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BREWER: Good morning, welcome, welcome to the Government, Military and Veterans Affairs Committee. I am Senator Tom Brewer from Gordon, Nebraska, representing the 43rd Legislative District. I serve as the Chair of this committee. Because of the COVID situation, we're going to go through a number of COVID specific things and then we'll get into the Government Committee intro here. For the safety of our committee members, staff, pages, and the public, we ask those attending our hearing to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited, very limited. We ask that you only enter the hearing room when it is necessary for you to attend your hearing. The bills will be taken up as posted outside the hearing on the wall. The list will be updated after each hearing to identify which bill is the current bill up, so the number will be up there and then the pages will then post outside. The committees will pause between each bill to allow enough time for the public to move in and move out. Keep in mind that after each testifier, we'll need a slight delay in order to clean the table, clean the chair. So just understand we'll have some pauses. But those pauses are not for senators to start talking because the mikes will be on and it will still be getting recorded. I request everyone utilizes the entrance that's identified on the left and the exit on the right. When you enter and depart, request that you wear a face covering while you're in the hearing room. Testifiers may remove their face covering during their testimony to assist the committee members and transcribers in being able to clearly hear and understand their testimony. Committee members, I leave it up to your discretion on the wearing of the face mask because you already have the plexiglass separating us and the social distancing that's been prepared for the room here. I'm choosing not to wear the face mask so the transcribers can hear what I'm saying and so can you. Pages will be sanitizing-- again, the chair between testifiers. Public hearings for-- let's see, public hearings for those who will be attending, once we have the capacity in the room here, you'll have to be outside in the hallways and understand that, that we need social distancing there also. The Legislature does not have the availability due to the HVAC project for an overflow room for hearings. So, again, just understand, that's part of why we tried to go to more of the early testimony that's turned in. We ask that you limit your handouts. The pages will be available if you do need copies, but we're trying to keep that at a minimum. Committee will take up bills in the order that they are posted to on

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the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. Committee members may come and go during the hearing. This is just part of the process. They'll be introducing bills. Senator Hunt is in Judiciary right now. So just understand that that's part of what they're going to be needing to do as part of their job. I ask that you abide by the following procedures to better facilitate today's meeting. Please silence or turn off cell phones or other electronic, electronic devices. No food and drinks in the hearing room. Please move to the reserved chairs when you are ready to testify on your bill. And these chairs are identified with the white notes on them. And then obviously the yellow tape is the there's no, no sitting. Introducers will make their initial statements followed by proponents, opponents, and those in the neutral testimony. Closing remarks are reserved for the introducing senator or their representative. If you are planning on testifying, please pick up a green sheet that is on the table at the back of the room. Please fill this green sign-in sheet out before you testify and please print and, and do it clearly so that it can be read. Once you complete the form, be ready to turn it in when you come up to testify to either one of the pages or the committee clerk. This will help us make an accurate record of your testimony. Letters for the record must be turned in prior to 12:00 Central Standard Time the day prior to the hearing. If you have handouts keep in mind that we need 12 copies. And again, the pages can help you with that. Each letter of support that is sent in must have the bill number and whether or not you're proponent, opponent, or in the neutral position. No mass mailings will be included in the record there. When you come up to testify, please speak clearly into the microphone, tell us your name, and then please spell your first name and last name to ensure that it is in the record correctly. We will be using a light system for all testifiers. You will have five minutes today to make your initial remarks to the committee. When you see the yellow light, you have one minute remaining. When it turns red, besides a red light, there will be an audible alarm. I will let you finish your sentence or, or maybe even two sentences, but just don't go past too long or I'll also just gavel you, and then you won't get to say anymore. That's the way it is. OK, no displays of support or opposition for bills are allowed during public hearings. Committee members that are with us today, I will have them introduce themselves and we'll start on the right, Senator Blood.

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BLOOD: Well, good morning. I'm Senator Carol Blood and I represent District 3, which is western Bellevue and southeastern Papillion, Nebraska.

McCOLLISTER: John McCollister, District 20, central Omaha.

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

M. HANSEN: Matt Hansen, District 26, northeast Lincoln.

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

HALLORAN: Steve Halloran, District 33, Adams County and the better part of Hall County.

BREWER: All right, on my right, Dick Clark is the legal counsel. On my left, Julie Condon, who is our committee clerk. And again, Senator Hunt is presenting in Judiciary. All right, we also have pages to introduce. And I got to keep my a.m. and my p.m. pages correct. We have over here, Jon Laska, resides from Genoa and he is a senior at UNL. And Ryan Koch, Ryan is also a senior at UNL, and from Hebron. So with that, we are going to start on LR1. And Senator Blood, welcome to the-- your Government Committee.

BLOOD: Well, good morning, friends. Good morning to the Government, Military and Veterans Affairs Committee, and to you, Chair Brewer. Thank you for this opportunity this morning to briefly speak on LR1. My name is Senator Carol Blood. That is spelled C-a-r-o-l B as in boy -l-o-o-d as in dog, and I represent District 3, which is western Bellevue and southeastern Papillion, Nebraska, as you just heard several minutes ago. As you know, Nebraska has been in a contested race to be the home for Space Command and you all heard Governor Ricketts' State of the State address this month and he said that Nebraska says it's not over till it's over. There is still a possibility with the ushering in of a new president and other key players that we could be in the running. The Nebraska Legislature stepped to the plate-- stepped up to the plate, and we signed a letter showing unified support, sharing it with the Greater Omaha Chamber of Commerce to utilize in one of their many presentations. We then all worked together and created and signed the formal resolution that you see in front of you. Although that was also shared, the process of the public hearing and released to the body for a vote makes it official

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and allows for the Clerk of the Legislature to prepare and transmit a copy of this official resolution to the President of the United States, the Vice President, as presiding officer of the U.S. Senate, to the Speaker of the U.S. House of Representatives, each member of Nebraska's congressional delegation, the Secretary of the Air Force, Chairman of the Joint Chiefs of Staff, and to the Secretary of Defense. You are all informed of the importance of this project to Nebraska. And we do have letters of support and testimony for you today to help shore up that knowledge. With that, I'm going to keep it brief and thank you for today's opportunity to share this resolution with all of you. I do have one letter of support from Ted Carter, the president of the University of Nebraska. As you all know, we're trying to iron out the kinks of this hearing process. And he did not get his letter to us before noon yesterday. But I'm hoping this can still be part of the official record. Again, thank you for your time today.

BREWER: Thank you, Senator Blood, for your opening. Questions from the committee? Seeing none, thank you. We will start with proponents of LR1 as soon as we-- Jon, you're getting faster at that.

JONATHAN LASKA: Thank you.

BREWER: Come on up.

JENNIFER CREAGER: Thank you.

BREWER: Welcome to the Government Committee.

JENNIFER CREAGER: Thank you. Good morning, everyone. Chairman Brewer and members of the committee, I'm Jennifer Creager with the Greater Omaha Chamber, J-e-n-n-i-f-e-r C-r-e-a-g-e-r. And it's my pleasure to testify today in support of LR1. We extend our sincere thanks to Senator Blood, Senator Sanders, for leading this effort. And we are very grateful to have unanimous support on the resolution from every member of this Legislature. I'm here today representing the coalition that has led the efforts to land the headquarters of the U.S. Space Command in our great state. This coalition includes Governor Ricketts, our Nebraska federal delegation, led by Senator Fischer, the Nebraska Department of Economic Development, the Commission on Military and Veterans Affairs, the Greater Omaha Chamber, the University of Nebraska, the city of Bellevue, the combatant commander at Offutt Air Force Base, private sector and philanthropic leadership and widespread

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public and charitable sector support. We thought it might be helpful for you to hear a brief overview of our process and where we go from here. But really, I'm here to answer any questions the committee might have. I also want to mention, Senator Blood mentioned this, you've received letters of support from President Ted Carter, Mayor Rusty Hike, Tim Burke, Major General Retired Rick Evans, and Bryan Slone for this resolution. After an initial invitation to compete for the headquarters in May of 2020, the state and city of Bellevue were notified by the Air Force in late November that Offutt Air Force Base was one of six finalists for the headquarters of U.S. Space Command, along with locations in Florida, Alabama, Texas, Colorado, and New Mexico. This began a dedicated effort to prepare for two presentations in December. We built our team and conducted our presentations with the best that Nebraska has to offer. Immediately, our focus was centered on Nebraska's commitment to cele-- excuse me, to support our military and their families and the high quality of life available in Nebraska and the surrounding communities. A military-to-military visit took place on December 14, focused on technical and site review. One week later on December 22, Governor Ricketts, Senator Fischer, President Carter, Dr. Ginamarie Ligon, Colonel Gavin Marks, Mayor Rusty Hike, and Tim Burke led our virtual community presentation in a remarkable fashion, one that was referred to as world class by the Deputy Secretary of the Air Force. As you know, the Trump administration announced two weeks ago that Alabama was named the preferred location for this command. Offutt was named an acceptable alternative location. So you may be thinking, isn't the decision already made? Isn't this over? We know that the initial decision is simply the first step in this process. As Governor Ricketts has said, quote, Nebraska will continue to make the case to the incoming administration for bringing USSPACECOM to the heartland. When you look at the data and our competitive advantages, Nebraska remains the best place in the nation to locate this mission. End quote. Our expectation is that the Biden administration will be reviewing this decision. And I will also add, we learned yesterday that the Colorado federal delegation sent a lengthy letter to President Biden aggressively asking them to reopen the decision. We have requested the scoring information resulting from the Air Force assessment of the six contenders for the mission. We believe that an objective review of the data will show that Nebraska has scored highest on the metrics the Air Force outlined at the beginning of the process. We will continue to work with the Governor, Senator Fischer, and the rest of the

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delegation, as well as former elected officials with relationships within the current administration to make the case that just as it was from 2002 to 2019, Nebraska is the place for space. I would be happy to answer any questions you have.

BREWER: Thank you for that testimony. And it should be noted, we, we discussed prior to actually going live on the record here that senators-- Senator Blood's LR did have all 49 senators sign on to it.

JENNIFER CREAGER: Correct.

BREWER: That's, that's a rarity around this place. So a tribute to--

JENNIFER CREAGER: And thank you, all, every one of you.

BREWER: --tribute to the bill, tribute to Senator Blood and to the mission of, of getting Space Command here. All right, questions? Senator Halloran.

HALLORAN: Not a question, it's more of a compliment. I think Nebraska is the place for space might be a good state slogan.

JENNIFER CREAGER: Maybe a license plate.

HALLORAN: We got, we got the space.

JENNIFER CREAGER: Yeah, that's right. I agree.

BREWER: Yes, go ahead, Senator Sanders.

SANDERS: Thank you, Chairman. Good morning, Jennifer.

JENNIFER CREAGER: Good morning.

SANDERS: Good to see you.

JENNIFER CREAGER: Nice to see you.

SANDERS: It's not a question, it's, it's mainly a statement. I have helped and recruited on other missions in the past. I'm on the Offutt Advisory Council and the STRATCOM Consultation Committee. And one of the big efforts was on the new command and control center that is now in place. And I have never seen efforts like this ever. And it's all due to you and, and your group and all those that have been on board.

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And while maybe not this mission, we're poised for others, so keep up
the effort. And I just want to go on record to thank you.

JENNIFER CREAGER: Thank you, Senator Sanders. It's, it's been one of
the coolest things that I've been a part of. Really, it's-- watching
the presentation was really-- I just got to see the dress rehearsal,
but even that made me a little emotional so to be part of so thank
you. And thank you for all your past efforts as Mayor. You've
certainly been in these trenches, too.

SANDERS: Thank you.

BREWER: All right, additional questions? Senator Lowe.

LOWE: Thank you for coming today, Jennifer. And this is a great LR.
You, you stated that Nebraska was an acceptable alternative.

JENNIFER CREAGER: Correct.

LOWE: The other states, where did they rank?

JENNIFER CREAGER: So they didn't-- this is a little bit unusual.
Typically, I understand from the past they pick a preferred location
and then they name one or two alternative, alternative, acceptable
locations. In this case, they named the other five all as alternative
acceptable locations. So we sort of think that that, you know, gives
more emphasis to the fact that this might not be the end of the road
for this. And certainly we know that Colorado is being very aggressive
about making the case that this isn't over. And I would assume the
other states are too. I think we've just heard more about Colorado. So
I think from our side of the table, we don't feel like we want to stop
at all. We have a great opportunity. We firmly believe Offutt is the
right place for this and Offutt was the home of Space Command for 17
years, the same amount of time that it was located at Peterson in
Colorado. So, so to answer your question, everyone is considered an
acceptable alternative location at this time.

LOWE: Well, I think that's, that's great for Nebraska to be in that,
that realm that we're still in the running.

JENNIFER CREAGER: Yep.

LOWE: Thank you.

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JENNIFER CREAGER: Um-hum.

BREWER: All right, any additional questions? Understand that Nebraska currently does have a MACOM. I'll try and get you up to speed on a MACOM, a Major Command, STRATCOM is a four-star command. And it has a lot of extras that comes with that. A MACOM would also be like SOUTHCOM, Southern Command, and CENTCOM, U.S. Central Command. It is not common that you would have two MACOMs, Major Commands, in the same location, but in some cases they do. MacDill has both CENTCOM and, and SOCOM. So I, I think drive on because I think everything's getting a relook with the new administration and, and I think there's a good chance that we might get a chance to give that presentation again.

JENNIFER CREAGER: And we talked a lot in our presentation about mission synergy with STRATCOM and colocating the, the Space Command. That's also-- Space Command is also a four-star command. So--

BREWER: Yeah.

JENNIFER CREAGER: --that was a big part of our push, too.

BREWER: All right, with no other questions, thank you for your testimony.

JENNIFER CREAGER: You're welcome. And if there's any additional information the committee would like, I'm happy to share anything. Please just let me know. We have lots of information from the presentation or things that have happened since then, so.

BREWER: All right, thank you. OK, additional proponents? Are there any opponents? And are there any in the neutral? All right. All right, well, we have written testimony. We'll start with the proponents, we've got four starting with UNL, UNK, and that's the, you know, Ted Carter with the university. So there's a letter there, there's a letter from the National Strategic Research Institute at the University of Nebraska, OPPD of Omaha, and the city of Bellevue. With that, we'll ask Senator Blood to come up and close. Oh, hold it.

JULIE CONDON: There was a written testimony turned in from Chamber-- Nebraska Chamber, Bryan Slone.

***BRYAN SLONE:** Dear Chairman Brewer and Members of the Government, Military and Veterans Affairs Committee, My name is Bryan Slone,

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B-R-Y-A-N-S-L-O-N-E, President of Nebraska Chamber and here today on behalf of our members to support LR 1, which expresses support for the United States Air Force to reestablish the United States Space Command headquarters at Offutt Air Force Base. Nebraska is the right choice for United States Space Command. Offutt Air Force Base exceeds all criteria categories, has the requisite mission synergies and the capability to ensure national security. Nebraska has also brought to the table an incredible \$107 million public/private partnership incentive package catered to this specific project. Nebraska is also the only location with an academic alliance to support the research and workforce needs of U.S. Space Command. Nebraska and Offutt Air Force Base were home to U.S. Space Command for 17 years, our state has the resources, capabilities, quality of life and supportive culture that can serve U.S. Space Command well. Blueprint Nebraska is a strategic economic development plan developed by 320 community and business leaders, which the Nebraska Chamber embraces. It calls for a combination of regional public-private partnerships and policymaking to build skills, attract talent, and integrate technology and innovation that ushers in a new era of economic growth. There's hardly a better example of a Blueprint Nebraska difference-maker than USSPACECOM. The sophistication of partnerships supporting the mission, in addition to the tech talent and advancement it will bring to Nebraska, makes this once-in-a-lifetime project worth fighting for. The Nebraska Chamber is in full support of LRI and would encourage the Nebraska Legislature to express their support for the project and this opportunity too.

BREWER: OK, we have a written testimony from the Chamber. We'll work this-- letters coming in sequence out here. We're kind of-- it's new, so forgive us. Go ahead.

BLOOD: Thank you, Senator Brewer. Friends, LR1 gave us the opportunity to work together for the greater good of Nebraska. And as Senator Halloran said, Nebraska is the right place for space. And so I hope this sets the pace for our entire session because there is nothing better than unified support of something that's as positive as the Space Command. And with that, I thank you for your time and I look forward to moving this out onto the floor.

BREWER: Thank you for your LR1. And with that, we'll have a slight pause while we change out our numbers and get ready for our second bill, which is LR4 [SIC] and Senator Briese.

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BLOOD: I didn't touch the glass.

JONATHAN LASKA: Well, just got to make sure.

BREWER: Ed, I'm assuming that you're here in lieu of the senator.

EDWARD BOONE: He's in [INAUDIBLE].

BREWER: All right. Well, we, we have got things decontaminated here.
So have a seat and welcome to the Government Committee. And you may
open on LB4 whenever you're ready.

EDWARD BOONE: Good morning, Chairman Brewer and members of the
Government, Military and Veterans Affairs Committee. My name is Edward
Boone, E-d-w-a-r-d B-o-o-n-e. I'm the legislative aide for State
Senator Tom Briese, who wasn't able to make this hearing this morning.
I come before you today to introduce LB4, a bill which would expand
the existing Reserve Tuition Credit Program Established in 1976, the
current Reserve Tuition Credit Program provides a 50 percent tuition
discount to eligible reservists in Nebraska. Those reservists must be
residents of Nebraska, must be actively drilling with a unit based in
Nebraska, and the credit is only good at public institutions. That is
the university system, the state college system, or a community
college. The credit is not available to anyone who has completed ten
years of military service, which seems ridiculous. We are currently
saying in state law that ten years of service to our nation is simply
too much. This is especially problematic given that many service
members leave active duty after eight or ten years and then decide to
pursue higher education after that service. Those who choose to
continue to serve our nation in the reserves are currently being
punished by this cap. So what does this bill do? It increases this
credit from 50 to 75 percent of the tuition cost for undergraduate
studies. It would also eliminate the current requirement that the
individual have at least two years remaining and eliminates the
prohibition for those who have completed ten years of service. It
eliminates language suggesting entitlement to such credit ends upon
completing the initial course of study and clarifies the Department of
Veterans Affairs existing policy that there is no lifetime limit on
this credit. I think there's definitely a need for expansion of this
program. And my office has heard from many current and former-- that's
Senator Briese's office. I'm reading his remarks, I apology. Senator
Briese's office has heard from many current and former members of the

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reserve who would or would have benefited from this change. And that is borne out in the data as well. Despite having a limit of only no more than 200 new applicants to the program every year, this program has never seen more than 60 applicants per year in the last 7 years. As I indicated, this bill would raise the tuition credit to 75 percent from the current 50 percent. I believe this is appropriate, given that the Legislature last year passed Senator Wishart's LB450, raising National Guard tuition credits from 75 percent to 100 percent. And when Senator Briese heard over the interim from some folks in Nebraska who serve in the reserves as, who serve in the reserves as opposed to the National Guard, they relayed to him that they felt a little bit forgotten, a little left out. Senator Briese sees this legislation as simply catching them up a little bit. And these service members, I want to be clear, are not weekend warriors. Since the terrorist attacks of September 11, 2001, over 250,000 reservists have deployed to Iraq, Afghanistan, and elsewhere as part of the global war on terror. And many members of the reserves are prior service members who served on active duty then decided to continue to sacrifice their time and talents for our country in the reserves while maintaining civilian careers, homes, families, and contributing economic activity to our state. It is truly because of the men and women of the National Guard and Reserve that the United States was able to avoid implementing the draft while still fighting two conflicts and maintaining security and readiness here at home. Even those reservists who did not deploy during the height of the U.S. involvement in the Middle East knew that they were signing up for something very real, a very real potential of combat deployments. Their service shouldn't be looked down upon either. Members of the reserves serve our nation and state in other ways as well, with intelligence personnel assisting with anti-narcotics investigations, helicopter pilots assisting with fighting wildfires and floods, and so on. The reserves, much like the Guard, are no longer just one weekend a month and two weeks a year for many service members. Members of the reserves must maintain the same level of training and readiness as their active duty counterparts so that they can deploy and serve alongside them at a moment's notice. This often means several weeks or even months away from home, completing training, going to schools. It can be nights and free-time sacrifice to carry out required duties that there's simply not enough time to do during drill weekends. The average member of the reserves can expect to spend 50 days a year on duty in some form or capacity. And that's not counting longer activations on what's called Title 10.

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These reservists and guardsmen who have not deployed in support of the global war on terror actually do not qualify for the modern post 9/11 GI Bill, which active duty troops get. They get a different kind of GI Bill altogether called the Montgomery GI Bill for Selective Reserve, which provides a 370-- \$397 per month while in school full time, does not come with a book stipend, housing allowance, or tuition payment of any form. This bill for soldiers, sailors, airmen and Marines in the reserves in Nebraska could really mean the difference between higher education and nothing. And many service members who do qualify for the post 9/11 GI Bill use up their credits before graduating, as it only provides 36 months of benefits. For some folks, a complex degree, switching majors, or using some of their GI Bill for correspondence courses while on active duty could mean they run out of benefits while they're only a semester away from graduating. So again, in those instances, this bill could make the difference for those folks. And I think it's the least we can do given the sacrifices they make for us. Senator Briese does have a proposed committee amendment for you to consider. I have 12 copies here. As well as a handout, and I emailed both the handout and the amendment to everyone here right before I sat down. So anybody who doesn't want to, for sanitary reasons, touch the handouts, it's in your inbox. [INAUDIBLE] proposed amendment. If you look at the bill, it's clear that Section 2 removes the limitation that the program is only available to enlisted personnel. But Section 1 still says it's only for enlisted. That line was just missed when we were working with Bill Drafters. When Senator Briese reviewed the National Guard Tuition Program, he noted that it was for all members of the National Guard and that was his intent with this bill, that it be for all members of the reserves enlisted, commissioned, and warrant officers. So he would ask the committee to consider this amendment, AM21, which is simply strike the word enlisted from the first section so that the language matches up with Section 2. In closing, Senator Briese wanted me to reiterate that he views this as a simple, noncontroversial piece of legislation, which is simply following on the great work that was done last year in LB450. Thank you, and I welcome your questions.

BREWER: Thank you, Ed, for that opening. You did an outstanding job.

EDWARD BOONE: Thank you, Senator.

BREWER: We're not supposed to question you, but just as kind of a for your information, since you're going to have to deal with it, our

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intent is to Exec on this bill today as soon as we're done. So we just
need to make sure this amendment is, is in addition to the bill
itself. And then we should be good to go ahead and move it to the
floor.

EDWARD BOONE: Yes, Senator.

BREWER: All right.

EDWARD BOONE: And I do understand the tradition of not questioning
staff, but I am a reservist myself. So if anybody had any technical
questions about the reserves or how it works, I wouldn't mind
answering them.

BREWER: Actually, that would be good. That way we have an expert. And
since you're volunteering your, your knowledge, so let's go ahead and
see if someone has a technical question that-- I mean, I, I see how
this fell through the cracks and it happened, doesn't mean it was
right. But this is a good catch. This is, this is the right thing that
we should be doing. OK, again, any questions? All right, seeing none.
And you don't need to close. So I think we're, we're done with you.
But thank you.

EDWARD BOONE: Thank you.

BREWER: All right, we will start as soon as we get things cleaned up
here with proponents. Welcome to the Government Committee.

JOHN SCHMIDT: Thank you, sir. My name is John Schmidt. That's J-o-h-n
S-c-h-m-i-d-t. I'm a student attorney with the Civil Clinic at the
University of Nebraska College of Law. I'm testifying and speaking
today in support of LB4 in my capacity as a veteran and a student, but
not as a representative of the university. I joined the Marine Corps
as an automotive technician in 2010. I then went and served in
Operation Enduring Freedom in Afghanistan in 2012. I've been a student
since 2009 and I'm currently a Petty Officer First Class in the Naval
Reserves. So military force division can be a little complex. There's,
you know, the reserves and the National Guard. They both can support
the full-time active duty forces. Although the National Guard has a
state mission as well, they're both primarily funded by the federal
government. The National Guard is organized under the state
government, whereas the reserves are organized under federal control.

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But regardless of layout, there is one important similarity. These are members of our community. These are our brothers, our sisters, you know, our aunts, our uncles, our employees, our bosses. As mentioned before, during the last legislation, they passed an amendment to increase the tuition credits for National Guardsmen. I'm up to a 100 percent and this is great for the community. Again, it gives back to the community to allow those members to become more educated and serve the community in different forms and fashions. The reserves forces total approximately 1,794 members in the state, according to current DOD statistics. This is less than half of the National Guardsmen in the state, taking account for the far limited number of available credits for reservists. Providing increased tuition for the first time since 1976 would pale in comparison financially to the ones that this Legislature passed last year. Though money is at the heart of most issues, this isn't about dollars and cents. This is about equity. Written missions don't always explain what, you know, the important reservists in our communities. They should be placed on an equal footing in the state. This amendment is a great first step in improving the equity among the guards in reserves. It provides greater tuition credits for reservists in the state, as well as providing tuition credits for postgraduate degrees. It eliminates caps such as that ten-year rule as well as the single degree rule. And it also eliminates the future service commitments that were required under the old one. I wholeheartedly support this bill, so thank you for your time.

BREWER: All right. Thank you, John, for your testimony. Let's see if you were in Afghanistan 2012, they probably had you in Helmand Province.

JOHN SCHMIDT: Yes, sir, Camp Leatherneck.

BREWER: Lashkar Gah.

JOHN SCHMIDT: What's that?

BREWER: Lashkar Gah. Leatherneck.

JOHN SCHMIDT: Yeah. Yeah, that is correct.

BREWER: Yeah, that's like the worst place on the planet I think.

JOHN SCHMIDT: Yeah, it, it was real beautiful.

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BREWER: It was always dusty and there was nothing to see. It was--

JOHN SCHMIDT: Except for like the couple poppy fields that would just
spring up.

BREWER: Yeah, well--

JOHN SCHMIDT: It would be this, you know, horrible thing, and then you
would just see this beautiful green come out of nowhere and a little,
you know, river flowing through it. And you would just be like, is
this a mirage? You know, you see in the movies. But--

BREWER: Yeah, that's Lashkar Gah. All right. All right, real quick,
questions? Senator Halloran.

HALLORAN: Well, not a question. I can't speak on behalf of the whole
committee, but I think they would agree, thanks for your service.

JOHN SCHMIDT: Thank you, sir.

SANDERS: Thank you.

BREWER: All right, additional questions? Again, like I was telling--
well, not Senator Briese but his representative, you know, I think the
Army Reserve ends up having a lot of things fall through the cracks
just because of the fact that there's not as many people to watch and
make sure things line up the way they're supposed to and that, that
these kind of things don't happen. And just so everyone understands,
one of the big difference between the reserves and the Guard is
reserves are available to be called up on very short notice. The Guard
is usually called up by units. They can cherry pick reservists by
their MOS or skill set and yank them at the drop of a hat. And so
they're really more quickly utilized by the regular army than the
Guard is. So they kind of stand at the ready as, as things happen
around the world. All right, well, thank you for your testimony.

JOHN SCHMIDT: Yes, sir. Thank you, Senators.

BREWER: Around the cleanest table and cleanest chair on earth. OK,
additional proponents? Nicely done, Jon. Come on up. Welcome to the
Government Committee.

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DESIREE HANSON: Good morning, Chairman and Senators. I'm Sergeant First Class Desiree Hanson. I've-- I'm in the Army Reserve currently and have been for 20 years. And six and a half years of that was on active duty. A year and a half of that was, the active duty was in Iraq and Kuwait. At that point in time, I was a 88 mike truck driver, and now I'm a Army Reserve career counselor at 79 Victor and I actually have worked with Edward Boone in the reserves. So he mentioned this bill to me and, and we talked about it and I'm here to talk specifically about people that might be in my situation where I have over ten years of service and I've used up my GI Bill getting my bachelor's degree. And I would find this really beneficial to be able to pursue postgraduate degree. I have taken some courses. I used the student loan repayment for some of the courses that I've taken, but I had that, I had that benefit removed when I joined the AGR program, I came on Title 10, and so that benefit was taken away. And so now I'm still paying on some of those student loans. And then a couple of years ago, I decided to start again in a graduate program, but I had to choose Liberty University, which is based out of Virginia, because they give a discount on, on tuition credit for soldiers. And that was really the only way I would be able to afford postgraduate education. So-- or excuse me, undergrad-- post-undergraduate. So I went there and I took a class and it just wasn't, it just wasn't right for me. So I think another benefit to this bill passing would be if I could have the, the opportunity to go to a school closer to home. Whether it be all at the schoolhouse or online or both, I would love to be able to have the opportunity to go to UNL and, and get my education here. The business program is nationally accredited, which most of them that you could get your tuition covered by the military are regionally accredited. Not that that's a terrible thing, but it would be nice to be able to go to the business school at UNL. So that would be a benefit for me and others in my situation that have over ten years of service and would like to take advantage of using that benefit to go to post-- go to get my graduate education here in, in Nebraska or, you know, another place that that funding would help me. And, and not only to be able to continue my education, but continue my career in the military because I was just picked up for master sergeant. But if I want to continue to go further than, up further rank than sergeant major, really to be competitive, you have to have a master's degree. So to be able to move forward in the military, I would need to get that, that master's degree. And honestly, if-- it's discouraging to continue with it, if I have to go to a school that I don't like,

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that's not close to home, and that I can't afford on my own. So this bill would help me and others in my situation tremendously.

BREWER: All right, thank you, Sergeant Hanson, for your testimony there. Let me do a little bit of deciphering for you guys: 88 mike is a truck driver, it's a whole wide range of trucks; AGR is Active Guard Reserve. So they literally carry the same ID card as the active duty soldiers that you'd see on, on an active duty base. It's just they're based usually in a particular assignment within state, but they are active duty personnel in the eyes of the military. So if you hear any of those terms, that's kind of what that's all about. All right, questions for Sergeant Hanson? Go ahead, Senator Lowe.

LOWE: Thank you. Thank you for coming today Master Sergeant Hanson.

DESIREE HANSON: Thank you.

LOWE: What is your emphasis going to be? You said you're business school, but what would you like your emphasis to be in your master's?

DESIREE HANSON: So I would like to get an MBA with an emphasis in leadership.

LOWE: OK, well done, well done. And I'd like to follow Senator Halloran over here and thank you for your service to our country.

DESIREE HANSON: Thank you, sir.

LOWE: And, and everyone else that served with you.

DESIREE HANSON: Thank you, sir.

BREWER: So did they drag you off to Iraq or Afghanistan?

DESIREE HANSON: Iraq.

BREWER: Lovely. All right, additional questions? All right, just so you know that the majority of the casualties that we had didn't come from direct combat, came from IEDs. And the majority of them went to ambulance drivers and truck drivers that were on the road. So when you hear, you know, different duties, it's assumed, if you're an 11 Bravo Infantryman, you're the guy that's in the danger the most. But actually, it was those guys that had to run the routes and dodge the

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IEDs. So thank you again for your service and thank you for your
testimony.

DESIREE HANSON: All right. Thank you.

BREWER: All right, we will see if we have any additional proponents?
Oh, soon as Jon is done we will see if we have any. I think each time
you're getting a little bit quicker, Jon. Welcome to the Government
Committee.

ASHLEY HOBBS: Thank you, sir. Good morning, Chairman Brewer and the
members of the Government, Military and Veterans Affairs Committee. My
name is Ashley Hobbs. That's A-s-h-l-e-y H-o-b-b-s. I have been in the
Air Force for a little over ten years. Most of that was on active
duty. And I'm now a Master Sergeant in the Air Force Reserve on-- and
in an AGR position at Offutt Air Force Base. I would like to preface
my testimony with the statement that I'm here as a private citizen
expressing my own beliefs and I do not represent the opinions of the
Air Force. I believe that supporting LB4 will greatly benefit not only
the members of the reserve community residing in Nebraska, but also
the rest of the residents here. Access to higher education can be
difficult for many. And any improvement in the existing structure to
allow greater access is pivotal to both the improvement of individual
lives and society as a whole. Higher education rates tend to produce
lower crime, better health, and improvement of community involvement.
While many of us have access to the GI Bill, for an assortment of
reasons, this may not be available-- an available route for all. The
GI Bill is not a gift. It was earned. It does not equate to free
college as it was paid for with years of our lives, along with the
lives of many of our brothers and sisters in arms. Personally, I am
attempting to save my GI Bill to attend medical school. However, this
is a difficult feat as the cost of college admission continues to
rise. I would have been able to use the benefits LB4 proposes during
last fall semester while I was attending UNO. But unfortunately under
the current provisions, I am ineligible. In my unit, many of us are
prior service, over a third of our unit has more than ten years of
service. That means that a third of my unit is immediately
disqualified. When you look at the overall numbers of how many members
in the Air Force have degrees and take into consideration that the,
the fact that most members with ten years of service or more will it
be at least in the NCO tier. According to the Air Force Personnel
senator-- Center, excuse me, as of October 31 of last year, only 12

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percent of the NCO tier have a degree higher than an associate's. That leaves 88 percent of these members who could benefit from this program. Moving to the senior NCO tier, there is still more than 55 percent that could use this bill to further their education, whether that be to complete their bachelor's or to accomplish a postgraduate degree. I think we owe it to ourselves to help each other. By giving to those around us, we inherently better ourselves. By improving educational benefits, we improve quality of life for our community. The last year has been hard for many. This is an easy way to start the upcoming year on better footing. I ask you to set a precedent of giving when many have lost so much. Thank you.

BREWER: Thank you, Ashley. All right, questions?

SANDERS: No question, but I-- Chairman, would like to thank you, Ashley, as a civilian--

ASHLEY HOBBS: Thank you.

SANDERS: --for, for your dedication and furthering your education and coming out in testimony today.

ASHLEY HOBBS: Thank you.

SANDERS: And thank you for your service.

BREWER: And just kind of again, as, as an FYI for those that aren't familiar with the fact that Offutt is not only just a MACOM, a major command, a four star, it's also a joint command. So sometimes you'll see a, a Navy Admiral who will be the commander. Usually, it's going to be the Navy Admiral or it's going to be an Air Force General. But there is Army Army Reserve, there is U.S. Marine Corps, Air Force, Air Force Reserve. They're all part of this mix of personnel that's at Offutt. So sometimes that's, you know, a little confusing because you-- for years, it was a pure Air Force base before it became a MACOM, but as part of a joint command, it has all the services there. All right, well, thank you for your testimony.

ASHLEY HOBBS: Thank you.

BREWER: Oh, oh, hang on, we have a question.

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LOWE: Thank you for coming to testify today, Ashley. I asked this of
Sergeant Major Hanson. What-- I know you're going to medical school or
wish to go to medical school, what do you plan on coming away with?

ASHLEY HOBBS: So far of the specialties that I've been able to shadow,
orthopedic surgery has been my favorite.

LOWE: Doctor, surgery.

ASHLEY HOBBS: I thought it was awesome.

LOWE: Wonderful.

ASHLEY HOBBS: And that, that is my goal as of right now.

LOWE: Thank you very much for serving our country and, and for getting
into medicine.

ASHLEY HOBBS: Thank you, sir.

BREWER: And it's a, it's a good thing that, that John isn't a General
because he's already promoted you from Sergeant First Class to Master
Sergeant, Sergeant Major. So you're moving up quickly. [INAUDIBLE].
All right, thank you.

ASHLEY HOBBS: Thank you.

LOWE: I like promotions.

BREWER: Well, it's obvious. We'll have to put some stars on you, you
can make a lot of people have. All right, additional proponents?
Seeing none, we will go to any-- oh hold it, before that I need to
read in that we have letters. Let's see: Wilson Hupp, from Lincoln,
Nebraska; Dean Kenkel, Omaha, Nebraska; and the NCCA, Nebraska
Community College Association. All with letters as proponents. Now
opponents, and we have no letters. Those in the neutral, and we have
no letters. Julie, do I have anything else I need to read in?
Excellent. We are going to get this figured out yet. All right, with
that, that will close the hearing on LB4. And we will go ahead and--

LOWE: I'll make a motion to go into Exec.

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BREWER: Well, well, as soon as we clear the room, I'll let you make that motion. All right, so we're going to go into Exec to, to vote on your bill, on the bill.

BREWER: [RECORDER MALFUNCTION] Veterans Affairs Committee. I'm Senator Tom Brewer from Gordon, Nebraska. I represent the 43rd Legislative District, and I am the Chair of this committee. We're going to start with some safety issues specific to the COVID. For the safety of our committee members, staff, pages, and the public, we're asking you that are attending these hearings to abide by the following rules. Due to social distancing requirements, seating in the hearing room is limited, and those seats that you're able to sit in are marked. We ask that you only enter the hearing room through the assigned doors, entrance on my left and exit on the right. Right now, because of this, if, if we end up with limits on seating, the bill that is the current bill is the one that we need folks here for. Bills will be taken up in the order that they are posted outside on the wall. There's a, there's a hook with a sign the same size as the one here on the table. This will be updated after each bill is complete, so we'll take just a slight pause to let the pages change out the numbers and, and prepare the table. The committee will allow time for that transition there and posting the new bill number. Request everyone utilize the correct entrance in coming and exiting. Request that you wear a face covering when in the hearing room. Testifiers may remove their face covering during their testimony to assist the committee members and the transcribers in hearing clearly and understanding their testimony. For committee members, I will leave it up to your discretion on wearing face coverings. We have adequate plexiglass and spacing to where it is not a requirement. The option, again, is with the senator on whether to wear it or not. We do ask to be sure that if you do decide to wear the mask, that you speak clearly and loud enough so the transcribers can translate the conversation that you're having to questions. Pages will sanitize the front table and chair between testifiers. So again, give it a, a pause there so they can come up and take care of that before the next testifier comes forward. Public hearings for which attendance reaches a seating capacity, the Sergeant at Arms will monitor the room and allow folks in as folks exit. Again, we ask that you keep your social distancing spacing even in the hallway. The Legislature does not have available, due to the HVAC projects, an overflow hearing room for hearings. So, again, you're out in the hallway. Because of our situation, there's just not anything else we

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can do about that. We also would ask that if possible to limit the number of handouts. We're just trying to keep from transmitting any other germs than we have to. Committee will take up bills in order that they're posted on the agenda. Our hearing today is your opportunity to be part of the legislative process. This is your opportunity to express your position on proposed legislation before us today. The committee members will come and go. As you can see, we have some that are presenting this afternoon and is just part of what we're having to do with our split schedule right now. I would ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your electric devices, cell phones, no food or drink within the hearing room. Please move to the reserved chairs when you are ready to testify. These are the first two chairs on either side on the front rows. Introducers will make their initial statement, followed by proponents, opponents, and those testifying in the neutral position. Closing remarks will be reserved for the introducing senator. If you're planning to testify, please pick up a green sheet that is on the table at the back of the room. Please fill out the green sign-in sheet before you testify. Please print clearly and it is important that you complete the entire form. When it is your turn to testify, please sign-- please turn in the sign-in sheet to the committee clerk or to one of the pages. This will help us accurately record all of the proceedings. Letters for the record must be posted before 12:00 noon Central Standard Time, the day before the hearing. If you have handouts, please make sure you have 12 copies and give them to the pages so they can make the distribution of them. Let's see, each letter that is sent in must identify the bill number, whether you're a proponent, opponent, or neutral. We will be reading the number of letters for each that are received and we will not be using any mass mailings in that information. When you come up to testify, please speak clearly into the microphone. Tell us your name and please spell your first and last names to ensure accuracy for the record. We will be using the light system for all testifiers. You will have five minutes today because I don't think we'll have enough that we need to go shorter than that. And once you have made your-- or while you're making your remarks, be aware of the fact that if the light system when it turns to yellow means that you'll have one minute remaining. When it turns red, it will be the red light and there will be an audible alarm. Please finish out whatever sentence, statement you're on and then stand by for questions. Again, there'll be no display of support or opposition to bills vocal or otherwise while in

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public hearings. The committee members with us today will introduce
themselves. And we'll start on my right with Senator Blood.

BLOOD: Good afternoon, I'm Senator Carol Blood. I represent District
3, which is western Bellevue and southeastern Papillion, Nebraska.

McCOLLISTER: My name is John McCollister. I represent District 20 in
central Omaha.

SANDERS: Rita Sanders, District 45, eastern part of Bellevue, the
Bellevue/Offutt community.

LOWE: District-- John Lowe, District 37.

HALLORAN: Steve Halloran, representing District 33, which is Adams
County and the best part of Hall County.

BREWER: All right, and then my committee clerk is Dick Clark--
committee clerk-- committee counsel, Dick Clark; committee clerk is
Julie Condon. And then make sure I get my p.m. pages correct: Caroline
Hilgert, where's Caroline, right there, she is a junior at UNL; and
then Peyton Larson. Peyton, you are a sophomore?

PEYTON LARSON: Um-hum.

BREWER: All right. Let's see, today, we may have a quick change in our
order of bills because we haven't found Senator Albrecht, and she was
up first. Let's see if we have got Senator Flood. Would we be able to
swap? All right, we'll see here real quick and see if we can-- this is
what you call impromptu. All right, we'll just kind of stand fast for
a second here, see if we can find one of the two. All right, we can go
ahead and swap out the numbers here so we have them correct. Senator
Flood, I apologize for the no-notice change, but your ability to
adapt, adjust, and overcome is appreciated.

FLOOD: Thank you, Mr. Chairman.

BREWER: Whenever you're ready, sir.

FLOOD: Chairman Brewer, members of the committee, my name is Mike
Flood, F-l-o-o-d. I represent District 19, which includes all of
Madison County and a portion of Stanton County. This bill is an
important bill to amend the Open Meetings Act in Chapter 84, Article

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14, with the two following objectives: number one, to modernize the way public bodies hold virtual meetings; and two, to create the statutory framework for public bodies to hold virtual meetings during a declared emergency by the Governor, mayor, village board chair, or county board chair pursuant to the Emergency Management Act. This bill has the emergency clause, so the bill would take effect when passed and approved according to law, except for subsection (7) of Section 84-1413, which has an effective date of July 31, 2022. This bill was developed by a coalition of statewide organizations and representatives of state and local public bodies subject to the Open Meetings Act. Although other testifiers will go into more detail, some of the many statewide organizations involved in drafting this legislation include NRDs, school boards, ESUs, community colleges, and municipalities. In addition, the coalition also includes representatives of the Nebraska Municipal Power Pool, NPPD, OPPD, LES, MUD, the University of Nebraska, MAPA, city of Lincoln, city of Omaha, and several others. I work privately in media. Media of Nebraska is a coalition of journalism experts and media companies in the state. And the Media of Nebraska actually contacted me because it had previously negotiated with this coalition to find common ground to changes in the Open Meetings Act. As a condition of introducing the bill, I requested and insisted that certain provisions be added requiring all school districts, NRDs, and counties with a population greater than 25,000, as well as cities of the metropolitan and primary class and first class to post their minutes and agendas online on their public websites. Those provisions are found on page 20 of the bill. Another provision I requested is on 17 line 27, requiring that the "may" go to "shall" to require any member of the public that wishes to address the public body must give their address and the name of any such organization, if not representing themselves. I'm submitting an amendment to the committee to provide an exception to this requirement so that an address would not be required if waived to protect the security of an individual such as an alleged victim of domestic violence. My amendment would also add a metropolitan utilities district and a regional metropolitan transit authority to the regional bodies listed on page 10 of the bill. There are a lot of people that have worked on this compromise and they're-- I've asked them to limit the number of them that come and testify out of respect for your time, understanding that they will be saying the same thing over and over. This is a way to modernize the way virtual meetings are dealt with by public bodies. LB83 defines the term virtual conferencing to encompass

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the terms videoconferencing and telephone conference calls referenced in current law. LB83 also creates the statutory framework for public bodies to hold virtual meetings during a declared emergency by the Governor, mayor, village board chair, or county board chair pursuant to the Emergency Management Act. You'll find that on page 16, line 15, subsection (7) of 84-1411 that it provides that if an emergency as, as defined in Chapter 81 is declared by the Governor or a principal executive officer of a local government, any public body whose territorial jurisdiction in whole or part is included in the emergency declaration may hold a meeting by virtual conferencing after giving reasonable advanced public notice, including information regarding access for the public and the news media. I have in my-- in the last ten years witnessed a number of emergencies that have been declared by the mayor of my community of Norfolk. We had a propane tank with 11,000 gallons or, well, actually 30,000 gallons of propane that was on fire. The city had minutes to react. The hotter that the tank got, the more likely it could have caused an explosion, which would have been termed a, a BLEVE, according to the fire department, and half of Norfolk had to be evacuated. A lot of immediate decisions had to be made. Similarly, during the 2019 flooding through the night, our flood control began getting to such dangerous levels. There was another forced evacuation. We've seen this happen more than we should really ever expect to see it. I was standing outside of Pilger the day that that tornado hit the community. And so I've seen public officials have to react and have to react quickly. And when that kind of an emergency is taking place, the people closest to the problem have the best answers. And in coordination with our state and county partners, I think giving the board chair of the county board, or the village board, or the mayor is the best-- is, is good authority. At these emergency meetings, in addition to any formal action taken pertaining to the emergency, the public body may also hold such meeting for the purpose of briefing, discussing public business, formation of tentative policy, or the taking of any action by the public body. I want to emphasize that current law in Section 84-1411, sub (5) allows emergency meetings without reasonable advance public notice, which may be held by videoconferencing. But any formal action can be taken only pertaining to the emergency. Mike Rogers, Bond Counsel with Gilmore & Bell Law Firm will testify in support of this bill, as well as a few members of the coalition who have worked on this bill. Due to COVID-19 and out of respect for your time, I've asked other members to send in a letter. I know there's a lot in this bill. I tried to trim my

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testimony down to be able to answer any questions that you might have.
And I also have an amendment that I will offer to your committee
counsel. Thank you.

BREWER: All right, thank you for that opening. We're going to pause
just to give our pages time to hand out the handouts on your bill,
because the ones we got were for LB112. So if you guys have the
handouts or--

CAROLINE HILGERT: Yes, got quite a few of them.

BREWER: Oh, well--

CAROLINE HILGERT: Got about 14.

BREWER: All right, well, you keep working and we'll ask questions in
the meantime. But don't, don't hesitate to come and, and distribute
them. You're not going to upset us by blocking our view of Senator
Flood. All right. With that said, let's go ahead and open it up for
questions. Questions? I guess I've got one off hand. So are they
limited as far as their powers during the emergency to that emergency
so they can't have stuff on the shelf that the public may not have
wanted to deal with or they would, would not have wanted to deal with
the public on these issues, bring them in and then throw them in the,
in the pile and do that where the public wouldn't have access to, to
have comment?

FLOOD: Well, if we're talking about the Open Meetings Act as it
relates during a public emergency, the action or business would have
to pertain to the emergency itself.

BREWER: Just double checking that. All right, any other questions? Oh,
well, go ahead, Senator Lowe.

LOWE: Thank you, Chairman Brewer. And thank you, Senator Flood. It
seems like cities already can do special disasters such as snowfall.
And so don't they already have the power to do a lot of this?

FLOOD: Not as it relates in the Open Meetings Act. I, I would agree,
though. We trust our local officials already with things like-- I
don't want to depreciate a snow emergency, but city administrators,
oftentimes, on behalf of the mayor issue a snow emergency. I guess I
did not realize that mayors or county board chairmen, chairwomen

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couldn't declare some of these things in emergency. And I, I think that, as you'll hear during the testimony today and out of deference to PRO, there is a point of disagreement about whether or not mayors, county board chair, village board chair should be able to have the power to declare an emergency as it relates to this bill. And I've listened to them and their concerns and we respectfully disagree. But ultimately, it's up to you to decide what the right policy decision is here. So I think the more local control we can give in an emergency situation, it's in our best interest. That said, I'm sure there have been instances where that authority may or may not have been abused based on the view that you're taking of it. I haven't heard anything that's convinced me it's a challenge, but I'm not the Governor, so I'm open to hearing and understanding what those concerns are. But that is a point of contention on this bill.

LOWE: OK.

BREWER: And, Senator McCollister.

McCOLLISTER: Yeah, thank you, Mr. Chairman. Senator Flood, is the Legislature under the purview of this bill?

FLOOD: No.

McCOLLISTER: Is no. If an organization have in their bylaws that they meet at a particular time each month, if you issue a state of emergency would that negate that particular bylaw requirement?

FLOOD: From the standpoint of the Open Meetings Act, you know, right now, if I were, if I were on the Douglas County Board and I-- and we had something that was an absolute emergency with 24 hours notice posting it in the places that I posted on the front door of the courthouse in Douglas County, you could hold an emergency meeting. But nothing in that law changes here. We still are requiring public bodies to do that. What, what we are talking about is a state of emergency which would allow cities like Norfolk to take advantage of some of the things that they were granted by Governor Ricketts through his proclamation. So earlier in 2020 during the pandemic, the Governor issued a proclamation stating that community college districts, for instance, could meet by Zoom because of the severe health effects of the pandemic. And there are some lawyers in this state that don't think the Governor had the authority to do that. I think from where I

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sit he did, and it seemed reasonable that he would do it and it was done for all the right reasons. This actually clarifies the law and it says who can declare that emergency. One of the differences, I think, is and I think an emergency in Norfolk is certainly not an emergency in Lincoln. And only the people in Norfolk know what that emergency is better than anybody else because they're the ones on the front line of solving it. So nothing really changes in terms of what happened within the last year other than we're codifying an authority that wasn't there before.

McCOLLISTER: When an emergency is declared, in a lot of bylaws, they also specify the agenda is published a week before the meeting occurs. Would that be waived as well?

FLOOD: Certainly it'd be, it'd be based on the situation with the notice under the law. And because it's an emergency, there wouldn't be the time to disseminate that maybe the way they would a regular city council agenda. Right now, the city council agenda can be mailed out by certified mail. But under the proposed law here, the political subdivision would have a duty to do everything they could to publicize what occurred, or what's occurring, which would mean going to your local newspaper, your television station, your radio station, your Facebook page, your city website.

McCOLLISTER: But nothing in the bill requires that you can't have a Zoom meeting or doesn't prescribe a particular way of meeting, correct?

FLOOD: No, it provide some definitions for videoconferencing and it would allow it and--

McCOLLISTER: It would allow a Zoom meeting.

FLOOD: Yeah.

McCOLLISTER: OK, thank you.

BREWER: All right, additional questions? Seeing none, you'll stick around for close?

FLOOD: I will. I'm going to kind of bounce between here and Revenue. So thank you.

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BREWER: Well, I appreciate your opening.

FLOOD: Thank you.

BREWER: All right, we will-- we got to hold up just a second here so we can cleanse everything. We will start with proponents. Well, come on up. Welcome to the Government Committee. There you go. We'll be able to hear you now.

LARRY RUTH: There we go.

BREWER: There you go.

LARRY RUTH: Chairman Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Larry Ruth, L-a-r-r-y R-u-t-h, and I appear today in support of LB83 on behalf of the Nebraska Association Resources Districts. I also appear on behalf of the Lower Platte South Natural Resources District, whose offices are in Lincoln. I just concluded a couple of terms as chair of the board, and I got to tell you, public service is an exciting time during a pandemic. We appreciate the executive orders by Governor Ricketts to allow virtual meetings during part of the pandemic, which is truly uncharted territory for all of us. The executive orders were a lifeline, but when they were not in effect, we became acutely aware of the need to improve the Open Meetings Act. And that's why we're here today. The NARD and the Lower Platte South are part of a coalition, as was mentioned by Senator Flood. My effort today is to help show the practical effect of the current law on our NRD during an emergency and especially a pandemic. Senator Flood mentioned the goal of modernizing and updating the Act, and he went into with some detail, the merging of different terms under the, under the general term of conferencing and-- not conferencing, but virtual conferencing. It's a new word. It's a new term. But it's one we're going to get very familiar with, I have a feeling. Updating is also important in another area. Current Section 84-1411, sub (2) allows a number of governing bodies that cover multiple counties to do virtual conferencing for half their meetings in a year. Those include state agencies, Nebraska Brand Committee, and a few others. These are so-called regional entities, but they have left out a couple of entities that have a real need for that authority. Two that we have identified are the local public health departments, of which there are 16 in the states, 16 regional local public health departments, and 23 NRDs. And so the bill does

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include those in the authority section dealing with having a virtual conferencing. It allows all governing bodies to hold an emer-- another one, another section that, that we would like to have you look at is Section 84-1411, subsection (5). Now, subsection (5) tackles a different problem. It allows all governing bodies to hold an emergency meeting without reasonable advance public notice. And Senator Flood mentioned specifically the difficulty with that subsection is that it only allows action taken which pertains directly to the emergency. And I'll have a little bit more to say about that later. Well, now enter the pandemic, our experience is that social distancing greatly increases the size of the venue needed for an in-person meeting. It makes sense. If you have to make more room for people, you're going to have to have a larger venue. There are a lot of cities in the state and a lot of NRDs that have relatively small offices. So you then take away the ability to have a in-person meeting in their facility. So the problem we have is the first one is the social distancing greatly increases the need for the venue size during a pandemic. Now, in our case, this sounds strange, but in our case, in order to hold an in-person meeting, we actually had to rent the Lancaster Event Center for monthly meetings three times last year, September, October, November. But another effect of the, of the pandemic is that even though you have more social distancing allowed and a larger venue, that doesn't mean you're going to be having the same people come to your meetings. In fact, in-person meetings during a pandemic would-- was influenced and not only would you be concerned about who is going to be there, but who was not going to be there. We found members of the public, members of staff, and board members were reluctant to get out for a public meeting, especially if held inside. Sometimes they actually expected and wanted us to have a virtual meeting. Once again, our NRD board is a good example. We have a senior member, that's a good way of saying, I guess, over 75, who has a significant underlying medical condition and still wanted to meet his duty to his constituents to attend meetings. He reluctantly decided to not attend the monthly meetings in July, August, September, October, November, and he did that because he was afraid that he would get the virus. So in that particular case, the old adage comes to mind that one person said recently being a member of the public body does not mean signing a suicide pact. You have to recognize that there are members of the public body who will not attend or make it difficult to get a quorum for an in-person meeting and to the reason why we look so closely at virtual meetings. So what do we do? Well, I mentioned a couple of

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things in the updating part of it, but the problems led us to conclude that we need to authorize virtual meetings for any governing body when an emergency as defined in the Emergency Management Act is declared. We, therefore, worked on 84-1411, subsection (7), and that's found on pages 16 and 17 for any governing body to hold a meeting by virtual conferencing during an emergency as defined in the Emergency Management Act. The public body should be able to take any action, not just the action pertaining to the emergency. And let me explain that. In the case of a pandemic, we've been going on for now a year. And if we are only able to have a, a virtual meeting to consider emergency matters, then we don't continue to exercise the things we have to do to, to do the functions of our government. For example, we still have to meet the payroll. We still have to do such things as adopt a budget. And if those-- if we're held just to in-person meetings and we don't have the folks coming to our meeting who are on our board, then we've got a problem. We have levees to maintain. We have dams to maintain, and those are all things that are important for what we do. We do support that beginning July 31, governing bodies of NRDs, cities of first class, and larger counties of over 25,000, and school boards are to place agendas and minutes of meetings on their website. And finally, we do support the amendments proposed by Senator Flood in his introduction. I'm willing to answer any questions or defer it on to the next witness or witnesses.

BREWER: All right, thank you for that testimony. Real quick, questions for Larry? All right, thank you for your testimony.

HALLORAN: Mr. Chairman.

BREWER: Oh.

HALLORAN: If I may?

BREWER: Senator Halloran. Sorry.

HALLORAN: Thank you, Chairman Brewer. Good afternoon, Mr. Ruth.

LARRY RUTH: Good afternoon, Senator.

HALLORAN: My twin brother from another mother. So part of the issue, I think here is, is-- it's-- we're, we're talking about an option here, clearly not a replacement for the public meeting in a lot of cases.

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Right? I mean, most cases there should still be a public meeting, but
this is an alternative for people to attend otherwise?

LARRY RUTH: This is during an emergency that's been declared by the--
by whoever declares under the Emergency Planning Act. Yes.

HALLORAN: Part of the issue is connectivity, I think, for broadband. I
mean, you understand there's a lot of, a lot of NRDs, several, at
least one in Senator Brewer's district that has probably very poor
broadband connectivity.

BREWER: Chadron would be our worst.

HALLORAN: Yeah, which would make it a challenge for people to-- their
only option now is to attend the meeting. And the virtual meeting
would be not an option because they can't-- they don't have
connectivity. I know that's a whole different issue. We've got to
resolve that in Nebraska. But I think that's a, that's, that's a
concern I guess I have, is that those people without connectivity
won't have that option.

LARRY RUTH: It's interesting because what we found was that when we
did go with in-person meetings, because we had to. Like I said in my
testimony, that there seemed to be a lot of people who didn't want to
come to the meeting because they were afraid of the, of the virus. So
I don't know which is better to have them not be able to get connected
to the meeting or force them to come to a meeting if they want to and
have the risk of, of getting sick.

HALLORAN: Right. I guess my point is--

LARRY RUTH: It's really difficult.

HALLORAN: --they, they wouldn't be forced to come to a meeting, but if
they had poor connectivity, they wouldn't have the option--

LARRY RUTH: That's true.

HALLORAN: --otherwise for a virtual meeting.

LARRY RUTH: But we're all in favor of more connectivity, obviously.

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HALLORAN: Right, but it doesn't-- it's, it's not-- virtual meetings
won't be much of an option for a lot of people, probably.

LARRY RUTH: And in fact, you notice that the last section of the bill
does provide for cities and counties of certain size to use a website
for the placement of the minutes and the agenda. And that we support,
but that's been delayed because we do need to have more connectivity
even amongst our smaller political subdivisions.

HALLORAN: All right.

LARRY RUTH: Yeah.

HALLORAN: Thank you, Mr. Ruth.

BREWER: All right. Senator Lowe.

LOWE: Thank you, Chairman Brewer. And, thank you, Mr. Ruth, for coming
and testifying today. It always seems odd that we try to do something
during an event like, like what we have going on right now. And our
emotions are running high and, and we don't take time to, to think
about things like this. When you went to the Lancaster Event Center
for your meetings, that was so you could space out a little more, did
that increase your attendance of people showing up?

LARRY RUTH: Not that I could tell. And I was at the head looking out
over the whole group, a lot of empty seats. And about the only ones
that came were those who were running for office or have been elected
to office. That seems to attract, attract people. I'd also say that if
they want to keep up with the meetings that we do. And we, we do a lot
of work. We, we post minutes. We have a good agenda that's being
posted ahead of time. But if they, if, if, if they want to find out
under a virtual meeting what's going on, they can monitor that action
by going to a, a location and it's provided for in the bill, which is
a bill I have available to it, all the documents that are going to be
under consideration, notice of the agenda. And so we, we do everything
we can to-- during a virtual meeting to make it available to people,
not just to get it off of the Internet, but to have the availability
for them to come in and be safe, number one, but also have access to
what's going on. And to testify, my goodness. Their testimony is
important and that's why we have that opportunity.

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LOWE: I am-- I'm a proponent of a meeting like this. I think all of us are. Because being on Zoom meetings this whole year, you can turn your, your video off and you might be talking with somebody in the room or something else and you're not really paying attention to the meeting. You can turn your microphone off and do, do that. Or if, if the video is on, I've seen this many times that, that you're not paying attention to what's going on in the meeting. You're working on your laptop, you're, you're doing something else. In a setting like this, it kind of puts us out in front of everybody. And so I'd like to see something like that also included in the bill that there-- there's some responsibility for the board members to be actively taking part and not, not turning their camera off, turn their microphone off and-- because there may also be some outside influence on the other side of that laptop telling him what to do, telling them how to vote that the other members in the committee can't see. So--

LARRY RUTH: Well, all I can say is the-- our NRD never had that, that problem. We have a hard enough time to make decisions on our own without having to have someone tell us what to do.

LOWE: But we're just not talking about NRDs.

LARRY RUTH: I know we aren't. Yeah.

LOWE: We're talking about all governments. Thank you.

BREWER: All right, any additional questions for Larry? All righty, thank you for your testimony.

LARRY RUTH: Thank you.

BREWER: All right, we'll have the cleanup crew hit it real quick. Shelley, welcome back to the Government Committee.

SHELLEY SAHLING-ZART: Thank you. Good afternoon, Senator Brewer, members of the Government, Military and Veterans Affairs Committee. For the record, my name is Shelley, S-h-e-l-l-e-y, Sahling-Zart, S as in Sam -a-h-l-i-n-g hyphen Z-a-r-t. I'm vice president and general counsel for Lincoln Electric System here in Lincoln. And today I'm representing the Nebraska Power Association, which is a voluntary association representing all of Nebraska's more than 160 public power systems, including municipal electric systems, public power districts like NPPD and OPPD, Rural Public Power Districts, Public Power

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Irrigation Districts, and Rural Electric Cooperatives. So all of us. And I, I-- we have letters from a number of us in from the NPA that have some points. And I'm going to try and use a lot of my time to address some things that have come up. First of all, thank, thank you to Senator Flood for introducing this. Thank you to Media of Nebraska for understanding and appreciating the need for this kind of legislation. I've been doing, I've been doing my job for 32 years and I've never seen anything like this. And I'm quite sure none of you have either. I work in a utility industry where we have plans, we have contingency plans for contingencies. We do a lot of planning and we do a lot of plans we never hope to use. This is what this is. This is not about ordinary kinds of meetings, we all want to have those in-person meetings. They are much more effective. So I want you to think about this legislation. This is about being able to continue doing the public's business, the public's business in moments of extraordinary disruption. So Section (5) of existing statute, you have emergencies that happen. You know, there's a water main that breaks and you've got to call an emergency meeting to deal with that emergency so you can take action to authorize some emergency funding to repair the water line. It's not what this is about. This is about those extraordinary moments like a pandemic that go on for months. We all-- I never envisioned we would send more than half our workforce home to work from home for months. Never envisioned that. It was even odder to me that we would deem it unsafe for our employees to be at work and send them home, but we'd be in a position to require our board members to come-- have to come in and hold a board meeting. That doesn't make any sense. It didn't make sense that we would want our members of the public to risk their public health and safety to come in. This is about safety. Safety is a core value in the utility industry. And we see this bill as first and foremost about public health and safety. And it's about transparency. We were adamant when we all got together in this coalition. There were two primary objectives: one, do the public's business, keep the continuity of business going; but two, maintain the very level of transparency that is expected of all of us in ordinary times under the Open Meetings Act. And we tried to do that. The other thing we tried to do is we tried to change as little as possible. So in the bill, these are emergencies. These are not the snow emergency our Mayor declared last night so we could get the streets cleaned and people move their cars. It's not that. These are emergencies declared under the Emergency Management Act. Nebraska Revised Statutes, 81-829.39: An emergency means any event or the

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imminent threat thereof causing serious damage, injury, or loss of life or property resulting from any natural or manmade cause which, in the determination of the Governor or the principal executive officer of a local government, requires immediate action to accomplish the purposes of the Emergency Management Act. So those things that rise to the level of the Emergency Management Act like the COVID-19 pandemic. I got to tell you, I hope, I hope-- I know this is the heat of the moment, but I hope we never have to use it. But by God, if there's another strain of this or if another pandemic comes, I'm gonna feel a whole lot better that we have thought about it. And we've done that necessary emergency planning. And we've, we've tweaked the things we need to tweak to make sure that we can operate better. Senator Halloran, to your point, is everybody going to be able to take advantage of this? No, and that's unfortunate. And, and hopefully, hopefully there's a lot of legislation will address some of the broadband issues so that more people can. That's not a reason to take that toolbox out of the, out of the toolbox for other public entities, though. Let's try and keep as many people across the state as safe as we can. And to me, I think this bill actually encourages public engagement. We have had far more people from the public jump on our meetings. We've been meeting in person, but we did open up our meetings and we made sure that members of the public wouldn't have to come in in person, that they would be able to monitor and participate in our meetings virtually. And they've been providing comment. It's not required that I do that under the Open Meetings Act. We went that extra step, even though we required our board members to come in in person. I think that increases engagement. But folks that are serving on these, that are being public servants and serving on these boards shouldn't have to put themselves at risk to do the public's business. So let's do this. Let's keep the public business moving expeditiously. Let's keep people in the public safe while we do it. So I'd be happy to answer any questions.

BREWER: Thank you, Shelley, for that testimony. We'll real quick see if we have questions? Well, you took a topic that was kind of a little muddy and cleared it up a lot. So thank you for doing that. And thank you for your testimony.

SHELLEY SAHLING-ZART: Yep, thank you. Be safe. Stay positive, test negative.

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BREWER: All right, we got our cleanup crew hitting it here. There we go, we got the paperwork. Welcome to the Government Committee.

MIKE ROGERS: Thank you. Good afternoon, Chairman Brewer, members of the committee, my name is Mike Rogers. That's M-i-k-e R-o-g-e-r-s. I'm a bond attorney at Gilmore & Bell. We are bond counsel to numerous political subdivisions around the state. And I practice exclusively in Nebraska as a bond attorney. I'm here today at the request and on behalf of the city of Lincoln, one of my clients, and testifying in support of LB83. Compliance with the Nebraska Open Meetings Act is a critical facet of any public body. As you may know, the penalty for noncompliance includes criminal, criminal penalties for the members or people who participate knowingly in violation. But also one consequence of noncompliance is the potential for action taken at a meeting to be voided by a court rather easily. Bond attorneys like me live in a very black and white world. We need certainty because our, our opinion standards are so high when we deliver an approving opinion on, on a bond issue. Any dispute or gray area in a, in a, in a particular area of law, including the Open Meetings Act, is-- makes it difficult for us or any other bond attorney to feel comfort-- comfortable proceeding with a transaction. And there is some disagreement, as was mentioned earlier, as to whether the Governor's executive order was effective in allowing political subdivisions to meet virtually and some have, have continued to do that in accordance with the Governor's order. This has had real-world consequences for us and I'm sure for other issuers of municipal bonds, including a delay in a bond issue or a set of bond issues for the city of Lincoln, which were scheduled to go forward with the refunding issue earlier in 2020. But they were put on hold until the city council decided to meet again in person. And when you're talking about refinancing of a-- of an outstanding bond issue to save money, a delay of a month, month and a half has, has an impact. The capital markets move quickly, interest rates change every day. And a delay like that can mean a loss of a significant amount of savings for political subdivisions. I've spoken with, as mentioned earlier, there is some disagreement about whether the Governor's orders are effective. And so LB83 would clarify how meetings can be held virtually in a, a state of emergency, which would help political subdivisions conduct their ordinary business, including authorizing bond issues, and importantly, refunding issues to continue operating and conducting the business of political subdivision. That's all I have now, I think other matters have been covered well before

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me, and my scope is very narrow here, so please let me know if you
have any questions.

BREWER: All right, Mr. Rogers, thank you. All right, questions?
Questions? Well, it looks like you're going to get off easy. Thank you
again.

MIKE ROGERS: Thank you.

BREWER: OK, we will have the crew up here. Lynn, come on up.

LYNN REX: Thank you.

BREWER: Welcome to the Government Committee.

LYNN REX: Thank you, sir. Appreciate that. Senator Brewer, members of
the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the
League of Nebraska Municipalities. We really appreciate your time this
afternoon. And I'd like to first start by saying this, the League and
many other organizations pleaded with the Governor to issue these
executive orders. We were so grateful when he did it in March. That
one did expire on June 30, 2020. We had members that really wanted
that to continue because of the concern that they either couldn't get
a quorum and some of them couldn't. Also, people that were ill that
didn't want to come and also to protect the public. That being said, I
cannot begin to tell you how grateful we are that he has reinstated
them. And he's been very collaborative with us and we appreciate it.
As Mike Rogers said, there have been some attorneys that have
expressed concern about the ability of the Governor to waive any part
of the Open Meetings Act. The Governor's got all kinds of executive
powers as in executive orders to do other things, but the issue was
that. So we've asked all of our municipalities that have done anything
virtually. And of course, under current law, that means
videoconferencing or telephone conference calls to have them ratified.
So they've gone back to ratify. As a former mayor and former city
council member, just the notion here of on an agenda at a meeting when
they are in person for an in-person meeting, for example, one of those
agenda items would be, please ratify all actions taken at meetings
held as outlined in the minutes on these following dates. But he threw
us a lifeline and he is throwing us one now and we appreciate it. But
I think the clarification is important. And I did want to underscore a
couple of things, and I really appreciated the testimony today by

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everybody. And I'm going to ask you if you'd be kind enough to look on page 10 real quick. Page 10, this bill does two major things in terms of modernizing the Act, using the term virtual conferencing instead of videoconferencing, instead of telephone conference calls. So virtual conferencing encompasses both. So if you look at the list on page 10, starting on line 14, essentially what you have there, these are the same entities that already have the authority for videoconferencing and/or telephone conferencing. The exception here is on line 30, "local public health department." That's new, but that's regional. It fits into this regional group as opposed to a stand-alone group like a city council, county board, school district. And by the way, I do want to indicate, too, I'm not only testifying for the League, but I've been asked to testify on behalf of the Nebraska Association of School Boards in support of this. And then 31, adding natural resources districts. And the amendment that Senator Flood gave you gives you two more to this list that are also regional, a metropolitan utilities district and a regional metropolitan transit authority. So to be blunt, page 10, everything you have here is merging two sections. So if you look at all the language that is being deleted, starting like on line 12, you think, oh, my gosh, look at all the stricks-- all the things, all the lines being stricken. They're merging the two provisions, one for videoconferencing, one for telephone conferencing. All the requirements are essentially there. There is one that instead of having to have a board member present at every one of the sites to say that it-- they would have to have one site at-- where the public could come in addition to doing virtual meetings. And these public bodies, by the way, have had and still would be required to have no more than half their meetings. Now it's videoconferencing or telephone conferencing. When this bill passes, it would be virtual conferencing so they don't get an increased number of meetings that they can hold virtually. It's the same number of meetings, it's just that we're calling it virtual conferencing, and under essentially all the same requirements. The major exception being you have to have one person in the-- where the public body-- so, so the public can come to one physical location. And in addition to that, one of the things that we put in, as Senator Flood noted, "or his or her designee." And the reason for that, we have-- and I know that my former folks here that I've represented over the years, Senator, Senator Flood, Senator Sanders, that many, many-- and this is not theirs-- this is not their story. We have hundreds of villages where folks are over the age of 70. They all are over the age of 70. So we have issues dealing with

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that. And in this era of COVID, they don't feel comfortable coming. And so this would let them designate somebody. So again, in short, we're dealing here with same entities that can do it now. Same entities, with the exception of those four additions, health departments, NRDs, and metropolitan utilities district, and also, as we discussed earlier, adding the regional transit authority. So all the rest of that's pretty clear. But if you go to page 16, and I really appreciated Shelley and Larry Ruth's explanation of this. On page 16, if you'd be kind enough to look at this. Page 16, starting on line 1, this talks about emergency meetings now. This is current law, currently. So if you look on, on page 16, line 1, but note this: without reasonable advance publicized notice. Example, Pilger tornado. What they could do-- they did not have reasonable advance publicized notice. They got people together. They could do it by phone. So they could do that by phone. But what can they do? It can only pertain to the emergency. So if you look on line 4: any formal action taken in such emergency can only pertain to the emergency. That is current law. But as Shelley pointed out to you, the dilemma is you also have to conduct business. Pilger also had to make payroll. They had trouble getting a quorum. They also had to pay bills and meet FEMA deadlines. That's different and distinct from what they had to do. So that's also one of the reasons why we have-- and that is one of the major reasons why we have the new subsection (7) starting on line 15. So this is basically the second type of emergency meeting authorized under LB83. This is for those types of extraordinary circumstances that Shelley and others have talked to you about today, which is, again, in this pandemic, in a flooding situation, in a tornado, you need to conduct the public's business. It's about transparency, is about conducting the public business. But here is a huge distinction, as you note on line 4, it says that-- oh, I'm-- time is up here. If someone would ask me a question, I would like to just finish that thought, if you don't mind. I'm sorry. I didn't see the red. I'm sorry.

BREWER: That's all right. You've-- you, you have special flexibility here, Lynn. All right, Senator Lowe.

LOWE: Yeah, thank you, Chairman Brewer. And thank you, Ms. Rex, for being here. Could you finish your statement?

LYNN REX: I really appreciate it. Thank you so much for your-- so being so gracious with both of you and the committee. So this is a really important distinction. And again, the paren (5) authority for

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an emergency meeting, which we already have in state law. And that is whether you're a standalone, like the city council, or whether you're a regional meeting. This applies to both. But again, without reasonable advance publicized notice. It's urgent you got to do it now, but it's only in the flood. How many sandbags can we buy? That's it. You're done. So then let's look on line 15, on page 16. These are the emergencies that have been described to you, where it's a kind of an ongoing thing. Not that you're going to have just virtual meetings nonstop, but rather this requires a major distinction. Look on line 20, "the public body gives reasonable advance publicized notice." The notice, what does the notice look like on line 21? And again, in deference to-- I thought, the great job of these executive orders and outlining what we're required to do now under the executive orders, which is it will include the access information for the public and the news media in addition to any-- and this is really key, line 22 to 26. This is the definition of what constitutes a meeting in 84-1409 of the Act, which is: In addition to any formal action taken pursuant to the emergency. Starting with right now, quote, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body. What does that mean? That means public's business. That means making payroll. That means meeting deadlines. That means paying claims, doing the things you need to do, authorizing publications in newspapers, all of that. So big distinction between the very limited emergency type meeting we could have now versus what we have with-- if this bill passes. And I think some of the points that have been raised here, 231 of our 529 cities responded to a survey. And I'll just wrap up with this, the issue being, did you hold meetings by videoconferencing or tele-- telephone conference calls? This is just a little survey. We did nothing fancy by survey monkey, 75.6 percent said yes. Those that said no, basically, it's because of the issue you raised, Senator Halloran. Unfortunately, they don't have broadband. We had some that tried to use landline phones. Doesn't work all that great, as you can imagine. In addition, I think that why they did it, 41 percent said to get a quorum; 66.87 percent, and they could pick more than one, obviously, said a lack of space; 93.87 percent said to protect citizens. And I will tell you, anecdotally, more than, more than probably a dozen members have just told me personally they had folks that participated on these conference calls and Zoom meetings that have never come to a board meeting before. And I don't know if it's just because they were bored because of COVID-19, but,

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but they were tying into that. So just in closing, I mean, we had 32.84 percent having meetings for medical reasons, underlying conditions; 36.57 percent older adults. This is why they did it virtually, and 73.88 percent at the request of the citizenry or because it was going to be convenient for them. So this is just a huge bill. I've been involved in the last 40-plus years and a number of basically rewrites of this bill. One of the reasons why it's so important to modernize it is because, and the League is guilty of this as many, which is that when you go in to make a change, you limit the number of statutes you amend. You make-- put in the fewest amount of words. But as a consequence, sometimes it's not very readable. So this bill is a lot more readable and we would just really appreciate it. And I think, too, to underscore this point in closing, that it is so critically important that if you have-- and these are real instances, four blocks of Hastings, Nebraska, burning to the ground. You don't have time to contact the Governor to see if he's willing and able to make-- if he's even available to make an emergency declaration under the Emergency Management Act. And Shelley Sahling read into you-- read to you what the definition of emergency is in Chapter 81-829.39. It's very tight. And if someone says, oh, they're going to abuse it. Well, look at 84-1414. There are penalties for noncompliance here. And the overriding one, in addition to personal penalties for misdemeanor offenses, is you get down to the point of if it-- if any action is brought challenging what you've done, and that's brought within 120 days of the date which that alleged violation occurred, a judge has no choice. A judge, a judge voids it. It doesn't matter how substantive it is. It doesn't matter how technical it is. And this is 84-1414. It's not in this bill, but it's in the Open Meetings Act. So, again, we really appreciate it, really appreciate, Senator Flood, doing it. And I, again, cannot emphasize enough what it's meant--

BREWER: All right.

LYNN REX: --to our members to have the executive orders.

BREWER: Questions for Lynn? This sheet here where you've consolidated all of those on your coalition and put your point of contacts, this is very handy. Thank you for this.

LYNN REX: Yes, the handout, Senator, represents nine statewide organizations and another eight or nine individual entities like the university and others. Sorry, to get so emotional, but--

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BREWER: No, actually this--

LYNN REX: --it's been a very big deal.

BREWER: --this gives you the direct line and who to talk to there,
it's quick, it's easy, it's the right way to do it. All right, seeing
no other questions. Thank you for your testimony.

LYNN REX: Thank you so very much for your consideration today.

BREWER: OK, we've got our crew. What we've got is our next testifier
for LB83. The paperwork is done, clean up is done. Come on up.

SEAN KELLEY: Chairman Brewer--

BREWER: Welcome.

SEAN KELLEY: Thank you.

BREWER: Welcome to the Government Committee.

SEAN KELLEY: Chairman Brewer and members of the Government, Military
and Veterans Affairs Committee, my name is Sean Kelley, S-e-a-n
K-e-l-l-e-y, appearing today on behalf of the Douglas County Board of
Commissioners in support of LB83. The Douglas County Board has
utilized virtual conferencing throughout the pandemic. We just want
our support on the record, and thank Senator Flood for introducing
this bill. I'm happy to answer any questions.

BREWER: And I like these short and sweet. All right, questions?

SEAN KELLEY: It's hard to follow Miss Rex.

BREWER: All right, seeing none, you are in the record.

SEAN KELLEY: Thank you.

BREWER: Welcome to the Government Committee.

EDISON McDONALD: Hello, my name is Edison McDonald. I'm the executive
director for the Arc of Nebraska. We're a nonprofit with 1,500 members
covering the state of Nebraska advocating for people with intellectual
and developmental disabilities. We support LB83, because we believe
that it will help to ensure that there are more opportunities for

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engagement for people with intellectual and developmental disabilities and their families. Since the pandemic hit, we rapidly found ourselves dealing with many barriers for people with disabilities, exponentially increasing and creating many brand new issues. These issues range from utility shutoffs to closing service providers who are vital to protect services. In order to ensure families opportunities to engage safely in public dialog, they need that opportunity to be able to engage digitally. Entities like OPPD have implemented this smoothly and quickly. In particular, the higher impacts on COVID on people with Down syndrome that found in early studies that with findings that from a large international survey found that people with Down syndrome were hospitalized with COVID-19 who are 40 and older bear most of the increased risk with the mortality of 51 versus 7 percent for those under 40. In order to comply with the requirements around ADA for-- or the Americans with Disabilities Act for reasonable accommodations, the easiest pathway is by allowing for more digital or remote testimony to be included. Should the Legislature not take action, we expect a significantly larger number of ADA violations being filed with the Office of Civil Rights that may lead to corrective action from the federal government. But more importantly, this shuts out the voices of people with disabilities and their families during a tremendously important time period to have their voices at the table. I'd also like to point out that I think this is going to put a lot of those entities in some really fuzzy positions. In particular, two entities that I know that are subject to the Open Meetings Act, including the Governor's Developmental Disability Advisory Council and the Statewide Independent Living Council that are required to have people with disabilities on those entities by statute. However, then if they're not able to have those members participate, again, they're going to be put into conflict with both the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. So for those reasons and more, we strongly support LB83. It's a good first step. Thank you.
Questions?

BREWER: Thank you, Edison. And I apologize when you come in between the mask and the COVID look, you're always this all-American proper haircut,--

EDISON McDONALD: I've got the red hair. It's easy.

BREWER: --and I just-- I missed it, so I apologize. Questions for Edison?

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EDISON McDONALD: Nice to see you.

BREWER: All right, thank you for your testimony. All right. We should
get one of those chairs, like in the doctor's office, where you just
rip off the paper.

BLOOD: Good idea, actually.

BREWER: Welcome to the Government Committee.

DANIELLE CONRAD: Hello. Hi, Senator Brewer, members of the committee,
my name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d.
I'm here today on behalf of the ACLU of Nebraska in support of this
important measure. We'd like to thank Senator Flood for his leadership
on this issue and not to duplicate the testimony that's come before,
but to put a fine point on it. This is a classic good government bill.
This is about increasing transparency, participation, and
accessibility. It provides key uniformity and clarity to critical
stakeholders, including our public citizens, to participate in their
government when times are sometimes the most exigent and important to
facilitate that kind of, of meeting and business to serve the public
interest. We're also pleased to hear that there are amendments being
proposed to ensure that there can be an appropriate balance for
privacy for those Nebraskans that are experiencing domestic violence
or have and are happy to work with the committee and Senator Flood and
the other esteemed stakeholders in any way to advance this important
legislation and hope that it is indeed a, a first start in catching up
our, our law and our technology to ensure a more robust participation.

BREWER: All right, thank you for your testimony and--

DANIELLE CONRAD: Thank you.

BREWER: --and we have so few good government bills, we-- all right,
questions? All right, next testifier for LB83.

***KRAIG LOFQUIST:** Dear Senator Brewer and Members of the Government,
Military and Veterans Affairs Committee: My name is Kraig J. Lofquist,
(that's spelled K-r-a-i-g-J-L-o-f-q-u-i-s-t) and I am the Executive
Director of the Educational Service Unit Coordinating Council (ESUCC).
I work closely with each of Nebraska's seventeen (17) ESUs. It is on
behalf of all of Nebraska's ESUs that I submit this testimony in
support of LB83. I would respectfully ask that if the committee and/or

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Senator Flood entertains additional amendments, we would ask you to consider our unique situation and take the bill further, which could save the taxpayers unnecessary travel dollars by increasing the ESUs use of virtual conferencing from fifty (50) to seventy-five (75) percent. To add some perspective, I will share that prior to my current position, I was the administrator at ESU 9 located in Hastings, Nebraska, so I understand the ESU world well when it comes to the requirements of "open meetings." As political subdivisions located across the State of Nebraska, the ESUCC and the ESUs are pleased that you are updating the language in the law due to the constant changes in technology. The proposed changes within LB 83 continue to honor the public's right to receive adequate notice of meetings, to address public boards and to have copies of written materials accessible for those that wish to view them in that format. As you are well aware, the pandemic facilitated executive orders by Governor Ricketts which allowed public agencies to meet via video conferencing. The ESUCC and the ESUs learned several significant lessons from holding our meetings in this format. First and foremost, the ESUCC and the seventeen ESU Boards saved significant tax dollars, because board members did not have to spend time, energy and money traveling to the aforementioned meetings. Required reimbursements declined precipitously. Moreover, we found that members of the public were just as inclined to join our public meetings via video conferencing. Such meetings also allow for more productivity and increased safety due to reduced travel time. Finally, although we support LB 83 as it is currently written, we would respectfully request that you consider the unique circumstances relative to Nebraska's ESUCC and ESUs. Specifically, we are much more sparsely located than most, if not all other Nebraska political subdivisions. For example, ESU 13 in Scottsbluff is located 444 miles from ESU 3, which is located in LaVista. It is not uncommon for an ESUCC board member to have to travel for a couple of days to attend the required ESUCC public meetings. To a lesser extent, a regional ESU board member, such as ESU 9 in Hastings, may travel over an hour to attend a required public meeting, then have to travel the same distance to return home. These are just two examples of many unique circumstances that we can show that the required travel is avoidable. During this difficult pandemic, we are all striving to decrease costs and increase the safety of Nebraskans. This change would allow both. For these reasons, we would like you to respectfully consider an amendment to LB83, which would permit the ESUs to conduct up to 75% of their

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meetings via virtual conferencing, which ultimately saves dollars, promotes safety and still allows us to conduct the required business of our educational system. If you would like to discuss the increase in cost efficiency because of video conferencing, please feel free to contact me. Again, thank you for your consideration of LB83.

***JOE KOHOUT:** Good afternoon, Chairman Brewer and Members of the Government, Military and Veterans Affairs Committee. My name is Joseph D. Kohout and I am the registered lobbyist for the Nebraska Association of Regional Administrators and I appear before you today in support of LB 83 on behalf of the same. We ask that this testimony be made part of the official testimony of the committee on this issue. We do not normally appear before this committee, so please allow a moment to explain: Nebraska is split into six "regions" for the delivery of behavioral and mental health services. These are local units of governments that the state Department of Health and Human Service - Division of Behavioral Health partners with to engage in planning and service implementation. Each county is part of a region and as a result appoints one county commissioner to sit on a regional governing board. They will represent that county and participate in the decision making of the board. The regions purchase services from providers in their area. If necessary, services are purchased from other service providers across the state. The region is staffed by an administrator who in turn hires additional personnel to manage and oversee those contracts and services. We applaud Senator Flood for bringing forth LB83 as it represents a needed change in the Open Meetings Act. Those changes came to light as a result of the Covid-19 crisis but they remain as we continue to deal with the emergency. Our governing boards range in size from Region 4 with 22 counties reaching from Cherry County in the west to Burt County along the Missouri River to Region 6 with 5 counties in east central Nebraska from Dodge to Cass. With large geographic coverage, the updates contained in LB83 are absolutely necessary to protect the health, safety and welfare of our board members. We greatly appreciate the time that you have committed to hear this important bill.

***KATHY HOELL:** My name is KATHY HOELL from Papillion. I want to thank Senator Flood for introducing LB83, it is time to update the Open Meetings Act. I am a person with a significant disability that wants to have my say before this body or any organization that must comply with the Open Meeting Act in a safe, accessible manner. This bill as written allows virtual conferencing for half the meetings I believe

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for there to be participation with any type of body it is vital for there to be accessibility for people with disabilities, engagement from rural communities, and full transparency for the citizenry. From my own experience since several organizations have been using Zoom because of the pandemic it has been possible for more people to attend meetings from every corner of the state. Therefore, I would like to see this bill amended to allow virtual conferencing to be used all year around. With the transportation issues we have in Nebraska it would allow people with disabilities or people that live in rural or far western portions to attend meetings that affect their lives. The ideal situation would be a hybrid model of participation that is both live and virtual conferencing. It is imperative that the public be able to access meetings this way. I hope you will consider the changes that I am recommending and pass LB83.

***MONIKA GROSS:** Chairperson Brewer and members of the Government, Military, and Veterans' Affairs Committee, my name is Monika Gross and I am the Executive Director of the Foster Care Review Office (FCRO). I offer this testimony in support of LB 83. The FCRO is an independent state agency, not affiliated with the Department of Health and Human Services, the Courts, or any other child welfare entity, created by the Legislature in 1982. The FCRO's role under the Foster Care Review Act is to independently track children in out-of-home care, review children's cases utilizing local, volunteer citizen review boards, collect and analyze data related to the children, and make recommendations on conditions and outcomes for Nebraska's children in out-of-home care, including any needed corrective actions. The FCRO is governed by a five-member Foster Care Review Office Advisory Committee, which is a public body subject to the Open Meetings Act. The FCRO Advisory Committee is required by statute to meet at least four times per calendar year, and is specifically authorized to hire and fire the FCRO Executive Director and to support and facilitate the work of the Office. Advisory Committee membership is open to qualified candidates statewide and does not depend upon geographic location, although current members reside in the Omaha/Fremont or Lincoln areas. Our Advisory Committee typically meets in the conference room of our downtown Lincoln office, which provides sufficient space during normal times. However, during the Covid-19 pandemic, the room does not allow for adequate social distancing, even with a relatively small number of participants. We have been grateful for the Executive Order that has permitted the Advisory Committee to meet virtually in order to conduct

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its business and still be accessible to interested members of the public or the press. No one had to travel or take extra time away from their jobs or families. And everyone was able to keep themselves, their co-workers, and loved ones safe from coronavirus exposure. In addition, the FCRO was able to save a modest amount on mileage reimbursement. Assuming the current Executive Order expires while the Covid-19 pandemic is still ongoing, we will be forced to identify a meeting location where the advisory committee and any members of the public or press could meet in a socially-distanced manner, and there would very likely be an associated cost for such a meeting location. Since our Advisory Committee members include working professionals and a parent of young children, they would appreciate the flexibility of participating in meetings via virtual conferencing when necessary. The FCRO supports LB 83 as it offers flexibility and accessibility, promotes public health, and is fiscally responsible. We wish to thank Senator Flood for his leadership on this issue.

***ERIC GERRARD:** Chairman Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Eric Gerrard and I am representing the Friends of Public Health in Nebraska. Our organization is in strong support of LB83. We thank Senator Flood for introducing this important proposal for so many political subdivisions and constituents across Nebraska. Friends of Public Health in Nebraska is made up of the 18 local public health departments in Nebraska that were created by LB692 from the 200 I Nebraska Legislature. LB83 would allow public bodies to hold virtual conferences if it is within the jurisdiction that has an emergency as defined by Neb. Rev. § 81-829.39. This change modernizes the existing Open Meetings Act but is also a prudent statutory change as it relates to public health pandemics, similar to what we have experienced over the past year. The ability to meet virtually is a benefit to board members and the public during a public health crisis. Additionally, we are appreciative to be included in the added provisions of Neb. Rev. § 84-1411, which would allow local public health districts to meet by virtual means for no more than one-half of the public meetings held each year. This will be especially beneficial for our local public health districts who cover large geographical areas and include multi-county jurisdictions. For example, the Panhandle Public Health District spans over 12 different counties and has a county commissioner from each of these counties on the board of health, as required by statute. The ability to meet virtually when necessary will be extremely beneficial for these

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multi-county districts. Lastly, many of the local public health boards have experienced more participation from the media and members of the public during the meetings that have been held virtually. We believe that if utilized correctly, and pursuant to the Open Meetings Act, that these changes can lead to increased participation and we welcome that participation. We urge this committee to advance LB83 to General File and we would welcome any questions from the committee. Thank you.

***COLBY COASH:** Chairman Brewer and members of the Government, Military & Veterans Affairs Committee: My name is Colby Coash and I represent the Nebraska Association of School Boards who would like to be on record in support of LB83. This bill represents a needed modernization in the way public bodies hold virtual meetings and creates a statutory framework to have virtual meetings during a declared emergency. We appreciate Senator Flood bringing this bill and encourage the advancement of LB83 to the floor for consideration. Thank you.

***JON CANNON:** Chairman Brewer and esteemed members of the Government, Military, and Veterans Affairs Committee, good afternoon. My name is Jon Cannon, and I am the Deputy Director of the Nebraska Association of County Officials, otherwise known as NACO. We are here today to testify in support of LB83, which would make revisions to the Open Meetings Act to provide greater flexibility to our public officials that serve on public bodies, and greater transparency to the public. NACO supports the general idea behind LB83. This past year has demonstrated more than ever before how interconnected we all can be - even when we don't occupy the same physical space - and still conduct the people's business. NACO supports leveraging our technological capability so that this business is conducted openly and transparently. This bill makes provision to ensure that the public and the press are still afforded the same ability to observe and participate in our public meetings. NACO would note that not all counties have the same technological capability, however, and that Arthur County's ability to host Zoom meetings may be a little different than Sarpy's. Some of our smaller counties have not found updating their web sites to be as useful for their community, and so limiting some of the notice requirements for all meetings to counties over a population threshold just makes sense. NACO urges this committee to advance LB83. If you have any questions for me, please do not hesitate to contact me directly.

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***NATHAN BEACOM:** Dear Chairman Brewer and members of the Committee, The Center for Rural Affairs is a private non-profit organization, established in 1973 and based in Lyons, Nebraska. The Center works to promote and strengthen rural communities. A significant part of this work is engaging with people about the decisions that affect the future of their communities and the quality of their lives. Virtual conferencing in public meetings can help rural people to better participate in government. Ours is an expansive state, where it may take seven hours or more to drive from a town like Scottsbluff to an important meeting in Lincoln; it might even be a drive to get to the county seat. Add to this the pandemic conditions and rural work that makes it hard to get away in the middle of the day, or even to make it to evening meetings, and you have a number of barriers to participatory government for rural people. A number of these conditions apply to urban folks as well, particularly in a time when in-person meetings are complicated by public health concerns. In many rural parts of the state, broadband speeds are slower and access is unreliable, with most of our rural counties lacking widespread access to speeds of 25 mbps or more. In Omaha or Lincoln, speeds of 100 mbps or more are ubiquitous. In a number of rural Nebraska counties, there is less than 50% access to broadband, and in the far west, some counties have less than 10%. Nationally, 31 % of rural households lack access to broadband, and 35% of tribal households do. All of this points to, of course, the continued need for improving rural broadband. In the context of this bill, it points to the need to ensure that teleconferencing remains an option on all virtual meetings. We recommend language to this effect, guaranteeing an option for participation in areas with poor internet access. Ultimately, this bill is an improvement in sound governance, updating the Open Meetings Act in a way that accounts for present technology and providing a better means for participatory government during the ongoing health emergency. In the interest of an engaged and informed citizenry and a government responsible to its constituents, and with an eye toward technological developments in virtual conferencing that make this even more possible, we urge you vote LB83 out of committee.

LANCE MOLINA: Is it opposition yet?

BREWER: What's that?

LANCE MOLINA: Is it opposition now?

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BREWER: Just, just those that are, are proponents. We'll, we'll jump over here to opponents. All right, if no more proponents, we will transition to opponents. Oh, hang on, I got to read in some stuff here first. Where because of the new policy of written testimony, that's different from the letters that come. I need to read these in. Let's see, on LB83, there are 11 proponents: Jerry Stilmock, Seth Voyles, Nathan Beacom, Colby Coash, Jon Cannon. Let's see, where we at here, Eric Gerrard, Kathy, is it Hoell, Heath Mello, Joe Kohout, and Monika Gross. So [INAUDIBLE] that. Now we will transition to opponents and we've already done the clean up. So if you got the paperwork there. Welcome to the Government Committee.

LANCE MOLINA: Good afternoon, Chairman Brewer and members of the Government, Military and Veterans, Veterans Affairs Committee. I wish to thank you for giving me the-- oh, my name is Lance Molina. That's L-a-n-c-e, Molina, M-o-l-i-n-a. I wish to thank you for allowing me the ability to speak against LB83. As Senator Lowe had a concern earlier about turning off the microphone during a meeting, electronic conferencing allows a body of government to mute any member of the public if they do not agree with their viewpoint. During this pandemic, the city of Gretna and Gretna Public Schools both were involved with a very expensive public project. This involved several rounds of meetings that were conducted via the Zoom video platform, or electronic conferencing. The first meeting went on-- the first meeting went where both proponents and opposition were granted access to the meeting. However, during rounds two and three of the meeting, the meeting was limited to only being able to text in questions. The proponents, however, were allowed unlimited access, while the opponents had their comments filtered by the school superintendent. I fear that virtual meetings will allow the government body to filter any public comment or any content to only those which align with their views. Passage of LB83 would give the local governing bodies more abilities to filter the public. So I do not support this bill, and I'm open to any questions.

BREWER: All right, thank you for that testimony. Questions? On the case of the, of the Gretna example that you gave, were you personally involved with that or--

LANCE MOLINA: I was personally involved. I was the opposition of a very large, expensive school bond and public city project of, of millions of dollars. I was the leader of the opposition.

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Unfortunately, the proponents, they were basically given carte blanche to say and provide any information they wanted. As the opposition myself, I had to send my information through a text, type it in, and they could choose whether or not they wanted to answer the question. If they didn't want to, not even-- the public had no idea because only the superintendent of schools and the city of Gretna were able to see that. So there are still questions, unfortunately, that the public did not even know that could have influenced this information. But because of the way that they handled the meeting, unfortunately, that information was not given to the public.

BREWER: So that's the filtering part. Was anyone actually turned off in the sense of not--

LANCE MOLINA: Yes.

BREWER: --allowed to speak?

LANCE MOLINA: Yes, I was not allowed to speak at all during any of these meetings. Only the proponents were. We basically could see the proponents and what they were giving and the superintendent and the, the-- essentially, because of the way they set it up, the superintendent and the city they could control and click who could see, who could talk, who could do this. But if they didn't like you or you didn't, you didn't align with their views, you had basically-- it would be like me standing here and this wall being essentially not a wall that I was able to talk to you through because nobody could hear me.

BREWER: All right, that is concerning. OK, yes, Senator Lowe.

LOWE: Thank you, Chairman Brewer. And thank you, Mr. Molina, for being here. Was there an excuse that they give-- gave that you could only do a text and not--

LANCE MOLINA: No, they did not, did not provide it. It just the way they did it.

LOWE: They didn't say they were running out of time or anything?

LANCE MOLINA: No, this was, this was at 7:00 p.m. on, on Zoom, and they went well until like 8:00 or 9:00 on one of the meetings. But if

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you-- like I say, there was plenty of time for the proponents to get
their information across, but not the opponents.

LOWE: Thank you.

BREWER: All right, any additional questions? Thank you for your
testimony.

LANCE MOLINA: Thank you.

***MATT MILTENBERGER:** Chairman Brewer and members of the Government,
Military and Veterans Affairs Committee. My name is Matt Miltenberger,
and I am Governor Ricketts' Chief of Staff, testifying in opposition
to LB83. The Governor agrees with the intent of LB83, to protect the
continuity of government during times of a declared emergency. That is
why only four days after the Governor declared a state of emergency
due to COVID-19, he signed an executive order waiving numerous public
meetings law requirements. This allowed governing bodies to meet by
videoconference, telephone conferencing or other electronic
communication, while protecting the health and safety of everyone
involved. The Governor respectfully requests that three specific
amendments be made to the bill. The primary opposition to LB83 is the
provision that would extend the power to waive public meetings
requirements to local officials who declare local emergencies. LB83
does require a public body to provide a dial-in number or a link to
the virtual conference when a meeting called during a declared
emergency, but the heart of the Open Meetings Act is to assure the
citizens may exercise their democratic privilege of attending and
speaking at a public meeting. A declared local emergency does not
intrinsically mean it is unsafe for a public body to meet in person.
It is also important to note §84-1411 (5) already allows a public body
to respond to an immediate emergency and hold a meeting without
reasonable advance public notice. LB83 would extend current law by
authorizing a public body to conduct routine business during a
declared emergency. Second, LB83 states there must be one designated
site in a building open to the public for participation in a virtual
conference, and for the location to be identified in the public
notice, but strikes the requirement that at least one member of a
public body be present. The Governor requests that at least one member
of the public body be required to be present at the one location
designated for the public to appear. Third, setting an operative date
for sections 1-12 of the bill would allow the public and governing

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bodies to have a clear date when the law goes into effect and would allow the Attorney General time to prepare guidance documents. The current Executive Order waiving the meeting requirement ends on April 30, 2021. This order can be extended if the bill is not enacted by this date. Thank you for your consideration. The Governor stands ready to work with Senator Flood and the Committee to ensure that Nebraska's open meetings law can be modernized while continuing to provide Nebraskans and the media with access to their governments.

BREWER: Again, we are on opponents to LB83. Do we have any additional opponents? Do we have any in the-- oh, we have one opponent who sent in a letter, Matt Miltenberger from the Governor's Office, his chief of staff. All right, are there any in the neutral position? There we go, got our paperwork. Have a seat. Welcome to the Government Committee.

TIM TEXEL: Thank you, Senator Brewer, members of the committee. My name is Tim Texel, T-i-m, last name is T-e-x-e-l. I'm the executive director and general counsel for the Nebraska Power Review Board. The board is the state agency with primary jurisdiction over electric utilities in Nebraska. The board itself wishes to remain neutral on LB83, but they did authorize me to bring up three technical issues for your consideration. And first of all on-- I think my pagination and lines are different based on what I heard so far because I printed it off. It's not a green copy, but on the print off, it's on page 11, line 16. It's-- and I can give this to committee counsel later, but they're all from Section 11, subsection (2)(b) and then sub Roman numeral (iii). It states that, "At least one copy of all documents for the meeting is available," etcetera. My concern is it's not entirely clear what the phrase "all documents for the meeting" includes. Under current law, the phrase that holds that place says, "all documents being considered at the meeting." And that's a well-established phrase that's been in place for many, many years. And all of us that operate in public meetings knows, I think, what it means. That the fact that it's being changed would indicate to a court that something different is being mean-- being met by that. I don't know if that's true. I wasn't part of the drafting of the bill, but I wanted to bring that up. And I think, as I said, all of us have a pretty clear understanding of the current meaning. So I'm not sure the need for the change or if that was intentional or an oversight. Also, that new phrase is inconsistent with the language appearing just three lines later on my copy, in my copy line 19, where it requires the public

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body to provide a link to all documents being considered at the meeting, which is consistent with the current state of the law. So for consistency and clarity, I would submit it might be preferable to go with the "all documents for the meeting," as in current law. I'm sorry to go with the "being considered at the meeting," as under current law, to be consistent and clear to those of us who know-- who operate in this area. My guess is that was a drafting oversight, but I, I don't know and I don't want to speak for the Drafters of the bill. And then on what's page 11, line 17, and this is the same subsections I cited to previously. It's-- it says that: At least one copy of the documents for the meeting must be available at any physical site open to the public. It's not entirely clear to me if "any" means every site or if it means at least one of the sites. And so, again, people like me will have to decide. And I would not want that to be inconsistent between different agencies, NRDs, and such. I think it would help to say either way, whether that means every site or one of the sites. My board and I have no preference, but it would help us when we implement it to know which the committee and the Legislature and the Drafters would want. And I think for clarity, it would help to, to specify which one. Lastly on, what's my page 11, line 18, same subsection as, as I cited to previously, requires the public body to, quote, provide links to an electronic copy of the agenda, close quote, and etcetera. It's not clear to me how this is to be accomplished to provide a link. Does it mean that a link or a URL address must be provided to the public for the meeting in a public notice, or does it mean it has to be provided on the public bodies website or both? And I'm not entirely clear which way to do it with that instruction. So to clarify, that would be very helpful. Again, my board and I have no real preference which way, but I don't know how to implement it. I'm concerned other public bodies wouldn't know also. And we just need some direction from the Legislature, which you would prefer. My thought was it gets-- and depending exactly what the Drafters in the Legislature wanted to accomplish, but it could say something like the notice for the meeting shall include information regarding how the public and media can access the meeting. If the public body has a website, it shall publish a copy of the agenda, all documents to be considered at the meeting and the current version of the Open Meetings Act on its website. Close quote. I'm not wedded to that language, but it's an option, maybe a point of discussion that the committee could consider for clarity. So with regard to the overall bill, I know these are technical points and getting into the weeds, but they help-- hopefully-- they would help

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me. And I think they would help other people that deal with these meetings with these clarity and consistency points. They are not intended as a criticism of the bill. Just to help clarify these points. It's my experience that it's better to clarify them in the bill stage than trying to do it when people are arguing with you about what it means or having a court interpret it and decide what it means without all of you, the Legislature, deciding it and, and telling us how to implement it. So those are the points I wanted to bring up. Be happy to answer any questions.

BREWER: All right. Thanks, Tim, for the testimony. On these three points, so we don't eat up time here, can you get with Dick,--

TIM TEXEL: Sure.

BREWER: --phone call, email whatever? Just make sure that we, we match them and that we get them addressed, because I, I think you're right. I think some of it's just maybe an oversight and, and not a big deal. We just need to make sure that that final version we get cleaned up.

TIM TEXEL: I'd be very happy to work with Dick on that. And, and I'll check against the green copy to make sure my cites-- the sections were correct, but I'm not sure about the pagination.

BREWER: All right. Again, any questions? Seeing none, thank you again for your testimony.

TIM TEXEL: Thank you.

***WALT RADCLIFFE:** Chairman Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Walt Radcliffe and I am testifying today on behalf of Media of Nebraska in a neutral capacity on LB83. Media of Nebraska is composed of the following five organizations: Nebraska Press Association, Nebraska Broadcasters Association, Nebraska Publishers Association, Omaha World-Herald and the Lincoln Journal Star. Media of Nebraska is neutral on LB83 as originally introduced, including the amendment relating to the Metropolitan Utilities District. Representatives of Media of Nebraska recognize the need to modernize how public bodies hold "virtual" meetings, defined as conducting or participating in a meeting electronically or telephonically. In addition, the pandemic underscores the importance of expressly allowing "virtual" meetings

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with reasonable advance publicized notice if an emergency as defined in Section 81-829.39 is declared pursuant to the Emergency Management Act. During such emergencies, public bodies need to be able to hold meetings by "virtual" conferencing for the purpose of briefing, discussion of public business, formation of tentative policy or the taking of any action by the public body. Currently, public bodies may have an emergency meeting by means of "electronic or telecommunications equipment" but only can take action pertaining to the emergency, not other necessary business. Media of Nebraska has a negotiated agreement with an "Open Meetings Act Coalition" which includes a number of statewide organizations and others representing public bodies subject to the Open Meetings Act. Pursuant to our negotiated agreement, Media of Nebraska and the "Open Meetings Act Coalition" will oppose any amendments that are not agreed upon by both parties.

BREWER: OK, and in the neutral capacity, [INAUDIBLE], Walt Radcliffe, and he's testifying for Media of Nebraska. All right, that would complete our testimonies. Is-- he's going to waive closing on LB83. So we will transition now from LB83 to LB112. Kind of a reversed order there. Yeah, you can go ahead. We got it, we got it all cleaned and ready for you. Oh, we do have quick read-ins I need to do on LB83. These again were the letters that were sent in advance. We had 19 proponents, zero opponents, and one in the neutral on LB83. And with that, we will go ahead and move over to LB112. Senator Albrecht, welcome to the Government, Military and Veterans Affairs Committee.

ALBRECHT: Thank you, Chairman Brewer. Chairman Brewer, members of the Government Committee, for the record, my name is Joni Albrecht. It's J-o-n-i, last name Albrecht, A-l-b-r-e-c-h-t. I represent the 17th District, which is Wayne, Thurston, and Dakota counties in northeast Nebraska. Chairman Brewer, members of the Government, Military and Veterans Affairs Committee, I introduce to you LB112, after hearing numerous times from individuals and organizations who often do not feel that their voices are being heard by officials they have elected, that they have elected and they are spending their money. So LB112 promotes transparency, accountability in government and offers members of the public an opportunity to trust that they will be heard. LB112 makes two simple changes within the Open Meetings Act found in the Nebraska Revised Statute, 84-1412. Number one, Section 1, LB112 adds one sentence which says, "a public body shall allow members of the public an opportunity to speak at each meeting." And number two,

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Section (2), LB112 deletes one sentence that reads, "A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings." The change is simple and the goal is clear. If you have been elected by the people and if you're able to decide how to spend the people's money, then you are expected to listen to the voices of the people. Members of your public deserve it, and this is a change that requires it. And furthermore, governing bodies will benefit from it. Good ideas, in fact, some great ideas come from listening to the people on the items that are being considered by a governing body and items that are not being considered, but perhaps should be. As an example, when I served on the city council in the great city of Papillion, we had 15 hours of testimony. Now this is, this is about a bill that, you know, was brought before us that we had to have our public hearings. We had 15 hours of public hearing and the planning board, and we had another 15 hours. You know, so-- I mean, when you're elected to that position, you need to hear from all the people. And it went way late, I mean, really late into the hours of the night. But everybody was heard. What we're proposing here is simply to ask you to carve out in your agenda, no matter what type of meeting it is to give ten minutes at the beginning of your meeting or ten minutes at the end of the meeting. If you want everybody to stick around all-- the whole time, have it at the end. If you want everybody to state their case and possibly leave, then have it at the beginning of the meeting. But if you're chairing the committee or you're the, the president of the council or whoever's leading the meeting, they should be able to just take the time to listen to the people, whether it's one minute or two minutes. And it doesn't have to even be about what's on the agenda. It's simply the public coming in to state their case about what's on their mind. They might be thanking the police department for coming to the rescue of their dog that was, you know, run over in the street, or if-- it could be, you know, snow removal. Talking about how great it is that somebody's done such a great job like they did here in Lincoln in the last two days. So all I'm saying is give the public the opportunity to, to do what they need to do and to, to be heard. And again, if there's something that, you know, a lot of people will say they're worried about talking about one of the members, that they've done something terribly wrong. Well, you know, you can let them know you don't talk about other people. You don't talk about, you know, a work issue that's private. You don't talk about it. If we're in-- if you're in litigation with someone, you don't talk about that, you know, but

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you lay the ground work just like you do in this meeting here, Senator Brewer, about how we conduct business in this room. So, again, the body's free to schedule a time at the beginning, middle, or end of the meeting. The body's free to allow time for each speaker in accordance with the number of people expected to speak. And by putting it on the agenda for every meeting, the public knows that there's an opportunity and they know that for some reason, if they miss the opportunity, it'll be there next week or the next month. They can trust that they'll have an opportunity again at the next meeting. And in exploring this issue, my office found out that there are some governing bodies that have already had public comment as an item on their agenda. However, we also found examples of bodies suspending public comment for an indeterminate amount of time and others where public comment is infrequent or inconsistent, or where members of the public have to jump through hoops to be assigned a place on the agenda. Many people don't know whether or not that they will be allowed to speak at a meeting or not. After testifying-- after I testify, I'm sure you'll hear from others who can share their stories about a need to have an opportunity to speak in front of governing bodies that affect their lives. I invite you to listen. I believe that we can all agree many people feel frustrated in the current state of politics, and this is an opportunity for them to be heard. And we can have more confidence and trust in our government that you are acknowledging that there is a problem or that they're just happy that you're doing the job that you're doing. So with that, take other questions.

BREWER: All right, thank you for that opening. Questions? I know I've got one county where that was an issue. The county board had set aside a very small window, and I remember it was five or ten minutes, and there would be a number of people who would show up. And then when the time was up, the time was up and the trip they made was for not. So I, I, I do think that does happen in certain places. All right, will you sticking around for closing?

ALBRECHT: Sure. Yes, sir.

BREWER: All right, thank you.

ALBRECHT: Um-hum.

BREWER: All right, we will start with proponents of LB112.

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LANCE MOLINA: Exactly the reason why I came down here today. All
righty.

BREWER: Welcome back to the Government Committee.

LANCE MOLINA: Thank you. Chairman Brewer, members of the Government,
Military and Veterans Affairs Committee, my name is Lance Molina.
That's L-a-n-c-e, Molina, M-o-l-i-n-a. I wish to thank you for giving
me the opportunity to speak in front of a government body.
Unfortunately, this has not been afforded at other government bodies
that ran-- or other government meetings ran recently. I live in Gretna
and I have not been allowed to speak at meetings in front of two
government bodies within my city. These two government bodies are the
Gretna City Council and the Gretna Public Schools meetings. On
November 24 of last year, the Gretna City Council held an emergency
meeting regarding masks. There was a posted notice indicating that the
public would be heard at a public hearing. Many members of the public
showed up to this meeting to voice their support or dissent regarding
this measure. And I specifically wanted to voice a concern with the
ordinance as it was written. Our former mayor, Jim Timmerman, said in
the meeting that he would not allow the public to speak. He then went
on the record to KETV news after the meeting, stating that it was not
indeed a public hearing. This was despite the public notice indicating
that they would be heard at a public hearing. The council passed the
legislation without allowing any of the numerous in attendance to
speak. This was in stark contrast to the other cities that have been
considering local ordinances in the same matter. This does appear to
be a more systematic problem within Gretna, as the school board has
had several meetings regarding that same proposed school bond issue.
There are many flaws that are too numerous to go into regarding that
issue, given the limited number-- limited time that I am afforded. But
the main concern was the meeting was held using the Zoom platform.
This meeting was hosted by the school and I, being a member of the
public, wanted to bring up how the school had chosen an architect firm
without competitive bidding. The members of the public were muted
while the architectural firm in question and the proponents were
provided with unbridled access to the meeting, the public was
restricted to texting in questions of which the superintendent of
schools could choose to read if he so desired. Many questions were not
answered during this, and the public was less informed as a result of
this restrictive measure. I urge this body to pass LB112 so that the
public doesn't have to ask for permission from our government to speak

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in their meetings. Without this legislation, as has been demonstrated
in Gretna multiple times within this past previous year, a government
body has the ability to silence the public. Thank you. And I am open
to any questions.

BREWER: The individual that you mentioned, it was a city councilman,
was it Jim?

LANCE MOLINA: Jim Timmerman was our former mayor. He has--

BREWER: Oh, mayor. OK.

LANCE MOLINA: --he is no longer the mayor.

BREWER: Was that of his choice?

LANCE MOLINA: He did not run for reelection. However, the other city
council member who did-- didn't allow the public to speak, was not
elected to be the replacement mayor, so.

BREWER: So there's, there's the downside to not listening to people.

LANCE MOLINA: Downside to not listening to the public.

BREWER: All right, questions? All right, thank you for your
testimony--

LANCE MOLINA: Thank you.

BREWER: --again. All right, we got the crew coming up here. Hang on.
This will be the next proponent for LB112. Welcome back to the
Government Committee.

DOUG KAGAN: Thank you, Senator. Good afternoon, Doug Kagan, D-o-u-g
K-a-g-a-n, representing Nebraska Taxpayers for Freedom. LB112 is very
important to our group and its members who, including myself,
frequently speak at local government, council board, and commission
meetings. Although the current Open Meetings Act does not require such
entities to allow public comment at all meetings, there are actually
several local subdivisions in the Omaha area that do allow comments on
agenda items and on agenda items not specifically noted on agendas. In
fact, a few officials actually encourage citizen input and seek to
work with public comment speakers on issues. However, we believe the

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Legislature should mandate allowing public comments at every meeting only because of entities that refuse to allow it or make it difficult. Our members relate problems occurring in several categories, such as burdensome advance notice requirements in order to speak, it is cumbersome to include a nonagenda item to ask that it be placed on the agenda, difficulties accessing audiovisual equipment to display testimony. Because some public officials do not respond well or at all to emails, phone calls, or letters, constituents feel the need to speak to them publicly. Then they find that some officials prefer to muzzle public commentary, not wanting to accept criticism or suggestions. Unfortunately, there are elected officials who simply do not want to hear or listen to public rebuke and unreasonably deny public commentary or limit numbers of speakers. Local officials also foster resentment when they remove discussion items from the agenda at the last minute or add them shortly before a meeting, thereby depriving the public of the opportunity to comment on these issues. Some consider themselves public masters rather than public servants, making people so unwelcome that they no longer wish to participate in the political process. Officials should anticipate planning a longer meeting for a controversial subject. During public comment time, they might actually learn something from speakers. This bill would not impose micromanaging rules governing public comment. Local officials can implement reasonable rules enabling individuals to exercise their First Amendment rights adequately without needlessly delaying or disrupting a meeting. If someone wishes to pursue an issue at length with a public official or discuss a personnel matter, public comment time would offer a place to introduce the topic and request a personal meeting with the official or in a closed session. We encourage you to advance LB112 to a-- for full discussion by the Legislature for both in-person and videotaped public meetings. Thank you.

BREWER: Thank you, Doug. All right, questions for Mr. Kagan? Just as a quick note, I agree with you in the sense that we purposely manage certain bills that we know are going to be-- how should I say it, long and difficult so that, you know, we have a window of time and that folks are ready for it. Because at the point that-- I mean, you can, you can force the issue by trimming the time. But what we've seen with some of the bills is if you take the five minutes to three minutes, which is standard, you can get some information shared. I mean, you did it in your time in about three minutes. So you, you would have still been able to stay within that. But a lot of them will even trim

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it to half of that to either go to a minute and a half or two minutes.
You really don't get much more of an intro in if you're not really
able to do a very, you know, extensive job of, of sharing the
information.

DOUG KAGAN: That's true.

BREWER: So, you know, it's just one of those that you have to put
people in the right mindset, that it's part of the job. It's a
commitment you made to listen to what people have to say, because at
the point you don't, people no longer have a voice.

DOUG KAGAN: True.

BREWER: Anyway, thanks. All right, got the crew headed up. Next
proponent.

DANIELLE CONRAD: You said proponent, right? OK, got you. Hello, again.

BREWER: Welcome back.

DANIELLE CONRAD: Hi, my name's Danielle Conrad. It's D-a-n-i-e-l-l-e,
Conrad, C-o-n-r-a-d. I'm here today on behalf of the ACLU of Nebraska.
First of all, I'd like to thank Senator Albrecht for her leadership in
reintroducing this important legislation. We had the pleasure to
testify in support of this last session and, and we're glad to see it
back through introductions this year. The ACLU has a long track
record, record, record working on open government issues. And of
course, as you know, we all take a great deal of pride in our strong
tradition of open government here in Nebraska. We really believe that
this is a commonsense, common ground, low-cost proposal to expand
participation and democracy before our public entities in Nebraska.
I'll tell you that one of the issues that we hear most about in our
legal intake is questions from citizens across the state and across
the political spectrum about open record and open meetings. And this
is a topic that there is a lot of interest and sometimes confusion
about. So providing clarity and uniformity to provide an opportunity
for public input at each hearing, I think would really go a long way
in addressing some of those concerns and points of confusion. Also,
from a practical standpoint, sometimes in response to breaking issues
in a-- in the community or in the news, there may not be time for the
citizens to work with their representatives or the local clerk, for

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example, to go through the normal agenda process. So this, again,
provides kind of a default or a safety valve to take into account
maybe some, some breaking issues that might be happening in the
community. So we thank you for your time and consideration. We look
forward to working with you and Senator Albrecht on this issue. And,
and we think this is a great, a great, good government bill.

BREWER: All right, thank you, Danielle.

DANIELLE CONRAD: OK, thank you.

BREWER: All right,--

DANIELLE CONRAD: Oh.

BREWER: --Senator Halloran.

HALLORAN: Yeah, thank you, Chairman Brewer.

DANIELLE CONRAD: Hi.

HALLORAN: Thank you for your testimony, Senator. So I, I, I gather,
it's my assumption, it's been for some time that the ACLU is a very
strong proponent of transparency. And much of this is about
transparency.

DANIELLE CONRAD: Um-hum, that's right.

HALLORAN: OK, I just wanted to clarify that and thank you for that.

DANIELLE CONRAD: Yes, absolutely. Thank you so much. I think that
transparency is really a hallmark of a strong democratic system. And,
and this is, is one component of that when it comes to our open
meetings laws.

HALLORAN: Thank you.

DANIELLE CONRAD: You bet.

BREWER: Any other questions? Seeing none, thank you again.

DANIELLE CONRAD: Thank you, thank you so much.

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***GREG LEMON:** Dear Chairman Brewer and Members of the Government Committee: I am writing this letter as Director of the Nebraska Real Estate Commission to express the Commission's support for the LB112. LB112 would amend the open meetings law to require that members of the public be allowed to speak at each meeting subject to the Open Meetings Act. The Commission feels that this provision is consistent with the principles of open meetings and accountable and accessible government. I would also add that we have been practicing this policy for several years now, with an agenda item for members of the public to come forward and speak on any items not otherwise on the agenda at each meeting. We try to accommodate reasonable requests to place items on the agenda, so this is not used very often, but it also does not interfere with the efficient conduct of Commission's business and was not burdensome to implement.

***JENNI BENSON:** Good afternoon, Senator Brewer, and members of the Government Committee. For the record, I am Jenni Benson, President of the Nebraska State Education Association. NSEA supports LB112 and thanks Senator Albrecht for introducing the bill. The bill will require, under Neb. Rev. Stat., Sec. 84-1412, that members of the public be afforded the opportunity to speak at any public meeting subject to the Open Meetings Act. This is an important and needed change for the Open Meetings Act. It will enable members of the public to speak at any public meeting that is subject to the Open Meetings Act. Often teachers, parents and school staff are unable to provide timely and crucial feedback to their local school board, because such boards are not required to facilitate open dialog at every meeting. This bill still allows the public body to set the terms of that speaking time. Once enacted, LB112 will increase transparency and accountability by all governing bodies covered and will offer members of the public an opportunity to provide input, which is a vital part of our democracy. The NSEA, on behalf of our 28,000 members across the state, asks you to advance this bill to General File for consideration by the full body. Thank you.

BREWER: OK, we are still on proponents. Are there any additional proponents? All right, I have written testimony to read in for LB112. There are two proponents: Greg Lemon, director of Nebraska Real Estate Commission; and Jenni Benson, president of the Nebraska Education Association. With that, we will transition to opponents. Do we have opponents for LB112? Yeah, be sure and go out the exit. Come on up. Welcome back, Lynn.

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LYNN REX: Thank you very much, really appreciate that. Mr. Chairman, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. And I've also been asked today to testify on behalf of the Nebraska Association of School Boards. They're in Revenue Committee today. They send their regards. With that, I-- first of all, just want to say, you know, I appreciate the senator's introduction of this bill to give us an opportunity to talk about what does it mean to have transparency? Why does the statute require, for example, it's not in this particular provision, but it's 84-1411, paren (1) of the Open Meetings Act. What does it require? Each public body shall give reasonable advance publicized notice of the time and place of the meeting as provided in the subsection. And then it goes on to say what's in the notice, time, place, the agenda. And then in addition, this Legislature, because of Media Nebraska and many others for transparency so that you and I would all know when you go to your city council meeting, your NRD meeting, what are they going to talk about, what are they going to do? Do I show up? Do I not show up? What are they going to do? And so in paren (e), 84-1411, paren (e), "Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting." Now, why does that matter? It matters because one of the reasons why the League has advocated, and this is due to outside legal advice, not to have what you may call open mikes. And I know this is well-intended and I appreciate that the senator introduced the bill and it's well-intended, but it is unintended consequences. Because the reality of it is, and the same reason that today I'm not going to appear before you and talk about bills that are before Revenue or bills that you're going to be talking about next week because you put out in your notice, here are the issues we're going to be discussing. Here's the bills we're going to be discussing. Now you could have an open mike. This committee could have an open mike, maybe. You could amend your legislative rules to do that. And whoever can come, wants to come, and it's a free-for-all. We could do that. I can tell you it, it sells papers. But one of the examples, and I know for those of you that may have been in my training over the years on Open Meetings Act, and training that the League and a lot of other organizations do, but this is a real example and that is open mike. And again, the notion of you ought to be able to say what you want to say to your public body. I get that, there's another way to do it and there's a way to do it correctly so that Senator Lowe doesn't find out that he's the subject matter of an open mike. So imagine

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this, imagine if this was Kim. So a woman got up at a public meeting and went on and on and on about how her neighbor-- she's called the police, nothing happens. There are people coming in and out of, of this woman's house late at night. And she knows she's doing drugs. She gives her name. She gives her address. She tells the number of times she's reported it to the police. Well, of course, the next day, this woman who was noted in the open mike time who didn't know because, of course, it's not on the agenda. It's just an open mike. Well, what does she do? She sells Mary Kay products. So, yes, there are people coming in and out of her house all the time. But she's not doing drugs. But how do you unring that bell and that's the issue. And we've been told before, well, you know, the chair of the committee can stop it. So, for example, Senator Brewer, if this was-- if you were the one heading that city council meeting, you could have said, oh, oh, stop already. Well, a lot of that damage has been done. And so there are structures that cities like Grand Island, and the city clerk of Grand Island really deserves the credit for this. Grand Island city clerk, Columbus, other municipalities, they use a format where if I want an item on the agenda, I fill out the form. And 90-some percent of those, 95 percent of those are addressed administratively. So let's say it's junk cars. So I don't think that the city of Bellevue has got a junk car ordinance. I'm upset, I don't know why you don't do it. I don't know why you don't take care of it. And so I fill out the form saying I want an agenda item dealing with junk cars at the next meeting. And one of the staff members will get back to me and say, well, Lynn, you must not know, here's the junk car ordinance, here's how it works. Now if you still want to have that on the agenda, we'll put it on the agenda at an upcoming meeting. It may not be the next meeting, but we will get it on the agenda. And that, I think, is why you have-- and we were involved in negotiations on this language, which makes it clear if you look on page 2 of the bill, lines 15 to 17, the language being stricken is, "A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings." So basically, I mean-- and frankly, we're happy to work with the committee and others if there's a need to put some kind of an amendment in to make it clearer that issues need to have-- the public needs to be able to speak on issues, but not at every meeting. The Legislature itself, you will note that on your legislative agenda, you will have some things-- not an agenda, but your notice of meetings. I believe, I believe the last one was maybe the Appropriations Committee and Revenue Committee. And the purpose was for the Revenue Department

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to come forward and give a report. And it says no testimony allowed because it's a time for report. Cities have that. They have that on what the rates ought to be for water rates, sewer rates. That doesn't mean that sometime down the road in Kearney, Nebraska, that should not be in a position where you can come testify on it. But that night when they're paying a consultant \$300 an hour, maybe that's not the night for everybody to come forward, but the next night when they're considering what the ordinance should be. So we do oppose this because this is the, in our view the-- it's not the intent of the bill, but it is the antithesis of a lack of transparency. It means you better make sure you're at every meeting because you don't know what's going to happen. And so it-- on the guise of giving the public the right to say something, there is a way to structure that so they can make it clear that they can get on the agenda. And I do think this issue needs to be addressed in some way, shape, or form of only the proponents get time or only the opponents get time and certain people get to speak and certain people can't. And it's a red light, so-- but we, we would not-- we do not support this bill.

BREWER: All right, thank you for, for those comments. Now if we're just talking the public comment, it does not require the body to address a matter that's not on the agenda, does it?

LYNN REX: Say that-- I'm sorry, the question, sir?

BREWER: So we're just talking about the public comment part of it, it doesn't require the body to address a matter that's not on the agenda, does it?

LYNN REX: OK, so that's a great question, which is basically I could come here and I could talk to you. Let's assume you're the city council. And I could for those that have open mikes, and we do have cities that have open mikes, we don't recommend it. We think it's a terrible idea. And outside counsel, we believe that as well. But let's hypothetically say you are the city council and so it's an open mike time. So I'm going to come forward and I've actually seen this happen in one of our major cities. Pretend that I'm the developer, I can assure you in three minutes of time, I can, I can present to you information on where this new development is going to be. It's going to be a Super Walmart. It's going to be located in a certain part of the city. And we look-- so look forward to working with you as a city council. Can't wait to do it. Thank you so much for your time. You say

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nothing, but you're sitting there listening, paying attention, because there are some attorneys that will tell you, well, all you have to do is you just don't, you don't say anything, as long as you're not saying anything. But you look at the definition of what is a meeting in 84-1409, and we talked about this before with respect to the other bill. And the definition of meeting under the Open Meetings Act is pretty-- it's pretty important because basically what it says is "Meeting means all regular, special, or called meetings, formal or informal, of any public body" and for what, "for the purposes of briefing." I'm briefing you on what I'm going to be doing as a developer. Discussion-- but, but it doesn't matter. It's a, it's a public meeting. It should have been an agenda item. Discussion of public business, formation of tentative policy, or the taking of action. And so what I'm saying, Senator, is it's not enough to say, well, they're just not going to take action. They're just going to listen. It comes down to the case of first impression. And in fact, in this particular case involving a very large city in the state, they had not even filed one-- for one permit. They had not even let the city know that they were going to be doing-- and I said Super Walmart, it was another super store, but let's say Super Walmart for the purposes of our, of our business today. But the point being, the next-- in the paper, what's the next, what is the next day, what does the paper say? Super Walmart is going to be on the X, Y, Z, Street in X, Y, Z, Nebraska. Neighbors are upset, calling their city council members. Well, number one, they had never done any of the bells and whistles. But as city council members were walking outside the room, I was there for another issue, people are being cornered in the room by the very astute attorney for the developers and can't wait to meet with you. You know, Senator Lowe, we're going to talk about this. It's going to be great. But they have not even filed for one permit. So I guess I'm saying, I know that the intent here is, isn't it great to let everybody come up and say, you know, we think your city-- we think the city isn't doing-- we don't like the garbage pickup. We don't think they're doing a good job with that. Great, fill out a form. And I think this is what the proponents were saying. One of the gentlemen said, you know, all the hoops we have to jump through. It's pretty easy. You fill out a form saying this is an agenda item I want to have. And if you're not satisfied with the administrative response, then it gets on the agenda. And then I get to know, too, as a neighbor, you know what, I'm probably upset about the garbage pick up, too. I want to go down and talk about that. But I don't know that if

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it's just a function of a free-for-all and who decides to come. So to me, it's about managing meetings. And the reason why this language was put in here, to say that a body may not be required to allow citizens to speak at each meeting. In other words, informational meetings, things of that nature. But it may not forbid public participation at all meetings. That means on agenda items. Some of the big items that I know many of you have been involved in with your local governments over the years, and we can all think of big items in your respective cities that really matter. That doesn't mean that if they're doing something significant or even if it, from my perspective, it may not be significant that I shouldn't have a right to comment on that, but maybe not that one night. So I don't know if that makes sense, but I just-- I've seen it abused, I've seen the open mike abused repeatedly. And the folks that are the target are not always just the city, I mean, you might think it's the city officials getting abused. It's typically the neighbors. It's typically the people in a competing business. In another instance, when a business owner got up to complain about a competitor, the competitor wasn't there to defend himself and his business. He didn't know it was going to be talked about. So in any event, this is very well-intended. If there are other ideas for transparency, if there's some other things we need to do to make it easy for the public to, to basically participate, I think that makes sense. I just don't think this is it. I think it's a, it's a well-intended bill with unintended consequences.

BREWER: All right, with those comments, let's, let's stop for a second and, and look at would the League be OK if the bill was limited to just agenda items?

LYNN REX: Oh, you mean, in other words, the public should speak on-- OK, let me, let me-- this-- I'm only speaking for the League, not NASB, and I'm here representing them today in opposition to the bill, but my answer here to you is only for the League. The answer would be this, that an issue, the public would have the right to speak on an issue, maybe not that night, but when it's on the agenda at another time.

BREWER: It was an agenda item.

LYNN REX: An agenda item. But for example, let's say that you have five agenda items. And I will tell you of the best agendas I've seen are when city councils do it and they'll say tonight we're receiving

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public comment on items two, four, six, and eight. But they probably already received comments on one, you know, on two, four, whatever, one, three. I'm thinking one, three, five, and seven. So I guess what I'm saying is, yes, I think that an issue, a topic deserves and should have the ability of the public to comment on it. But not at every meeting, not every time it's on the agenda and not, for example, there are some, some issues where that item is on, its on when you first-- I mean, it's on over and over and over again. But should the public have the right to comment on that, so on-- they get to weigh in on that issue.

BREWER: On, on that specific agenda item that has been--

LYNN REX: On an agenda item, yes.

BREWER: --detailed out? OK. All right, questions?

LYNN REX: But just note that agenda item may be on more than once. For example, you have three readings of an ordinance, so you may not want 50 people on the first reading or maybe you want them on the first reading, but not the third. I don't know. But should the public be able to weigh in on issues that their public body is taking action on? Absolutely. Or even discussing, even if they don't take action on it.

BREWER: All right. With that, thank you for your testimony.

LYNN REX: You're welcome. Thank you. And again, we, we appreciate that her intent and the senator's intent is about transparency. We're all about that, too. But as a citizen, I want to know, I want to know what's on that agenda. And I'm not going to mention the other political subdivision, but I will say this, in one of our counties, we actually have and I'm sure the counties feel the same way maybe about the cities, but they, they double check. They go to each other's meetings all the time just to make sure that they know what the other political subdivision is doing. And the whole point of having basically an agenda item that is so well-worded that you know what that's going to be talking about it and I know what it's going to be talking about, so we know whether it's worth our time to show up.

BREWER: All right. Thank you, Lynn.

LYNN REX: Thank you so much for your time.

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BREWER: All right, additional opponents to LB112? Welcome to the
Government Committee.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman 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 and I'm appearing here in opposition
to LB111 [SIC]. I had some prepared comments, but I think Miss Rex
covered really all of the issues that we had concerns with as well. We
have concerns about having a public comment session and someone
veering off of course, and what those bad actors may intentionally or
unintentionally say that might affect someone else or their neighbor,
another business, or a development project like she gave us an
example. We-- I think the idea of if you're going to allow public
comment at meetings, the example that you gave Senator Brewer and, and
as Lynn indicated, requiring comment to be allowed on an issue, but
not at every meeting may be the way to, to best resolve this, because
there are times when a board has taken public testimony at several
meetings. They've heard the facts, they've heard the opinions. But
then there's a meeting where the board needs to take action on the
bill. They need to discuss it among themselves publicly. But they've
already heard all of the information about it. They just need to make
their decision and have that done. So that may be an instance where,
you know, the discussing at an issue or discussing an issue, but not
at every meeting would apply. We'd be happy to work with the committee
and with Senator Albrecht to refine that if that's, if that's an issue
or direction you want to go. And I would be happy to take questions.

BREWER: All right, thank you. So let's give a quick example so we make
sure we're on the same sheet of music. Your, your town is going to
build a sewage treatment plant and it has to be heard three times. You
get to have is an agenda item for three times, but you could
specifically identify either the first or the second as those that are
open for the public to comment. The third one would just be a matter
of the public being allowed to listen to the discussion amongst the
city council, county board, whatever, but they would not have an
opportunity to come to the mike, and that's just because they would
have been given an opportunity in an earlier point that this was
discussed.

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BETH BAZYN FERRELL: Yes, I, I agree. Absolutely. And I think that would be a way to handle it and as long as the public knew for sure, you know, they were going to have their opportunity.

BREWER: And were specific in addressing--

BETH BAZYN FERRELL: Right.

BREWER: --what that purpose there was for. That it was just an open mike, that it was to address a particular topic that they were needing to resolve. OK, questions? Questions? All right, thank you for your testimony. OK, additional opponents to LB112? Let me read in, we do have one letter of written testimony that came in, and that was from Joseph Kohout, and that's the registered lobbyist for the county, Lancaster County Board of Commissioners.

***JOE KOHOUT:** Good afternoon, Chairman Brewer and Members of the Government, Military and Veterans Affairs Committee. My name is Joseph D. Kohout and I am the registered lobbyist for the Lancaster County Board of Commissioners and I appear before you today in opposition to LB112 on behalf of the same. Let me begin by saying that the Lancaster County Board already allows for public comment regarding non-agenda items and for public participation on each agenda item at each of its regular weekly meetings. Advisory committee meetings may be attended by the public. Because they are advisory, the committees report to the County Board, which regularly and widely allows for public comment on agenda and non-agenda items. Our concern with LB112 can be summed up in the sense that the bill is overly broad. Under the bill public bodies include not only governing bodies, but all advisory committees to those governing bodies. Furthermore, the scope of the meetings that would be included under these changes include all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; These broad changes have the potential drastically to increase the costs to conduct advisory committee meetings and all other meetings of public bodies through increased staff time. Further, this could create logistical difficulties at meetings that consist primarily of site visits or presentations by a public body. I'd like to give two examples of recent events in Lancaster County. First, in December, the Board presented its legislative priorities to State Senators - including some of you - at Lancaster County 101 after a lengthy public

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process regarding those priorities, including many opportunities for public comment and participation. This bill would require the opportunity for public comment at that event. Second, we recently conducted a site tour of the Lincoln Sports Foundation complex to view improvements funded through the Visitors Improvement Fund, which funding was approved at public meetings at which public participation was allowed. Again, this would require public comment at that tour. As such, the Board of Commissioners asks that the Committee not advance LB112 as this type of broad change is unnecessary to improve public participation in Lancaster County. I will try to answer any questions you might have.

BREWER: And with that, we will go to any in the neutral position for LB112? Seeing none, we will go ahead, and there were no written letters in the neutral position. We did have of the letters that came in early on LB112, six proponents, two opponents, and one in the neutral on those. With that, we will invite Senator Albrecht back to close on LB112. Welcome back.

ALBRECHT: Well, thank you very much. Thank you for all staying long enough to listen. I know I've lost a few people that really weren't either-- probably have other business elsewhere. But what I want to talk about real quick, if you go to the bill and I'm going to turn to it right now as we speak. First of all, on page 2.

BREWER: Page 2?

ALBRECHT: Yep, line 3.

BREWER: Line 3?

ALBRECHT: Three. It says: Subject to the Open Meetings Act, the public has the right to attend and the right to speak at a meeting of public bodies, and all or any part of a meeting of a public body, except closed session called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or even recorded by any person in attendance by means of tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing. Except for closed sessions called pursuant to section 84-1410, a public body shall allow members of the public an opportunity to speak at each meeting. Now what I'm hearing from others, the opponents are basically telling you that they're, they're concerned that they want to talk on

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every subject. That is not what this is about. This is simply about opening your meeting and allowing the public ten minutes of your three or four hours you might be there at your public meeting to simply listen to them. It might not be anything to do with anything that's on the agenda. This is just to, to hear their hearts, to hear their minds, to hear their ideas. You know, certainly I think the people that are going to oppose this are people that are afraid that they're going to talk about one of you, you know, that they're going to say something inappropriate. But you know what? That's where you set the ground rules before they ever get there. So I'm not talking about every single agenda item, I'm speaking about just allow the, the public to come in and talk. They might want to talk about something that's coming up, something that's new in the community, something that, that they think is worthy of, of hearing from them. Yes, we all have had frequent fliers. This is my 16th year in politics. And I can tell you I have learned more from the public by allowing them to come in and talk, allowing them to be heard, allowing them to become a part of it. How do you find people to replace us if we, if we don't start listening to the public that might have good ideas, that might be able to realize that, jeez, your jobs are kind of tough, you know, and I don't think that there's that much of a percentage of people that are going to be rude and ugly. And if they are, there may very well be a reason that we need to put our antennas up because maybe something is going on that somebody needs to know about. But they're not there-- I mean, in, in all the years I spent, eight years on a city council, four years on a county board, and four years down here, I don't hear people coming in to tattle on somebody or to, to make things bad for somebody. It's about sharing ideas and, and giving the kudos to those who, who need it. If it's ten minutes, if it's five minutes, if you have a huge group and you know that you're paying whoever \$300 to be there to sell you on a, a job that they want to do for you, OK, then, then don't give them the ten minutes. Today, we're going to go five minutes. It's up to whoever is running that, that meeting. This is not about talking about every single bill that you have in front of somebody or it's not every-- I mean, there's already rules for that. You have certain people that there's a public hearing. And guess what? You get to listen to everybody that's there. You know, Senator Sanders, you've been there. You've, you've been at the, at the helm. And I'm just saying this is not asking for the public to speak on every single thing that is not what this is about, this is about allowing them to speak just for a few minutes to talk about what's on

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their mind. So don't overcomplicate what I'm trying to do here. And please know even-- we had a letter that talked about-- it was about Exec Session. It says, except for closed sessions, they, they can't be in the closed session. We'd be in trouble as elected officials if we talked about what we talked about in closed session. So the rules are already laid out for meetings and how you propose things. But this is simply about allowing people to have, have their say or just to share their what they would like you to know. So with that, I'll take any questions you might have.

BREWER: All right, thank you, Senator Albrecht. Questions for Senator Albrecht? Yes, Senator Sanders.

SANDERS: Thank you, Chairman. Senator Albrecht, would there be guidelines-- I'm going to call it a public request to be heard. When I was the mayor at the city of Bellevue, we had three readings, so the first meeting we introduced the bill, the second reading is public request to be heard so you can open the meeting to any input.

ALBRECHT: Correct.

SANDERS: But on the third meeting--

ALBRECHT: That's it.

SANDERS: --to vote on it, if there was more additional information, you could always open that back up by the vote of the council. But at the very end, there was public request to be heard and it was on any item. But over the years, we did find you needed structure to that,--

ALBRECHT: Absolutely.

SANDERS: --like conduct decorum,--

ALBRECHT: Yes.

SANDERS: --no personal attacks.

ALBRECHT: Correct.

SANDERS: And so would this have that built into it or some type of guideline?

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ALBRECHT: But it, it really doesn't need to be built into it. The reason that I'm even here is because there are some that just don't want to hear from the public or they'll make it so hard for you that, gosh, if you didn't fill this piece of paper out and you didn't have it in before the meeting started or you didn't contact us to tell you what you were going to talk about or all these hoops. So I'm just saying that if as a, as a mayor, as a, as a president of a, a-- I don't know, counsel of any kind. I mean, you just have to lay your groundwork because when people get to coming to these meetings, they kind of know what they're-- what's expected of them and what they can and can't do, but we shouldn't have to make it any more laid out in any other way than to just say, you know, just offer them a chance to talk. But you can certainly tell them if you're having trouble with a particular issue, you need to let them know that hold your personal comments, because I will ask you to stop, you know, or I will-- I mean, I don't think shutting off a mike is really proper to do with the public at all, but that you just need to lay the groundwork. I don't think it needs to be in the bill. I just think our point is, is you can't-- it's in the law already. People can, they shall be able to go to a meeting. They shall be able to speak. But when you say your, your time to speak is, is now or when we get to the particular bill that is a public hearing. And then, of course, you, you know, go through the clerk and you sign in and you do the proper protocol. But if you're just coming just to, just to give a public comment about anything, you should be able to do it at a particular time. I personally, if I was running the meeting, I'd have it at the beginning so that they don't stay around all night. You know, some people just want to be heard and they leave. Others, if you have them sit there for, for three or four hours with you, yeah, they might have something to say in the next few meetings. But generally, if it's up front and if they miss it, you're already done with it, it's over. You'll have to come next week or next month or in two weeks whenever the meeting is. I just don't think you need to put more into it than it needs to be. But thanks for the question.

BREWER: All right, additional questions? Seeing none, we will thank you for your testimony and closing.

ALBRECHT: Thank you for your time. Appreciate it.

BREWER: And that will close LB112. And that will also close our hearings for the day.