

## **Government, Military and Veterans Affairs Committee February 23, 2018**

**MURANTE:** [00:00:03] Welcome to the Government, Military and Veterans Affairs Committee. My name is John Murante. I'm the state senator for District 49, which includes Gretna and western Sarpy County, and I'm here today-- and I'm the Chairman of this committee. We are all here today for the purposes of conducting several public hearings. We'll be taking those issues up in the order on which they appear on the agenda outside of this room. If you're here and wish to testify on any of the matters before us, we ask that you fill out one of these green sheets of paper that are located on either side of the room. If you're here and wish to express support or opposition for any of the matters before us but you do not wish to testify, we ask that you to sign in on the sign-in sheet, again located on either side of the room. If you do testify, we ask that you begin by stating and spelling your name for the record which is very important for our Transcribers Office. The order of proceedings is that the introducer will be given an opportunity to open, then we'll listen to proponent testimony, followed by opponent testimony, then neutral testimony, and the introducer will be given an opportunity to close. I ask that you listen very carefully and try not to be repetitive. We do use the light system here in the Government Committee. Each testifier is allotted four minutes; when the yellow light comes on, you have one minute remaining and we ask that you begin concluding your remarks. When the red light comes on, your time has expired and we ask that you conclude your remarks and we will open the committee up to any questions that they may have of you. If you have any prepared statement, an exhibit, or anything you'd like distributed to the committee, please provide 12 copies to our page who will distribute it to us. If you don't have 12 copies, just provide what you have to the page and he'll make copies for you. And our page for the day is Joe Gruber; Joe is from Omaha. And we will slowly go through the introduction of members as we allow more people to walk to committee.

**HILGERS:** [00:01:50] So I guess I'll go slow as well. Mike Hilgers, District 21, northwest Lincoln in Lancaster County.

**BREWER:** [00:01:54] Tom Brewer, District 43; 13 counties of western Nebraska.

**BLOOD:** [00:02:00] Senator Carol Blood, District 3; western Bellevue and southeastern Papillion.

**MURANTE:** [00:02:05] To my immediate right is Andrew La Grone; he is the Government Committee's legal counsel. To my far left is Sherry Shaffer, she is the Government Committee's clerk. And Senator Brewer is the Vice Chair of this committee. So with that, Sherry, welcome to the Government, Military and Veterans Affairs Committee. Thank you for joining us by phone. Please tell us a little bit about yourself and your interest in the State Emergency Response Commission.

**SHERRY BLAHA:** [00:02:30] Okay. I am up for reappointment to the SERC Commission. I was an emergency manager for most of my career life. Beginning in 1983, and I retired from emergency management in 2008. In 2011, I ran for Scotts Bluff County commissioner and I began that position in 2011. And I actually started the LEPC in Scotts Bluff County when it first began, and the Community Right to Know program was begun in the state and across the nation. I kept track of all the Title III records and apprised people of things we had-- when we did have emergencies. And I guess that's about it. I am interested in being reappointed to this position.

**MURANTE:** [00:03:45] All right, thank you very much for your testimony. Are there any questions? I see none. We will now open the room up for any proponent testimony, are there proponents wishing to testify? Is there any opposition testimony? Is there any neutral testimony? I see none. Sherry, thank you very much for calling in. We will have our report promptly.

**SHERRY BLAHA:** [00:04:09] Okay. Thank you very much.

**MURANTE:** [00:04:11] Thank you. And I do have a letter in support of Sherry's appointment from Larry Dix of NACO. Next item on the agenda is John Grimes appointment to the SERC Board. Welcome.

**JOHN GRIMES:** [00:04:31] Good afternoon. John Grimes from the city of Norfolk. I'm the EHS and security manager for Associated Wholesale Grocers in Norfolk and with food safety responsibilities also with that. This is my second appointment, or would be my second appointment to the SERC. I'm the current chairperson of the SERC and certainly enjoy working with the FEMA. We have a great team of leaders there and we've got a lot of work left to do in our state with our LAPCs.

**MURANTE:** [00:05:20] All right. Thank you very much for your testimony. Are there questions? I see none. Thank you very much for coming down today, much appreciate it. We'll now open the committee up to any proponent testimony; are there proponents? Is there any opposition testimony? Is there any neutral testimony? I see none. And that closes the public hearing on John Grimes appointment to the SERC Board. Next up Joseph Oswalt, also to the SERC Board. Welcome.

**JOSEPH OSWALT:** [00:05:57] Thank you. My name is Joe Oswalt; I'm the Environmental Health Safety Manager at the E Energy Adams, which is an ethanol plant down here in southeast Nebraska. This is my first appointment, so-- to the SERC. I currently sit as a member of the local emergency planning commission for-- or planning committee down at Homestead, which we have five counties that are part of that, and that's what got me interested in the SERC position was the LAPC. So as an ethanol plant, we have, you know, quite a bit that we do with our local LAPCs and I just seen it as a progression from-- from the LAPC now onto the state level to maybe help with-- with getting some more SERC groups in order-- some more LAPCs in order, excuse me.

**MURANTE:** [00:06:54] All right, thank you very much for your testimony. Are there questions? I see none. Thank you very much for coming down today.

**JOSEPH OSWALT:** [00:06:58] Thank you. You bet.

**MURANTE:** [00:06:58] And are there proponents to the appointment? Any opponents? Any neutral testimony? Seeing none, that closes the hearing on Joseph Oswalt to the SERC Board and brings us to Senator Kolowski's LB1036. Senator Kolowski, welcome back to your Committee on Government, Military and Veterans Affairs.

**KOLOWSKI:** [00:07:25] Thank you, sir. Good afternoon, Chairman Murante and members of the Government, Military and Veterans Affairs Committee. My name is Senator Rick Kolowski, R-i-c-k- K-o-l-o-w-s-k-i, representing District 31 in southwest Omaha. I'm here today to introduce LB1036 to increase the maximum cost per person from \$25 to \$50 per local government award recognition dinners. The amount has not been increased since the statute was enacted 25 years ago. The intent of these dinners are to provide recognition to employees, volunteers, or elected or appointed members of local governments. Twenty-five years ago, a limit of \$25 per person would be able to provide a nice recognition dinner. As inflation and costs have increased, it is getting harder to find catering under that limit. I believe it is time to update the statute to keep up with inflation. Looking at the Consumer Price Index, \$25 in 1993, the year I was appointed principal of Millard West, building it from the ground up, just to give a context to that, is equal to \$43.88 in today's dollars. Thank you for your consideration. I'd be happy to answer any questions. And as I look back on my own life experiences with my own family, the issues with schools, the issues with YMCA's youth sports, Scouts, many others, we've had this kind of configuration that has gone up considerably and in all venues that I have been involved with. And I hope this might be something,

if it could be as easy as a consent calendar issue just to keep us on target with celebrations that would be recognized by any entities that would use this. Thank you very much.

**MURANTE:** [00:09:46] Just-- thank you very much. Just to clarify, would you like this added to the consent calendar Exec Session agenda when we get to it?

**KOLOWSKI:** [00:09:53] I think that would be--

**MURANTE:** [00:09:55] Okay. We'll add it-- we'll add it--

**KOLOWSKI:** [00:09:57] [INAUDIBLE], yes, thank you very much.

**MURANTE:** [00:09:58] Thank you. Are there questions? I see none.

**KOLOWSKI:** [00:10:06] Just bring it up to date.

**MURANTE:** [00:10:07] All right.

**KOLOWSKI:** [00:10:07] Thank you very much, sir.

**MURANTE:** [00:10:08] Thank you. Mr. Bonaiuto, welcome.

**JOHN BONAIUTO:** [00:10:22] Thank you. Senator Murante, members of the committee, John, J-o-h-n, Bonaiuto, B-o-n-a-i-u-t-o; government relations for the Nebraska Association of School Boards and appear today to support LB1036 on behalf of school boards. And school boards are notorious for trying to follow the law, and having this amount in law, in statute, has at times prevented-- presented a challenge. So we would encourage you to consider an increase. And I think Senator Kolowski mentioned what the amount would equate to in today's dollars. So we pick 50 as a round number. It wouldn't have to be 50, but we think 25 is a challenge. So with that I'll end my testimony.

**MURANTE:** [00:11:17] All right, thank you for your testimony. Are there questions? I see none.

**JOHN BONAIUTO:** [00:11:23] Thank you very much.

**MURANTE:** [00:11:26] Thank you.

**JOHN BONAIUTO:** [00:11:26] And we thank Senator Kolowski.

**MURANTE:** [00:11:26] All Right. Are there additional proponents on LB1036? Is there any opposition testimony? Is there any neutral testimony? Seeing none, Senator Kolowski recognized. And Senator Kolowski waives closing. That ends the public hearing on LB1036. We'll wait a moment for Senator Wayne.

[BREAK]

**MURANTE:** Senator Blood, do you want to get yours out the way before Judiciary; if you're prepared for it.

**BLOOD:** [00:12:05] I'm not prepared, my staff has my file because we were up next in Judiciary.

**MURANTE:** [00:12:06] Okay, okay, I'll do-- I'll do mine then. And that's pretty simple stuff.

**BREWER:** [00:12:14] Senator Murante, welcome to your Committee on Government, Military and Veterans Affairs.

**MURANTE:** [00:12:30] Thank you, Senator Brewer, members of the committee. My name is John Murante, J-o-h-n M-u-r-a-n-t-e. I'm a state senator for District 49 which includes Gretna and western Sarpy County. This is a bill that I've introduced before that deals with creating a presidential preference primary in the state in Nebraska. Obviously, we're past the priority bill deadline and we won't be able to take action on this bill this year. I did want to share with you a story of my experience and what we really missed out on just in the 2016 presidential primary process. We have not had serious primary candidates for President in Nebraska in quite some time, particularly on the Republican side, largely because state law permits the Democratic Party-- permits all political parties to have caucuses and adjust those accordingly. The Democratic Party has chosen to have a caucus and they caucus much earlier in the year. And accordingly Democratic candidates for President are more likely to send both themselves and their surrogates to the state. But as it relates to Republican primaries, we have not had presidential candidates come to this state. Now in the past, it has been argued that we're a small state, presidential candidates will never come here anyway because we're, we're not-- we don't have enough delegates to national conventions. I just want to share with you briefly my experience; in 2016, I was the state chairman of Ted Cruz's campaign for President and chaired his campaign here in the state of Nebraska. On May 8, Indiana held a primary. In that primary, in advance of that primary ending, we were beginning to schedule what the campaign would look like in the state of Nebraska and the polls closed in Indiana at 8 o'clock. We were scheduled to pick up Senator Cruz from the airport at 7 o'clock the following morning in Lincoln, he was going to have a event in the Embassy Suites. His father, Pastor Rafael Cruz was going to fly to western Nebraska and, basically, spend seven days in Senator Brewer and Senator Erdman's districts touring western Nebraska. Senator Cruz's wife, Heidi, and Carly Fiorina were scheduled to come into northeast Nebraska and spend a week in northeast Nebraska. We were planning on sending Senator Cruz to Bellevue to the view Offutt Air Force Base and to discuss with the potential prospective President of the United States the issues that we were dealing with for Offutt Air Force Base. That all came to an end on May 8 at about 9 o'clock at night when the polls projected Donald Trump to win the state of Indiana. Ted Cruz withdrew from the race and all of those plans were cancelled. The ability of Nebraska to have a voice in the presidential selection process had at that point ended. So we were on the cusp, I can tell you from my own practical experience that presidential candidates will come to the state, they will send their surrogates to the state of Nebraska if we moved-- we were out just one week, we would have had those experiences, and we missed out and we continue to miss out. And that doesn't even-- that is just the ability of our citizens to communicate directly with candidates for President of the United States and their surrogates. That doesn't even take into account that the ad funding on KRVN that wasn't spent, and the TV ads that weren't bought, those were all things that we missed out on because we held our primary too late. So I think it is well worth the-- well worth the expense to have a presidential preference primary. It's something I hope this committee in future years does. And I think it-- I think it would be of great benefit to the people of Nebraska to have the kind of interaction with presidential candidates that states like Iowa, Nevada, South Carolina, and New Hampshire have. So thank you, Senator Brewer; I'd be happy to answer any questions.

**BREWER:** [00:16:32] All right. Questions on LB1032? Those in-- those are proponents? Oh sorry, we're a little ahead of schedule here.

**MURANTE:** [00:16:42] Yeah, we are.

**BREWER:** [00:16:43] Okay, questions? Questions? Yes, Senator Wayne.

**WAYNE:** [00:16:47] Just-- because I'm actually in favor of doing something earlier to make us relevant. I know you talked pretty much from the Republican side. Have you-- you know of any benefits you would like to add to the record from the other side? I do agree with what you said about Cruz; I remember how all that--

**MURANTE:** [00:17:06] Sure, from the Democratic perspective, I think the timing issue would not be a benefit-- a practical benefit to the Democratic Party because they have their caucus system. I think if I could come up with two potential benefits to Democrats is if we had it earlier they wouldn't have to do a caucus. Caucuses have dramatically lower voter turnout than primary elections do. So there would be far more voters able to participate. Now I understand the process by which delegates are selected to the National Convention from the Democratic Party is extremely complex. Part of it is based on the caucus, part of it's based on conventions. So that variable needs to-- but they wouldn't have to have a caucus system. So they made the conscious decision to move up their caucus-- to have a caucus, to move it up to be relevant, which I respect; but they wouldn't have to make that tradeoff anymore.

**BREWER:** [00:18:00] Okay, additional questions on LB1032? Seeing none, thank you for your testimony. All right, now for the proponents for LB1032. Proponents? Seeing none, we will go to opposition. Are you opposition or proponent?

**AUDIENCE MEMBER:** [00:18:21] [INAUDIBLE]

**BREWER:** [00:18:24] Oh, come on up then. We did two calls and nobody came up, so you're good. Welcome.

**BETH BAZYN FERRELL:** [00:18:30] Thank you. Good afternoon. Senator Brewer, 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 opposition to LB1032. Our opposition has absolutely nothing to do with the policy of when a presidential primary should take place; it has to do with the fiscal note. If you look at the fiscal note that was prepared by the Secretary of State's Office, it states that counties would be responsible for the cost, and that would be \$1.6 million, and that would be our only concern. If that was changed so counties didn't bear the cost, we wouldn't be here today. So I would be happy to answer questions.

**BREWER:** [00:19:11] Thank you for your testimony. Questions? Questions? Seeing none, thank you for your testimony. All right, additional in opposition to LB1032? Neutral, in the neutral capacity? Seeing none, Senator Murante.

**MURANTE:** [00:19:38] I have no close this time.

**BREWER:** [00:19:39] All right.

**MURANTE:** [00:19:39] I'm going to close by simply-- NACO brought up a point about the who pays for elections. Not only do I believe that the state ought to pay for this election, I believe that the state ought to pay for the entirety of election costs in the state of Nebraska. I do not believe election costs are a local issue. I think that is something that we need to do from a state level that will take a lot of doing because that is a very expensive proposition. But I do agree with NACO's position that this bill ought to be paid for by the state and I believe that all election expenses should be paid for by the state as well.

**BREWER:** [00:20:13] Thank you. Additional question? Any additional questions on LB1032? Seeing none, thank you. That concludes the testimony on LB1032. Mr. Chairman.

**MURANTE:** [00:20:35] Senator Wayne, welcome to your Committee on Government, Military and Veterans Affairs.

**WAYNE:** [00:20:42] Thank you, Chairman Murante and members of the Government Affairs Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent the Legislative District 13 encompassing north Omaha and northeast Douglas County. LB969 will revert the signature requirements to 4,000 signatures necessary to get on the ballot. This change in election law was passed a couple years ago, and looking at the legislative history, I don't believe it was really debated and nor was it really discussed on the floor or in the committee hearing. It was part of a bigger package which I don't believe was fully vetted, but that's not here-- here nor there, because I wasn't a part of this body and neither were two other people on this committee. But that being said, so we'll leave it to the previous Legislature. Nebraska Legislature was intended to be bipartisan-- nonpartisan. And in fact, that's what we run as when we run for state Legislature. I believe this bill that I am introducing restores that back nonpartisan ideal that we've had in our state for a long time, for over-- almost close to 100 years, back to what it is meant to be. I think George Norris would say-- I believe he ran as an Independent-- that the signature requirement increase that we did a couple of years ago was uncalled for and, quite honestly, creates the highest burden in the country. Not just me saying that, but numerous of news reports from CBS to CNN have also reported saying this signature requirement creates the highest signature requirement in the country. The requirement to get on the ballot, again, is the highest, and even the National Conference of the State of Legislatures wrote unfavorably of this increase, discussing the dilemma of pegging the number of registered voters versus the percentages of votes previous cast which is done in most states. The article on NCSL site also discussed the undue burden that this places and the difficulty it places on the petitioner as a result of change. Just so this body knows that California, which has the most populous state in the country, 20 times the population of Nebraska, has a lower signature requirement to get on a ballot for statewide races than Nebraska currently does under this law. The argument that, well, it is near that-- near the amount of votes necessary for someone in one of the majority parties to win just doesn't hold up to me. The system was built and Nebraska has always been about people being able to get on the ballot. We have more elections than political bodies that get elected than any other state that I've seen. It's about free access and open to ballots. The parties currently infrastructure seems to be a two-party system and this is-- lines up in that favor. And I think when I calculated recently, and Chairman Murante will correct me if I'm wrong, it will require censuses somewhere around a 119,000 signatures to get on a ballot. I think it's for Independent candidacy, I think is unfair and, quite honestly, too burdensome. So with that, Senator, Chairman Murante and members of this committee, I think it's important that we vote this out. I think it's important we have a discussion, a thorough debate on it, and see if that's where we going to move as a body, or if we would like to reduce it back to what it originally was, which is a lower threshold, to allow independents to have 4,000 signatures necessary to get on the ballot.

**MURANTE:** [00:24:10] All right, thank you Senator Wayne. Okay, Senator, I have a couple of questions in two separate categories.

**WAYNE:** [00:24:16] Okay.

**MURANTE:** [00:24:16] The first was the process by which the law, as it exists now, came into being. So were you aware that the law as it exists now was introduced as a standalone piece of legislation?

**WAYNE:** [00:24:31] Yes.

**MURANTE:** [00:24:32] That-- that bill had a proper notice, had a public hearing, everything was

done by the book on that piece of legislation.

**WAYNE:** [00:24:40] Correct. Well, I'm assuming, if you're saying so, it's correct. I did-- I did research that, but I would rather have you say correct than me, but yeah.

**MURANTE:** [00:24:48] Yes, that happened.

**WAYNE:** [00:24:48] Okay.

**MURANTE:** [00:24:50] Next, that bill was included into a package of bills by the committee in the committee amendment long before the Legislature was scheduled to adjourn sine die, this wasn't something that was done last minute, it was done in the committee by unanimous consent-- with unanimous vote, not unanimous consent, with unanimous vote long before the Legislature adjourned sine die.

**WAYNE:** [00:25:16] Correct.

**MURANTE:** [00:25:16] And the committee statement clearly articulated that the provision of the standalone bill was included in the committee amendment both by number and by description.

**WAYNE:** [00:25:25] I don't disagree with that.

**MURANTE:** [00:25:28] And then when the committee amendment was introduced on the floor, this provision was specifically cited as being contained in the committee amendment.

**WAYNE:** [00:25:38] I don't disagree with that.

**MURANTE:** [00:25:42] And when the Legislature adopted that committee amendment, that was done in March some seven weeks before the Legislature adjourned sine die.

**WAYNE:** [00:25:52] If the presumption is that the legislative body have notice and people vote on it, I don't disagree that there was notice provided. However, there are plenty of laws that have unintended consequences, such as two weeks ago, we voted on the same bill that today you introduced a bill that said that could change voting rights. Yet two weeks ago when you voted for that, you didn't make that same argument. So there are things that when the body see that there already been signed by the Governor into law, we recognize that maybe they have too big of effect or unintended consequences such as the amendment you put on the floor today.

**MURANTE:** [00:26:23] And I'm not saying people can't change their mind; what I am attempting to say is there have been some who have articulated that this was snuck in as a last minute amendment on Final Reading, that nobody knew what was in it, they were never discussed, nobody ever talked about it. I'm trying to, to simply state, people want to change their mind, they change their mind. God bless them. But this was done in as transparent a way as as legislation can be passed.

**WAYNE:** [00:26:49] And this was done in 2016, correct?

**MURANTE:** [00:26:52] Yes.

**WAYNE:** [00:26:53] So I can't speak-- speculate to what I read, because I wasn't in the body, but I do know that even bills that I read today, you read them, you think they're okay, and sooner or later, after they're passed, you read them again or there's actual practical effects. For example, LB605,

with six-- I just left Judiciary where there's a practical effect of requiring Class IV felonies to have a mandatory post-supervise release. I introduced a bill to change that. Everybody in that committee voted for it, but when they hear the practical effect they say it's a good point. And so the question before this committee is do we want to have the highest partisanship to get on the ballot, the threshold, or are we an independent body, a nonpartisan body where we say, you know what, everybody should have the opportunity to run and let the voters decide?

**MURANTE:** [00:27:45] So now you're getting to the second point which is the the merits of the policy itself rather than the process. And I think if we can stipulate that the process was not something that was done at the end of a legislative session, that this was a normal course of events that was discussed as much as members wanted to discuss it and had every opportunity to discuss it, we stipulate that point, then we can get to points that you--

**WAYNE:** [00:28:07] So I will stipulate that point, Chairman Murante, just as I will stipulate that this body passed the reduction of the number of precincts, which had a practical effect of shutting down-- of which north Omaha senators voted on and were supportive of, but the practical effect is it closed many precincts in north Omaha making it much harder for people to go to vote. And since then there have been bills introduced, not only by me but others, to fix that. So yes, it probably was a fair debate, but the practical effect of any legislation you don't know until sometimes it passed.

**MURANTE:** [00:28:39] Certainly, which gets us to the second point which is the merits, and that the argument that was made all the way back in 2016 was that you have similarly situated people who are both-- who are attempting to do the same thing, gain ballot access to the general election ballot. Some of those people have to go through a primary in which they have to get six figures-plus votes to gain access to the general election ballot. Your proposal would say another way to go to get on the-- to get on the general election ballot is to go collect 4,000 signatures and you're on. So to the one person who has to get a 100,000 votes, the other person who has to get 4,000 signatures that disparity is so substantially different that how could that be construed to be fair?

**WAYNE:** [00:29:38] For the same reason why people, such as yourself, decide to run as a Republican and others run as Democrats, because when I put an R behind my name on certain statewide elections, I will automatically get that 100,000 votes by the simple fact that we're a two-party system. What this allows is the Independent Party to be able to have at least fair access to the ballot to maybe get their message out. Now if we were to say that only certain thresholds should ever get on the ballot, I think we can apply that same principle to anything on the ballot, including voter ID. Let's raise the threshold to make sure that get's on the ballot from 33.

**MURANTE:** [00:30:16] Is this the same threshold as voter ID?

**WAYNE:** [00:30:17] It doesn't, it actually a little higher. Again, it's a practicality. You have one person, one body that you can talk to and to navigate for 33 votes. To go out in Senator Brewer's district and get 119,000 signatures is unfeasible, unless you have to spend an entire year doing it, or longer than an entire year. Whereas if I ran as a Democrat, I can announce that as February 15 because I'm elected body and I'm going to have a 100,000 votes on a state-wide election just for the simple fact that I'm the only Democrat in the race. So, yes, we are actually leveling the playing field where I think you're creating an unfair-- or you created-- or this body created, I won't blame you, because plenty of people voted on it, create an unfair playing field.

**MURANTE:** [00:31:02] So to the candidates who-- the comparison is those who have to go through a partisan primary versus those who are getting on a general election ballot by petition, that's the disparity that we're looking at is what should be--



**WAYNE:** [00:31:19] That's correct.

**MURANTE:** [00:31:19] --what is fair to compare between those two systems. I don't think it's fair to say well you could theoretically run unopposed in a primary and therefore you don't have to get any votes. I don't think that's a reasonable standard. I think you have to say, okay, the average person in a competitive race, what's it going to take to get on the general election ballot?

**WAYNE:** [00:31:38] But the key there isn't a competitive race. That is the point. If two Democrats, two Republicans get on a statewide election base, they're competitive in both of them or one of them will easily surpass the 100,000 votes by the simple very nature that we're--

**MURANTE:** [00:31:54] [INAUDIBLE] running unopposed here.

**WAYNE:** [00:31:55] Well even if they're running against each other in the primary, right, one of them is going to win and one of them is going to have on a statewide election over 100,000 to move to the general election, if what you said is true that you need 100,000 votes to move to a general election.

**MURANTE:** [00:32:06] On average, yeah, on average.

**WAYNE:** [00:32:08] Yeah. So if an Independent is running unopposed but has 4,000 signatures, why not allow them to have the opportunity to compete? What's wrong, if the Republican and Democrat message is so strong, what are we afraid of to allow an Independent to compete?

**MURANTE:** [00:32:25] Because-- the problem isn't fear, the problem is treating two people that are seeking to do the exact same thing, gain access to the general election ballot and treating them substantially differently.

**WAYNE:** [00:32:38] It's not about getting them to the ballot, it's about making sure they can get to the ballot. See, all I have to do is register and sign a little application saying I'm running as a Democrat. The Independent has to go out and work harder than me. What are we afraid of to allow Independent to do the same thing?

**MURANTE:** [00:32:54] And as you just illustrated another very important difference; to a person who wants to get on the ballot by petition in a general election, they have to get 4,000 signatures. They can get those 4,000 signatures from any registered voter in the state of Nebraska. Those people could have voted in the primary, they could be Republicans, Democrats, Independents and it's not a binary choice. You're not saying you're signing a petition therefore you are better than everyone else, it's just saying you are good enough to appear on the ballot to run for office. That's the petition process. To go through a primary, you are now narrowed the number of people who are eligible to vote for you and those people have to make a binary choice. It's not just you're good enough to appear on the ballot, it is you are the best person running for this office and you are better than anyone else who is running for office. So it seems to me that it's much easier to go get a signature which just requires you to convince someone to put your name on a ballot than it is to get someone to vote for you, which is to convince them that you are the best person for the job.

**WAYNE:** [00:33:58] So if it's so much easier, then why are we afraid of it, why haven't more Independents been elected?

**MURANTE:** [00:34:03] I don't think anyone's afraid of anything. I think we're trying to create a mechanism, a framework where two people who are similar-- who are situated in the exact same situation are treated in a substantially similar way asking one person to win a primary with a

100,000 votes and asking another person to get 4,000 signatures is not substantially similar. Those are treating two people in a vastly different--

**WAYNE:** [00:34:28] I would argue that--

**MURANTE:** [00:34:29] If you ask me right now, you'd get on the general election ballot. You have to go either get 100,000 votes in your race or go get 4,000 signatures, I would say 4,000 signatures is a heck of a lot easier.

**WAYNE:** [00:34:42] I disagree with you, because in Omaha, Nebraska, I'm going to get 100,000 votes because if I'm running in a statewide race because I'm a Democrat or a Republican. That-- to reach-- to reach the 100,000 threshold in a two-party system is so simply as filling out an application. And to believe that's not true is to disregard what really happens in every election that if you're a Democrat and you lose by 60 percent on a statewide campaign, you still reach that 100,000, in fact, you're about 200,000. You look at statewide elections, oh yes, when you look at statewide elections and you lose by 30 percent, you're still reaching that threshold that you need to have. But that is-- the point of it is at the end of the day, I think it's important that we as a body, unless we want to get rid of a non-partisan Legislature, unless we want to just start admitting that everybody is partisan, I have no problem doing that. If you want to call a spade a spade, let's call it a spade, but to make the burden so hard for somebody in the Third District to go around and collect 4,000 votes versus me in Douglas County who all I have to do is register as a Democrat and sign up, I think that creates an undue burden.

**MURANTE:** [00:35:59] I would love to live in this world where there are no primaries and we all get to just run unopposed for things, but I'm not sure we live in that world. Are there any additional questions? All right, I see none. We will proceed to proponent testimony on LB969. Are there proponents? Is there any opposition testimony to LB969? Is there any neutral testimony to LB969? Senator Wayne, you're recognized to close.

**WAYNE:** [00:36:29] Consent calendar. [LAUGHTER]

**MURANTE:** [00:36:32] You might get a no vote, Senator.

**WAYNE:** [00:36:37] I'm happy to answer any questions.

**MURANTE:** [00:36:43] I think you covered it, we'll duke it out later.

**WAYNE:** [00:36:46] Gretna it is, we'll see you there.

**MURANTE:** [00:36:49] Gretna it is. Local has great burgers.

**WAYNE:** [00:36:50] I will be over in Department of Health and Human Services Committee.

**MURANTE:** [00:36:54] Thank you. I do have a letter of support from Rose Godinez of ACLU Nebraska in support of the bill. Now we're back to Senator Blood.

**HILGERS:** [00:37:09] She's still in Judiciary? Is that where she is?

[00:37:18] [BREAK]

**MURANTE:** [00:38:22] Welcome back to your Committee on Government, Military and Veterans Affairs.

**BLOOD:** [00:44:57] Thank you, Chairman Murante. I need to catch my breath.

**MURANTE:** [00:44:58] If you need a moment to catch your breath, feel free.

**BLOOD:** [00:44:59] I do. Good afternoon, Mr. Chairman and members of the Government Committee. First of all, thank you for the opportunity to share LB682 with you today. My name again is Senator Carol Blood C-a-r-o-l B as in boy, -l-o-o-d as in dog; and I am the District 3 senator representing western Bellevue and southeastern Papillion. Today I bring you a bill that is very simple. The bill will do our men and women in the armed services a great service by giving them peace of mind. This bill is a state enhancement to the Servicemembers Civil Relief Act, also known as SCRA. Updates to SCRA since 2003 extended to cover residential leases and motor vehicle leases entered while on active duty in order to provide relief to servicemembers when they deploy or assigned overseas, or in some circumstances where they have a permanent change of station. Other changes have also provided remedies and civil enforcement by the U.S. Attorney General. Many states have applied several protections found in the federal SCRA to members of the National Guard under state activation. However, these protections vary widely. Some states have extended the consumer protections beyond what is included in the federal SCRA through state statutes and apply these additional protections to servicemembers on federal active duty, as well as state activations. The Department of Defense recognizes that states need to develop protections that makes sense within the context of the consumer protection laws. Department of Defense request states consider protections that are applicable to active duty members, excuse me, applicable to active duty for members of the uniformed services which parallels members covered by the Federal SCRA, applicable to a contract to provide telecommunications services, internet services, television services, athletic club or gym memberships, or satellite radio services, applicable as well to certain residential lease, residential agreements due to moves into government-owned leased housing. Service members are protected as consumers of the federal SCRA, however the federal law does not protect servicemembers concerning the specific types of contracts. It is the hope of the DOD that states can provide additional consumer protections that can mirror and expand the federal SCRA. As you all know, when you sign up to join the military, you rarely have a say in where you're going to serve. There are times when those who serve receive very little notice that they are going to be moving on to their next post or deployed. This is especially true when you look at the state of our world these days. Conflict can break out at any time and troops can be moved from one state to another or even overseas with little notice. They sign up to do this. They are putting themselves between us and the enemy. They don't ask for much in return. The least we can do is to make sure that-- the least we can do is to make it so when they are given the order to move out that they don't have unnecessary worries on their minds like the concerned they are going to have to spend hundreds or thousands of dollars in goods or services they'll never use. This is impetus behind this bill. My Military Consumer Relief and Protection Act will make it so that any servicemember that receives orders to relocate from their current posting for more than 90 days will be able to terminate a service contract they have entered into without companies that offer a wide variety of different services. These companies include telecommunications companies, and ISPs from cable companies, television services that use satellite dishes, satellite radio services, and gyms or athletic club memberships. The active duty servicemember or reserve member who is being called into active duty will also be able to terminate a residential rental property contract, as long as that contract doesn't fall under a provision of the Uniform Residential Landlord and Tenant Act. The servicemember is able to cancel these contracts without fear of paying any kind of early termination penalty as long as they provide proof such as a copy of their orders and that their-- and their relocation is coming because of those lawful orders from their supporters-- their superiors. I should not have run down here. The one caveat here is that the servicemember will not be able to break their contract if they are moving to an area where the provider operates. This means that if they are locating from Nebraska to Florida and they have Verizon as a cellular phone provider, they aren't

going to be able to cancel that contract. However, if they are doing the same thing but they have Cox as their cable provider or Prairie Life as their gym, they'll be able to cancel any contract they might have entered into since neither company has a presence in Florida. Again, the servicemember is only able to do this if they are moving out of the area for more than 90 days. After those 90 days, if they are either assigned to or decide to move back into the area after their service time is up and they want to sign up with Prairie Life again, they will be able to do so without paying any kind of penalty or tax that is outside of the normal initial sign-up fees. I want to, once again, make it clear this isn't some way for a servicemember to get out of costly contract just so they can save some money. They must be ordered to leave and they must prove it. In that situation, breaking their contract is entirely out of their control. As I said earlier, I believe giving them peace of mind that they aren't going to be on the hook for a contract they can't take advantage of because of circumstances beyond their control. LB682 will also send a message to the higher ups, especially those that are starting to look at BRAC once again, that Nebraska is a state that continues to look out for its active duty and reserve servicemembers. Measures like this one could make a difference when talking about which states are truly military friendly and deserve to keep their bases open and active. It is one more positive step forward. With that I ask you to please advance LB682 out of committee and onto the floor. I would love to get this on the consent agenda and I'd be happy to answer any questions you might have.

**MURANTE:** [00:50:46] All right, are there questions? Senator Brewer.

**BREWER:** [00:50:48] Thank you, Mr. Chairman. And thank you for your testimony. The idea of this bill, where did it come from?

**BLOOD:** [00:50:57] This is part of the partnership that I've had with the Department of Defense and the Military for Families initiative which works across United States to make sure that states create military-friendly type legislation that embraces our-- our military men and women and their families.

**BREWER:** [00:51:12] Well, I could not agree more with the idea of being sure that we don't put them in an impossible position, because that's what we saw in 2002 and '03 when the war started was that we were moving so many so fast that, you know, you were literally left with thousands of dollars in issues that could not be resolved. And if you didn't want to ruin your credit rating, you pretty much had to just bite it. And so--

**BLOOD:** [00:51:44] And that's not fair. That's a really valid point. Thank you, Senator Brewer.

**BREWER:** [00:51:48] Thank you for your testimony.

**MURANTE:** [00:51:50] Thank you. I see no additional questions. Thank you for your opening. Proponent testimony? Come on forward. Welcome.

**MARTIN DEMPSEY:** [00:52:09] Thank you. Good afternoon, Senator Murante, committee members; my name is Martin Dempsey M-a-r-t-i-n D-e-m-p-s-e-y. I'm the regional state liaison for the Department of Defense, and I've worked for the Deputy Assistant Secretary of Defense for military community and family policy. Senator Blood did a great job of giving the summary of the bill, so I won't repeat-- repeat or waste your time with boring facts that I have in my comments only to add something that Senator Brewer asked. This is the Secretary's top 10 issue. He comes up with 10 issues that we vet through all the committees and all the NGOs, non-government organizations, and we whittle them down to 10 every two years, and this is one of the top 10 that he deems most needed, simply because it brings the SCRA back into the twenty-first century. We don't have all the caveats that cover the cell phone bills, the telecommunications, some of the gym memberships, they

just didn't exist last time in volume that they do today. And with the ever-mobile society that we live in, the ever-tasking operations tempo after more than 14 years of covering from guard units to active duty units demands this is the right thing to do, civil thing to do. Since 1947, the SCRA has done great things, and we believe it will continue to do great things. We appreciate you taking up this issue. As Senator Blood said, we'd like to see this on the consent and hope you agree. Having said that, I stand ready for questions.

**MURANTE:** [00:53:46] All right. Thank you for your testimony. Are there any questions? Senator Brewer.

**BREWER:** [00:53:50] Thank you, Mr. Chairman. Real quick on this-- on the one handout here it talks about how in February of 2012 the federal government and 49 state Attorney Generals reached non-President joint settlement \$25 billion, who was the fiftieth state that wasn't a part of that, do you know by chance?

**MARTIN DEMPSEY:** [00:54:10] I don't know at this time, but I'll get back with you with the answer. My apologies.

**BREWER:** [00:54:14] That would be interesting to know who that fiftieth state was. And the current Secretary of Defense, I think, you'll find that he is probably as well respected and loved by those in uniform as anyone who's ever had that job simply because he was one of us for so long.

**MARTIN DEMPSEY:** [00:54:34] I concur.

**BREWER:** [00:54:35] You can relay that if you get a chance.

**MARTIN DEMPSEY:** [00:54:37] Hoorah.

**BREWER:** [00:54:37] Thank you.

**MURANTE:** [00:54:41] All right. Seeing no additional questions, thank you for your testimony.

**MARTIN DEMPSEY:** [00:54:43] Thank you, Mr. Chairman.

**MURANTE:** [00:54:44] Much appreciate it. Additional proponents on LB682? Welcome.

**RYAN McINTOSH:** [00:54:56] Good afternoon, Mr. Chairman, members of the committee; my name is Ryan McIntosh, R-y-a-n M-c-I-n-t-o-s-h. I'm the legislative chairman for the National Guard Association of Nebraska testifying on behalf of our association today. National Guard Association of Nebraska is a private association which includes the current commissioned officers and warrant officers of the Nebraska Army and Air National Guard, as well as a large number of retirees. We thank Senator Blood on behalf of organization servicemembers across the state for bringing this initiative. What hasn't been touched on yet is the implication this has on the National Guard as opposed to just our active duty-- our regular active duty counterparts. In the Nebraska National Guard there's-- any national guard, there's several different duty statuses; there's traditional in-base soldiers, one week in a month, as I am. And then we also have tele-32 Active Guard Reserve or AGR soldiers that are very similar to their active duty-- regular active duty counterparts, except that regular active duty soldiers, airmen, marines, sailors are governed by Title 10, not Title 32. As Title 32 soldiers, we do not have the protections that are afforded under the Servicemembers Civil Relief Act, the federal law, unless we are federally activated such as for an overseas deployment. So historically, these provisions have not applied to us despite the fact that we regularly get called to service schools or other training that lasts for further than 90 days. As

members of the National Guard, we're regularly pulled away from our families and our jobs to attend training for weeks or months at a time. LB682 extends some of these same protections under the federal law to us Title 32 soldiers and the National Guard. I ask that you support LB682 and I urge the committee to pass it. I think it would be a perfect candidate for consent calendar. With that I'd be happy to answer any questions.

**MURANTE:** [00:57:00] All right. Thank you for your testimony. Are there any questions? Senator Brewer.

**BREWER:** [00:57:03] Thank you, Mr. Chairman. Right now, the National Guard, between the air and the army, do you have a rough idea on who's deployed and where?

**RYAN McINTOSH:** [00:57:17] I don't have that information off the top of my head right now. We have a pretty small overseas footprint right now. Our biggest force, I'm aware of, is just come-- just came back from Guantanamo.

**BREWER:** [00:57:29] Guantanamo, the military police one.

**RYAN McINTOSH:** [00:57:30] And that-- and that was a Title 10 deployment, so they were afforded those protections. What I have in my mind right now is the-- what this would provide, a lot of protection to is initial entry training. You know, for me my next school will be-- long school will be war college which extends beyond the-- well beyond the 90 days, so that's some of the primary effects that we would see from that.

**BREWER:** [00:57:59] All right, thank you.

**MURANTE:** [00:58:01] Thank you, Senator Brewer. Seeing no additional questions, thank you for your testimony.

**RYAN McINTOSH:** [00:58:10] Thank you.

**MURANTE:** [00:58:10] Additional proponents wishing to speak? Welcome.

**JENNIFER CREAGER:** [00:58:20] Thank you. Chairman Murante, members of the committee, for the record my name is Jennifer Creager, J-e-n-n-i-f-e-r C-r-e-a-g-e-r; I'm the senior director of public policy at the Greater Omaha Chamber. We're offering our support for LB682 and thank Senator Blood for introducing this bill. Simply want to say that we have a long history of supporting Offutt Air Force Base missions and personnel there. Our support for this proposal is in line with our support of other measures affecting military personnel and installations in Nebraska. The bill would provide a measure of relief for servicemembers who are deployed or reassigned and members of the National Guard who are called to active duty. In doing so, this would not only assist them and their families in stressful times, this would also send the message that Nebraska truly is a military-friendly state. And we do engage with-- we have a consultant in D.C. who's working on BRAC issues all the time and I know how important it is that the state demonstrate that we're a military-friendly state, so that should be something that's important to all of us. With that, thank you.

**MURANTE:** [00:59:15] And thank you for your testimony. Are there questions? I see none.

**JENNIFER CREAGER:** [00:59:18] Thank you.

**MURANTE:** [00:59:18] Thank you. Additional proponent testimony on LB682? Is there

opposition testimony to LB682? Is there neutral testimony on LB682? Mr. Mueller, welcome back.

**BILL MUELLER:** [00:59:37] Thank you, Senator Murante. Members of the committee, for the record my name is Bill Mueller, M-u-e-l-l-e-r. I appear here today on behalf of the Nebraska Association of Commercial Property Owners. The page is handing out a letter from Gene Eckel who represents the Apartment Association of Nebraska. The letter says that we are appearing here in opposition to LB682. I am not appearing here in opposition to LB682. I've talked to Senator Blood and I've heard other witnesses who are interested in putting this on consent. Our concern is a very narrow one, and that is on page 3, lines 5 through 8 of the bill. It would apply this new state statute to a lease of residential rental property. It is my understanding that these residential rental agreements are subject to the federal law currently, but there is a 30-day notice requirement. We would like to retain that 30-day notice requirement. We can either put that 30-day notice requirement in this bill or we can strike lines 5 through 8. Before the gentleman with the National Guard spoke, I was going to suggest that you strike lines 5 through 8. If they're not subject to the federal law, then perhaps we should put this protection for them. We will work with your committee to mirror the state law as to residential rental agreements. I've talked with the senator, I've talked to Mr. Dempsey. Mr. Dempsey tells me that this 30-day requirement would not pose a problem for the military, that personnel know that they are going to be transferred at least 30 days in advance. So I would respectfully ask that you put that into this bill. I did not want to testify in opposition, because as I recall, the consent rule that would disqualify this bill from being considered on consent. I'd be happy answering questions that you may have.

**MURANTE:** [01:01:47] All right. Are there questions? I see none.

**BILL MUELLER:** [01:01:50] Thank you.

**MURANTE:** [01:01:51] Thank you for your testimony.

**BILL MUELLER:** [01:01:54] Thank you.

**MURANTE:** [01:01:54] Is there additional neutral testimony on LB682? Seeing none, Senator Blood.

**BLOOD:** [01:02:08] Now that I've caught my breath. I sincerely appreciate your consideration for this to go on consent agenda. I know, ultimately, that's the Speaker's choice, but we can do so much more for the military than we've done here in Nebraska. And you've probably heard me say this before, but I have fire in my belly. I literally have Offutt Air Force Base in my backyard. If we lose Offutt Air Force Base, we lose \$1.7 billion that goes to the Nebraska economy. We think our budget is in dire strait now, take away that revenue. So we can do little things that are low hanging fruit that make a huge difference in the lives of these people who serve and their families, have no fiscal note, and puts us in a better position, not if BRAC happens but when it happens. So the more we can get done, last year, this year, and the next, the better it is for the state of Nebraska. So I hope you truly consider that when you made your decision in Executive Session.

**MURANTE:** [01:03:12] All right, thank you for your closing. Any final questions? I see none. And I do have letters in support from Paul Cohen of the Military Officers Association of America; and Bryon Line of the Nebraska Democratic Party Veterans and Family Caucus. So, Mr. Mueller, how would you like us to treat your organization's letter? Just wash it away?

**BILL MUELLER:** [01:03:35] Yes.

**MURANTE:** [01:03:36] Okay, we will do that. And that closes the public hearing on LB682 and

ends our public hearing for the day. Thank you everybody.