

Transcript Prepared by Clerk of the Legislature Transcribers Office
General Affairs Committee January 25, 2021
Rough Draft

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BRIESE: We'll get started here today. Welcome to the General Affairs Committee. My name is Tom Briese. I'm the senator for District 41. I'm the Chairman of this committee and will be conducting today's hearing. We're here today for the purpose of conducting four bill hearings. For the safety of our committee members, staff, pages, and the public, we ask that those attending our hearings to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it is necessary for you to attend the bill hearing in progress. The bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that everyone utilize the identified entrance and exit doors to the hearing room. The entrance is on my right; the exit is on the left. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist committee members and transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Persons waiting to enter hearing room are asked to observe social distancing and wear a face covering while waiting in the hallway or outside of the building. The Legislature does not have the availability, due to the HVAC project, of an overflow hearing room for hearings which attract several testifiers and observers. For hearings with a large attendance, we will request only testifiers enter the hearing room. We ask that you please limit or eliminate handouts. If you wish to testify in person on any of the matters before us, we ask that you fill out one of the green sheets of paper. The green sheets are located by the entrance. If you do testify, we ask you begin your testimony by stating and spelling your name for the record, which is very important for our Transcribers Office. The order of proceedings is that the introducers will be given an opportunity to open on their bills, then we will hear the proponents, opponents, and neutral testifiers. Following the testimonies, the introducer will be given an opportunity to close. We ask that you listen very carefully to try not to be repetitive. We do use the light system in the General Affairs Committee. Each testifier will be afforded five minutes to testify. When the yellow light comes on, you will have one minute remaining and we ask that you begin

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concluding your remarks. When the red light comes on, your time has expired and we will open up the committee to any questions they may have of you. At this time. I'd encourage everyone to turn off or silence any cell phones or electronic devices or anything that makes noise. The General Affairs Committee is a committee that is equipped for electronics, so you may see members referencing their iPads, iPhones, or other electronic devices. I can assure you, they're just researching the matters before us. I'd first like to introduce our pages today. First, we have Evan Tillman, a sophomore at UNL. Go ahead, stand, if you would. And secondly, we have Jonathan--thank you-- Jonathan Laska, a senior at UNL. Thank you. And now I'd like to let the members self-introduce, beginning on my right end, if you would like to introduce yourself, Senator Cavanaugh.

J. CAVANAUGH: Thank you. John Cavanaugh. I represent District 9 in midtown Omaha.

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

WAYNE: Senator Justin Wayne. I represent Legislative District 13, which is north Omaha and northeast Douglas County.

BREWER: Tom Brewer. I represent District 43, which is 13 counties in western Nebraska.

BRANDT: Tom Brandt, District 32, Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster County.

BRIESE: Thank you. And then on the end we have Alex DeGarmo, committee clerk, and to my right we have Laurie Holman, our legal-- committee legal counsel. And with that, let us proceed to the hearing on the first bill, which is LB312, Senator Sanders. Good morning and welcome to the General Affairs Committee.

SANDERS: Good morning, Chairman Briese and committee members. For the record, my name is Rita Sanders, R-i-t-a S-a-n-d-e-r-s, and I represent District 45, which includes much of the Bellevue/Offutt community in Sarpy County. My bill is LB312; would expand the qualifications of membership on a cemetery board to include those who own a plot within said cemetery. This concept was brought to us by a

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gentleman who will not be able to testify due to the weather today. Currently, state law requires that any cemetery not formed by a political subdivision, a church, a public charitable corporation, a cemetery district, or a fraternal and benevolent society be owned, managed, and conducted by a cemetery association of no less than five residents of the county in which the cemetery resides. These associations, especially for cemeteries in rural areas, struggle to recruit citizens to serve in these associations. This bill would give owners of a plot inside the cemetery a chance to give input and manage said cemetery. This solves two problems. One, owners of plots within a cemetery governed by an association can be involved in the cemetery's management and operation. Two, it would expand the pool of possible association members to include those who may be most interested in serving. This bill would also change recordkeeping requirements. Currently, when a cemetery association meets, state law requires that the notes of said meetings be delivered to the clerk of the county in which the meeting is held. This bill would be-- would instead require the true record of proceedings be delivered to the clerk of the county in which cemetery resides. This would be a more logical place for citizens to search for records and notes related to a cemetery in their county. This bill is designed to help associates find members to serve and help citizens more conveniently find the relevant published records about their local cemetery. I appreciate the committee's consideration of LB312 and I welcome the opportunity to answer any questions.

BRIESE: Thank you, Senator Sanders. Do we have any questions from the committee? Senator Brandt.

BRANDT: Thank you, Chairman Briese. Thank you, Senator Sanders, for bringing this bill. I know we had talked on the floor about some of these issues. I actually serve on a cemetery board and I have one of those very small cemeteries in Nebraska that used to be a church and now all that's left there is a cemetery. And I can tell you from experience, it isn't the plot owners that really care. It's the people that are related to the people interred at the cemetery. So this bill does not prevent any of those people from serving on the board, does it?

SANDERS: No, it does not.

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BRANDT: OK, that's-- that's all I needed to know. Thank you.

SANDERS: Just expands--

BRANDT: OK.

SANDERS: --who can serve.

BRIESE: Thank you, Senator Brandt. Anyone else? Seeing no further questions, thank you for that, Senator Sanders.

SANDERS: Thank you. Thank you.

BRIESE: And I now open it up to any testifiers in support of this bill. Seeing none, any testifiers in opposition to the bill? Seeing none, any testifiers testifying in the neutral capacity? Seeing none, Senator Sanders, you're welcome to close if you choose to; otherwise, you could waive closing.

SANDERS: I will waive closing. Thank you.

BRIESE: OK, very good. Thank you for bringing that to us.

SANDERS: Thank you.

BRIESE: We do have one letter in a neutral position from Jonathan Cannon from NACO, and that will close the hearing on LB312. Next hearing will be on LB75. Should be Senator Gragert. We'll go ahead and open the hearing on LB75, Senator Gragert. Good morning and welcome, Senator Gragert.

GRAGERT: Good morning. Good morning, Senator Chambers-- Briese-- geez-- and members of the General Affairs Committee. I'm Senator Tim Gragert, T-i-m G-r-a-g-e-r-t, representing District 40, northeast Nebraska, and here today to introduce LB75. First, I'll give you some background information. County governments are-- is structured as either a commissioner form or a supervisor form of government. In the 22 counties with the supervisor form, separate townships make up the level of government below counties. Each township has a separate elected board that deals primarily with roads within the township. Some also have township libraries and cemeteries. Counties can change from one form to another and with the last-- and within the last dozen

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years, Adams, Hall, Antelope, Buffalo, Phelps became commissioner counties. Voters in Kearney County approved the change in the November election and will take effect in 2023. Voter approval isn't a slam dunk. The question was on the ballot recently in Dixon and Harlan Counties and didn't pass. One question that has come up when county boards and the public are discussing what happens to the township if the form of government is discontinued is, what happens to the township libraries? LB75 would create some general guidelines to assure that the public has input on the future of the library if voters discontinue the township form of government. It would require that the county board hold a public hearing to determine whether the township library should be disposed of, merged with a city, village, or county library, or-- or continued operation. The hearing would be held within one year after the voters approve the discontinuance. Within 60 days after the hearing, the board would have to adopt a resolution stating the disposition of a library and the effective date. The second section of the bill addresses the authority to continue a levy for the library after the township form is discontinued. It provides that if a township library continues to operate after discontinuance, the county can enact a township library levy within the boundaries of that township. The levy would not be mandatory, but it would be treated like a miscellaneous district levy, similar to the levy of an ag society or fire district, and would fall within the 15 cent levy authority that can be allocated to those districts by the county board. I introduced LB75 on behalf of NACO. Jon Cannon from NACO will follow me to speak to specifics. I would be happy to answer any of your questions or you can save them for Jon. Thank you for your consideration of LB75, and I urge your favorable vote for the advancement of LB75 from committee. Thank you.

BRIESE: Thank you, Senator Gragert. Do we have any questions for Senator Gragert?

GRAGERT: I--

BRIESE: See--

GRAGERT: I-- excuse me, Chairman Briese. The-- there was an amendment that I passed out and this amendment came in, and the NACO is fine with the amendment. I would like to offer AM33 to LB75. This amendment would suggest that the Nebraska Library Association, as I understand

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NACO is-- agrees with the amendment. LB33 [SIC] simply inserts language to require the county board to give notice to the public of the public hearing to the Nebraska Library Commission and the regional library system in which the township library is located. This would make sure these entities were aware of the public hearing and allow them to offer comment if so desired. Thank you.

BRIESE: OK, thank you, Senator Gragert. Any questions for the senator? Seeing none, thank you for presenting that.

GRAGERT: Thank you.

BRIESE: Test-- any testimony in support of the bill? Good morning and welcome.

JON CANNON: Good morning, Senator Briese. Distinguished members of the General Affairs Committee, my name is Jon Cannon, J-o-n C-a-n-n-o-n. I am the deputy director of the Nebraska Association of County Officials, otherwise known as NACO, here to testify in support today of LB75. I have to apologize to your page. I-- ordinarily you're-- you're accustomed to, you know, having a spring underneath you when-- when it's time to go testify and-- and she-- she had her protocol to observe. So but my apologies, you know, young lady, if the-- if you felt like you were being rushed or anything like that. That's my-- that's on me. You know, first and foremost, I would like to thank Senator Gragert for bringing this bill. I have-- actually I brought some handouts with me, and then I saw we're supposed to limit our handouts, so I think I'll email them to the committee clerk later on. It's just general background from they go about the township form of government and how many we have and what the commissioner and the supervisor structure looks like across the state. I've been at NACO for two years now, just a little-- little over two years, and in that time, there have been three counties that have voted on townships. Two of them turned it down: Harlan and Dixon. One of them, Kearney County, voted to-- to do away with township form of government. And in that time, you know, whereas Senator Gragert correctly said that the primary purpose of townships is to, you know, take care of your roads, on a very, very local level, localized level, the questions I probably received more of have had to do with, well, what's going to happen to our library, what's going to happen to our cemetery? And so, you know, in this last go-around, we had a couple of questions from both Dixon

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and Kearney County asking about that very question. We thought it would be appropriate to bring this legislation forward. The NACO board voted on this last October and thought this would be something that would be appropriate just to clarify in the statutes how we-- we treat our township libraries when we discontinue the township form of government. I understand we have some amendments that have been brought forward. I had great conversations with representatives from the Library Association. They've been very gracious bringing their concerns forward. And I think that to the extent that we're having a public hearing for the county board to talk about how we're going to dispose of the township library, it's entirely appropriate to make sure that that notice gets sent to the Library Association and the regional library system so that they can bring forth any information that they want the county board to consider. They can bring that forward at that public hearing. And so I'd-- I'd like to thank them for their-- their willingness to work with us on that amendment. I have nothing further. If you've got any questions for me, I'd certainly be happy to take them.

BRIESE: Thank you for that. Any-- any questions of our testifier?
Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Briese. And thank you, Mr.-- Cannon?

JON CANNON: Yes, sir.

J. CAVANAUGH: And perhaps this is my ignorance, but what-- what-- so what was the county that-- that voted to adopt or to eliminate township?

JON CANNON: Kearney County.

J. CAVANAUGH: Kearney County. And what happened in that situation
[INAUDIBLE]

JON CANNON: Well, they just-- they just voted for it in this last general election. And so right now, it's an open question as to what's going to happen with that township library. You know, at some point, someone's going to have to-- and, oh, by the way, they voted for it, but it will not take effect until 2023. And so they've got three years-- or two years, essentially, to figure out exactly what's going

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to happen with that. This legislation will-- will provide some clarity, assuming that it gets passed. And, you know, and-- and as far as-- as other counties that have voted to eliminate the township form of government, you know, there haven't-- there haven't been a lot of libraries that we've had to deal with, but that-- that has worked itself out in the past. But sometimes it works itself out in different ways and sometimes, you know, the village will take it over and they'll have that as part of their general levy. Other times the county makes it a county library. It just depends. But there's not a lot of uniformity. And when you don't have that sort of uniformity, when people are-- are going to the ballot box and they're wondering, should I vote for this or not, and they really like their library or maybe they don't like their library, but that's one of the questions that they'd probably like to have answered.

J. CAVANAUGH: Thank you.

JON CANNON: Yes, sir.

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

BRANDT: Thank you, Chairman Briese. Thank you, Mr. Cannon, for appearing today. On the-- Senator Gragert stated that the levy authority would be with the county. So let's say my county is one of those counties we dissolve and I have a library. Is that part of the 50 mills that the county has, or do they set up a separate library board with taxing authority to continue to tax that township?

JON CANNON: That would be part of the-- the 50 cents that the county has. They have up to 15-- up to 15, 1-5, cents that they can allocate to some of those-- those smaller political subdivisions, and the library would be part of that.

BRANDT: And then that wouldn't be supported by the entire county. That would be just that existing township would continue to be taxed on that--

JON CANNON: If that's the mill.

BRANDT: --on that mill levy, so then the citizens would have to go to those county commissioners to argue for an increase or a decrease or

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anything of that nature. So now the county commissioners effectively become the library board. Is that correct?

JON CANNON: They will have the authority to authorize the levy for that particular township library. And so I don't know, I'm not familiar enough with how library boards operate, but my understanding is there's a representative from the library association here and I don't want to steal his thunder, so I--

BRANDT: OK.

JON CANNON: --I'll just say I don't know.

BRANDT: All right. Thank you.

JON CANNON: Yes, sir. Thank you.

BRIESE: Thank you, Senator Brandt. Any other questions? I had one here relative to the valuation going forward. Is there-- is there a precedent for freezing valuation at a point in time going forward or--

JON CANNON: On the property tax side?

BRIESE: Yeah.

JON CANNON: So that's been brought up in times past. The question that you have as far as freezing valuations is one of uniformity. And I'm not-- I don't know. I'd be happy to have a conversation with you offline, or here is fine, you know, about kind of why that-- that creates a uni-- a bit of a uniformity problem, because if-- if, for instance, I know that-- that ag land is declining in value and I know that commercial property is increasing in value and we have a freeze in place, if I know that-- that commercial properties are-- you know, that they're undervalued because the commerc-- the commercial market's been doing really well and I own ag land, well, I want to be equalized. I want some sort of equalization with-- with the commercial class of property because that uniformity is all of a sudden gone. And so that, that creates a little bit of a problem when you do a freeze. The Attorney General has addressed the prospects of doing a freeze-- imposing a freeze on valuations and I think the general consensus is that that would probably not meet constitutional muster.

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BRIESE: OK. No, and I bring that up-- I don't disagree with the intent of doing this and understand the intent. I think I agree with what we're trying to do here. But I just wonder about the mechanism and we'd probably have to look at that a little.

JON CANNON: Yes, sir.

BRIESE: But anyway, any other questions? Seeing none, thank you for your testimony.

JON CANNON: OK. Thanks very much. Take care.

BRIESE: Yeah, you too. Any other testimony in support of LB75? Good morning and welcome.

HUNTER TRAYNOR: Good morning. Chairman Briese, members of the General Affairs Committee, my name is Hunter Traynor, H-u-n-t-e-r T-r-a-y-n-o-r. I'm a second-year law student at the College of Law, a law clerk at the Rembolt Ludke law firm, and a registered lobbyist before the Nebraska Legislature. I'm here today on behalf of the Nebraska Library Association, and we'll be speaking in support of LB75 as modified by the amendment Senator Gragert offered in his opening. Currently, the bill requires a county board to hold a public hearing to determine the future of a township library in the event a township is dissolved. The amendment would simply require the county board to provide notice of the public hearing to the Nebraska Library Commission and the regional library system for the region where the township library is located. This will ensure that officials from the commission or the regional system can attend a public hearing to provide information which will hopefully assist the county board in whatever determination they seek. This information could include the proximity of neighboring libraries, supplemental funding sources for the township library, and statistics about the library's usage. As you all certainly know, many Nebraskans rely upon their libraries for vital services, be it books or broadband access. We believe that this amendment will help county officials make informed decisions about all of these services. Speaking of county officials, I want to thank Jon Cannon from the Nebraska Association of County Officials. NACO has been extremely supportive in coming to an agreement on this amendment. And finally, Senator Gragert, I want to thank you not only for

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bringing the bill, but also for considering the concerns of Nebraska's library system. I'm here to answer any questions. I'm happy to.

BRIESE: Thank you for your testimony, Mr. Traynor. Any questions for Mr. Traynor? Seeing none, thanks again.

HUNTER TRAYNOR: Of course. Thank you.

BRIESE: Any additional testimony in support of LB75? Good morning and welcome.

ROD WAGNER: Good morning, Chair-- good morning, Chairman Briese and members of the General Affairs Committee. I am Rod Wagner. That's R-o-d, Wagner, W-a-g-n-e-r. I'm director of the Nebraska Library Commission. I just had a few comments. First of all, I wanted to, on behalf of the Nebraska Library Commission, encourage the General Affairs Committee to support and advance LB75. Of Nebraska's counties with township organization, there are ten counties that have or that provide funding for public library services. In all, there are 19 libraries in Nebraska that receive township funding. Most of these libraries are-- were established as township libraries. Some receiving township funds are village or city libraries that, in addition to their city and village funding, receive money from townships to provide library services beyond the city or village to the larger township community. There was a question about library boards and what would happen to a township library in the event of the county discontinuing township organization. I'm not exactly sure how that would happen. It would be subject to the county board determining governance if-- unless the library becomes part of the-- a nearby village or city. Library boards are appointed by their village or city or the county. We have some counties in Nebraska that have county libraries, not many, but some. So that, that's kind of a question to take a look at. I also wanted to mention that Kearney County came up as the one that had a recent election to discontinue township organization. The library board chair from Axtell, the one and only library in the county that has-- that is a township library, she had planned to be here, but the weather prevented her from coming this morning. However, I think she-- I believe she intends to provide a written statement in favor of this legislation. I think the critical thing, and what I would thank Senator Gragert for introducing this legislation and for the Nebraska Association of County Officials, for

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being proactive in developing a process by which we can determine how a township library will be either reorganized or-- I know the one comment that the library board chair from Axtell wanted to make is that she likes the bill, she would just like to strike the option of discontinuing library service, so I-- I would support that as well. I just wanted to thank Senator Gragert for introducing the legislation, NACO for its work in crafting this process, and to thank you for your consideration. I'd be happy to answer any questions you may have.

BRIESE: Thank you for your testimony, Mr. Wagner. Any questions of Mr. Wagner? Senator Brandt.

BRANDT: Thank you, Chairman Briese. And this is sort of I'm still trying to clarify. So let's say we got rid of all the townships in the state tomorrow and-- and got rid of that hurdle. How many libraries do you have supported by counties out of the 93 counties out there? Do you-- do you know that?

ROD WAGNER: Oh, that's a good question. It's not a big number. It's maybe around a half a dozen that are actually county public libraries and they're out in the parts of the state where, you know, we have fewer communities, so not-- the-- not very many, about a half dozen. There are a number of counties that provide money to libraries within their counties, but they're providing it to a village or a city. So there's a number of counties that do that, but actual established county libraries, not very many.

BRANDT: Right, and they-- my only concern is the oversight on the levy authority and--

ROD WAGNER: Yeah.

BRANDT: --and does this sort of just morph into the county board now has this authority or is this above and beyond or is there a committee, and I just want some clarification.

ROD WAGNER: I'm-- I'm not--

BRANDT: That's all I'm looking for

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ROD WAGNER: I'm not the best person to answer that. I think the NACO people would. But I would-- it seems to me it would be with the county that would determine that.

BRANDT: All right. Thank you.

BRIESE: Thank you, Senator Brandt. Any other questions? Seeing none, thank you for your testimony, Mr. Wagner. Any other testimony in support of LB75? Seeing none, any testimony in opposition to LB75? Seeing none, anyone wishing to testify in a neutral capacity? Seeing none, Senator Gragert, would you care to close? Senator Gragert waives closing. I see we have one letter in support of LB75 from Jodi Hinrichs from the Axtell Public Library Board, president of the board. And that will close the hearing today on LB75. Next up, we have LB152 by Senator Slama. Good morning and welcome, Senator Slama.

SLAMA: Good morning, Senator Briese, and good morning, members of the General Affairs Committee. My name is Julie Slama, J-u-l-i-e S-l-a-m-a, and I represent District 1 in southeast Nebraska. I'm here today to introduce LB152, a bill that changes the definition of consumer fireworks in Nebraska. Currently, our state has a definition of consumer fireworks that departs from the federal definition, creating additional restrictions that limit the fireworks available to consumers, especially when analyzing our neighboring states like Missouri and South Dakota. This difference in definition has economic implications. Firework sales in Missouri topped \$51 million in 2019 while Nebraska's fireworks sales were a mere \$6.6 million. Many thousands of Nebraskans are willing to travel out of state to get access to fireworks that they cannot purchase at home. That desire for currently illegal fireworks, like bottle rockets, directly impedes our economy and hurts our local fireworks stands. LB152 will increase the sale of fireworks in our state by broadening which fireworks can be purchased by a consumer in the state of Nebraska. By changing the definition of consumer fireworks to the federal definition, we can make our state more competitive in this industry. Safety considerations are at the heart of this bill and this decision as well. There is no real evidence, especially when you consider our neighboring states, to show that states which have adopted the broader federal definition of consumer fireworks have seen any type of statistically significant increase in fireworks accidents compared in more restrictive states like Nebraska. In fact, Nebraska has a higher

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accident rate than the state of Missouri when it comes to fireworks. My office has worked extensively with the State Fire Marshal's Office to create-- create provisions that will further ensure the safety of Nebraskans. For instance, this bill would still maintain a ban on wire sparklers, which have a disproportionately high rate of consumer injuries. It also allows the fire marshal to test fireworks in response to complaints and, if necessary, deem them unsafe. This bill would also not supersede local ordinances regarding fireworks. If passed, LB152 will boost our economy by encouraging in-state purchases of fireworks while still ensuring the State Fire Marshal's Office has the tools necessary to maximize safety. Thank you, and I'm happy to answer any questions you may have.

BRIESE: Thank you. Senator Slama. Any-- any questions for Senator Slama? Seeing none, thank you for your testimony.

SLAMA: All right. Thank you.

BRIESE: And with that, we will open it up to any other testifiers in support of LB152. Good morning and welcome.

CHRISTOPHER CANTRELL: Good morning, Chairperson Briese and members of the General Affairs Committee. My name is Christopher Cantrell, C-h-r-i-s-t-o-p-h-e-r C-a-n-t-r-e-l-l. I am the State Fire Marshal and chief boiler inspector. I'm here to testify in favor of LB152. The fireworks industry is highly regulated both nationally and internationally. There are stringent standards governing the manufacture, importation, and transportation of fireworks. In 2010, the State Fire Marshal agency, working closely with Nebraska's firework industry, introduced legislation that removes the requirement for the agency to test and list by name each and every consumer firework that could be sold in the state. This testing and listing was replaced with the requirement that permissible fireworks would need to meet national testing standards. This change greatly expanded the market for the Nebraska fireworks industry and provided more products for Nebraska citizens to choose from when purchasing consumer-grade fireworks. LB152 would amend state statute 28-1241 to include new industry terms, such as 1.3G display fireworks and 1.4G consumer fireworks-- I lost my spot here-- update the year references for the various federal codes, and remove outdated terms previously used to describe broad categories of products. The 2010 legislation included a

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list of prohibited items based on known problems, fires and inj-- injuries the agency had investigated prior to its passage. LB152 will remove some of those prohibited items, such as firecrackers containing more than 50 milligrams of explosive composition-- composition or fireworks that are rockets mounted on a stick or wire and project into the air when ignited, commonly called bottle rockets. The first category relating to firecrackers has been addressed at the federal level and can no longer be classified as a 1.4G firework. The latter category, referring to bottle rockets, are classified as a 1.4G firework at the federal level and have received approval from the Consumer Product Safety Commission. Safety improvements to bottle rockets and better regulation on the federal level have lessened the fire and safety injury risk associated-- associated with these products. LB152 does retain some of the prohibitions currently in statute, such as wire sparklers. Each year, both nationally and locally, there are numerous injuries from sparklers and these injuries often occur to very young children. Sparklers burn at temperatures ranging from 1,800 to 30-- to 3,000 degrees Fahrenheit. Additionally, wire sparklers can be easily and dangerously misused. The agency and the Nebraska State Patrol have investigated numerous incidents where wire sparklers were bound together, thus creating explosive incendiary devices. In some cases, these were used to destroy property, and in others, to cause personal injuries. The final category of prohibited items that remains, under items that if the agency tests due to complaints and then deems un-- to be unsafe. This statutory provision is very important to retain as it allows the agency the flexibility to quickly respond and take necessary action during the short fireworks season to investigate, test, and remove from the market of any unsafe fireworks. Thank you for your time and attention today. I would be happy to answer any questions that you or the committee members might have.

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

ARCH: Thank you. Thanks for coming today. Do local jurisdictions, municipalities have the right to be more restrictive than-- than state?

CHRISTOPHER CANTRELL: Yes.

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ARCH: So they could pass their own ordinances if they felt for their jurisdiction they wanted to be more restrictive.

CHRISTOPHER CANTRELL: Yes.

ARCH: Thank you.

BRIESE: Thank you, Senator Arch. Senator Groene.

GROENE: Thank you. Do you go round and check every fireworks stand to make sure they have the right inventory, or who does that? Nobody?

CHRISTOPHER CANTRELL: We do. We have-- annually, we send out our team of deputy State Fire Marshal inspectors and hit as many of those as we can. Of course, we have a limited staff, but we do spot checks. And then in delegated authority cities, which we have as part of the State Fire Marshal agency, such as Lincoln, Omaha, Grand Island, where we've delegated our authority to the local people. That's where-- what they're doing there, so we hit most of the smaller towns and those that don't have an agreement with us.

GROENE: Thank you.

BRIESE: Thank you, Senator Groene. Anyone else? I had a couple of questions. So this, this would essentially match us up with Missouri and South Dakota as far as the quantity of powder that can be in the-- in the firecrackers themselves?

CHRISTOPHER CANTRELL: It-- it more-- it more matches us up with federal standards. I'm not sure what Missouri or South Dakota's standards are. I didn't do that research directly as-- as part of my testimony here today, sir. But we are in-- going into-- be in line with federal standards--

BRIESE: OK.

CHRISTOPHER CANTRELL: --which have updated their defin-- definitions and references, and that's really where we're going.

BRIESE: OK, and so currently in Nebraska, if you have a firecracker, you're limited to the grams of powder that-- that you can have in a firecracker?

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CHRISTOPHER CANTRELL: Yes.

BRIESE: And what is that limitation at this point?

CHRISTOPHER CANTRELL: Well, it's currently 50 milligrams, as--

BRIESE: Yeah.

CHRISTOPHER CANTRELL: --as discussed in the testimony, but a lot of those have been moved into the federal statutes and the federal definitions of what constitutes a 1.3 and 1.4G firework. And so that's why we're adopting those, and then those would contain those prohibitions as well.

BRIESE: And how many grams are allowed in a 1.4G firework?

CHRISTOPHER CANTRELL: I'd have to-- I'd have to research that and get-- and get back to you. I think it's more than-- anything more than 50 grams, but I'm not sure.

BRIESE: Yeah, I think--

CHRISTOPHER CANTRELL: I can get back to you on that.

BRIESE: OK, and what does 1.4 and 1.3 denote? When I first saw it, I thought, well, 1.4G, that's-- had something to do with grams of powder, but that's not the. OK.

CHRISTOPHER CANTRELL: Right. A 1.3G is the-- is the catch-all for display-level fireworks, basically professional fireworks that are used that we see at the stadiums around and that people hire people to come do for either weddings or for Fourth of July. A 1.4G is those that can be found at a consumer-grade stand.

BRIESE: OK. But the-- but the number itself doesn't really mean anything as far as--

CHRISTOPHER CANTRELL: It's just a subparagraph--

BRIESE: --one point bigger-- yeah.

CHRISTOPHER CANTRELL: --a subparagraph of a state--

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BRIESE: Oh.

CHRISTOPHER CANTRELL: --of a federal statute.

BRIESE: OK, very good. Well, thank you for being with us here today. Thank you for your testimony.

CHRISTOPHER CANTRELL: All right. Thank you.

BRIESE: Any other-- any other testimony in support of LB152? Seeing none, any testimony in opposition? Seeing none, anyone wishing to testify in the neutral capacity? Seeing none, Senator Slama, would you care to close?

SLAMA: I'll waive.

BRIESE: OK, very good. Thank you, Senator.

SLAMA: Thank you.

BRIESE: And that closes the hearing on LB152. Next we move to LB70 and Senator Wayne. Welcome, Senator Wayne.

WAYNE: Good morning, Chairman Briese and members of the General Affairs Committee. My name is Justin Wayne and I represent north-- 13th Legislative District, which is north Omaha and northeast Douglas County. Today I'm introducing LB70, which is a simple bill that will elevate kickboxing and bare-knuckle boxing to a more professional level in this state, and the bill being introduced is a request of-- request of a member of the industry. I also emailed and sent around an email from one of the promoters and people who are in the industry, who was coming down here, but I guess once you cross-- cross Plattsmouth, or the river, the Platte, it kind of got real bad and they turned back around. So they did pull over and sent me an email, and so I thought it was-- at least they made some effort. The committee should know about it. LB70 will allow the State of Nebraska Athletic Commission to sanction matches and exhibits within the state. It will bring a level of regulation to these sports that is being adopted in other states such as Alabama, Georgia, Maryland, Tennessee, New York, and Indiana have all adopted statutes professionalizing these sports. Both of these sports are a growing industry, but kickboxing in particular has an expanded market all throughout the

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United States, and Nebraska is no different. Martial arts and boxing schools are popping up all over Omaha and Lincoln, and there's a new one, it seems to be, every month. Currently, the Nebraska Athletic Commission already handles these regulations and sanctions of matches for boxing in Nebraska. And two types of martial arts affected in this legislation will fit nicely with the duties of the Athletic Commission that is already handling it. The Fiscal Office considered LB70 to provide a positive cash flow after this year, which will generate at least \$8,000 for promotion events and expedite-- exhibit-- yeah, I'm going to leave that word out. The amendment is also straightforward. The amendment, it just simply clears up a bit of confusion where it says it still may have to have eight-ounce gloves, but bare-knuckle-- bare-knuckle boxing defeats the purposes of having an eight-ounce glove. To demonstrate, I have two people who were going to come in and-- and box right here in the middle of this circle. But due to COVID, we're just going to videotape it in the hallway and send it to you guys later. It's really, really exciting. That being said, LB70 is a good deal. It's a simple bill. And again, this is-- right now, people are traveling outside the state to do this, and we just want to make sure the Athletic Commission has the ability and the procedures and regulations to allow for this to happen in our state of Nebraska. And with that, I'll be happy to answer any questions.

BRIESE: Thank you, Senator Wayne. Any questions for Senator Wayne?
Senator Arch.

ARCH: I have-- I have a question. Thank you. Are these events currently occurring now but just not regulated?

WAYNE: No, they're-- what's currently happening is just the MMA with the-- with the gloves. But people who want to do these go to other states to fight, instead of coming here, because they're not regulated. Now there probably is some unregulated-- unregulated boxing. I don't know for sure. And if I did know, my clients probably wouldn't have let me tell you, but, no, not that I know of, there isn't any currently.

ARCH: So-- so currently, would you say that bare-knuckle boxing is illegal in the state?

WAYNE: It's not regulated.

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ARCH: OK.

WAYNE: So, I mean, it would be an unsanctioned event, so they would be penalized in some sort if it happened.

ARCH: OK, thank you.

BRIESE: Thank you, Senator Arch. Senator Brandt.

BRANDT: Thank you, Chairman Brises, and thank you, Senator Wayne, for bringing this bill. This is intriguing. By its very nature, bare-knuckle boxing, is that just boxing without the gloves and follows boxing rules, or is that mixed martial arts where we have wrestling and-- and kick and-- and hitting at the same time?

WAYNE: So it-- the states that have adopted this have little varying degrees. But overall, there's a-- there's a standard and that's why they're spending this extra money to bring consultants in to make sure it's done in a-- the regulations are done in a safe manner for like not hitting while you're on the ground and those kind of things that are typically in all states. But each state kind of tweaks it to themselves. And so we try to do what's best for Nebraska and have them hire the people and let them figure that out. But it just depends on how the regs are written. But for the most part, it would follow the same general concept of boxing and regular kickboxing.

BRANDT: All right. Thank you.

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

GROENE: Just out of curiosity, do they follow the same protocol as football and high school sports on concussions?

WAYNE: It would-- that would also come down to the regulations. I did want to add an amendment for me and you, Groene, to get involved in some of these, but I didn't add that amendment. But, no, it-- it allows-- it depends on the regulations. Typically in other states, they do follow all the concussions. They do follow COVID requirements. They do follow all the blood testing and steroid testing and all the things that happen in other states. They do follow pretty heavy regulations.

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GROENE: Of course they don't care what--

WAYNE: And what they found out actually is regular boxing is a little more damaging than bare-knuckle boxing, is what the studies have found, because regular boxing, you have the false sense of the gloves and the gloves typically weigh more than your hands, so you-- you-- you throw harder and you have more confidence at throwing blows to the head versus bare-knuckle, you actually are cognitive of-- of throwing punches.

BRIESE: Thank you, Senator Groene. Anyone else? I did have a question. I think current-- current statute does address amateur MMA. Your bill addresses only professional as to these two sports. Should we be talking about amateur also or-- I-- I-- just curious your thoughts on that.

WAYNE: My office and I had-- we were going back and forth on that and talking to people in the industry. Because most amateur sports are regulated by the high school level, except for club sports--

BRIESE: OK.

WAYNE: --we didn't want to get into that whole dynamic of where to place the-- the regulations and how to do that. And so plus with the-- some of the regulations and this being a brand-new area, we weren't sure of the long-term effects on it, so we just wanted to stick to the-- the adults.

BRIESE: OK, very good. Thank you. Any other questions? Seeing none, thank you for presenting this to--

WAYNE: Thank you.

BRIESE: --today, Senator. Any testimony in support of the bill? Good morning and welcome.

HENRY EMS: Good morning. My name is Henry Ems. I apologize, I didn't have a speech prepared. I had to serve last-minute for my friends.

BRIESE: Could you go ahead and spell your name for the transcriber?

HENRY EMS: H-e-n-r-y E-m-s.

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BRIESE: Very good. Thank you. Go ahead.

HENRY EMS: I apologize, I don't have a speech quite prepared, though, because originally I was attending with my friends at Dynasty Combat Sports, which are currently the largest mixed martial arts promotion in the state, hosting 88 events since 2007, including 7 events post-- during COVID, ranging from August to December of last year, and have hosted events at Pinnacle Bank Arena, Ralston Arena, and several other large venues around the city-- around the state of Nebraska. I've also served as a judge for the Nebraska Athletic Commission for mixed martial arts events, as well as a training partner for several mixed martial arts fighters and bare-knuckle fighters in the state, including Dakota Cochrane, the number-two ranked bare-knuckle fighter in the world right now for 195 pounds. And to address some of the issues, as far as concussion protocol for Nebraska, under the Nebraska Athletic Commission, we have physicians that are available after the event basically to judge basically the health of the fighter, if they need to either go to an emergency room and, if needed, they are suspended in the state for up to-- you-- typically a minimum of 30 days, though, depending on the injury or the result, can be extended past that. As Justin Wayne discussed, this bill would bring added revenue. Currently, we have several fighters, as far as kickboxing, going to other states, including Iowa, to do events. And this would bring added revenue. We would even bring these into Dynasty Combat Sports, which would help with the added taxes and revenue there. As far as suggestions for amateur kickboxing would be something that would be ideal and has been seen in several states, similar to boxing, which is available, though as far as I-- my understanding, there has not been amateur bare-knuckle boxing because no one wants to get hit with bare knuckles for free. So there are-- we have worked with the Athletic Commission before, regulating several events. So we have the ability to make these safe and we have proven the ability to put safe events on, even during COVID issue-- time. We were the first event-- Dynasty Combat Sports was the first event for Pinnacle Bank Arena post-COVID shutdown. So if you have any questions, I would actually be willing to address almost any question that you had previously.

BRIESE: Very good. Thank you for that. Any questions? Senator Groene.

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GROENE: I'm from Lincoln County, North Platte. We're blue-collar. We have a lot of young people involved in this. I mean we this D&N Event Center. We have events. Are those amateur events, would you know?

HENRY EMS: So the D&N, put on by Russ Jones out there, those are actually a mix of amateur and professional mixed martial arts, and I believe they've done amateur boxing out there, so it just depends.

GROENE: But so how do you become a professional without first being an amateur for awhile? I mean-- I mean, I've been in a fight or two in my youth, but-- and I decided not to follow that career. But anyway--

HENRY EMS: So [INAUDIBLE]

GROENE: --how do you-- they have somebody who-- there's clubs out there.

HENRY EMS: Yes.

GROENE: I mean, I'm going to get to the point here. And they're amateurs, so they can't put on an event if the-- we don't add amateur to this?

HENRY EMS: So as far as kickboxing goes, it is considerably harder to become a professional, basically to have an athletic commission come in and allow you to fight. The athletic commission, when they go through your order, you submit your fight order ahead of time and they will judge based on your record, amateur for the most part, if you're able to fight professionally. So being able to fight as an amateur, you have to have a winning record in mixed martial arts to be able to fight as a professional, so anybody you've seen there, though they will give, on a-- on a case-by-case scenario, gentlemen who have been, say, national wrestling champions have been allowed to fight as a professional immediately, given their previous experience [INAUDIBLE]

GROENE: Excuse me, but you just said to be a kickboxer, you have to have a winning record as a amateur. How do you become a professional bare-knuckles if there's no amateur events?

HENRY EMS: Typically, people that have fought professionally in bare-knuckle have been professionals in mixed martial arts or boxing in general. And currently, as far as the athletic commission sees it,

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if you are a professional in one combat sport, such as boxing or mixed martial arts, you're a professional in the other sport. So somebody who might have zero wrestling experience but was a considerably talented boxer would have to compete as a professional mixed martial arts.

GROENE: We're talking about this bare-knuckle fits under the mix of our description--

HENRY EMS: But it would be the same--

GROENE: --same-- same family of events.

HENRY EMS: The-- it would be kind of-- yes, such as the same family of events. So you would-- to do bare-knuckle, professional bare-knuckle boxing, you would have to be a pro in either boxing or mixed martial arts, which have established amateur regulations currently in the state.

GROENE: Do you find it appropriate that the last three letters in your name is EMS?

HENRY EMS: Yes. [LAUGH]

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

BRANDT: Thank you, Chairman Brewer [SIC]. Thank you, Mr. Ems, for-- for testifying on this snowy day. To follow up on-- on what Senator Groene brought up, so if I were younger and I wanted to pursue this, I would have to take all my amateur matches out of state to establish a record, basically, before I could compete in Nebraska under this new law. Would that be correct?

HENRY EMS: With regards to kickboxing, yes, and with regards to bare-knuckle, yes, with this new law.

BRANDT: So actually, under MMA, amateurs are-- they could establish a record and compete in these events, so maybe the events that he has in North Platte are amateur MMA. So can you clarify for those listening, and actually for me, what's the difference between mixed martial arts and kickboxing?

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HENRY EMS: So mixed martial arts is essentially a-- as it sounds, a mixture of martial arts considering wrestling, boxing, kickboxing. You have-- the fight can take place on the ground, it can take place standing, whereas with, say, boxing, you can only use your hands. In kickboxing, you can use your hands and feet. Mixed martial arts would be an extension of, say, kickboxing, where you can add wrestling and jujitsu, which would be "submissionable" to chokes, which there are several jujitsu gyms in the state of Nebraska also.

BRANDT: But under kick-- kickboxing, are the fighters' hands gloved?

HENRY EMS: Yes, they are wrapped first off with glove-- with gauze and tape for protecting the hand, giving stabilization, especially towards the wrist. And then you are typically wearing a-- about 12-ounce gloves, though some states have varied depending on some that allow children-- several states allow kids' kickboxing and they typically have a little bit heavier glove for more competition. And then you get a little bit lighter. I believe eight ounces is a professional, though you've usually gotten more experience and are considerably older, minimum of 18, typically, to fight professional.

BRANDT: OK, thank you.

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

HENRY EMS: One thing, the events that we have done in-- that have been done in Lincoln and Omaha are a mixture of amateur and professional. They're almost never a solely professional card. And the promoters that have put on Dynasty have worked with worldwide companies that do worldwide events, which have typically brought in tens of thousands in attendance, so.

BRIESE: OK, very good. Well, thank you for your testimony here today. Any other testifiers in support of LB70? Seeing none, any testifiers in opposition to LB70? Seeing none, anyone wishing to testify in the neutral capacity on this bill? Seeing done, Senator-- seeing none, Senator Wayne--

WAYNE: I'll waive.

BRIESE: Senator Wayne waives. Thank you for bringing this to us. We do have one bill in the neutral capacity-- excuse me, one letter in the

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neutral-- neutral capacity on this bill from the Platte Institute. And that will close the hearing on LB70. That should wrap up today's hearings. Thanks, everybody.