

FRANK DALEY: Whenever there is a change in law or change in rules or regulations. [LB445]

SENATOR SCHEER: So it's not on an annual or biennial... [LB445]

FRANK DALEY: Correct. [LB445]

SENATOR SCHEER: I was just trying to figure out if it would make sense, if you reprinted it every year, if we just simply put an effective date, January 1 of next year. That would save the \$400 cost effectively but... [LB445]

FRANK DALEY: You know, it could anyway. I mean we're a little bit overestimating, to show what we may need to do, with the fiscal note. But we don't keep a very large supply on hand. So they tend to run out and we reprint. [LB445]

SENATOR SCHEER: So at any point in time you can reprint some. [LB445]

FRANK DALEY: It just runs out. And the other factor is what we've done in the past if there's been a change in legislation which has made the lobbyist guide incorrect. We just take the ones we have and staple something on the insert that indicates that there's a change. [LB445]

SENATOR SCHEER: Okay. So that portion... [LB445]

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

Executive Board Committee
February 02, 2017

FRANK DALEY: The fiscal note could be zero when all is said and done. [LB445]

SENATOR SCHEER: Okay. Okay. Thank you. [LB445]

SENATOR WATERMEIER: All right. Senator McCollister. [LB445]

SENATOR McCOLLISTER: Thank you, Mr. Chairman. So let's take the physical therapists that fed folks this morning. If they employ a lobbyist they would be precluded from providing meals inside the Capitol. [LB445]

FRANK DALEY: That is correct. [LB445]

SENATOR McCOLLISTER: If they don't employ a lobbyist, they're obviously free to do that. [LB445]

FRANK DALEY: Correct. [LB445]

SENATOR McCOLLISTER: If the check for that meal comes from the physical therapists rather than the lobby or the lobbyist, does that make a difference in the situation? [LB445]

FRANK DALEY: You mean the members of the organization as opposed to the organization? [LB445]

SENATOR McCOLLISTER: Yeah. [LB445]

FRANK DALEY: If they are...that would change the situation because if they are neither principals of lobbyists or lobbyists themselves, then they could pay for the meal. [LB445]

SENATOR McCOLLISTER: Thank you. Thank you. [LB445]

SENATOR WATERMEIER: Speaker Scheer. [LB445]

SENATOR SCHEER: I'm not trying to get in the weeds but, a little bit confusing. Using the same group this morning,... [LB445]

FRANK DALEY: Uh-huh. [LB445]

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

Executive Board Committee
February 02, 2017

SENATOR SCHEER: ...if the lobbyist's firm does not write the check for the food but the treasurer of whatever it might be writes the check to the caterer for the food, is that still prohibited then? [LB445]

FRANK DALEY: Under the amendment, yes. If the organization that employs the lobbyist writes the check for the food, with the amendment that would be prohibited. [LB445]

SENATOR SCHEER: Regardless if the lobbyist may even be in attendance. [LB445]

FRANK DALEY: Correct. [LB445]

SENATOR SCHEER: Okay. [LB445]

SENATOR WATERMEIER: Senator Larson. [LB445]

SENATOR LARSON: But if the president and vice president of that organization wrote personal checks, even though that...let's say Senator Stinner is the president of the bankers. And the bankers obviously have a lobbyist and whatnot. But they have their banker luncheon or whatever it is in the Capitol. If Senator Stinner wrote a personal check from John Stinner, that wouldn't be covered. [LB445]

FRANK DALEY: Assuming that it was not reimbursed by the principal, that would be correct. [LB445]

SENATOR LARSON: Okay. [LB445]

SENATOR WATERMEIER: Thank you, Senator Larson. Further questions? All right, thank you, Mr. Daley. [LB445]

FRANK DALEY: Thank you again, all. [LB445]

SENATOR WATERMEIER: Thank you so much. Further neutral testimony on LB445. Welcome. [LB445]

JIM OTTO: (Exhibit 1) Thank you. Senator Watermeier, members of the committee, my name is Jim Otto, that's J-i-m O-t-t-o. I am president of the Nebraska Retail Federation. But I am here testifying on my own behalf because I am the person who inherited this responsibility of

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

Executive Board Committee
February 02, 2017

organizing the meals. And the first thing I want to say is that Senator Chambers has been overly gracious, when I see him in the hall, to say that this is nothing against me, it's actually nothing against the lobby. And he has been very kind about that and overly gracious, so I do want to thank him for that. I did provide this. I don't know if...one of the reasons I provided it is an article in the Omaha World-Herald, January 20, 2016. The number one reason I provided it is I think it's a great picture of Senator Chambers, but also if you flip it over on the back it pretty much summarizes the position of the lobby. And I do want to say that I'm here testifying neutral and we are. We...I'm testifying hopefully on what I think the rest of the lobby feels. We are truly neutral. We are not...one way or the other, we want to do what the body wants. We are truly neutral. If you read what I highlighted there, it just says that I do solicit the contributions. In the year 2015, we had 54 lobbying firms--and for the point, many of those are principals, in fact probably most are principals--and split equally \$10,173 or it ended up being, if you divide all that out, I think it was 180-some bucks per firm. And it comes out, if you divide the total \$10,000 by the 54 firms and then divide that by 48 senators, because Senator Chambers doesn't eat, it would come out to \$3.93 per firm per senator. And I do want to say I totally understand and the lobby totally understands and sees the point of Senator Chambers' resolution. And then I also would say that if you do move it forward and decide on this, I would have less work to do, so I wouldn't object to that. I would like to say that if you do...if the body decides that these meals should continue and also this is only the meals that are provided, that I'm talking about, at the end of the session, none of the meals that you'd had questions about by other principals. And the lobby does it. I'm thinking the first year I did it was 2003. I can't remember who the Speaker was in 2003, but I was surprised when I got the call, said it was just kind of expected by the Speaker then that (inaudible) organize this. So that's how I got involved in it. But if it does stay the way it is and I would actually request personally that somehow the body know better how it is done because I think people are here for years, many, before they even realize that the lobby is buying. I provide a list of the contributors to each office at the end of the session to encourage thank-yous to go out, but I'd say maybe a third...or a half to two-thirds of the senators actually thank, probably because they've already gone home. But I'm not sure all the senators know how it works. So if you do, we'd like maybe the body to know better how it works. With that, if I can answer any questions I'd be glad to. [LB445]

SENATOR WATERMEIER: All right. Thank you, Mr. Otto. Senator McCollister. [LB445]

SENATOR MCCOLLISTER: Yeah, thank you, Mr. Chairman. You did say it cost about \$10,000 last year to bring in those meals? [LB445]

JIM OTTO: \$10,173 in 2015. [LB445]

SENATOR MCCOLLISTER: Thank you. [LB445]

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

Executive Board Committee
February 02, 2017

SENATOR WATERMEIER: Further questions? All right. Thank you for your testimony. [LB445]

JIM OTTO: Thank you. [LB445]

SENATOR WATERMEIER: (Exhibit 2) Further testimony in the neutral to LB445. All right. Senator Chambers to close? [LB445]

SENATOR CHAMBERS: Briefly. [LB445]

SENATOR WATERMEIER: Sure. [LB445]

SENATOR CHAMBERS: Fellow legislators, you all probably are tired of hearing me say this, but I genuinely am concerned about the image of the Legislature. I read a lot and when I say on the floor that Legislatures are the butts of all kinds of jokes, I mean it. Some of them even find their way into the newspapers' columns, letters to the editor like this is exactly why women and children ought to be kept off the streets because the Legislature is in session; or, watch your dogs, your cats, your horses and other animals if you're in the rural areas because the Legislature is in session. But if they are in session away from where you live, your animals might be safe; other things that are very obscene, very vulgar. And it should not ever be a situation where the legislators contribute to the image of our being accessible only when somebody who is trying to gain that access gives us something. I said I don't think anybody would sell a vote for a meatloaf sandwich and a chicken dinner, but these other groups I think have gotten the impression that if they want to meet with the senators in the morning they have to feed the senators. The food is how you gain entree, and that is what I don't want to see. I don't want it to appear that I think I'm above anybody else, better than anybody else. That certainly is not my intent. But as a member of the Legislature, I am keenly aware of how things appear and sometimes the appearance of impropriety is worse than the impropriety that is being given the appearance. The standards of judges, lawyers include a catchall that they are to avoid even the appearance of impropriety. And that alone is the basis for discipline if what is done gives the appearance of impropriety. It doesn't have to be an improper act. And everybody or most people have heard that maxim, Caesar's wife must be above suspicion; Caesar's wife, not Caesar. That's the way it always goes. We should be above suspicion. There are enough criticisms made of the Legislature, the things that we do, and the public is entitled to do that. But if there is a conflagration, a big fire, and we're in it, we should not contribute the fuel. And I think making the Lounge of the senators available to the lobbyists when I don't believe just six or seven people off the street could come in and say, we want to make use of the Lounge and have the senators who are willing come in and sit down and have a sandwich with us. That's not going to happen. The lobbyists are given special consideration that would not be given to others. And as Mr. Otto has pointed out, I don't

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attack the lobbyists or anybody for this, but I think we ought to be the ones to set the standard. This should not have become so entrenched in our activities as legislators that the duty, the responsibility is handed down from lobbyist to lobbyist that this is what they want and this is what they expect and you're the one who has to do it. When we're not in a setting like this, where the public is present and I'm being on my best behavior, I will say what I'm saying using different terminology. And I don't know if it's obvious, but I'm having a bit of trouble speaking in the way that I am today instead of saying what I want to say, and it wouldn't be profane or anything like that. But that's where I will stop. The main point I want, we don't want...we want to avoid even the appearance of impropriety. We do not want to give privileges to lobbyists that are not available to the ordinary citizens. And these groups who invite the senators to talk or meet with them in the morning or whenever don't have to provide food as the price of entree. And that's all that I would have. [LB445]

SENATOR WATERMEIER: Thank you, Senator. Are there questions? Further questions? All right. Thank you, Senator Chambers. That will close the hearing on LB445. That will close the hearing today for the Executive Board. [LB445]