

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 03, 2022  
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**BREWER:** Good afternoon and welcome to the Government Committee. I'm Senator Tom Brewer from Gordon, Nebraska, representing the 43rd Legislative District, and I am the Chairman for this committee. Committee will take up bills in the order as they're posted on the agenda. Your hearing today is your public part of the legislative process. This is your opportunity to express your opinion on legislation proposed before us today. The committee members may come and go during the hearing. This is just part of the process. Some have bills in other committees to introduce. I ask that you abide by the following procedures to better facilitate today's meeting. I would ask that you would silence or turn off cell phones or electronic devices. Please move to the reserved chairs in the front when it's time to testify. There will be chairs here in the front row that you can sit in if you're going to be next in sequence to come up to present. Introducer will make the initial statement followed by proponents, opponents, and those in the neutral. Closing remarks reserved for the introducing senator. If you're planning on testifying today, please pick up a green sheet off the back table. Be sure that you fill it out complete and please print so it's legible. When you turn the sheet in, as you come forward, either to a page or the committee clerk. If you do not wish to testify, but would you like to have a record that you were present here for the hearing, there's a white sheet on the table back. Be sure and sign that, that way it becomes part of the official record. If you have handouts, we would please ask that you provide 12 copies to give the pages when you come forward with the green sheet. If you don't have 12 copies, let the page know. They can help make copies. When you come up to testify, please speak clearly into the microphone, tell us your name and then spell both your first and last name, so we get it in the record correctly. Today, we'll be using the light system. We will use five minutes for your remarks today. When you're at one minute, the yellow light will come on. When your time expires, the red light will come on and you will end your presentation. We will then have questions from the committee. That may be an opportunity if you haven't finished whatever you have, one of the members may ask you to finish, or a question that will allow you to provide the remaining information. No displays of support or opposition to bills, vocal or otherwise, will be allowed here in the hearing. The committee members that are with us today will introduce themselves starting on my right with Senator McCollister.

**McCOLLISTER:** Yes, thank you, Mr. Chairman. John McCollister, District 20, central Omaha.

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**SANDERS:** Good afternoon. Rita Sanders, representing District 45, which is the Bellevue/Offutt community.

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

**BREWER:** All right. To my right is our legal counsel, Dick Clark. To my left on the end is our committee clerk, Julie Condon, and today our page is Natalie-- where did Natalie go?

**SANDERS:** She's there.

**BREWER:** Oh, John's head was blocking her. We're good. All right. So we are going to invite Senator McCollister up to the hot seat to enlighten us on LB709. Senator McCollister, welcome to your committee.

**MCCOLLISTER:** Thank you, sir. Good afternoon, Chairman Brewer and members of the Government, Military and Veteran Affairs Committee. I'm John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I represent the 20th Legislative District in Omaha. I'm here today to introduce LB709. LB709 grows out of the interim study this committee conducted last fall, LR191, which some of you were able to attend. LR191 was brought to me by a coalition of organizations, including the Justice Center of the Council of State Governments, as part of what they refer to-- refer to as the Fair Chance Licensing-- Licensing effort. The Fair Chance Licensing movement recognizes at least four things. First, that almost a quarter of all jobs nationwide, including Nebraska, require some-- some sort of state license. Second, that many people with criminal records are excluded from occupational licensing for what seems to be merely continued punishment for sentences that they have already completed. Third, that a good job and hope for a positive future may be one of the best predictors of whether or not a person will return to prison and contribute to prison overcrowding. And fourth, many states, including Nebraska, have significant workforce shortage problems that could be helped by making it easier for people do have a wish-- wish to earn the skills for a licensed occupation to receive that license. I've handed out some materials that you will received last spring when they started this process. You'll see that the Justice Center provided us with an overview of four broad categories and 13 items, of which practices-- of best practices in Fair Chance of Licensing, and also provide an overview of Nebraska's current law and suggestions for improvement. If you want to play, find the state, you'll see. Nebraska has the best practices in two of the 13 areas, number one and 13 why several of our neighboring states, Colorado, Kansas, Iowa and Missouri especially cover more bases. Items

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one and 13 were part of the Occupational Board Reform Act, LB299 in 2018. You'll see that referenced under current law on the second sheet. LB709 seeks to amend that provision found in LB299 into a more all inclusive list of best practices. There will be proponents testifying behind me who will talk about more of some of-- some of these best practices and the kind of difference that they could make in the lives of those just looking for a fair chance. One other thing. I have with me, AM1698, which serves to tweak the wording of LB709 upon the advice of folks from CSG and the Institute for Justice after the bill was introduced. I understand there may be other suggestions for clarifying modification to the language of the bill by others, and if any of those come up over the course of the hearing, we can have a conversation about that as a committee. I have designated LB709 as my priority legislation for the year. LB709 makes changes to the Occupational Board Reform Act, as does LB263, which is still sitting on this committee from last year. I would certainly be open to talking about a possible marriage of these two bills in committee finally. My office has heard some concerns from a few agencies in the last day or two that some elements of this bill might put their board in conflict with federal law. Since that certainty is not the intent of the bill, we will work with the community council and these agencies to find an appropriate language to make it clear that these occupations governed by federal law are not put into conflict. Thank you, Mr. Chairman.

**BREWER:** Thank you, Senator McCollister. Quick question for you. The packet that you gave us, yesterday was it?

**McCOLLISTER:** Yes, sir.

**BREWER:** This-- the idea behind this packet is you've got in here-- what have we got-- LB263 and then also, LB1153 and LB191?

**McCOLLISTER:** Yes, sir.

**BREWER:** So--

**McCOLLISTER:** Also LB263.

**BREWER:** LB263, correct. So the idea is that these would somehow come together as one? OK.

**McCOLLISTER:** Yes, sir.

**BREWER:** Just want to make sure I was on the same sheet of music with you.

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**McCOLLISTER:** Yeah. And we recognize that these bills are a work in progress and perhaps some of the people testifying today have suggestions for us to improve the bill so they aren't in any conflict with federal law or any-- any other issues.

**BREWER:** All right. Well, let's go ahead and open this up and see if we got questions for you. Questions for Senator McCollister on LB709? All right. You're going to stick around because I'm guessing toward the end we may have more interesting things to ask you about. All right. So we will begin with proponents to LB709. Come on up. And just before you start, if you're going to be proponents, why don't we have you move up to the first and second row, just so I got some idea of who's coming where. There we go. We're gonna-- well, when a plan comes together. OK. You can go ahead and start.

**ALANA ALEXANDER:** All right. Hi. My name is Alana, A-l-a-n-a, Alexander, A-l-e-x-a-n-d-e-r. I'm here to share my story again to support this bill. So I thought I'd begin with a little bit of my own personal history because this story is certainly not unique. I had never really quite fit into society, and this not fitting in was partly because of serious mental health issues with anxiety and depression, but also just plain old insecurity and shyness based on where I felt my place was in society. My struggles are not just connected with this place I felt I belonged. It goes as far back as I can remember. So there was the sadness and the anxiety and the dejection and displacement that manifested into a long period of isolation that led to anger and resentment and then substance abuse at a very early age. I was desperate to be disconnected from those hard feelings. So you see, throughout my life, I was first imprisoned by my own thoughts and then by my own actions. Today, I'm physically free from imprisonment, but I am still not free. Because I have been incarcerated, I'm not free to choose my own path any longer. I'm not even free to contribute to my society to the very best of my ability. So did I know heading for prison-- did I know I was heading for prison? That's always the question, right? Why didn't I change? I couldn't. I was consumed with this station. My place, I felt I belonged in society and I thought I was exactly where I belonged. So why is going to prison absolutely necessary? This is really hard for me to say. What I know is that I spent those years in retrospection and meditation and classrooms and books working to rebuild my humanity. I worked hard each day and grow. I left prison with over 40 certificates. In prison, I was an electrician, a personal fitness trainer, a yoga instructor. However, all of these accomplishments were pretty worthless to me out in the real world. I left prison knowing I

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had found my health. I had gained personal well-being and wanted desperately to pass this knowledge on to others. But I could not be a yoga instructor or work in any gyms in Nebraska because I was a felon. Around the time my son began high school and I found myself with little to do in the evenings anymore, I knew I wanted to go back to school. I had a fundamental desire to help the people in my society be healthier and happier. I applied to UNO. From that moment on, every single professor and every single advisor encouraged me, taught me and challenged me to find my voice. But more than that, they made me believe that who I am and what I have to say has value. I finally felt like I belonged somewhere. There is a place for me in the world. I was uplifted by their praise and support over the years, and because of this, my dreams became lofty. I went from adult continuing studies to degrees in sociology and then neuroscience, and then a graduate degree in biomedicine. I was very good at this. I was successful. When it was time for me to graduate and I began applying to medical schools or jobs in sociology, I ran straight back into the real world and remembered the world does not like felons. I had received rejection after rejection after being hired by nearly every place I applied to. They wanted me to work for them, but they were not allowed to let me do the licensing restrictions. I was told at medical schools I was the best applicant being seen that day, but I would never be allowed to practice medicine to the licensing restrictions. I continue to find a way to contribute to the health of my community. I developed a cognitive behavioral wellness program for the families of those who are incarcerated. And I'm grateful to RISE who has given me the platform to implement it. I spent 16 years in an ugly and active addiction. This March marked 17 years since I was sent to prison and 17 years of sobriety, but I live each day continued to be restricted to a place in society that I no longer feel I belong to, a place that you and only you have the power to free me from. Thank you.

**BREWER:** Thank you. All right. We'll go ahead and see if we have questions. Any questions? I have one quick one for you. How long did you have to serve?

**ALANA ALEXANDER:** Five years.

**BREWER:** Five years. OK. And how long since you've been out?

**ALANA ALEXANDER:** I was released from prison in 2009 and I was off paper since 2013.

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**BREWER:** And so today, what-- what do you, I guess, do as a day-to-day job?

**ALANA ALEXANDER:** I work for RISE. I lead decent family programming. I implement programming for both the families of those that are incarcerated, as well as teaching continuing education courses inside facilities on how to build healthy relationships.

**BREWER:** And let's say you would have stayed on the traject-- trajectory that you wanted, where ideally would you like to have been had there not been barriers along the way?

**ALANA ALEXANDER:** My goal was psychological health of adolescents with an incarceral system. That was my goal. I would like to have a doctorate in that, but that's not allowed as a felon. So that-- that was my ultimate goal, practicing-- a practicing psychiatrist.

**BREWER:** And you kind of are leaning that way because had you had that--

**ALANA ALEXANDER:** Right.

**BREWER:** --when you were younger, you might not have ended up on the track you are on.

**ALANA ALEXANDER:** I believe there's a very small window in an adolescent's life that you might be able to change the trajectory of what's to come. And I wanted very much to be a part of the system that helped someone not go down the path that I went down.

**BREWER:** All right. Well, thank you for your testimony. I think it's safe to say that-- don't mean to downgrade anyone else here, but your testimony will be one of the more compelling ones we'll hear today. And I know it takes a lot of courage to come in here and kind of open your soul to folks, but I think when you do that, it helps us to better understand the benefits of this legislation.

**ALANA ALEXANDER:** Thank you very much.

**BREWER:** All right. Thanks. All right. So you guys don't fight, one of the proponents needs to come up next here. Welcome to the Government Committee.

**ANDREW WARD:** Thank you. Andrew Ward, A-n-d-r-e-w W-a-r-d. Mr. Chairman, Senators, thank you for having me. My name is Andrew Ward. I

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am an attorney at the Institute for Justice. We're a nonprofit public interest law firm that protects civil-- civil liberties and specifically for-- for 30 years, we have worked to protect the right to be able to earn an honest living.

**BREWER:** Have you spell your name for us for the record.

**ANDREW WARD:** Yes. A-n-d-r-e-w W-a-r-d.

**BREWER:** Thank you.

**ANDREW WARD:** And at the Institute for Justice, we've studied for this 30 years the burden of occupational licensing, particularly on lower- and middle-income professions and on people with criminal records. Roughly, 30 percent of Americans have a criminal record of one in 12 has a felony conviction, and about one in four Nebraskans needs a license to work. Those numbers show the potential of the licensing laws have to fence out people looking for a fresh start. And records from state agencies show that boards here do serve as-- as gatekeepers when returning citizens are trying to reenter the workforce. In 2020, my organization published a study called Barred from Working. It's a 50-state survey of collateral consequences in licensing, and Nebraska earned a C-minus, although there was positive change in 2018 when you all enacted that petition process. There is more work to do. Nebraska continues to lack a uniform overarching standard about when a criminal record disqualifies a person, applicant space distant, different standards in different boards. Sometimes there are mandatory denials without any individualized consideration. In the state there are more than 400 separate collateral consequences written into law just related to the ability to work alone. And too often those laws judge people for who they used to be, as you just heard, instead of who they are today. And there are important policies Nebraska should adopt to help people with criminal records reenter the workforce and LB709 does quite a bit of that, requiring boards to use a directly-related standard, requiring individualized consideration of criminal history based on factors that obviously makes sense whether the offense of how closely voided it is to the occupation, the passage of time, rehabilitation, things like that. Two things the bill does not do that I would recommend are-- are one, making the standards in the bill applicable to all licensing decisions. So not just applications, but also revocations. Someone could be convicted of a crime while possessing a license, and you wouldn't want a different standard that a board might get around these rules by-- by applying it to a revocation instead of an application. I'd also recommend prohibiting

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denials based on vague standards like good moral character or moral turpitude. That appears dozens of times in the Nebraska code now, and it's a meaningless standard. The Supreme Court said so 60-years ago. I once deposed a cosmetology board chair. They were denying dozens of people every year for lack of good moral character. I asked her, what does that mean? She said, I have no idea. Depends on the person. Overall, however, LB709 does-- would enact really useful, really important reforms. If enacted, Nebraska would have some of the best protections for people with criminal records in the nation, and it would join the trend of about 39 states having reformed these laws since 2015. These reforms are good for returning citizens. They are good for the state. They promote public safety because research shows that one of the best ways to prevent re-offending is having a job. States that have lower barriers to reentry and licensing seem to have decreasing rates of recidivism, and I can just tell you from experience, I talk to people regularly all the time. They serve their sentence. They are not the same person anymore, and they just cannot get a job because of laws that hold them hostage to their past. Reducing unnecessary licensing barriers is an important way that Nebraska can create opportunities, support businesses, get people off of state assistance and providing for themselves and stimulate the economy. So I very much encourage the committee to support LB709 and thank you for the opportunity to testify.

**BREWER:** All right. Thank you for your testimony. Now what we're going to try to do through this process is to understand the impact of what LB709 would actually do. So if we were to take the current situation here in Nebraska, and we were to find an example of how LB709 would impact someone-- well, let's-- let's start off with someone who is in prison who say doesn't have any special skill sets now. They get out, go to some type of a formal training, whether it be a-- be a-- you know, whatever particular skill set that then they're going to apply for a job and on the way things are right now because they're a felon, they're going to not be able to do that, or is it only with certain skills or how is it currently in-- and how does LB709 change that?

**ANDREW WARD:** Well, because there's no overarching law in this state. It completely varies depending on the occupations. There are mandatory restrictions which could say you are disqualified if you have a felony. There are mandatory restrictions for specific crimes that are discretionary standards. So it's completely different. This bill would replace that with one overarching standard that you could only be denied as the bill was, and particularly for, you know, probated crimes, which is-- which is what makes sense. It makes sense that if



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you were just convicted of embezzlement, for example, maybe you shouldn't be an accountant. But if you have nothing-- if what you've done has nothing to do with the kind of work you want to be doing, these laws just-- just keep people out for-- for no good reason, and they make it harder to reintegrate into society.

**BREWER:** So it really wouldn't be something that would make life more difficult for employers, it actually simplifying because you wouldn't have this patchwork of different rules. Is that what you're trying to say there?

**ANDREW WARD:** Well, this really wouldn't. It's a limit on-- LB709 is a-- is a limit. It's a rule for-- for licensing. So I don't think it will really burden employers at all that they're still free to-- to make decisions as-- as they will subject to employment laws. If anything, I think this would make life better for employers because there are employers who want to hire people with criminal records, whether that be just the idea of providing a second chance as-- as some big employers like JPMorgan Chase do, or in some cases, specifically because you want someone with a criminal record in substance abuse counseling. People want to hire people who have been there, but then those people have-- have criminal records, and this would make it easier for employers to-- to hire people that they want to hire.

**BREWER:** OK. I mean, you kind of got to where I wanted to be just took a while to get there, so. All right. Let's run through and see if we got questions for you. Questions? All right. Well, thank you.

**ANDREW WARD:** Thank you.

**BREWER:** Welcome to the Government Committee.

**MICHAEL J. O'HARA:** Hello, my name is Michael J. O'Hara, last name is spelled O, apostrophe, capital H-a-r-a. My district is 39. Address 1518 South 198 in Omaha. Chairman Brewer and members of the Government, Military Affairs-- and Veterans Affairs Committee. Thank you for hosting this hearing. I must open my testimony with a pair of disclaimers. I do not testify on behalf of the Department of Health and Human Services, nor do I testify in behalf of the University of Nebraska. I have served ten years on the Nebraska's Board of Optometry and I'm on my third year of service on our Board of Dentistry. In no manner do I appear as representative of DHHS. My testimony is personal testimony based on my public service from the perspective of a board

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member from two distinct boards, both of which were supervised by our Board of Health. I am a professor emeritus of business, having taught law and economics at UNO for nearly four decades. I do not speak for the university. I do have decades of board member service across multiple public boards, both not for profit and extensions of government. Decision heuristics have been central theme in my research in public service. I appear as proponent of LB709. Thank you, Senator McCollister, for providing solutions to an array of longstanding problems. I testify in favor of LB709, primarily because of how LB709 alters the tendency for false positives regarding applicant dishonesty. To understand LB709 is know every picture tells a story. LB709 is about knowing the big picture is a mosaic. The big picture has hundreds of subparts, and a viewer can shift of years focus from the big picture to a high fidelity picture of one of those subparts in context. The small picture informs the big picture, and the small picture can tell a very different story. LB709 is about, can you see the tree for the forest? Every life you can imagine anyone living has been lived by an applicant either for initial licensure or renewal of license. Literally, we've heard everything. The license we're talking about is the license state grants one free individual to directly influence the health and safety of another free individual, and that is very important. One of the-- what is the most critical thing to the licensing board? The sine qua non on the board licensing decisions, honesty. Applicant honesty is critical. Without it, we have nothing. Typical application is about 30 pages. Since applicant honesty is critical, boards are hypersensitive to the appearance of a lack of sincerity. LB709 is about turning what falsely, I repeat, falsely appears to be a liar of an applicant into an applicant whose veracity is free of blemish. How so? From the perspective, those hypersensitive to honesty, protectors of the public health and safety, which is the worst offense? Murder one, or lying on an application. Lying by a long shot and LB709 fixes the problem of the truth, telling applicants that are made to look like liars. Due to the unavoidable failings of technology, the unavoidable failings of the market, and the unavoidable failings of government. For example, just one example. When a child in nearing adulthood is told by a judge, your crime has now expunged and you never, repeat, never have to tell anyone about it. The child, now an adult, believes there's no need to mention the arrest or the conviction on a Board of Health license application, but due to the unavoidable failings of technology, the market and government, we're going to see that and we're going to think they lied, and when we think they lied, the application is put in grave danger. To fix this problem could be worse, but there-- LB709 would

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make sure that does not happen and we are going to stop a bad thing that has been happening from continuing to happen. And when we do so, we're going to have more competent, professionally competent, honest applicants that are licensed and that will improve the health and safety in Nebraska. I'm so glad to answer any questions and love to help.

**BREWER:** All right. Thank you. So we're on the table here, let's see if we have questions. All right. Seeing none, thank you for your testimony.

**MICHAEL J. O'HARA:** Thank you.

**BREWER:** Now we're getting a familiar face back.

**SPIKE EICKHOLT:** Thank you.

**BREWER:** Welcome to the Government Committee.

**SPIKE EICKHOLT:** Thank you. Good afternoon. My name is Spike Eickholt. First name is spelled S-p-i-k-e, last name is E-i-c-k-h-o-l-t, appearing on behalf of the ACLU in Nebraska testifying in support of LB709. I want to thank Senator McCollister for introducing the bill. This concept, at least, was before the committee before an interim study so my testimony is going to be similar to that or similar as that. What this bill does is it continues a state policy that has been sort of implemented in this state, in our opinion, rightly so over the last few years. It probably started, maybe back in 2014, when Senator Brenda Council, and a number of senators, passed the law that provided that public employees could no longer use an automatic barrier to applicants if they have a felony or criminal conviction. That's called commonly ban the box. You sort of ban the box in the standard application that an applicant fills out that says, do you have a prior record? And if they check yes, the thought is the employer then stops reading the application itself. When Senator Ebke was a state senator, she passed a bill that provided for regulatory review of existing employment license or issues with respect to criminal records and other standards. Senator Halloran remembers this when he was on Judiciary Committee, our association regularly opposes, sometimes successfully, sometimes not, increases in penalties and broadening of existing crimes. And it's something that this state and other states have done for a number of years, maybe starting in the '70s or '80s where you had to generally your sort of model penal code, if you will, and you start adding different crimes to it. You start adding

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different penalties to it, so broadening crimes. Similarly, and this is just me anecdotally speaking from things I read, what you saw on a lot of these licensing standards certain professions, if you want to license people like barbers or landscape architects or other professions, you typically have some sort of educational requirement. And then almost always, you would have some sort of good moral character measurement, no criminal record. The problem is, is that many people, as we heard from earlier, get criminal records. So then people say, well, what about felonies? You've heard me make this point when it comes to felony not voting. A felony is anything the Legislature says it does-- it says it is. At one time, perhaps in this state, in this country, a felony was for only those worst of the worst violent crimes. I don't know if anyone's on General Affairs, but I testified on a bill that would propose to increase some what I would consider routine, silly things that young people might do that would make it a felony. In other words, being a felon does not necessarily mean you're a very bad person, does not mean you're a dangerous person. What we have is we have a lot of what we would submit are arbitrary barriers to employment for people who have criminal records. And what this bill does is it sort of looks past that and tries to have an opportunity for people who do have records to be considered for employment, to be considered for licensing. And it does still strike that balance to have some sort of nexus for a consideration of someone's prior criminal record if it has some sort of relevance or bearing or as an impact their ability to practice-- practice that profession. We encourage the committee to advance the bill and I'll answer any questions that you might have.

**BREWER:** Thank you, Spike. So in your personal opinion, if LB709 passed, would it benefit people more that-- say you have had a life and messed up and served their time, they're getting out or will it be folks that are in prison that are going to get out and then want to have a trade and being able to do the trade.

**SPIKE EICKHOLT:** I think it's playing an impact both. I think there's probably more opportunities for the people in the first category that you describe because they've at least got a positive work experience. The people I think that really need the leg up, the door to be opened and the people that are most impacted by these licensing laws are those people who've got no positive work record. They were in the juvenile court system. They end up in the adult court system. But when they're in the adult prison, they start taking a trade. They learn welding. They learn electrical work. They learn some sort of-- some sort of skill. They want to continue that when they're on parole and

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they want to get a job. And what do they have? They have just no employment history, essentially. They've got a criminal record. They may have some education. They may try to show themselves, and this will give them an opportunity to do that. So I think the bill most help them.

**BREWER:** Well, spend some time out at the prison, just to acknowledge I wasn't there, the-- the thing that I saw was the lack of opportunity to actually have any viable skillset leaving there. We have programming, but really, you know, the programming is-- is pretty minimal. Well, I mean, it is minimal and we need a lot more to really do it right. But you know, I'm hoping with-- if the new prison is going to be built that we look really hard at having facilities. You have classrooms in areas where if you want to learn how to drive a forklift or weld or whatever, that we could give you something leaving there if you're motivated enough to learn it and earn it. But you would like to think that once they left there, that you don't put them in a position that they end up back in prison because they've got no other options because nobody wants to give them a job. But, all right, let's see if we got questions for you. Questions? All right, Spike, thank you for your testimony. All right, the next proponent for LB709. Welcome to the Government Committee

**JASMINE HARRIS:** Thank you. Good afternoon, Chairperson Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Jasmine Harris. J-a-s-m-i-n-e H-a-r-r-i-s. I'm the director of public policy and advocacy at RISE and today we are here to show support for LB709. RISES is the largest nonprofit organization in Nebraska focused solely on debilitating programming in prisons and reentry support. At RISE, transformation starts prerelease and continues post-release. Our inside-out motto bridges incarceration to the community and considers all the critical steps in that journey. We prepare and train people for each phase through intensive character development, employment readiness, job creation through entrepreneurship, family programming and case management. We transform people in the community by building awareness and empathy that leads to support and opportunity. These connections heal families, create employment pathways and lower recidivism. The mission of RISE is to break generational cycles of incarceration. We thank Senator McCollister for the interim hearing, introducing legislation on this important topic and now designating this as his priority bill this session. We also thank Senator Ebke for her previous work in the Legislature and continuous work at Platte Institute to eliminate another barrier that people coming out of incarceration experience. We

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have 523 individuals that have graduated from our program offered in the Nebraska Department of Corrections, with 56 individuals currently taking programming. There are approximately 134 of program participants released in the community that are receiving reentry services from our organization. We have an employment specialist working with our program participants and employers to decrease barriers to jobs. Our grad-- our graduates are hired in several different industries that include the food industry, hospitality, retail, manufacturing, construction and others. We have also started our business academy, which was highlighted last night on KETV, where individuals who have been impacted by the system can take a course that focuses on helping them develop their business plans, establish those businesses and connect with possible micro-loan opportunities. What we do know is that employment is one of the biggest challenges that people deal with when coming out of incarceration. That is why we have dedicated resources to work on employment readiness, job placement and job creation through entrepreneurship. LB709 ensures that we are offering yet another tool that will help justice involved individuals move towards a meaningful career trajectory versus the job they took just to survive. As you heard from our Youth and Family Programs Coordinator, Alana, earlier, allows for people to have a pathway for something they are passionate about without restricting them becomes-- because of a decision they made. That in the long run has nothing to do with that career is life changing. It provides hope. And for these reasons, RISE supports LB709 and ask that committee members vote this bill out of committee to General File, and I'll take any questions you may have.

**BREWER:** All right. Thank you for your testimony. So Alana works with you?

**JASMINE HARRIS:** Yes.

**BREWER:** Well, her testimony was really, I guess, enlightening to better understand things, so.

**JASMINE HARRIS:** Yes.

**BREWER:** I'm glad you had her come here today. All right. Questions? All right, well, thank you.

**JASMINE HARRIS:** Thank you.

**BREWER:** Senator Ebke, welcome to the Government Committee.

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**LAURA EBKE:** Thank you, Senator Brewer. Chairman Brewer, members of the committee, my name is Laura Ebke, L-a-u-r-a E-b-k-e. I'm the senior fellow at the Platte Institute and speak today in support of LB709 and AM1698. We thank Senator McCollister for introducing this bill and making it his personal priority legislation this year. LB709, as you've heard, grows out of an interim study this-- that this committee did last fall, LR191, seeking to understand some of the problems with occupational licensing for those who have criminal convictions on their record. We needed to consider these issues for two reasons. First, those who have paid their debt to society ought not to be excluded from succeeding in that society upon release. And second, LB263, universal recognition of licensure from other states was being considered. Several neighboring states have already made it easier for those with criminal convictions to obtain licensing, and it was essential to know how convictions in other states that allow licensing might conflict with our current limitations based on criminal history should universal recognition pass. During LR191's open hearing on Oct-- in October, the record I found showed that only two state licensing agencies registered any concern with what might happen if some of the so-called fair chance licensing was introduced during this session. Likewise, the Council of State Governments provided testimony supporting fair chance licensing practices. I believe that you received a letter from Joshua Gaines with CSG, who also provided in-person testimony at the interim study hearing, and I would encourage you to read that letter. I do think that any senators in a neutral capacity because that's what CSG typically does, but they are critical in this effort. But I would encourage you to read that letter. And I would also note that the things that he found in LB709 are not all that unusual nationwide and are part of a larger movement to give people who have made mistakes in their lives the maximum opportunity to chase their dreams. I've included some of the maps that can be found on the CSG website for you to take a look at here, as well as a link because you have to have a link, right, if you're inspired to take a look more deeply. They show a nationwide comparison of different best practices, as CSG has analyzed them and where different states are in the mix. LB709 would remove some of the barriers that those with criminal records sometimes face in moving on with their lives. One of the things that I appreciate is that Senator McCollister's draft recognized that licensing boards are not able to turn on a dime, and hence the current draft would give the boards until 2024 before having a list of disqualifying offenses in the statute. I would think that those updates could be done mostly without controversy once each licensing board has decided on them. As Senator

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McCollister mentioned, provisions found in AM1698 were suggested by several of the coalition of-- several in the coalition of organizations that have been part of this effort, and we support the changes and urge the advancement of LB709 to General File, and I'd be happy to answer any questions if you have some.

**BREWER:** All right. Thank you for the testimony. Now you've got some experience that goes back before us. Has there been an attempt to do something like LB709 before that may not have made it?

**LAURA EBKE:** Yeah. In 2016, 2017 and 2018 when we passed LB299, there was significant objection to it. We were kind of up against some deadlines. Your legal counsel can probably tell you more about that because he helped me navigate the process. But ultimately we decided that in order to get it out of committee, we needed to back off on some of the criminal justice-related issues and so we ended up with-- with the-- with the pre-application process for-- for those who have been convicted. We've left out some of the better elements of it in order to just keep the thing moving.

**BREWER:** So again, this is your personal opinion, LB709 has enough good in it to make it worth the effort to get it through because with the amendment and how we're going to package it, it might be-- might be a bit of a workout, but the end product is worth the effort.

**LAURA EBKE:** Absolutely. And I think that if we had had more time in 2018, I think we could have moved it through via LB299. We were just running it. Yeah. It was after-- it was in the short session and we weren't sure, you know, we wanted to take what we could get in the review bill. So it, you know, I think that it will make the Occupational Board Reform Act a better-- a better act. This is part of, part of that larger act. It will restore some of the things that were in the original bill into the-- into the law. And I think in the-- in the grand scope of things, if you look at what's happening nationwide, you know, more states have-- have introduced and passed legislation like this in the four years since-- since LB299. So we can see that it's not so scary and it's not such a threat. And honestly, in 2018, after the 2018 session, Nebraska was at the top of the list in terms of occupational licensing reform efforts. We have since fallen behind. Passing this, along with that modest proposal of LB263, would certainly put us back at the top of the heap again and let us be leaders in occupational licensing reform.

**BREWER:** All right. Well, thank you. Questions? Questions? All right.



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**LAURA EBKE:** Thank you.

**BREWER:** Well, thank you for your testimony. All right. We are still on proponents to LB709. Seeing no more, we will go to our opponents. Welcome to the Government Committee.

**KELLY LAMMERS:** Chairman Brewer, members of Government, Military and Veterans Affairs Committee, my name is Kelly Lammers, K-e-l-l-y L-a-m-m-e-r-s. I'm director of the Nebraska Department of Banking and Finance. I'm appearing today in opposition to LB707 [SIC LB709] The Nebraska Department of Banking and Finance is a regulatory agency established by Nebraska law to regulate the financial services industries in Nebraska. The department ensures compliance by firms and individuals with numerous acts, including the Nebraska Banking Act, the Securities Act of Nebraska, and the Residential Mortgage Licensing Act. For individuals seeking a license or registration, background checks are required by some of the acts under our jurisdiction. Other acts set character and integrity standards and the department requires background checks as part of the application process. Our laws also vary as to the impact of a criminal conviction revealed in a background check or disclosed in an application. Under the Securities Act of Nebraska, convictions older than 10 years are not grounds for denying registration as a broker, dealer, agent, or an investment adviser representative. Under the Residential Mortgage Licensing Act, conviction of a misdemeanor involving dishonesty or fraud, which involves any aspect of the business of a mortgage banker, depository institution, or installment loan company or of any felony, unless pardoned or expunged, is to bar to obtaining a mortgage loan originator license. The standard is appropriate and necessary when you consider that for the most Nebraskans, the purchase of a home is the biggest investment they will ever make. Some of the licensing laws under the department's jurisdiction are silent as to the impact of a conviction. In those cases, the department already does a deep dive into the factors enumerated in LB709 prior to making a decision on an application and has done so for years. LB709 allows applicants to not disclose nonviolent misdemeanors. The department is much more concerned about a misdemeanor theft conviction than a misdemeanor assault charge. It is not sound policy for a financial regulator to require disclosure of an assault and not a theft when the applicant will be dealing with large amounts of money. LB709 would not allow an agency to consider most convictions older than three years if the individual was not incarcerated. This presents a serious problem for us under the Securities Act. A conviction for securities fraud is a Class IV felony. Class IV felonies have a presumption of probation. If

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an individual were to receive probation as a sentence, then after three years they could apply for registration and we could not consider the fraud conviction. The same would be true under other laws we administer. LB709 does specify felony convictions older than three years, which we could consider. We are concerned by the cross-references to specific statutes. Most of our securities and mortgage loan registrations are out of state. By cross-referencing these statutes, it appears that the exceptions to the three-year timeframe would only apply to Nebraska convictions. For example, if an individual was convicted of robbery in Nebraska, the three-year limit would not apply. But if they were convicted in Iowa, it appears that we could not look at the conviction after three years from release. Also, no exemption to the three-year provision is included for federal crimes. Securities fraud cases are often prosecuted as wire or mail fraud. Bank fraud or embezzlement cases are prosecuted at both the state and federal levels. It appears that these could not be considered past the three-year mark. Should the public be comfortable with trusting an individual who's convicted of identity theft, fraud, or embezzlement with their personal information and money three years after the conviction or sentence? The department believes LB709 would adversely affect the department's statutory mandates to promote financial soundness and consumer protection. Thank you for your time. I'd be happy to answer any questions.

**BREWER:** All right, thank you for your testimony. I think you make a valid point with banking, and when Senator McCollister comes up to close, that'll be a question I'll throw at him. But if we were to look at, say, carving out that particular area, would-- would that take away your concerns? Is it specifically to the banking and securities part? Because I think there's some validity in being able to give them a life if they're ever incarcerated. And if we put enough restrictions on, we kind of limit what they're ever going to be able to do once they come out. I'm trying to figure out if we got any options with an amendment or how we can, you know, make sure that we don't-- we don't take and have to kill an entire bill over a particular issue within the, you pointed out here.

**KELLY LAMMERS:** Senator, this is a wide-reaching bill as I read it. It has many overlapping parts. And with that under consideration, I simply could not offer any advice relative to how other agencies and other divisions would look at this. It is broken, from my perspective.

**BREWER:** OK. All right, questions? All right, thank you for your testimony. All right. Next opponent.

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**GREG LEMON:** Good afternoon, Chairperson Brewer and members of the Government Committee. For the record, my name is Greg Lemon, G-r-e-g L-e-m-o-n. I am the director of the Nebraska Real Estate Commission, appearing on behalf of Nebraska Real Estate Commission in opposition to LB709 today. So far, we've heard about national studies and we've heard from individuals who may have sought a professional license who have a criminal history. I'm going to try to very briefly give you the year in the life of a regulating agency reviewing these applications. Everybody that comes in for a real estate license gets criminal history check. We see the criminal history checks if they have anything on their record and all the numbers I'm going to give you, except for this one are real. This one's a guesstimate. I'd say maybe we'll get 200-- 250 people that have some sort of criminal history. I can say yes, the staff can say yes, I can't say no. So they have an MIP 10 years ago, they have a DUI eight years ago, that's all they have, I say yes. They go through to get licensed. If it rises to the level where our statute says we may withhold a license if they have a felony conviction, if they have financial crimes, I say it needs further review. And the commission, the whole commission, seven member commission, the applicant has an opportunity to appear in front of the commission with letters of recommendation, explain their story. The commission makes the determination. So with that, being aware of that process, last year we had a little under 1,300 people apply for a real estate license. As I said, guesstimate 200 or so had some kind of criminal history. I said yes to most of those. The commission staff said yes. Twenty-three, we said it needs further review. Of those 23, they came before the commission, 15 of those got a yes, 8 got a no. I'm going to talk about one in particular that got a yes. This person over the course of 10 years had 17 misdemeanor convictions. Many of them were shoplifting. There was also an assault. There was also a drug with-- possession with intent to deliver. There was a felony charge that was pled down to a-- to a high level misdemeanor. That person was approved because the last conviction was in 2016, so it was five years old. And so the commission felt that there had been a pattern of behavior that probably wasn't befitting somebody having a real estate license, but that pattern had abated. Under this legislation, as I understand it, if that person had come in and their last conviction, 17 convictions over 10 years shoplifting, assault, drug offenses, if they had come in and all those offenses were, you know, the last one was in 2023, let's say, 2024 when this goes into effect, the commission couldn't say no because they don't have a felony on the record. So I don't think what the commission does is inconsistent with the general philosophies that expressed and the

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goals trying to be achieved in this bill, but we feel it goes a little too far. This process, it's unfortunately it's an inexact science. There are all sorts of different ways. I mean, you just can't slice and dice the different types of criminal records a person might have as-- as- as it goes to the types of offenses, as it goes to the circumstances surrounding the offenses, and then lastly, while we can try to predict human behavior, we can't predict human behavior. So no law is going to be perfect in this subject. Our law isn't perfect. LB709 isn't perfect, but we feel like we're in pretty good shape. We feel like it's not broke and it doesn't need to be fixed, at least as far as the Real Estate Commission is concerned. And I guess the only other thing I would add is a lot of the proponents talked about how the one size fits all approach is an improvement. As a Director of Banking spoke to, there are so many different types of professional licensing. Some people have access to people's financial information. Some people have access to people's physical person. Some have access to people's physical possession. There are different levels of trust, different types of trust we put in our people with professional licenses, and we feel that each of those areas should be looked at separately and have separate standards. Thank you for your consideration. I would be glad to answer any questions you might have.

**BREWER:** All right. Well, thank you for your testimony. That helped clear things up a little bit to better understand some of the difficulties of-- you know, the particular requirements you have that you're looking at, so thank you for that. All right, Senator Halloran.

**HALLORAN:** Thank you. Chairman Brewer. Thank you, Mr. Lemon, for being here. Would you run through those figures again? Thank you, you were--

**GREG LEMON:** Certainly.

**HALLORAN:** --estimated two hundred and some.

**GREG LEMON:** Thirteen hundred license applications in 2021. And again, this-- this is a guesstimate. About 200 had some kind of criminal record. Of those we asked 23. We said that record may rise to a level where we may say, no. The statute says may, it's not an automatic with a felony or any kind of conviction that the commission may say no. So 23 of those people came in front of the commission. Of those 23, 15 were approved and 8 were not.

**HALLORAN:** OK. So I mean, it's less than single digits, the percentage wise-- single digits that weren't approved.

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**GREG LEMON:** Yes.

**BREWER:** All right. Any additional questions? Thank you for your testimony.

**GREG LEMON:** Thank you very much.

**BREWER:** Welcome to the Government Committee.

**DON ARP:** Thank you. Good afternoon, Senator Brewer and members the Government, Military and Veterans Affairs Committee. My name is Don Arp, Jr., D-o-n A-r-p, and I'm the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, commonly known as the Crime Commission. I'm here to testify in opposition to LB709. Having a record of many or all of the offenses listed in the bill is incongruent with the certification of officers and the practice of law enforcement. For example, commission conviction of any felony prohibits possession of a firearm. Possession and yearly qualification with a firearm is a requirement of all law enforcement officers to obtain and maintain their certification. Further, the bill as written, would greatly hamper the ability of law enforcement agencies to conduct meaningful background investigations to verify an applicant's criminal record and fitness to be a law enforcement officer. I thank you for your time, and be glad to answer any questions you may have.

**BREWER:** All right. Well, you brought up a new aspect of this here. Let's dive into this for a little bit. All right. So I want to be a police officer. I put in an application. You're going to-- well, the agency is going to do a background check on you. If we pass LB709 as it is, if that particular law that they broke was more than three years old, you wouldn't have visibility on it either, or--

**DON ARP:** That it's structured. We would know it's there, but we couldn't, if I understand the structure of the bill, couldn't consider it. I mean, it's-- the structure of the bill is problematic because of the-- how it limits both the time period, you can look back on someone's criminal record and the nature of what is considered or not considered. For example, a vast majority of the, you know, several of the crimes are highly relevant to being a law enforcement officer. Felonies in-- in Nebraska, are an automatic revocation. An officer convicted of a felony automatically loses their certification by statute. So the felony is a complete, you know, across the board deal breaker. But how it's structured is problematic because of the three-year structure. The-- you know, not being able to disclose

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offenses that were clearly be related to the practice of law enforcement, it's just front to back, top to bottom, not constructed to be conducive for the practice of law enforcement.

**BREWER:** OK. Well, that's the question I asked you. It-- that can be an issue. All right, questions? All right. Thank you for your testimony. All right, Senator Halloran.

**HALLORAN:** Thank you, Mr. Chairman Brewer. Thanks for being here. Do you have some-- the last testifier gave us some kind of an idea of how many people applied for realtor occupation and the process they went through to narrow it down to those that they just could not accept. Is there anything along that line for what you might see for law enforcement, for application for law enforcement? Would any-- would any of them been acceptable if there was some level, some felony level?

**DON ARP:** No felony level at all.

**HALLORAN:** OK

**DON ARP:** Some misdemeanors, you know, it's-- I could get you specific numbers, but it's a little bit fractured depending on the which training academy they go to. All the applications of those selected for training do go to the training center for a final vet, even for Lincoln Police, OPD, NSP, but-- but no. Some misdemeanors, disturbing the peace. You know you have a loud party when you're in college, get cited for disturbing the peace. As long as you disclose it on the application and you're honest about it and explain the circumstances of it, that's-- that's usually OK. Right now, what we have is you can appeal if you have a Class 1 misdemeanor currently under the structure of the rule and reg. Commission will class when a misdemeanor is the basis for a denial to the training center, but a misdemeanor may be a denial based on the misdemeanor may be appealed to the Police Standards Advisory Council, who will then weigh mitigating factors tiling content of that. And it's kind of, you know, they're very sporadic in how we hear those and they don't come up often.

**HALLORAN:** Very helpful. Thank you.

**BREWER:** Since we've got you, and you have the title that you have, do you have any visibility-- so say there are individuals applying for law enforcement positions wherever in the state, whether it be Police Department in Chadron or the Sheriff's Office in Cheyenne County, you

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guys have oversight on all that or is that just individual cells, wherever they're hiring, that has visibility on who applies to them?

**DON ARP:** It's just visibility to apply. The only exposure the commission would have is when that employing agency would seek a spot in basic training at the training center. When they would pass along the application of the person they selected to attend training, then we would see that. But hiring, advertising, hiring all of that is on the side of the agency and then the applicant or applicants they want to send-- the people they hired, so they want to send for training, that's when we would see their background.

**BREWER:** OK, so is it possible for them to hire someone and then they get a seat in the academy and then you guys say, no, we don't--

**DON ARP:** No, part of the application is submission to the training center would be submission of set of fingerprints that are run through the FBI. So the applicant may not have disclosed something to their home agency, but they would not be able to start training without those fingerprints being run at a national level for a national criminal search. So it's possible an agency could pass someone along. The agency should have, doing its due diligence and background, checked that that person's background at a national level for arrests as well.

**BREWER:** And if you have someone who applies, say he's a police officer in a town and decides he wants to come and be a police officer, say in Lincoln, Nebraska, do they have to go through the academy from day one?

**DON ARP:** No. So if you're already certified in the state of Nebraska, if you want to go from, let's say you want to go from Kearney to Grand Island, you-- your department simply sends your-- the department you're leaving sends a change in status that says the grounds in which you left. You know you just-- they accepted another job and your employing department that's hiring you, sends a change in status saying we hired them. They're already certified and they either note that you are up on your continuing ed and firearm recall or that you have to do that in the next agency.

**BREWER:** And the exception that would be, if you wanted to go to Nebraska State Patrol, they'd have a different program instruction?

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**DON ARP:** Correct. Yeah. If you go to the Nebraska State Patrol, everyone does the full camp. Lincoln Police, Omaha PD and then the Sarpy, Douglas Law Enforcement Training Center, they traditionally have people do the full camp. Omaha has tried some-- some lateral camp where it's shorter. Omaha focused camp to bring previously certified Nebraska officers into Omaha. Those are a little more specific agency training sessions than-- than what we have in the training center.

**BREWER:** Well, we don't-- we don't get people with your qualifications here very often, so we had to tap into your knowledge. So, thank you.

**DON ARP:** Appreciate it.

**BREWER:** All right. No other questions. Thank you for your testimony. We are on our opponents still. Welcome to the Government Committee.

**KEN ALLEN:** Good afternoon, Chairman Brewer, members of the committee. My name is Ken Allen. That's K-e-n A-l-l-e-n. I'm the director of the Board of Barber Examiners. I don't have a lot of problems with the bill. My main focus would be on Section 9, which deals with waiving of application fees for applicants who fall under the federal poverty level. First of all, this bill-- in this draft stage anyway, is telling an agency, that's the way I read it anyway, that a person's financial documents to be determined-- the board or the agency has to determine if they're going to fall into that level. So that's one layer of expenses that we never had before. The second part of the deal is if they do fall below that power-- poverty level, we lose the application fee. So now we're losing the fees that we would normally get for applications and we're a-- you've got to remember, we're a very small agency, so 100 hundred bucks means a lot to a small agency, right? OK. So that being said, now we have a staff member and myself. There's two of us in office doing the work, processing this application on company time and not getting any fees for it. And I don't know about you, but I don't like to volunteer my time. I'm old enough, I need the money now, I get close to retirement. So that being said, I just not crazy about that part of the bill. There's a-- there's a workaround. I know there's several agencies, if you will, or several places where you can get funding to assist this type of bill. Now I appreciate Senator McCollister for having the LR on this, and I spoke at that. Generally the rest of the bill, I don't have a huge, huge problem with. There might be some remarks or rewrite some part of it, but and I'll be in touch with his office if I see anything I don't like, so.



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**BREWER:** You had to apply the portion of the bill that addressed this--

**KEN ALLEN:** Section 9.

**BREWER:** Gotcha. All right. I mean, did I interrupt your testimony, I'm sorry.

**KEN ALLEN:** No, no, I'm--

**BREWER:** OK. Let's see if we got questions for you. Any questions? All right. Thank you for your testimony.

**KEN ALLEN:** Thank you.

**BREWER:** Any additional opponents? Anybody here in the neutral for LB709?

**HOBERT RUPE:** Good afternoon, Chairman Brewer and members of the committee. Once again, a committee I never thought I'd testify in front of. My name is Hobert Rupe, H-o-b-e-r-t R-u-p-e. I'm the executive director of the Nebraska Liquor Control Commission. And the first question I was looking at is whether our commission would fall underneath the Occupational Act or not. I reached out to Senator McCollister's office yesterday when I was made aware of this bill. They said they'd get back to me. They hadn't. Not a criticism, it's short term, I understand, but because I felt compelled to at least come and have our discussion. The main reason we're not sure if I were to do a-- I don't think we're-- we qualify underneath it. But just because I don't think so, doesn't mean I shouldn't at least have the discussion to make sure that we don't. Although part of the background check of a liquor license is an individual background check very similar to what you discussed for other agencies, the statute clearly says no license of any type shall be issued to any person convicted of a felony in this state or any other state. I've looked at-- had do deep-dive research into the universe-- into the military code of justice as well because trying to see if there's a corollary. Also, certain Class 1 misdemeanors are specifically excluded. Also, whether the character-- the person is of good character and reputation. That's just one part of the application. The application for a liquor license is also at a particular location as defined. Often the liquor license holder is actually a corporation or partnership, and the individuals would be background checked. Going deeper, the commission, unless there's a clear automatic bar, we often will look at a background check with heavy emphasis primarily on alcohol-related offenses. For

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instance, DUIs are not a-- unless you've got a lot of them when they kick over to felonies, where they may give some insight how this person's personal relationship deals with alcohol before we're going to be surrounding them with it in their job and on a daily basis. That would be a very important look. Also, for instance, a might-- a city of infraction that often gets brought up to our attention is Lincoln has a keeper of a disorderly house. What that means is that's somebody who is an entrepreneur in college and decided to sell alcohol without a liquor license was generally charging, you know, 5, 10, 20 bucks, depending upon how cute the person was, or how drunk they want to be, coming to a party. And so we often look at those how-- but we always look, how long ago, how recent it was because it really gives an indication of are they going to follow the basic tenets of the Nebraska Liquor Control Act, i.e. you need to be licensed, background check certified at a location which is safe, has been approved by the fire marshal's office. So that's a very minor crime which actually will do an investigation because of the alcohol-related offense. So in launched, you know, in a-- try and keep it a little bit short here. Part of what we do is very similar to an occupational license, but it's actually broader, so I don't think we fall under the Occupational Act. I had not heard back from Senator McCollister's office, and perhaps I'll get more clarification whether they intended the Liquor Control Commission to be subject to this provision. But, you know, oftentimes as I look at the act, you know, three years is not a long look back time for the commission, especially for some of the offenses which we would deal with, which would raise issues that are not listed in the act. In this case here I'll go primarily with people who've been convicted of drug dealing offenses. Oftentimes, most when we do a background check and find that there's a hidden ownership, it's usually someone who is involved in the drug industry or the drug trade because bars are still one of the few relatively cash heavy industries left and therefore is a way to launder the money. So although someone did apply somebody could be convicted of dealing drugs four years ago could come out, we'd have to give them a liquor license and we might be back, right back into an issue where we're dealing with. With that, I would be happy to answer any questions. Once again, I thank you for the opportunity to allow me to testify.

**BREWER:** Well, thank you for testifying. I was just talking to my brilliant legal mind on my right here and he thinks that your brilliant legal mind is probably correct, but we're going to-- we're going to double-check to make sure. Now on the issue of someone who, say, has currently has a liquor license and then say they get charged

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with income tax evasion, but it's at a level where they get a felony, there's no red flag that gets run up to let you know that once they have a business and they're working away on it, is there?

**HOBERT RUPE:** Yes, there is.

**BREWER:** There is.

**HOBERT RUPE:** A liquor license is a renewable license on year-- every year. There are two license terms, depending upon the license you hold. We actually have a certification that when you renew your license, you certify that all questions that were on your original license have none of the-- have materially changed, and you have to sign off on that. You have to actually-- most people, the vast majority, 90 percent-plus renew online. There's an actual certification where they have to check that everything's the same. If you look back at question one on the application for liquor licenses, has anyone involved in this application ever been convicted of a felony misdemeanor? You know, goes through the litany. So if I were charged or arrested, there's a duty on them to notify the commission. If they had been charged, we generally wait until there's an adjudication and then reach back out to them to get the, the background check-- I mean, to see. We have had people who have been convicted of a felony who have then lost their liquor license because a-- as I said, a liquor license is renewable once per year. The statute clearly says no person convicted of a felony shall hold a license.

**BREWER:** So the individual who owns the liquor store, that would give a romp red flag if it was him. Can he employ people that have felonies?

**HOBERT RUPE:** There is nothing this keeps somebody from who has been a felon, from being an employee. You know, they're-- and technically a felon who could be-- who owns less than 25 percent could work there. We don't license bartenders, for instance. If you wanted to be a bartender, you wanted to be a cook, that's your career goal and you happen to be a felon, it's not going to raise a red flag unless you're a over-25 percent owner and receiving proceeds in that regard. So that's-- so that's one reason I believe that Mr Clarke and I maybe agree. We, you know, for he and I to agree is not a strange occurrence, but hopefully we're right on this one. So that's one reason why we're a little bit different than true occupational license, where, you know, to be a-- you know, certain broker, you must have this license, but then you can go from job to job to job. We

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license-- issue license at a particular location to a particular legal entity.

**BREWER:** Gotcha. All right. Well, that was-- that was a very clear definition. So, thank you. All right. Questions? All right. Thanks for coming in.

**HOBERT RUPE:** Thank you very much.

**BREWER:** Making us smarter. All right. I think we're still in the neutral. Any additional in the neutral on LB709? Seeing none. Senator McCollister, we're going to transition into your next bill or would you like to do a close?

**McCOLLISTER:** I would like to close. Thank you.

**BREWER:** OK, no problem. Come on. Welcome back.

**McCOLLISTER:** Thank you, Mr. Chairman, members of the committee. I understand and appreciate this is a wide ranging, ambitious bill and I'm not surprised at all. We have some testifiers that have some issues with this bill. And I also want to thank, sincerely thank those people that testified from RISE. Their testimony was poignant, and I found it very compelling. And so as we look at this bill, let's-- let's use that as a lens by how we move forward. Let me respond to some of the issues that some of the testifiers came up with. How do we deal with some of these, the banking committee, the real estate. An obvious way is reduce the scope of the bill and to exclude those-- those departments that have issues with the bill, banking, real estate, law enforcement. Although I would say to the law enforcement folks, you have access to a personal's rec-- to a person's record no matter what, even if it's sealed. So you have a background check that you can make at any time, but it may be necessary to exclude law enforcement from the scope of this bill. And that's particularly true if there are federal statutes that supersede state law. We can't-- we can't deal with that in this bill. We have to simply exclude those issues, and perhaps just that alone would take care of the banking department, I would hope. And also, just because you have a license under the terms of this bill doesn't necessarily mean that an employer has to hire you. And so you can have a license, but you-- the employer doesn't necessarily have to hire you. And the poverty issue that was raised in Section 9 of the bill. We dealt with the-- that issue, I think, with the elected-- electoral board by saying that-- that there-- there is no test for income level. They didn't want to go

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through the hassle of trying to figure out if somebody is eligible or not. So what we said and they agreed to is, if somebody can plead a hardship case with the licensing board and it's up to them to determine whether or not they pass on the fee. And they thought that was a good solution, and perhaps the barbers will too. So, you know, I think we-- we're working on this bill. We're going to be working on this bill over the four days. We'll get back to the Liquor Commission and deal with the issues that they've got. But I know that we've got work to do on this bill to satisfy this committee and then move it to the floor.

**BREWER:** All right. Well, thank you. And I think you hit on the main issues I was worried about. Senator Halloran.

**HALLORAN:** Thank you, Chairman Brewer. Thank you, Senator McCollister. So I understand you correctly, you are willing to look at amending this--

**McCOLLISTER:** Oh.

**HALLORAN:** --to satisfy the realtors--

**McCOLLISTER:** We have to.

**HALLORAN:** -- and bankers.

**McCOLLISTER:** Yeah. I want this bill to pass. It's an ambitious bill.

**HALLORAN:** [INAUDIBLE]-- right.

**McCOLLISTER:** And I think the testimony we've heard, we need to work on the bill and make it suitable to pass out of this committee and on to the floor. So major undertaking, no doubt. But we're up to it and we're going to try to make the bill as good as we can make it.

**HALLORAN:** OK. I mean, there are hundreds of occupations, thankfully, that might not fall under the kind of scrutiny that's been raised here from opponents that people would be helped with this bill, right?

**McCOLLISTER:** Well said, Senator.

**HALLORAN:** Thank you.

**BREWER:** All right. Anyone else? Before we wrap up on LB709, we need to run through our position letters. We had four proponents, two-- three

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opponents and one in the neutral, so that will close on LB709 and get ready to open up on LB1153, which is McCollister also. OK, Senator McCollister, welcome back to your Government Committee.

**McCOLLISTER:** Thank you, Mr. Chairman. Good afternoon, Chairman Brewer and members of the Government, Military and Veteran Affairs Committee. I'm John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I represent the 20th Legislative District in Omaha. Today, I bring you LB1153 for your consideration. LB1153 requires a bit of background and explanation, and you will understand after I finish my explanation. Last year, LB263 was introduced by Senator Brieese's Universal Recognition bill, which would modify the Occupation Board Reform Act. At this time, the bill is stuck in committee in large part because of the ongoing discussions with those in the electrical industry and specifically representatives of the IBEW. I be-- I became involved in those discussions as I both wanted to do right by the electricians who had contacted me and see that LB263 advanced. LB1153 grows out of those discussions. A series of amendments were proposed and should be considered later by this committee. But this year we took a slightly different track, moving out of the original subject matter of the occupational licensing. Part of the discussion on LB263 included a desire to have a broader representation on some of the licensing boards, particularly on the Governor-appointed electrical board. Members of the IBEW believe that they could be content with the other provisions of LB263 with an amendment that we will eventually make its way to the committee, AM724. If they could ensure that the unions-- union associated with electricians would have at least a voice on the board. As we discussed this, questions of whether an amendment that included a change board makeup would be germane were raised. Ultimately, we decided to introduce that prospect as a separate bill, but with the agreement of both the General Affairs Chairman Brieese and Chairman Brewer, we requested that this be sent to the committee-- to this committee rather than General Affairs, so that it might be attached by the committee to LB263, part of the puzzle that we discussed when I first appeared earlier. To be clear, this bill is intended to serve as an amendment to LB263. Should it be-- and should it be advanced, not as a standalone bill. I'll repeat that. To be clear, this bill is intended to serve as an amendment to LB263 should it be advanced, not as a standalone bill. But this is judged-- but because this is judged not to flow naturally out of the discussions of LB263, we thought it was best to hold a separate hearing rather than attempt to amend it without a hearing. As it currently stands, LB1153 increase-- increases the membership of the Electrical Board from seven

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to nine. Currently, membership of the board must include one journeyman electrician and one elec-- electrical contractor or a master electrician. The increase in membership would double the journeyman electric-- electrician and contractor master electrician numbers and require that one of each be affiliated with a nonprofit labor organization workers and be selected from a list of recommended by such organization. Recall, though, those people that are actually on the commission are appointed by the Governor. This guarantees that membership on the board by at least two union-affiliated electricians. Researching the frequency of this kind of framework can be difficult because every state licenses occupations differently. Some don't license some of them at all. Some license them under the auspices of a contracting board. And some, like us, have an independent electrical board. Two similarly situated states, so-called right to work states, Oklahoma and Iowa, have similar language in their electrical board statutes requiring-- requiring one journeyman, for instance, be from the union shop and one from a nonunion affiliated shop. We don't seem to be plowing new ground with this and instead are ensuring maximum representation for all ele-- all elements of the electrical interests. Thank you, Mr Chairman.

**BREWER:** All right. Thank you. All right. Questions on the opening for LB1153? All right. I'm assuming you're gonna stick around to close?

**McCOLLISTER:** Absolutely.

**BREWER:** Good deal. Thank you.

**McCOLLISTER:** Thank you, sir.

**BREWER:** All right. We will begin with proponents for LB1153. Come on up. Welcome to the Government Committee.

**JON NEBEL:** Thank you for having me. Good afternoon. My name is Jon Nebel, J-o-n N-e-b-e-l. I am a business representative for the International Brotherhood of Electrical Workers, IBEW Local 22, in Omaha, Nebraska. We represent 2,023 members and 550 nonmembers in Nebraska and western Iowa. I'm also a licensed journeyman electrician in Nebraska and Iowa. LB1153 involves equal representation in the electrical industry. These board changes stem from the other bill that Senator McCollister acknowledged, LB263, that will grant occupational boards the ability to license based on similar scopes of practice as determined by the board. If a board is to determine the way to license, it ought to do so with the input from all stakeholders.

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Current board makeup only requires one journeyman and one contractor be represented. LB1153 allows for two journeymen, two contractors on the board, one of each being from IBEW. Data from Nebraska's Department of Labor, Education and Economic Development show Nebraska employed 5,404 electricians in 2016 and will employ 6,134 electricians annually by 2026. Of those, 3,470 are working in the IBEW, with 64 percent of the industry being IBEW. These stakeholders need to weigh in on policy decisions for the industry. Since the inception of the State Electrical Act in 1975, we have seen license consolidation, continuing education requirements and code adoption. All of these decisions could have been better served had the largest sector of the industry been included in these discussions. In the last few years, all of us in this room have been dealing with legislation that would affect licensure, ratios and inspection rights. There is clear pressure from outside interest to change policies in the state electrical division. For these changes to occur, the industry needs to be on the same page. That needs to happen in board discussions and not in legislative hearings. IBEW representation on the board will provide the insight needed to keep our industry prepared for change. I'd like to refer to you now the chart I have at the back of my handout. This chart shows the board's current representation compared to the industry's makeup. Although we believe the board has adequate representation on the design, supply and enforcement classifications, the board lacks economic and install representation. We are open to discussion on how the makeup ought to be divided amongst the seven or nine members, with LB1153 suggestions and board representation are a way to provide a voice for the majority of the industry. With the stakeholders share of 73 percent of the industry and 64 percent of that share being IBEW, we are asking for a voice. This will allow us-- allow for sound policy so Nebraska can be adaptable as industry evolves. LB1153 combined with LB263, will harmonize the needs of Nebraska and better prepare the electrical industry for the future. We're not asking for control of the board, just a seat at the table. Thank you for your time and consideration. I'll be available for any questions.

**BREWER:** All right, thank you. Questions? Senator Lowe.

**LOWE:** Thank you, and thanks for testifying today. Are there any union members on the board at this time?

**JON NEBEL:** No.



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**LOWE:** OK. Have there been any union members, say in the past three or five years?

**JON NEBEL:** There is a contractor, I believe in the at-large spot that is-- it was a signatory union contractor base retired, yes.

**LOWE:** OK. Can you tell me, are there any other right to work states that-- I think we heard that two maybe that--

**JON NEBEL:** I think, yeah, Iowa and Oklahoma.

**LOWE:** Any others?

**JON NEBEL:** Not that I'm aware of, but I can get you a list if you need one.

**LOWE:** All right. Thank you.

**BREWER:** All right. Additional questions? Senator Halloran.

**HALLORAN:** Thanks for being here today for your testimony.

**JON NEBEL:** You bet.

**HALLORAN:** Do you support-- support LB1153 because you feel union membership represents a higher professional standard, and therefore needs representation on the-- on the board?

**JON NEBEL:** It's a different standard. I would say that being a union electrician, your-- your wheelhouse of expertise is going to be a little bit wider than if you're nonunion. Nonunions are kind of a niche market where you're going to work for a contractor and you're going to do remodel as your-- as your type of construction or you're going to do commercial or-- and some type of specific part of the industry. Union electricians, they-- they have to be ready to do any of those jobs. We work on a per project basis. So if we're called to work from need of a contractor, that contractor could be in security, it could be in commercial. Like we could be working on a service van doing a house call for six months and then the next job up could be a nuclear power plant. So it's a little bit of a vast experience in the industry compared to the nonunion side is what I would see as the difference.

**HALLORAN:** My understanding is correct. I mean, the board deals with public safety, I mean, primarily.

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**JON NEBEL:** Mm-Hmm.

**HALLORAN:** So you're not suggesting-- are you suggesting that unions have to be involved and put in statutes so they are involved? That's not suggesting that currently the board makeup is in-- insufficient or incapable of dealing with-- with public safety.

**JON NEBEL:** I would say there would be things maybe not in their expertise because they wouldn't be a voice coming from the field. The-- the-- so the engineer is going to know how to design it. The inspector is going to know how to enforce the codes that have been developed. The contractor is going to know how to make sure it's going to be affordable for the industry and the municipality, power supply folks are going to know how to provide us with the power. The journeyman representation on that board is going to be the boots on the ground that are going to know if everything that has been planned and worked through is actually coming together and they're going to be the first ones to be able to tell you if it's working or not.

**HALLORAN:** OK, thanks for that. If I understand your chart correctly, about 33 percent of them are journeyman electricians now.

**JON NEBEL:** Yes, 33-- yeah, 33 percent of the 10,000 member workforce of electricians in Nebraska.

**HALLORAN:** Right, but this is a chart showing the-- the-- the makeup of the representation on the board?

**JON NEBEL:** Sorry, it's-- it's-- so the makeup of the board is in the table below.

**HALLORAN:** OK.

**JON NEBEL:** The chart is showing the--

**HALLORAN:** For the industry.

**JON NEBEL:** --individuals or parts of the industry and how they're then represented as a body in the state.

**HALLORAN:** OK, thank you very much.

**JON NEBEL:** Mm-Hmm.

**BREWER:** OK. Senator Lowe.

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**LOWE:** Thank you, Chairman. How many members are on the board?

**JON NEBEL:** How many board members are there?

**LOWE:** Yes.

**JON NEBEL:** Seven.

**LOWE:** Seven. OK, so right now, there's just one member on the board that's a union member?

**JON NEBEL:** Not a union member, but it has-- has worked with union electricians. Yeah.

**LOWE:** OK.

**BREWER:** I thought it was going to be a longer question, Senator.

**LOWE:** OK, I'm trying to stall here. All right, I'm done.

**BREWER:** OK, thank you. Any more questions? All right. Thank you for your testimony.

**JON NEBEL:** Thank you very much.

**BREWER:** We are still on proponents to LB1153. Come on up. Welcome to the Government Committee.

**CHRIS CALLIHAN:** Thank you, Senator. Just so you hear me.

**BREWER:** You bet.

**CHRIS CALLIHAN:** Good afternoon, Senators and members of the Government Committee. My name is Chris Callihan, C-h-r-i-s C-a-l-l-i-h-a-n. I'm the business manager with International Brotherhood of Electrical Workers Local 265 here in Lincoln. Local 265 currently represents 426 members and around 78 nonmembers. Local 265 jurisdiction covers about 75 counties, including the Panhandle, central and southeast parts of Nebraska. I myself went through the Lincoln JTC inside a friendship program. I currently hold journeyman licenses in Nebraska and Wyoming. Currently have seven electrical board members that are made up of one electrical engineer, one electrical inspector, one rural public power representative, one municipi-- one municipal power representative, one licensed electrical contractor and one licensed journeyman. And then one at-large, which I think is currently being held by a licensed electrical contractor. LB1153 would help make sure that four positions

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on that board are from the actual working field. Currently, there are three members on the board that are directly from the field we'll say, two licensed contractors and one licensed journeyman. This would just convert one of the other positions to another licensed journeyman. LB1153 would allow for two licensed journeymen and two licensed contractors on the board, one of each of those being from the IBEW. Men and women working in the field every day in the electrical industries-- industry should have a proper and equal representation on the electrical board. I think that LB1153 will strengthen the electrical board moving forward with added voice from the field when handling future business, including the changes in our industry, like the cycle of code updates, which is about every three years and it's coming, and our code enforcement itself. With the continued pressure from the outside into-- or groups to water down the training requirements for the Nebraska journeyman license or to eliminate the electrical license, even potentially in Nebraska, having these voices on there, I think, is key and important. Having the voice of electricians in the field is a strong, positive way to protect our careers and our industry and LB1153 expands and secures that voice. I ask for your support of LB1153 and allow it to go-- allow it to give more voice to the men and women working in the field of electrical, construction and maintenance industry in Nebraska. Thank you for your time and consideration.

**BREWER:** All right, thank you, Chris. A quick question on-- you got 426 members and around 78 nonmembers, so these are individuals that are electricians. They're not members, they're paying dues members, but you still represent them.

**CHRIS CALLIHAN:** 426 of them are dues paying members.

**BREWER:** And the 78--

**CHRIS CALLIHAN:** Are-- well, we would probably call them as basically prospective members. They've just started in the industry. The bulk of them are apprentices. We're trying to get an apprenticeship program. A few of them are journeymen that have come over to the IBEW and--

**BREWER:** OK. OK.

**CHRIS CALLIHAN:** --are starting the process to become members too as well.

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**BREWER:** That's nice of you to take care of them, even though they're not official members yet, so.

**CHRIS CALLIHAN:** They're-- they are still covering up our collective bargaining agreement. They still have the same [INAUDIBLE] rights. We see them as no different. We see them as a prospect of members.

**BREWER:** All right. I just never seen that breakout before, so--

**CHRIS CALLIHAN:** No

**BREWER:** --that makes sense now that you explain it. All right. Questions? All right, seeing none. Oh, sorry, Senator Lowe. Didn't you just a quick drive-by there?

**LOWE:** Yeah, thanks. In your testimony here it says there are several electrical-- electrical board members, the electrical engineer, the electrical contractor, the licensed journeyman, wiremen and the licensed electrical contractor. I assume they're all electricians?

**CHRIS CALLIHAN:** They're all-- your contractors started out as a journeyman more than likely and came up to, but the only ones that are licensed in that would be, I think your inspector would have to have contractors and then get his inspector's license. Your journeyman and your contractor are going to have their individual license, one be a journeyman, one being an AC. Outside that I don't know what the license requirements are for the representative from municipalities, stuff like that. I don't know outside that.

**LOWE:** But I'm saying they have a deep knowledge in the electrical field.

**CHRIS CALLIHAN:** Yeah.

**LOWE:** Correct?

**CHRIS CALLIHAN:** And we're not denying that knowledge. We're just saying that I think it's a good approach to have these four spots from the field itself. You know, I think that's a good-- having their voice at that table in those discussions is a good thing. I think that's a good thing for all boards to have that representation in there.

**LOWE:** OK. Rural or public power representative in the municipal power representative. Do they have to have some knowledge in the electrical field or are they just kind of appointed by their--

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**CHRIS CALLIHAN:** I'd-- that part, I don't know, but I'm sure that they have the perspective from their side of being the power provider.

**LOWE:** OK.

**CHRIS CALLIHAN:** So.

**LOWE:** All right. Thank you.

**BREWER:** All right. Additional questions? Seeing none, thanks for your testimony,

**CHRIS CALLIHAN:** Thank you, Senator, and thank you, committee.

**BREWER:** OK. Additional proponents for LB1153. All right. We will go to opponents of LB1153. All right. Then we'll go to those here in the neutral capacity. Senator McCollister, come on up. Welcome back.

**McCOLLISTER:** Thank you, Mr. Chairman and members. Three comments on this particular bill as we move forward. There is a fiscal note and we hope to eliminate that fiscal note. I think there's currently a \$10,000 fiscal note. I think we can work out a way to maybe retain some of the current membership numbers of seven. Second, we're reluctant to actually name a union in the legislation because that would make it special legislation. So we have to guard against that and we'll-- we'll make sure that we don't run into that danger. And thirdly, we're working with PRO on LB1153. They had a couple minor issues. So we're going to make sure and deal with the issues that they raised. And as the bill progresses, we'll-- we'll deal with that as well. I'd like to close by thanking everyone who submitted feedback on these two bills, and I'm asking that any suggested amendment language for LB1153 and LB709 be shared with my office and committee counsel and the committee legal counsels by next Tuesday. So every concern will be addressed and considered. This package of bills, including LB263 and its amendments will yield long overdue occupational licensure reform in Nebraska. And I'm understanding there's a lot of changes in these bills addressing opposition from as many groups will faci-- facilitate that reform reform. We're close here and I'm optimistic that we can come together and pass an agreeable piece of legislation. And thank you for your time this afternoon. Thank you.

**BREWER:** All right, Thank you, John, for your time. Any questions for John before we turn him loose? All right. With that, there were no letters, so we will close on LB1153.

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**McCOLLISTER:** Thank you, sir.

**BREWER:** And get ready to transition to our last bill of the day. All right, so everybody understands what we're doing. This is a committee bill, LB839, and so I've asked Dick to open on this. Normally, staff, we don't ask questions, but because we have a brilliant legal mind here, I'm going to allow folks to ask questions. That way there are no-- no concerns or answers that you don't have. So with that, uh, you may begin.

**DICK CLARK:** Thank you, Senator Brewer, members of the Government Committee. My name is Dick Clark. D-i-c-k C-l-a-r-k. I'm the legal counsel for this committee and I'm here to open on LB839. LB839 is a committee bill introduced following up our investigation in LR225, which was the committee's interim study on truth and deception examiners and the way we license them in Nebraska. Now just as a reminder, that includes polygraph examiners, invoice stress analysts, and that interim study was introduced to allow the committee to gather information that is required under the Occupational Board Reform Act or OBRA review process. This committee held a hearing on LR225 on Friday, October 29th, and at that hearing you heard testimony from the Secretary of State's Office where this program is housed, and you also heard testimony from Mr. Tom Gorgen, who was one of the people who helped draft the original licensing act and who is present at this hearing today. Committee staff also requested program data from the Secretary of State's Office, and we did receive that program information in a timely manner. Under OBRA, committees are supposed to review all of our occupational regulations and see how they measure up. OBRA gives us some policy principles as a measuring stick that the Legislature is supposed to use when committees evaluate these regulations and make a recommendation. We're supposed to protect the right of people to pursue lawful work. We're supposed to use the least restrictive regulation which is necessary to protect public welfare, and we are supposed to make sure the regulations are narrow and only written to apply to the people they are supposed to apply to. Based on the information received by the committee, the committee learned that most states do not license these occupations. We learned that out of the 54 people licensed under this act, there have been zero disciplinary actions in the last five years. And we learned that the Truth and Deception Advisory Board has not met at all during the last five years. We learned from Mr. Gorgen, who helped create the program, that the reasons that this license was created do not exist anymore. We also learned that a few years after the Legislature passed this licensing law in Nebraska, the United States Congress took action to

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add more protections. Based on all of these things that were learned during the review process, the recommendation in the committee report was to get rid of this license. This bill would do that. As recommended in the report, the bill would preserve one element of the original law, and that has to do with labor protections relating to polygraph examinations in job interviews of private employers. We don't change that-- those protections in law, but we do move them to a different chapter on the recommendation of the Revisor of Statutes. I have distributed a copy of the Occupational Board Reform Act report that was published by the committee at the end of December, and I'm happy to answer the committee's questions.

**BREWER:** All right. Thank you for that opening. We'll now open it up for questions. Any questions for Mr. Clark? All right, seeing none. You will stick around for closing?

**DICK CLARK:** Yes, sir.

**BREWER:** No, that wasn't an order, that [INAUDIBLE], so. OK, we will begin with proponents to LB839. Welcome to the Government Committee.

**TOM GORGEN:** Thank you, Mr. Chairman, Senators. My name is Tom, T-o-m, Gorgen, G-o-r-g-e-n, and I live in Omaha. I am not going to-- most of you heard me testifying before, so I'm not going to bore you again with the same rendition. Kind of get to the point of all this. Since the LR hearing, I did a little more research on my own just because I was kind of curious what was going on because I'm having a bit of a conflict about licensing. I've always supported government oversight of occupation. That's obvious because I helped prepare this bill at the request of the committee chairman in 1979, and the bill worked great. It solved the problem. Senators had complaints from constituents about testing-- lie detection testing, prior to employment, having to take a lie detection test. If they refused, not being considered for employment. After employment, being asked to take a lie detection test and if they refused, being fired for that reason, or after employment taking a lie detection test, failing the test and then being fired for failing the test. So the senators wanted a bill that dealt with the regulation and fix these problems, and Nebraska was ahead of everybody. We did go to states like Texas and Illinois and some other states to get the information. The Secretary of State asked me to help them put all of this together, which we did. The law came out of committee. The bill came out of committee, went to the Legislature, was passed. Went to the Governor, was signed. 1980 it became law and the Secretary of State put it together, and it went



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into effect in January 1981. Worked great. Solved the problems, life went on. A lot of licenses were issued, but the government, as Mr Clark said, came in, changed everything and that basically killed the private lie detection market. There just wasn't any ability to run tests in the private sector. Now, law enforcement, you could still run tests in government and so forth, and that goes on to this day. I'm just going to talk about the last 20 years of my board service and forget the first twenty because it just takes too long. What we're seeing now in applicants in front of the board are primarily in the last 20 years, all law enforcement. There were two private polygraph applicants. Both were previous government experienced, highly qualified. All of the other applicants were voice stress and polygraph before the board that reviews. Before licensing has all been law enforcement. They all have the same problem. The law requires an internship program of 12 months. We started with 100 exams in that 12 months, went to 50, we're currently at 40. No one can reach the 40 in 12 months. They get one six-month extension to get the 40. I can capsule the problem with the last applicant that we reviewed, the board reviewed in September of last year. A Nebraska State Patrol Trooper, absolutely fantastic applicant. She is a terrific law enforcement officer, outstanding investigator, finished number one in her polygraph training academy, just a super person. Applied for a license in 2019, didn't get it till last year because a lot of reason, the testing couldn't get the 40 test. COVID played a role. And then, of course, the intern instructor changed and so time just drug on and drug on. The Secretary of State had to make a special dispensation for her to get her license, which would have been an injustice if she wasn't licensed. At the end of my letter, I gave you five reasons why this bill would work. The first one is simple. The reasons we got the bill in the first place don't exist anymore. They're gone. State of Texas last fall eliminated its polygraph licensing. So that's one of the states we modeled ours after. Things have changed. There's just not a lot of testing going on and just being on the board, you just don't see that many applicants. We see one or two a year at the most. So I think you're on the right track here. I think you're moving in a good direction and I think you're addressing it correctly. So I'll stop speaking and be happy to answer any questions. Thank you for listening to me again.

**BREWER:** All right, Tom, thank you for that opening. Thank you for the work that you put in. You've been a warrior on this. We appreciate it. Questions for Tom? All right, thank you.

**TOM GORGEN:** Making it easy. Thank you.

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**BREWER:** All right, next proponent.

**JEROME KRAMER:** Hello, Senators.

**BREWER:** Welcome.

**JEROME KRAMER:** Thank you for this opportunity. Jerome Kramer, K-r-a-m-e-r. I am Sheriff of Lincoln County. Sitting in the back, listening to the-- to all the testimony, Mr. Clark and Mr. Gorgen have pretty much ridden this horse to death, so I don't have a lot to--I don't have a lot to add. The presentation has been just exactly what I hoped it would be. My main purpose, I guess, for sitting here is just to put up a face to you on where this whole thing started. I've been working on this for nearly 20 years. I guess I'm not showing you the face that it started with. I didn't have the wrinkles and I didn't have gray hair. But anyway, it started when I was a sergeant in investigations in North Platte in Lincoln County and-- and we were getting a pretty heavy load of homicide, sexual assaults. And it was obvious that relying on another agency was-- was not the thing to do for-- for our truth verification. We were seeing that it was a powerful tool, but when you're-- when you're printing on another agency, it just makes it difficult time wise. So we looked into the polygraph. The sheriff at the time said, buddy, that's not going to happen, that's too expensive, it's not in our budget. Did my research, came up with the computerized voice stress, which is much more affordable for a small agency. I got the nod. The sheriff let me buy it. We sent our lead investigator off to the training. He came back fully certified, has a certificate in hand, believes he's ready to start doing exams and he did start doing exams. Then we find out that the state has a licensing process, a very complex license-- licensing process, so our certificate is of no value. We've passed all the requirements of national truth verification. We've done everything that this instrument and the national requires, but we can't do exams in Nebraska. Tom Gorgen was-- was gracious enough to come out and get us through the exams to-- this observed exams-- I'm not using the right word, but anyway, and he got us through that and he got us certified. Then I needed to get another guy certified because I had a retirement on the horizon and we realized that the 100 hours were not going to be attainable because Tom was not going to be able to do that again. We went with-- talked to Senator Tom Hansen of North Platte, and he introduced legislation. And in 2012, got that reduced to 40 hours. 40 hours helped, but 40 hours are still unattainable in a 12-year-- 12-month period. For small agencies, it works great. In Omaha, maybe Lancaster County, but we couldn't do it, nobody with a--

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and I've got a decent-sized agency. But-- but we got-- we got through it and-- and we got Sergeant Meyer certified. But then we came back three-- two years ago and asked for the licensing to be-- the requirements to be reduced to nothing. I thought we were doing everybody a favor, including polygraph, because I'd heard from polygraph examiners that they were having difficulty getting in the timeline. We really stirred up a hornet's nest because they weren't on board with us, and that was my fault. I didn't communicate well and we got some testimony as to whose instrument was better than the CBSA and Ouija board. It was inappropriate. And-- but anyway, it didn't get out of committee. Then last year we had LB50 got out of committee and Senator Groene introduced that. And then you-- you folks did the interim study and-- and looked at it and decided, you know, they're-- they're on the right track, get rid of this licensing. And I appreciate everything you did and that's all I've got to say. I really appreciate you, folks. And after 20 years of dealing with this, this is-- this is quite a-- quite an accomplishment. Thank you so much. And if you have any questions, please.

**BREWER:** Well, thank you for your testimony and thanks for, I guess, fighting the good fight to get here. Twenty years that's a long fight, I don't care who you are. Now, you don't have concerns, you're the sheriff and what-- what happens in that department ultimately is on your shoulders. So you've gone through this process to get where we're going to be if the bill passes and you're-- you're good.

**JEROME KRAMER:** Yes.

**BREWER:** All right. That's what I wanted to hear. Questions? Senator Lowe.

**LOWE:** Thank you. Just a real quick one. Sheriff of which county?

**JEROME KRAMER:** Lincoln County.

**LOWE:** OK.

**BREWER:** All right. Any other questions?

**JEROME KRAMER:** That was easy.

**LOWE:** You knew the answer.

**BREWER:** I think we were impressed with your testimony, so thank you. All right. We are still on proponents. Come on up.

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**LARRY MEYER:** I am the aforementioned Sergeant Larry Meyer, L-a-r-r-y M-e-y-e-r. I am a criminal investigator from Lincoln County. That's my boss. Following Mr. Gorgen and Mr. Kramer is not easy. However, a couple of things I guess I would like to just point out and then avail myself to any further questions, as I am the only licensed CBSA examiner in the state of Nebraska in law enforcement. The work that you've all done is to be applauded. I came into this fight seven years ago. I just-- with the pre-employment examination last week, I just did my 123 examination in seven years. So you can kind of understand where the numbers hash out on the licensing requirements for this discipline. One thing I did want to share with you, I mentioned to the Sheriff on the way down, as far as CBSA is concerned, more than 90 percent of all the exams that I have done on the CBSA have been pre-employment. Very small percentage have been what we call specific for criminal cases where I would sit and spar with-- with the criminal or those ne'er-do-wells in which I'm trying to determine whether they're being truthful about what they've done or what they haven't. I can tell you in about half of those cases, I never even used the instrument. Because the ability to interview those kind of things, the mere fact that the tool was there, I have not used it in some cases. But overwhelmingly the pre-employment examinations that we do have weeded out, in our opinion, my boss's opinion, several candidate that people would have not made good law enforcement officers. So by taking this committee stance and your bill and getting rid of these requirements, in essence, you have just opened up a, a very good, cheaper alternative for smaller agencies to weed out bad cops. And I just wanted to make that point and I applaud that and I thank you all for your work. It's been a long time. I've been here for 17 of those 20 years, so I know what the Sheriff has been through. So I would avail myself to any questions if anybody has any specific questions in regards to what I do.

**BREWER:** All right. Well, thank you for your testimony and you're probably in that category of indispensable more than about anybody, I know. So there you go. Questions?

**LARRY MEYER:** Thank you.

**BREWER:** I said that for your boss, so you remember that.

**LARRY MEYER:** I think he heard that. Thank you, Senator.

**BREWER:** All right.

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**LARRY MEYER:** Thank you, Senator.

**BREWER:** All right. We are still on proponents of LB839. Welcome back to the Government Committee.

**BETH BAZYN FERRELL:** Thank you. Good afternoon, Chairman Brewer and members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials and I'm appearing in support of this bill. I don't think there's anything I can add to what Mr. Gorgen and Sheriff Kramer and Sergeant Meyer have added. So I would just say that we do support eliminating this licensing process. Be happy to answer questions.

**BREWER:** All right. Thank you for your testimony. And you're right, they did a pretty bang-up job, so what else you'd add to that. All right. Any questions? All right. Thanks for coming in. Still on proponents. Senator Ebke, welcome back.

**LAURA EBKE:** Thanks. Chairman Brewer, members of the Government, Military and Veterans Affairs Committee. My name is Laura Ebke, L-a-u-r-a E-b-k-e, and I'm the senior fellow at the Platte Institute. I come today in support of LB839 and I will keep this very short. This committee has heard several bills over the last few years, apparently for many years, and I appreciate the committee choosing this license for its Occupational Board Reform Act review in 2021. LB839-- I'm skipping a lot of things if you're reading along. LB839 and LB169, which was introduced by Senator Matt Hansen, who's not here today, and signed into law last year, are fine examples of the value of the Occupational Board Reform Act. In both cases, committees of their legis-- of this Legislature fulfilled their responsibilities to conduct their-- their Centennial reviews of licenses under the jurisdictions and found that these licensing statutes had outlived their original purposes or usefulness. I want to thank you once again for doing this-- doing the interim study and conducting this review. I want to thank your legal counsel because I know how much work he does, and I would urge you to find a means of advancing this bill. It seems to me like this is great consent calendar material. So, thank you.

**BREWER:** All right. Thank you for your testimony. Questions for Senator Ebke? All right, thank you very much.

**HALLORAN:** Senator.

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**BREWER:** Oh, sorry, yes.

**HALLORAN:** It looks like there's a lot of plugs for employees of various individuals here, and I-- I agree, I think Mr. Clark does it fine.

**LAURA EBKE:** Yeah.

**BREWER:** He still has to close, so don't get too carried away.  
[LAUGHTER]

**LAURA EBKE:** I'd wait if I was you.

**BREWER:** That would be the safe way out. All right. Any additional proponents to LB839? All right. Anyone here in opposition to LB839? Any neutral? All right, Dick Clark.

**DICK CLARK:** Thank you, Chairman Brewer, members of the committee. Just a few notes to-- to wrap up on. This is a homework assignment that the Legislature gave this committee several years ago. You already heard about one that homework assignment was made back when the Occupational Board Reform Act was enacted. This bill is in the spirit of the Occupational Board Reform Act and that it's about making sure we're not putting up barriers for people to do jobs that are productive if those barriers aren't about protecting public safety or the public welfare. This bill gets rid of what we've heard is unnecessary red tape. In fact, red tape that may be impossible to overcome. It follows the OBRA principles and for any agency that might be concerned about the removal of these standards, of course, this-- this bill would not compel anyone to hire a polygraph examiner or a voice stress analyst. And those agencies that employ such folks could still maintain policies that are at the level they believe is appropriate, in fact enhances their local control of the kind of folks that they hire for those jobs. So with that said, happy to answer any further questions.

**BREWER:** All right. Thank you. Questions for Mr. Clark? All right, we had zero letters in opposition, in neutral, or in proponents. With that we'll close on LB839 and close our hearings for today. Everybody have a good weekend.