

Transcript Prepared By the Clerk of the Legislature
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Government, Military and Veterans Affairs Committee
February 19, 2009

[LB361 LB465 LB639 LB678]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Thursday, February 19, 2009, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB678, LB361, LB639, and LB465. Senators present: Bill Avery, Chairperson; Pete Pirsch, Vice Chairperson; Robert Giese; Charlie Janssen; Russ Karpisek; Rich Pahls; Scott Price; and Kate Sullivan. Senators absent: None. []

SENATOR AVERY: Before I start, I will introduce the members of this committee, and then I'll talk to you a little bit about some of the procedures we follow. Soon to arrive on the far right down here is Senator Rich Pahls from Omaha; and then seated next to him, also yet to arrive, is Senator Charlie Janssen from Fremont. Sitting next to him is Robert Giese from South Sioux City. He is seated next to Senator Pete Pirsch from Omaha who is also Vice Chair of this committee. Seated next to me, on my right, is Christy Abraham who is legal counsel for this committee. To my left, Senator Russ Karpisek from Wilber; and he is seated next to Senator Scott Price from Bellevue; who is sitting next to Kate Sullivan from Cedar Rapids. On my far left here is Sherry Shaffer who is committee clerk. We have two pages: Nick Bussey from Lincoln and Courtney Lyons from Plattsmouth. If you have anything that you want to share with the committee in the form of handouts, please give those to the pages, and they will distribute them for you. You will need 12 copies to make sure that all of us get a copy. Bills will be taken up in the order posted on the door starting with LB678 which we'll get to in just a minute. At both entrances, we have sign-in sheets for those of you who are going to testify. You should get a sheet, and it looks like this. This is...we want you to fill this out before you sit down to testify, and when you get up to testify, give this to Sherry, the clerk. And please print legibly so that we can have accurate records. If you do not wish to testify, but you want to sign-in for or against a bill, there is a second sheet you can use for that purpose. You do not turn those in, we'll collect them later. Introducers will be given ample time to make initial statements. They will be followed by proponents, and the proponents by the opponents, and then those who testify in a neutral position. Closing remarks are reserved for the introducers. I would ask you if you have your cell phones with you, please turn them off. Everybody always scurries around at that moment, or put them on silent or vibrate, I don't care, as long as we don't hear it. Please try to keep your remarks to no more than five minutes. We don't have a light system in this committee. The nature of what we talk about is sometimes...requires a little bit more than five minutes, not always. And I don't want to put too many restrictions on full discussion of these issues. So as long as we can get our work done in a reasonable amount of time, we will not use lights, and I will not be gaveling you to shut up before your five minutes are up. Okay, we will start with Senator Ken Haar from Branched Oak, LB678. [LB678]

SENATOR HAAR: (Exhibit 1) From Branched Oak, that's right. Senator Avery and

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members of the committee, first of all, it's so good to see you back in that chair. Senator Avery and members of the Government, Military and Veterans Affairs Committee, LB678 allows municipalities to take advantage of technological advances in recording meetings. Instead of requiring written minutes of every meeting, LB678 allows electronic recordings of the meetings to satisfy the minutes requirement. This will create greater efficiencies in government, and utilize new technology to reach out to more citizens. There will be an amendment handed out, and we could do that right now, I guess. Pages. The amendment that will ensure that written minutes will still be available upon request. There will be testifiers following me that will be able to explain the mechanics and additional reasons behind the bill. And the Lincoln Police Chief is here to remove any opposition. (Laughter) So that's the reason. And with that, I would answer any questions you might have, and probably will refer them to the testifiers coming behind me. [LB678]

SENATOR AVERY: Thank you, Senator. Any questions from the committee? Seeing none. Are you going to stay around for closing? [LB678]

SENATOR HAAR: I will not be closing, but my legislative aide is going to be here and take careful notes for me, so. [LB678]

SENATOR AVERY: Okay, thank you. [LB678]

SENATOR HAAR: There's lots going on in Natural Resources today, so thank you very much for your attention. [LB678]

SENATOR AVERY: Proponents. Welcome. [LB678]

JOHN SPATZ: Thank you. Good afternoon, Senator Avery and members of the committee, my name is John Spatz and believe it or not, it is spelled S-p-a-t-z. I'm a member of the Lincoln City Council, and I've been trying to recruit the Chief to remove opposition at Lincoln City Council meetings, but he has been reluctant to do so. Probably wisely so. I really appreciate Senator Haar introducing this bill. Senator Haar and I represent many of the same constituents, and he used to be a Lincoln City Council member. So I feel a certain degree of kinship with him, so I really appreciate and I like getting a chance to work with him on this piece of legislation. Quite frankly, I think LB678 is reasonably simple in that it allows public bodies to take advantage of technology. And remember the target really isn't the Lincoln City Council or the Ord Public School Board or the Sarpy County Board. It really is for some of the subsidiary bodies within each one of these political subdivisions. Right now, public bodies must produce written minutes of every public meeting. The minutes are generally available within ten days or before the next meeting, whichever occurs earlier. This piece of legislation would allow public bodies to create minutes via an electronic recording of the meeting. Either a video or an audio recording of the meeting. This electronic recording

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could then be made available on a CD or on the Web site, and it could be instantaneous if it is streamed live on the Web site. So quite frankly, I think there are some advantages to allowing minutes or meetings to be recorded in this fashion, and in some ways, it could be an advantage to those who are looking to have a transparent public body because sometimes minutes don't reflect all that was said at a meeting, and the electronic recording obviously will. This piece of legislation also has the added advantage of increasing efficiency and saving tax dollars, and as all of you are aware, of all the political subdivisions coming to you, wanting increases in different types of state aid and everything, any time we can increase efficiency and save tax money at the same time, that's very valuable. In Lincoln, it takes a considerable amount of staff resources to produce minutes for all of our many subsidiary bodies through the City Council. The City Council meets on a weekly basis, but we have numerous other subdivisions of the City Council that meet on a regular basis. We find ourselves having to staff each one of these meetings at the maximum level so they can keep the minutes and have them prepared. For several of the meetings, or many of the meetings, the majority of these meetings, I would say, minutes are never requested by anybody. So even though the minutes are not requested in a written form, we're still having to staff these meetings at full capacity to meet the objectives of the laws as it is currently written. There is an amendment this afternoon that Senator Haar passed out, because after this bill was introduced, we did hear some, I think, legitimate concerns from the Press Association regarding their reliance on written minutes. And we don't want to limit their reliance on written minutes. We've also heard some concerns from folks who do not have access to the same types of technology that probably most of us have on a regular basis. And so we hope, we hope we address those concerns in the amendment that is before you. The amendment that you do have would allow any member of the public to request written minutes of the public meeting, regardless of how the original minutes were kept. So if you wanted written minutes for any public meeting that would be available to you. Under this amendment that you have before you, if the written minutes were requested before the next meeting of the public body, the minutes would have to be produced within ten days or before the next meeting, whichever is earlier. If written minutes were requested at some point later, the minutes would have to be provided in accordance to the open meetings law, i.e. that's within four days, or the open records law, excuse me. The amendment does not affect the additional ten days extension provided to smaller cities though. We believe this amendment does strike a reasonable balance. It preserves the public's access to written minutes if they want it; we're not trying to interfere with that. But it also recognizes the inefficiency and cumbersome nature of staffing all of these subsidiary meetings with our full staff and producing written minutes for all these meetings, the vast majority of which are never requested or never looked at. So with that, I respectfully request that you advance the bill with the amendment to General File. And I would be very pleased to answer any questions, if you have any. [LB678]

SENATOR AVERY: Thank you, Mr. Spatz. Senator Janssen. [LB678]

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SENATOR JANSSEN: Chairman Avery. Is it commissioner? [LB678]

JOHN SPATZ: It's councilman. Yep. [LB678]

SENATOR JANSSEN: Councilman Spatz. I'm a fellow former councilman myself. I only, I really don't have a question, I just wanted to be on the record in the official minutes that I was here because I got here late, so thank you. (Laughter) [LB678]

JOHN SPATZ Let the record reflect that the minutes...okay. (Laughter) [LB678]

SENATOR AVERY Any other questions? Senator Pirsch. [LB678]

SENATOR PIRSCH: When you do get a request, and you don't in the vast majority of cases where minutes are kept, who typically requests, who's the end-user of these? [LB678]

JOHN SPATZ: Well, I suppose it could be different in every case. It depends on the issue, it depends on the particular political body they're requesting from. So it could be the press, it could be an interested constituent. It could be a variety of people and their ability to get written minutes will not be affected by this legislation. [LB678]

SENATOR PIRSCH: These minutes would be posted, you're saying, electronically. Is that what? [LB678]

JOHN SPATZ: Well, they would be recorded electronically. Recorded. So there would be a recording, either a video or an audio recording. [LB678]

SENATOR PIRSCH: I see. [LB678]

JOHN SPATZ: And the minutes, quite frankly, when we do prepare minutes, you have to record the start time, the end time, who was there. You have to record any action taken, and the items discussed. But in the minutes, there doesn't have to be an accurate reflection if I testified before a political subdivision, my testimony does not have to be recorded accurately in the minutes. Now, if there is a recording, a video or audio, you will have an accurate reflection of what I had to say. So in some ways, this could benefit the public and benefit the concept of transparency. [LB678]

SENATOR PIRSCH: So you're saying audiovisual or audio is the, it's going to be a verbatim tape recording. [LB678]

JOHN SPATZ: Yes. Yes. [LB678]

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SENATOR PIRSCH: Or some similar type of... [LB678]

JOHN SPATZ: Yes. And if I'm wrong, I'm sure somebody will correct me, but that's the way I understand it. Yes, sir. [LB678]

SENATOR PIRSCH: Okay. And then the concept is to then probably make this available electronically is that the usual? [LB678]

JOHN SPATZ: The concept would be if, let's say I went to a meeting and said, you know what, I'm curious about some of this stuff. I would like to get the minutes of this. I have one of two options. I can get a copy of the audio or visual, or I can request the written minutes. Now if I request the written minutes, the public body would only have to reflect start time, end time, who is there, action taken, and items discussed. It wouldn't necessarily have to reflect the specific testimony that somebody may have provided. Whereas the audio or video would be an accurate reflection of what transpired at the meeting. [LB678]

SENATOR PIRSCH: But the concept is to save, so that you don't have to have a full-time staffer going and type up the notes, correct? [LB678]

JOHN SPATZ: Yes, we have numerous, numerous...and as a City Council person, I probably should know all of them, but I probably don't know all of the subsidiary bodies that present advice to the City Council, and most of the time, nobody's even there. And the vast majority, minutes are never requested. So we're saying, let's tape them somehow and keep that tape somewhere. Have that recording available if somebody wants it, we'll definitely make it available, either in audio form or in a written minutes form, whichever they request. [LB678]

SENATOR PIRSCH: Okay, so you don't have the personnel there, should somebody request it then that, whoever the employee would be, would take the tape or the audio, visual and play that and then make... [LB678]

JOHN SPATZ: Yep. Either make a copy for them or make it the written minutes. Or also, you know, as technology improves, I'm a step behind it, I admit. But there are some public bodies that stream their meetings on the Web. And we may have different subsidiary bodies, and those are our Planning Commission, the City Council, you can go to our Web site to see our meetings, the taped version of them. So in a lot of cases, we are recording these. They're available to the public. They can see what's going on, and after all, the purpose of the open meetings law is transparency. It's to make available for me, Joe Citizen, to see what my elected officials are seeing, to hear what they're saying publicly, so then I can make a better decision when I have to vote on these people, I see the full record. [LB678]

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SENATOR AVERY: We're being video streamed right now. [LB678]

JOHN SPATZ: Uh-oh. (Laughter) [LB678]

SENATOR PIRSCH: Thanks for explaining that to me, I appreciate it. [LB678]

JOHN SPATZ: Yeah. [LB678]

SENATOR AVERY: Senator Sullivan. [LB678]

SENATOR SULLIVAN: Thank you, Senator Avery. How will this proposed legislation impact, if at all, public bodies that typically publish their minutes in the newspapers? [LB678]

JOHN SPATZ: Thank you for asking, because that won't change at all. The Lincoln, for example, I'm familiar with school boards, the full school board will still have to publish their minutes. This will really impact more of the subsidiary boards. In the very rural areas, it may not have a big impact because the school board, the county board have to provide the minutes and publish them anyway. But in a case where if you have a school board, a lot of times they have advisory committees that by the open meetings law, you have to publish and do everything like you do with the open meetings law. You could record that and avoid making the written transcript or the written minutes of them. So it could benefit the rural areas, but you still have to publish the minutes for the regular school board, for the regular city council, for the regular county board or county boards. Am I clear about that? I don't know if I'm or not. [LB678]

SENATOR SULLIVAN: Right, and then if one of these subsidiary groups records their minutes electronically and then has a request for those minutes, does that have to be a transcript of the minutes, or the...that you said, the start time, the close time? [LB678]

JOHN SPATZ: Good question. No, no. They would have to prepare the minutes in the same way they would have without this legislation, so the minutes would be the same, or virtually the same, I think. [LB678]

SENATOR SULLIVAN: Okay, okay. [LB678]

SENATOR AVERY: Senator Price. [LB678]

SENATOR PRICE: Senator Avery, thank you very much. Councilman Spatz, first and foremost, this is a...this replaces what we have before us basically in its entirety? [LB678]

JOHN SPATZ: Yes. Yes. [LB678]

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SENATOR PRICE: Okay. It gets dropped on us today; gets a little tough to read through it. [LB678]

JOHN SPATZ: I understand that, yep. [LB678]

SENATOR PRICE: But, so I say that to say I gave a cursory glance at it, and I had a couple of questions. [LB678]

JOHN SPATZ: Okay. Okay, good. [LB678]

SENATOR PRICE: The first question, though, is, do we know how long electronic media and media notes have to be stored? According to statute? That's a question I have. If you don't know it, someone who does... [LB678]

JOHN SPATZ: You know, that's a good question. The Secretary of State, he is in charge of our records rules, and I would want to check with him before I responded. [LB678]

SENATOR PRICE: Right. And that's fine because what, the concerns I have is electronic media has a shelf life, and then there's a cost to transferring that electronic media, and when we find out with technology, we go from tape to CD to MP3, protecting it from degradation as a public record. So that's a question that generally speaking I'd like addressed eventually. [LB678]

JOHN SPATZ: And that's a very, it's a very good question. It's a very challenging question because I have looked at, into these issues before because we're dealing with a variety of things in terms of keeping records. We're dealing with federal rules of civil procedure. We're dealing with the Secretary of State's records retention rules, etcetera, etcetera, etcetera. And I think if you had ten attorneys, you'd probably get ten different answers on this. [LB678]

SENATOR PRICE: Probably twelve. [LB678]

JOHN SPATZ: Probably twelve, that's right. [LB678]

SENATOR PRICE: Now, to follow one of the questions, in this piece of legislation you're proposing, I was looking at page 2, line 6, in subsection (b), it talks about charging fees and it says...and it has a whole schedule of how we're going to charge fees for copies of public records. And we go to actual, actual cost...should not exceed actual cost. [LB678]

JOHN SPATZ: Right. [LB678]

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SENATOR PRICE: And then we look at that. How does that work when you go to paragraph (4) starting on page 3, line 8, and where we're asking, where we dictate that public records will be made available? Okay, so someone's asking to make it available, and then we say we're going to charge you for it, and when do we not charge, when do we charge, the \$50 threshold. I'm transcribing from a written record, a nonwritten record into a written record and there's a lot of time involved. [LB678]

JOHN SPATZ: The purpose of this piece is if I went to a local public body and said I need 50 copies of your budget, and well, that's going to be very expensive. So the law provided that you can charge a reasonable amount to provide this information. I do believe, and this is something I'd want to check with; I thought there was a threshold amount saying if it's under X number of dollars, and I could be wrong about that. But that's something I'd certainly check on and get back with you because I think that's a good question. Obviously, we hope that if somebody's requesting certain transcripts or any information whatsoever that our political subdivisions aren't overbilling and they're not allowed to anyway, but that's a legitimate question. [LB678]

SENATOR PRICE: Okay, and then when we finally finish off here, and I apologize for taking the time, but we say, well, the custodian of a public record, but we don't say just minutes; we say all public records. So if I want deeds, if I want anything, any public record now, we've been able to charge fees up to the actual costs versus what the fees are now for when someone walks in. So we heard previous bills before about changing fees, and now this is another bill which touches fees, and this would...I just want to make sure that we're not stepping in other areas, in the rose garden of someone else, you know, when we do. [LB678]

JOHN SPATZ: Sure, a very legitimate question. I think that's probably a good discussion we could have between now and General File, if you do indeed choose to move this forward. And I'm sure the legal counsel for the committee and I and other people would be happy to try to address those questions and make sure that you feel comfortable. [LB678]

SENATOR PRICE: So this is only public meeting notes and not every public record? [LB678]

JOHN SPATZ: Okay, that's a legitimate question, and I'd be happy to take a deeper look at that. And then provide you the answers that, to the questions that you have. [LB678]

SENATOR PRICE: Thank you. [LB678]

JOHN SPATZ: Yeah. [LB678]

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SENATOR AVERY: Thank you, Senator Price. Any other questions from the committee? Seeing none, thank you, Mr. Spatz. [LB678]

JOHN SPATZ: Thank you, Senator Avery, I appreciate it. [LB678]

SENATOR AVERY: Next testifier. [LB678]

LARRY DIX: Senator Avery, members of the committee, for the record, my name is Larry Dix, spelled D-i-x. I'm executive director of the Nebraska Association of County Officials, appearing today in support of LB678. And Senator Price, I, like you, just saw the amendment today and sort of am working through that also. When the NACO board discussed this bill, one of the things that we looked at and we talked about, certainly as our world evolves from a technology point of view; it's something I think we need to certainly look at. On the NACO, on county boards, very similar to cities, they serve on a number of other committees and boards. When you're on a county board, typically you're going to serve in a health region, so you're going to have to have health region issues that a few members of the board sit on. You'll have developmentally disabled districts. There's all kinds of regions that our county boards, economic development boards, that many of them sit on, which I think touch on what Councilman Spatz said, some of these auxiliary meetings that happen from time to time. So when we look at that, we know that situation. The other thing that we're seeing a little bit more of, we're certainly seeing it here in the city of Lincoln where the city and the county actually share the same facilities, so when you go to a city of Lincoln, when they're having their meetings, it's the same facility as the county board has their meetings in. We're using the same technology, the same recording devices, all that same information. So in our minds, it made sense that if this was to move forward it would be adopted for one of those entities just like the other. The issue in here that we certainly appreciate because I've got to tell you, I don't think too awful many counties are going to run out and start recording their minutes. Certainly, in here it says that they may do that. I certainly believe that a majority of our counties still would continue to type out the minutes, publish those minutes. We are seeing more and more use of the technology. We are seeing some counties not only publish their meetings in newspapers, but they're also publishing them up on Web sites. And when you start to break down the technology, you know, and people are talking about how long does technology last, one of the committees that I served on this last summer was the Secretary of State's committee that talked about durable medium, and we had a task force that talked about how do we protect technology. How do we protect digital images, digital documents for future generations. And I think that plays into it because we had some of those same discussions that Senator Price, you brought up. What happens when what used to be on an eight-track tape has now went to a cassette which now went to a CD which now went to an Ipod and through all that transition, what happens. And on that task force, we talked about that, and there has to be some demonstrable means so that somebody can, from time to time, make sure that that digital archiving goes from time to time, year

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to year to year. And so I think that is very, very important, and as we move forward with something like this, I think the Secretary of State's office will play a very, very big role in defining those records retention type issues. So that's really what we have to say about that. I'd be happy to answer any questions that anybody may have. [LB678]

SENATOR AVERY: Questions from the committee? Seeing none, thank you, Mr. Dix. Any other proponents? Anyone wish...you're a proponent? Okay, Senator Wesely, thank you. [LB678]

DON WESELY: Mr. Chairman, members of the committee, I'm Don Wesely representing the city of Lincoln, and I just thought I might try and help answer Senator Price's question on the fees issue. And that is included here not to make any changes in the fees. It's the current statute, but I'm told that the way it's handled right now, it's actually discretionary on the part of the city, for instance. But there is an AG Opinion that's looked at this, and they set a rate that below which if you charge for copies, they won't challenge as unreasonable. So in a way, the AG kind of sets the maximum amount that you can charge for copies And we can, we can try and find that for you and send it to you if you're interested. But we're not trying to change anything on the fees on this bill. So if you don't mind, that's the best information I can share with you, and we'll follow up with more later. [LB678]

SENATOR AVERY: Thank you. Anybody have questions for Mayor Wesely? [LB678]

SENATOR PIRSCH: As a practical matter, do you think that, will there be a hesitancy even though we enable public boards and whatnot to utilize this new way of disseminating their, what occurred at a meeting. Do you think there will be a reluctance that people will think that, who are on the boards, prefer to use the minutes thinking that it's not as revealing. You know, it might be that you're, when you watch the individual statements and whatnot, that it's viewed as something that, I guess, that the board members would not, would prefer to use the standard old-fashioned way of reviewing. [LB678]

DON WESELY: Because there is less information? [LB678]

SENATOR PIRSCH: Perhaps. Or perhaps, you know, everybody is conscientious about their voice, and the way they appear and you know, maybe they think, you know, if you see them day in and day out, maybe you make a statement or an off-color remark or something of that sort, and so you'd prefer to use...and given that, do you think this would be heavily utilized, this new mechanism? [LB678]

DON WESELY: Well, the option is there and I guess...I know in the situation we're looking at, it's the City Council that really wanted to make this change because the staff time it took to keep the minutes was just, it didn't seem worth it because of the lack of

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interest in actually looking at the minutes. And that's why they came up with this legislation. So I think it will kind of depend on the situation, entity by entity as to which route they take and why they take it. But I could tell you when I came in as mayor, there are more meetings and more groups I had never heard of before, and less interest in what they were doing, than I ever imagined. And here they all are keeping these minutes and the staff time, and it just...this is an attempt to save some money. [LB678]

SENATOR PIRSCH: Yeah. So any movement in that direction is at least a movement in the right direction, whether you can get a hundred percent the first year. [LB678]

DON WESELY: Right. And that will be part of the evaluation is, you know, not having to spend the staff time doing that, so. [LB678]

SENATOR PIRSCH: Well, I tell you, I appreciate...I mean, I think as new technologies become available, we always have to start looking at utilizing it, especially, you know, when it can have the potential to save taxpayer money. [LB678]

DON WESELY: This is, the intent here is to save money and time. [LB678]

SENATOR PIRSCH: Right. Thank you. [LB678]

SENATOR AVERY: I have one question. [LB678]

DON WESELY: Sure. [LB678]

SENATOR AVERY: Can you see anywhere in this proposed legislation, an infringement on the open meetings law in any way, shape, form, color. I see Alan Peterson over here with his hand full of notes, so I'm wondering. [LB678]

DON WESELY: Yeah. Well, Alan may have a different point of view, but I...no, it's not intended to change anything on open meetings, or actually the open records. I mean, the option is there to come in and make a request. [LB678]

SENATOR AVERY: I meant open records. Public records, yeah. [LB678]

DON WESELY: Yeah, I really don't think so. I mean, I think in the original bill, a legitimate question could have been raised. But with this amendment, the fact that you can come in and request it, and it has to be granted, if you want minutes, you know, I think that's reasonable. [LB678]

SENATOR AVERY: Any more questions from the committee? Thank you, Mr. Wesely. [LB678]

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DON WESELY: Thanks. [LB678]

SENATOR AVERY: Any other proponents? Seeing none, we'll move to opponents. Mr. Peterson I think you're...you are ready. [LB678]

ALAN PETERSON: Thank you, Chairman Avery and members of the Government, Military and Veterans Affairs Committee. I'm Alan Peterson, A-l-a-n P-e-t-e-r-s-o-n. I represent Media of Nebraska as its attorney and as one of its lobbyists. We strongly oppose this redefinition of what minutes are, and of what the idea of minutes consists of, and who they're for. We've heard testifiers here today say that it's more efficient, and it makes use of modern technological advances. Well, we're not Neanderthal; we think that's great. We think it's terrific to have a recording and to have a transcript of it upon request is a terrific service. And so I compliment the idea that they're recognizing that. The City Council of Lincoln, like almost all, well, many, many public bodies, by ordinance, has adopted Robert's Rules of Order. That's essentially what the Legislature goes by in many respects, although it has its own rules; many of them derived from the old, old Robert's Rules. And you can look up any copy of Robert's Rules and find that a transcript of exactly what is said, or a say, two or three-hour long video or audio tape of it, is not what minutes are. The minutes are to be for those--probably mostly those who weren't there--to see what happened in a nutshell. And Robert's Rules of Order is very...all of the copies of it, and it's not an official thing, but Lincoln by ordinance has adopted them. And it says except where law otherwise says, we'll go by Robert's Rules. Minutes, that word minute, you know, one of the meanings is small. For my clients, the news media, which is both the Nebraska Press Association and a number of the papers and also the broadcasters and the TV stations, it's a coalition of all of those. They don't need, nor can they sit down and watch a full-length video tape or listen to an audio tape in order to find out a vote, for example, or a position taken by one or more of the members of the public body. They need to get it to the public. The public...these are public meetings laws. Public records laws. The focus that you've heard so far has been in the other direction, as if the idea of minutes is kind of a burden that has to be barely tolerated. And let's find a quicker way to do it by just making a film and then if anybody wants to see the minutes, instead of the four days allowed under the public records law for all other kinds of records, this says once the request is made, then they get ten days, or until their next meeting, and with weekly meetings, of course, it would be before ten days, for Lincoln. But for all the other public bodies who don't meet that often, what this amounts to is a way to stall and extend the time by which the papers, the broadcasters, and the public--for you and I, the citizens of Nebraska--can get the news of what happened. And we need to know who was there. We need to know who voted which way on which of the substantive major motions, or things that were adopted. And yeah, you can find it, if you're got three hours to listen through the whole thing. That's not going to do any good if you want the public really to know. So allowing Lincoln City Council especially or any other public body to say, well, we don't have written minutes for you, but I'll get them for you within ten days. We don't have newspapers trying to

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meet the needs of the public by publishing every ten days. We want to know what happened, and we want to get it right. The media want to get it right. And so more often than wanting to, you know, listen through the whole thing, they want to check and see if their notes are correct. Was it true that Councilman Spatz voted no on the dogcatcher ordinance or whatever. You know, that's what they want to check. So for the purpose of public meetings and public records--not council records, not school board records--public records and public meetings. For that group, that little group of 1.7 million people in Nebraska are citizens. That's who we ought to be looking at in all these meetings and records acts. And this bill goes the opposite direction. And I do not understand why you, it would be thought that keeping minutes which is basically a short summary, a few lines about each of the major actions taken, is such a huge burden; especially when you're not even asked for them in many cases, apparently. So those are big points. This is a very important bill to many of the smaller papers, smaller broadcasters. They cannot afford to use what's now going to be...will be substituted at will, an audio or a video recording. They can't do it. So you want the public to keep knowing what's going on from government, we can't have this new substitution for minutes...of we've got a recording somewhere, and we'll get back to you within ten days and let you know what happened. Homework, and it's not fair to the public and it guts, in some cases, it guts the very purpose of both the public meetings and the records law. So as you can probably tell, we're pretty opposed to this. This is a pretty bad idea; with good motives, but they forgot the public. That word is in both of those two big acts. So with that, I'll rest. [LB678]

SENATOR AVERY: Senator Pirsch. [LB678]

SENATOR PIRSCH: Thank you. Let me ask you this. I think part of the...under this new proposal, minutes would be available, but you're saying that it would be at a delayed number of days that you would get. Would you drop, I mean, would you have opposition to it if an amendment were to come down the pike that would just say: to the extent that, I mean, you would still under this be able to get a copy of the minutes in written format, if you put in the request. And if the number of days were to be reduced from ten back to the original way they are now, four days, would that be a compromise that you would be...I mean, I don't see how it would prejudice you for those committee meetings that you would be interested in, you could even pre-request them I would imagine. Say I'd like to, for the hearing tomorrow, I'd like you to make available those minutes in written format, and then you would have those at essentially the same time, wouldn't you? In the five day period or would there still be something wrong that? [LB678]

ALAN PETERSON: We need to make real clear what the public's two rights are. Number one, the right is to look at any public record right now. If it exists, I want to look at it now. I want to see what the clerk said where Councilman Spatz voted. And I ought to be able to do that right after the meeting, just check it. Under this law, the Public Records Law is essentially repealed with respect to the minutes. And so I couldn't do

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that, it no longer applies. And so no, that wouldn't help. [LB678]

SENATOR PIRSCH: Okay. So let me, and let me get this straight. So right now, you have the absolute right to inspect a document right after the meeting? [LB678]

ALAN PETERSON: If it's a public record. Yeah. [LB678]

SENATOR PIRSCH: If it's a public record, that the meetings shall be taken and you can immediately, not a four-day waiting period, but you can immediately inspect it as to see who voted one way or another. [LB678]

ALAN PETERSON: Right. I want to be careful here because I don't want to confuse this. I'm saying there's two rights. One is to inspect the records, and then the four-day business is if you want a written copy. [LB678]

SENATOR PIRSCH: I see. [LB678]

ALAN PETERSON: Yeah, but the open meetings law for decades has said the public has a right to look at it. It says make abstracts from or take notes of, also take a copy of it with a camera if you like. So you get it right. The minutes, the short version, the one-to two-page version that we all need to know, well, really, let's, like they say, cut to the chase. What did the council really do? Well, here it is. There's two pages of minutes, and we're going to get it right. [LB678]

SENATOR PIRSCH: And you can inspect those immediately two minutes after the meeting is over. [LB678]

ALAN PETERSON: You know, there could be an issue...whether, let's say it's in shorthand. I think there's an old case saying until the shorthand is transcribed, you can't. But I think it's pretty clear that if the city clerk has made a list of the motions and who voted which way, which they do, I've seen them do that, that you could see that. So you get it right when you report the next morning. Yeah, I think it's public record. [LB678]

SENATOR PIRSCH: I see. Thank you. [LB678]

ALAN PETERSON: Thank you very much. [LB678]

SENATOR AVERY: Senator Giese. [LB678]

SENATOR GIESE: Thank you, Chairman Avery. Mr. Peterson, but there would be a...they have an agenda which they post. [LB678]

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ALAN PETERSON: Yes. They don't publish necessarily. They can tack it on the wall or they publish usually. [LB678]

SENATOR GIESE: Right. But then also any action items that are voted on...you couldn't get those then, wouldn't they have to post those even with this bill? I mean, you wouldn't have to sit through three hours of a meeting to find out what action items the council voted on. [LB678]

ALAN PETERSON: What we'd want to see is the minutes. And as I understand this, the only obligation with regard to written minutes is you can get them if you make a request after, within ten days; they've got ten days to give them to you. And that's quite a change. And I was not totally clear whether Councilman Spatz and Senator Haar said that the written minutes, if that's what's chosen or requested, would be a transcript or would be the short summary. I thought I heard it said both ways, and I think that's a little unclear. But the ten days is what makes it impossible for the news media to do their job. [LB678]

SENATOR GIESE: Thank you. [LB678]

SENATOR AVERY: Any more questions? Senator Karpisek. [LB678]

SENATOR KARPISEK: Thank you, Chairman Avery. Thank you, Mr. Peterson. What about the Legislature? Is that, you know, right now, we're being video streamed and Sherry is typing where we start, is, there's no minutes taken; how does that work? [LB678]

ALAN PETERSON: The Legislature is not specifically subject to the open meetings law. It has its own basically open meetings rules, and they're not quite, I think, as good as the open meetings law, but they're pretty darn good. Even in Executive Sessions, people can get into generally. You have records, you have a Journal that comes out the next day, I believe, from when things happen. And those really constitute minutes. If you look at the Journal, it's got the motion, the seconder and the vote; who voted which way on every single motion. Those are terrific minutes. This would not affect, because the Legislature is not covered. [LB678]

SENATOR KARPISEK: Right. And that's what I would just...I know it wouldn't affect it, but I was just trying to compare and think of how that all works, because I'll be honest, I don't look at the Journal. Well, once in a while. [LB678]

ALAN PETERSON: Some of us who lobby occasionally do. [LB678]

SENATOR KARPISEK: Okay. Well, and that's what I was just trying to make it make sense on how you get your information from the Legislature, because I have noticed

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that there are some news stories out of here, so. [LB678]

ALAN PETERSON: Sure. [LB678]

SENATOR KARPISEK: So thank you. That explains it, thank you, Mr. Peterson. Thank you, Senator Avery. [LB678]

ALAN PETERSON: Senator Karpisek, yes. [LB678]

SENATOR AVERY: Senator Sullivan. [LB678]

SENATOR SULLIVAN: Thank you, Senator Avery. Just one quick question. Have you had a chance to read the amendment? [LB678]

ALAN PETERSON: Yes, I got it at noon today, and it, as far as I'm concerned, it really doesn't change anything because it would still allow the public bodies to use this electronic or audio recording instead of written minutes, instead of a summary. And that's not a very good substitute, I think. [LB678]

SENATOR SULLIVAN: Okay. [LB678]

ALAN PETERSON: Thank you. [LB678]

SENATOR AVERY: Any more questions from the committee? Seeing none, thank you, Mr. Peterson. [LB678]

ALAN PETERSON: Sure. I appreciate it. [LB678]

SENATOR AVERY: Any more testimony in opposition? The Chief has been dismissed, I don't know why. (Laughter) All right, seeing none, do we have anyone who wishes to testify in a neutral position? [LB678]

LYNN REX: Senator Avery and members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities, and first of all, I'd like to indicate to you that we are neutral on this bill. I think the green copy had some issues, and I think that the amendment tries to address some of those, but first and foremost, let me start by saying this. Section 19-1102 in current law already provides that municipal officials, municipal clerks, particularly, in municipalities with a population of less than 100,000 are required to publish in a paper of general circulation within 30 days of the date of the meeting, the official proceedings. Official proceedings are different from minutes. But what official proceedings are is basically this: Council Member Jones moved to do Action X, who made the second, how everybody voted. So it records...basically the official proceedings have to say how everybody, what all action

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taken, any motion made, whether it was tabled or not, whatever happened and then of course, also the claims. So when you're dealing with cities with a population of less than 100,000, that would be all cities of the first-class, second-class and villages. The translation is basically this will not impact them because they will be doing, not just official proceedings. We have municipal clerks that do the official proceedings, and then we have municipal clerks who, because of the way their council or mayors or village board chairs want things done, they do more extensive minutes in addition to that. So they will have official proceedings published within 30 days in a paper of general circulation as required by 19-1102, and then they will have written minutes. I would like to refer you to page 4 of the amendment, and perhaps I misunderstand what the amendment does, but this is how I guess I see how, what the amendment is supposed to do here. On page 4, looking at line 20, let's just read what current law is...okay, minutes, and I'm just reading as though this is current law: Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier. And then there's an exception for second-class cities and villages who get the additional ten days and that's because in some of our smallest villages, they have basically, especially in the villages, volunteers. These are not paid people. These are people that volunteer to come in for the monthly meeting; they prepare the minutes, and if they're sick, there's a problem. And so we actually had some municipal clerks fighting cancer and some other issues, and the Legislature was kind enough a few years ago to make that exception. Now if you go then to page 5 of this amendment, if I understand, and I may not understand this, based on what I've heard at this hearing. My understanding is that if you look on line 10, that if the request for written minutes for a particular meeting is made before the next convened meeting, because again the ten day issue kicks back into (5) on page 4, then the written minutes shall be available within ten working days after the request is received or prior to the next convened meeting; which is what current law is. But the bottom, and then of course, this exception language here for second-class cities and villages, that really, I guess what I'm telling you is this bill, no matter how you cut it, will not apply; will not be used by first and second-class cities and villages. I can't speak for schools, counties, or others because I don't know what their publication requirements are. But certainly when you're doing the official proceedings, clearly you're going to have minutes available as well. The other thing that I would also stress is that in many of our municipalities, we are sending hard copy right now of our legislative bulletins. We're still doing a hard copy of our monthly magazine and other publications, because we have a lot of villages; they are, they don't have the accessibility. They don't have the accessibility that South Sioux City has. So hard copy is the way that they do business all the time. And we have a lot of the municipal clerks that actually bring their own IBM Selectrics to do the minutes on. And Mr. Peterson is absolutely correct that when you have a clerk sitting there taking notes, saying that senator, or not senator, but council member Jones or a village board member Smith voted a certain way or did whatever. Whatever happens at that meeting, that's a public record right then. That becomes a public record. But in addition to that, you have the requirement for minutes within ten days or prior to the next meeting,

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whichever occurs earlier. And then for first-class cities, second-class cities, and villages, they do have that publication requirement. So I would be happy to respond to any questions that you might have relative to this provision. I do think the amendment is an improvement over the green bill. And I think it's intended to tighten it up. But just to make it very clear, if you even, I don't know how exactly the committee wants to proceed with this, but if there needs to be clarification of the language on page 5, we'd be happy to work with the committee in any way, and certainly the proponents of the bill. [LB678]

SENATOR AVERY: Thank you, Ms. Rex. Any questions. Seeing none, thank you. [LB678]

LYNN REX: Thank you very much. [LB678]

SENATOR AVERY: (Exhibit 2) Any other neutral testimony? All right, Senator Haar has not returned, so that concludes the hearing on LB678. No, I have one thing to read into the record, I'm sorry. There is a letter here from the Nebraska Hospital Association that wishes to oppose (sic) this unless, of course, the amendment is adopted that will provide upon request any member of the public may obtain written minutes. So should we adopt those, that amendment, then this opposition would not be registered. That ends the hearing on LB678. And we'll now move to LB361, which is mine. [LB678 LB361]

SENATOR PIRSCH: This is the hearing on LB361. Chairman Avery, you are the sponsor of that bill and proceed whenever you're ready. [LB361]

SENATOR AVERY: Thank you, Senator Pirsch. My name is Bill Avery, spelled A-v-e-r-y. I represent District 28. I am bringing to you LB361 at the request of the Nebraska Municipal Power Pool. This bill would change current law. It's pretty straightforward and fairly simple. The current law allows for electronic voting for municipalities. What this bill would do would be expand that to other entities, such as an agency formed under the Municipal Cooperative Financing Act, the Interlocal Corporation Act, or the Joint Public Agency Act. The bill maintains the requirement that votes for each member of the governing body be readily seen by the public. Other public bodies in addition to municipalities currently use electronic voting such as do we here in the Unicameral. This bill would allow more efficiency in government such as time savings when the public groups get large. It may also allow for a more accurate record than just handwritten notes. When I talked to the people from the Power Pool, they indicated that sometimes it takes 30 minutes to call the roll. And electronic voting would save them a lot of time and would not, in my mind, in any way damage our open meetings act. So with that, I will end and take any questions you might have. [LB361]

SENATOR PIRSCH: Very good. Are there any questions for Chairman Avery? Seeing

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none, we will then move to the first proponent. Any proponents for LB361? [LB361]

TIM SUTHERLAND: (Exhibits 1 and 2) Good afternoon. I have some brochures that better explain, quickly explain, I guess, the two companies that I represent here today. My name is Tim Sutherland, T-i-m S-u-t-h-e-r-l-a-n-d. I am a director of retail utility services for NMPP Energy. That's the Nebraska Municipal Power Pool. I have handed out the brochures that will explain our organizations a little bit better. The Public Alliance for Community Energy (ACE) which is one of the groups that I represent here today is made up of 70 communities in Nebraska that market natural gas in the source gas choice program. ACE has served customers, excuse me, saved customers millions of dollars over its 10-year history. ACE is a Nebraska-owned interlocal cooperative agency operating under the public records and open meetings laws. The Municipal Energy Agency of Nebraska or MEAN is a political subdivision under the Municipal Cooperative Financing Act. MEAN has 66 members in four states; Nebraska and three adjoining states with electrical sales of over \$140 million per year. Each of our organizations has members which vote on our boards and has a say in local control of our organization. Our members maintain local control with their votes. This bill does not change anything except in the...anything in the law, except how the vote is processed. LB361 is a simple bill that allows electronic voting. Today in state law, municipalities can already vote by electronic means, but the law may have been a bit too limiting for our two large municipally-driven organizations. LB361 would still require the ayes and nays to be displayed just like in the Chamber that you vote in, but using electronic means. LB361 is not considered a complex bill. We have discussed this with the Media of Nebraska and Common Cause to maintain transparency in our governance. MEAN and ACE are the testing of the different technologies and software to provide electronic voting. Several companies that we've looked at offer a good remote control radio system that displays the vote on the screen and retains the data then for you. We have not invested in a program at this time, but our research on this product has helped us plan. We have seen presentations on a computer system that would, that could host up to 100 remote controls and software and that would be shared by our organizations. In closing, LB361 will save time and where time is money, it provides dollars and cents efficiencies. This is a quite simple item, not new to this body, but it expands good governance in our opinion. I would be happy to try to answer any questions that you have at this time. [LB361]

SENATOR PIRSCH: Thank you very much for your testimony. Any questions? Seeing none, we'll move on to the next testifier. Thank you very much. [LB361]

TIM SUTHERLAND: Thank you. [LB361]

SENATOR PIRSCH: Any other proponents? Good afternoon, Mr. Dix. [LB361]

LARRY DIX: (Exhibit 3) Senator Pirsch and members of the committee, my name is

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Larry Dix. I am the executive director of the Nebraska Association of County Officials appearing today in support of LB361 with one small caveat as is being passed out right now. As you go down and you look through the bill, it references municipalities throughout the bill, but there's no reference specifically to counties. And so what it tells us is from a municipality point of view, we can do this, but from a county point of view, we can't. So we would request that the amendment that I just handed out, that on page 2, line 10, after the letter "a", insert "county" and then on page 2, line 15, after the word "such" insert the word "county board." And I have visited with Senator Avery about this, which that does open that up to county boards. We do have a specific county right now in the state of Nebraska that has an electronic voting device. And it's visible by the public and the board votes; everything shows up on the board, and so then everyone knows where they vote and the next thing that happens, then the clerk goes back around and calls the roll to confirm exactly how they voted as opposed to simply writing down how everyone voted. So we would ask that if this bill advances, that the counties be included in that potential voting capacity. [LB361]

SENATOR PIRSCH: Super. Thank you very much, Mr. Dix. Are there any questions? Very good, seeing...nope, Senator Pahls. [LB361]

SENATOR PAHLS: Thank you, Senator Pirsch. I'm going to sidebar here a little bit because I have the opportunity to have you in front of me, and I'm just asking for clarification on open meetings law. And I want...in some of the recent law we've discussed today, you can see the importance of some of the information that we do and do not give to the public has significant bearings. And I've asked this question and it deals not with the subject at hand, but I want to get it on the record, and I've been searching for a way to do it. I don't necessarily want to do it on the floor, but on the Executive Session part of an open meeting, I mean, of a meeting, the Exec. Now, I'm reading from a county. This is what they say: per Nebraska statute and for the purpose of discussing labor, negotiations, personnel matters, and litigation. That is what they're saying on the Executive Session, when they go into Executive Session. Remember my concern has always been that's not clean and clear enough. Every time I receive something from Douglas County, that's what it says on the Executive Session. So that does not tell me anything that's going on. Now I have been told that they are meeting the law by just recording that. And what I did is I had my staff just go back and pull and it's always that way. And I'm trying to get this in for various reasons. Am I meeting, am I misinterpreting what the Executive Session...does it not have to be clearer than that? [LB361]

LARRY DIX: I don't know. I mean, I don't have the information that you have in front of me, nor have I reviewed those minutes, but I think there are specific criteria, certainly when a county board can go into Executive Session and I think in the public meetings section, it's, or not necessarily in the public meeting, it might be under another section where it says, you have to say, here's why we're going into Executive Session, and I

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think that's what it says in statute today. I believe. But I, like I said, I don't have what you have in front of you. [LB361]

SENATOR PAHLS: Well, no, I'm not questioning what they're putting down. To me, it's not enough information. Labor negotiations, personnel matters, and litigation. I thought they had to be a little clearer than that. [LB361]

SENATOR GIESE: It doesn't, if I could just interject, that's enough. [LB361]

SENATOR PAHLS: That's enough. [LB361]

SENATOR GIESE: That's enough. [LB361]

SENATOR PAHLS: And the only reason why I'm saying that is this is going to be my, because I was told that this is right. For those of you, the reason why what we're doing today in open meetings laws is very important because some of the things that I think Senator Price, you are not very happy with, because the Omaha school system did not report out clear enough so people understood what they were doing when they tried to go after different schools. And that's why we have the learning community today is because people were not paying close enough attention to the open meeting laws that our attorneys said that they were giving enough information. The same way with the people sitting on the board. And a lot of those board members have been there for years. I'm just saying the issues that we're talking about today are significant. And I'm not saying this is wrong, I'm just asking for a clarification and I do hear, it's been clarified to me. But it also goes to show you the power of not letting people know. They literally went after school districts because they did an Executive Session under one of these pieces of words that we have here. So I know this is sidebarring a little bit, but I'm trying to see the importance of this bill and the legislation or the bill that was just before us, because sometimes it just seems, this is sort of light but it is not, it is very, very important. And I'm just trying to get this on the record. But it's been pointed out to me that just by saying these three or four that is okay. I'm not questioning the integrity of the outfit. [LB361]

LARRY DIX: I understand. And I've got to say from a county's perspective, we take the open meetings act pretty seriously. We just had a county board workshop in Kearney, and we had Dale Comer from the Attorney General's office come out and go through about a two-hour session because we have new county board members and it was specifically on the open meetings act. So we take it very seriously. We spend an inordinate amount of time educating and talking, constantly talking about that. [LB361]

SENATOR PAHLS: And I appreciate that because the Attorney General, they did investigate this and I basically said they sent a letter of reprimand to the OPS school system because they probably were in violation but they did not want to continue with

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this because sometimes, you know, it takes a lot of effort to, but I'm just saying, some of the things we're doing here and we're still...we're still, if you talk about Sarpy County, it's because of a meeting, that things started the ball rolling. Thank you. [LB361]

SENATOR PIRSCH: Very good. Any other questions? Seeing none, thank you for your testimony, Mr. Dix. And we'll go on to the next testifier. [LB361]

LYNN REX: Senator Pirsch, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. We also are in support of LB361. I think it's simply, with the county amendment as well, I think that this has worked very well for municipalities. I know that several of you are from cities that actually do this and have done it for quite some time. In response to your question, Senator Pahls, 84-1410 outlines when you can go into closed session, and there are only two reasons and that's to protect the public interest or to protect the reputation of an individual when that individual has not requested an open meeting. And then they give some examples, but those are just examples, and this was all negotiated and Alan Peterson was involved in all those negotiations. Actually he was the key negotiator in terms of as this statute has developed over the many years. And I will tell you that the training workshops that we're doing and that we'll do again Monday and Tuesday of next week with about 400 municipal officials that are coming here is that it is not sufficient to simply say, oh, we're going into closed session to discuss personnel matters. You have to say we're going into closed session to discuss personnel matters relating to Adam Jones. And you don't have to go any further than that. But you have to identify it for two reasons: one, Adam Jones needs to know that they're going to discuss him. Why? Because how do you protect his reputation, how does he have the choice to keep an open session if, in fact, he doesn't know it's about him. And then there are other due process issues that come into play when you're dealing with those sorts of issues. But the notion is when you have a motion to go into closed session as outlined in 84-1410, you've got to be able to...if I'm a person looking at the Fremont City Council agenda, I've got to be able to say, okay, I know now what, when I look at this motion, I know what they're going to do when they're in there, what they're going to discuss. They're not going to do anything when they're in there because you can't take action in a closed session, but the reality is it does have to be specific. That's important. And one of the things that we've been training our cities on for years is that you don't simply have on your agenda, closed session at the end of every meeting, closed session for any number of reasons. You can't do that because that would imply you've already voted to do that and you can't do that until you follow the prescription of 84-1410. So in essence, it's got to be detailed, that's what it's about, so. And that's what the Attorney General's office has told us and that's what we've informed our members. And thanks to Senator Avery for introducing this bill. Any questions? [LB361]

SENATOR PIRSCH: Thank you so much. Are there are any questions for this testifier? Seeing none, thank you so much. Are there any other proponents? Okay, seeing none,

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we'll move on. Are there are any opponents to this bill? Are there any individuals here to testify in the neutral capacity? Good afternoon. [LB361]

ALAN PETERSON: Senator Pirsch, thank you. I am Alan Peterson. I am counsel for the Media and we are neutral on the bill. We think it is a useful and decent bill. I really rose only to respond a little bit further to Senator Pahls's very interesting question because it's critical. I agree it's sidebar, it's not really on this bill. Nevertheless, because a record has been made, I want to chip in my two cents worth. That I couldn't agree more with Ms. Rex who just testified that the listing of the reason and the motion to go into closed session needs to be specific, not general and the habit that a number of public bodies have of having a stock list of things that they might be going into closed session for and simply putting that in motion, in my opinion, is a clear violation of the public meetings law. The same way with agendas. And the issue came up in the school matters, several of the annexation matters in Omaha where the lawyers, I mean, this is something we can disagree on, but the lawyers for those entities allowed very general description, both on the agenda and then on the motion for closed session. With the result, that the public didn't know what the hell was going on. And it was gross in terms of a violation, in my opinion. Thank you for allowing the comment on that point. [LB361]

SENATOR PIRSCH: Well, we appreciate that. Any questions for Mr. Peterson? Seeing none, thank you. Are there any other individuals who care to testify in the neutral capacity here today? Seeing none, Chairman Avery it is yours to close? Chairman Avery will waive closing and so that will conclude the hearing on LB361, and we will proceed to the next item on the agenda which is LB639, and I'll turn the Chair back over to Chairman Avery. [LB361 LB639]

SENATOR AVERY: We will now open the hearing on LB639. LB639 is being introduced by Senator Karpisek. Welcome. [LB639]

SENATOR KARPISEK: Thank you, Senator Avery, and thank you to the members of the Government, Military and Veterans Affairs Committee. For the record, my name is Russ Karpisek, R-u-s-s K-a-r-p-i-s-e-k, and I represent the 32nd Legislature District. I'm here today to introduce LB639 which deals with telephone conference calls and/or video conferencing by a governing body of a risk management pool, and their advisory committees. LB639 would only affect risk management pools that meet at least quarterly, not by telephone or video conference, so in person. They'd have to meet at least quarterly in person. The current statute 84-1411 currently authorizes a risk management pool to hold up to one-half of their meetings by telephone or teleconference. LB639 would allow the number to be over one-half by each the pool board and also their advisory committees. So right now, we're at one-half. This would allow them to go over one-half. Under current law, public notice of the telephone meeting must be given. The public is allowed to listen to the meeting and the meeting cannot last more than one hour. LB639 changes only the number of telephone meetings

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allowed, not the notice or other requirements. The Intergovernmental Risk Management Act authorizes local governments to join together to create risk management pools to provide members risk management services and insurance coverages. There is often a need for pools to have short meetings to review claims or to handle other types of insurance coverage issues. Because members of the governing body are often from across the state, it becomes difficult for a member to travel across the state for a meeting that lasts less than one-half hour. This has even been more likely with the economy when they are watching their numbers to get together a little more often and talk about how things are looking rather than driving all the way across the state to, to meet. They can pick up the phone, get on the phone, talk about it, it has to be posted, and the public is allowed to listen in. So this just increases from half to over half and they still have to meet four times a year, quarterly. I shouldn't say four times a year, at least quarterly, to be able to do this. And that is the extent of the bill. If there is any other questions, I'll try to answer them. [LB639]

SENATOR AVERY: Thank you, Senator. Questions from the committee? Senator Janssen. [LB639]

SENATOR JANSSEN: I really wanted to ask you this because I wanted to see if you knew. [LB639]

SENATOR KARPISEK: Sidebar. (Laughter) [LB639]

SENATOR JANSSEN: No. Help me out with the risk management, what is a risk management council or group? What are some examples of that? [LB639]

SENATOR KARPISEK: A risk management pool would be, well, the main pool, the power pool, but really insurance where municipalities could combine together to do insurance pooling. [LB639]

SENATOR JANSSEN: Trash. [LB639]

SENATOR KARPISEK: No. No. This is management, risk management pool, so insurance. [LB639]

SENATOR JANSSEN: Gotcha. Thank you. [LB639]

SENATOR KARPISEK: And I may be wrong on the mean, but it's the insurance side. [LB639]

SENATOR AVERY: Senator Pirsch. [LB639]

SENATOR PIRSCH: And is the reason you kind of included their name, advisory

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committees of intergovernmental risk management pools within the bill along with governing bodies, is they are currently subject to the open meetings act, is that right? [LB639]

SENATOR KARPISEK: Correct. [LB639]

SENATOR PIRSCH: Okay. And no other entities, you haven't excluded any other entities. That's the total universe. [LB639]

SENATOR KARPISEK: No, no. No other entities and it's those, the advisory groups because if you have people that are advisory that watch the rates, watch the balance sheets, all those things that maybe goes on as a subcommittee rather than the actual body of the pool. [LB639]

SENATOR PIRSCH: And the question, so this would apply only to...your act only affects intergovernmental risk management pools? [LB639]

SENATOR KARPISEK: Correct. [LB639]

SENATOR PIRSCH: That's the narrower universe. [LB639]

SENATOR KARPISEK: Yes. [LB639]

SENATOR PIRSCH: And the way in which you explained it is, um, that they...if they meet at least quarterly and the advisory committees of the governing body hold more than half, they can hold more then half. [LB639]

SENATOR KARPISEK: Right now, they can hold half. [LB639]

SENATOR PIRSCH: Okay. [LB639]

SENATOR KARPISEK: But they have to meet in person four times a year, quarterly, for this to be into effect because they can hold half of their meetings right not by telephone or teleconference. [LB639]

SENATOR PIRSCH: Currently. [LB639]

SENATOR KARPISEK: The way I understand it, yes. [LB639]

SENATOR PIRSCH: Okay, so you're saying you can teleconference your meetings as long as you meet four times a year in person, is that right? [LB639]

SENATOR KARPISEK: Yeah, and well, and only, well, I guess it is over half, yes.

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[LB639]

SENATOR PIRSCH: Quarterly meetings. [LB639]

SENATOR KARPISEK: Quarterly meetings, yes. And then you could do over half of your other meetings over the phone. [LB639]

SENATOR PIRSCH: Well, and there would be no limit. I mean, it could be 6,000 times. [LB639]

SENATOR KARPISEK: I guess not, Senator, and I just, you brought that up, I thought of it when you said it, there would be no limit under this. [LB639]

SENATOR PIRSCH: So if you, as long as you meet the four times in person, you can meet 6,904 times telephonically then. [LB639]

SENATOR KARPISEK: Yes, but they would have to be posted to be an open meeting for the public to listen in and be less than an hour in length. [LB639]

SENATOR PIRSCH: I see. So there are still other regulating type of language. [LB639]

SENATOR KARPISEK: Correct. Ms. Rex would probably know some of the questions much better than I. [LB639]

SENATOR PIRSCH: Okay. And so you probably have a little bit, have me as a disadvantage when you talked about intergovernmental risk management pools. Having been the mayor of Wilber, I understand you probably have participated in some. [LB639]

SENATOR KARPISEK: We didn't participate in a lot. But we did participate with the League and I wasn't, I didn't do a lot with the League because they did such a good job that I didn't need to. (Laughter) [LB639]

SENATOR PIRSCH: Very, very good, Senator Karpisek. And I guess, what might be the nature and not being as familiar and perhaps I should save this for Ms. Rex and for her to come up, but I was wondering, you know, when we're talking about taking from the usual process, I mean, it's always going on to a certain extent, right? Up to half. And so I guess the two questions I have, have we experienced any complaints over that half that is that going on kind of by teleconference right now or video conference, and secondly, what is kind of the standard subject, nature of the subject matter that's discussed on these type of, during, amongst these intergovernmental risk management? [LB639]

SENATOR KARPISEK: I would, I would say that they talk about their incident, number

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of incidents, their holdings to see how their balance sheet is looking. Those sort of things. Do they need to invest more money, do they need to move money from one investment source to another. Anything that I guess I think of it as somewhat of a...some personal financial advisor that you would go to them maybe on a yearly or quarterly, however often you do and say how am I doing? Especially in these times, you may do it more often and hence the reason for this bill to try to keep closer track of it. [LB639]

SENATOR PIRSCH: So it may involve great sums of money. [LB639]

SENATOR KARPISEK: It may. [LB639]

SENATOR PIRSCH: It may. And, I guess is there any...the minutes of these meetings would still be published, right, under the open meetings act? Is that correct? [LB639]

SENATOR KARPISEK: As far as I understand. We'll have to ask Ms. Rex on that one. [LB639]

SENATOR PIRSCH: So that would still be available. And I'm trying to think...are there any impediments to some segment of the population who may otherwise be, have more access to open meetings if it were held in a physical location as opposed to because of the nature of the tele..video conferencing, that you have to have certain tools or equipment to join that electronically? [LB639]

SENATOR KARPISEK: I think you would just have to have a telephone, which you could almost make it easier for people to be included that way rather than having to drive to Grand Island, wherever to be included in, to see the meeting. [LB639]

SENATOR PIRSCH: Very good. Well, thank you. [LB639]

SENATOR KARPISEK: Thank you, Senator Pirsch. [LB639]

SENATOR AVERY: Any more questions? Senator Price. [LB639]

SENATOR PRICE: Senator Avery. Senator Karpisek, I just have to join in the fray. [LB639]

SENATOR KARPISEK: I expected no less. [LB639]

SENATOR PRICE: No, I could actually just see this, you know, where you have your standard meetings and you have significant weather, a weather event play across the state with tremendous crop damages, there would be an opportunity that people want to call to talk about that exposure? Right? [LB639]

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SENATOR KARPISEK: But probably not crop damage because this is a municipal pool. [LB639]

SENATOR PRICE: Okay, so a loss of a municipal building to a tornado? [LB639]

SENATOR KARPISEK: That could be, or just sickness, people being sick in your risk pools, but yes, that could be. [LB639]

SENATOR PRICE: Just the whole idea of being, that's why you would have an unscheduled meeting. Just try to put that to be the record. [LB639]

SENATOR KARPISEK: Yes. Or just economic times. [LB639]

SENATOR PRICE: Yes, sir. Thank you, sir. [LB639]

SENATOR KARPISEK: Thank you. [LB639]

SENATOR AVERY: Any more questions? Seeing none, thank you Senator. We will now hear from proponents. Proponents of LB639. [LB639]

LYNN REX: Senator Avery, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. And we first of all want to thank Senator Karpisek for introducing this important measure. I would like to tell you a little bit about what a risk management pool is. There are basically, there's a risk management pool with the League of Nebraska Municipalities. It's called the League Association of Risk Management. It has 55 members. Fremont, for example, is a member. The School Board Association has a risk management pool. The County Officials Association has a risk management pool and so does the community college system. So those are the ones of which we're aware. You're looking at five or six at most. Those are the only ones I'm aware of though. And perhaps Mary Campbell can tell us whether the ESUs have one. I don't know if they do or not. So you're dealing with a very small group of folks, but what you are dealing with are individuals that are coming in from all across the state to participate and in our risk management pool, we have 55 cities and villages that participate in that. NACO, I believe, has 73 counties that participate in theirs. And the reason why we think that this is important to do this is because if you note, and I would just encourage you to look on page 4 of the bill, starting on line 3, page 4 of the bill, line 3. This talks about the meeting of these types of entities and then if you look, it says on line 7 and 8, may be held by telephone conference call if...and let's walk through these very quickly. These are no changes. There are no changes here. This is what current law provides. If you're dealing with members that covers an entity that deals and covers more than one county--ours is all across the state--you give reasonable vast publicized notice which is already required.

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We have to do everything that's required under the open meetings act. All telephone conference meeting sites are located within certain buildings to accommodate the public. In (d) on line 18, the public still retains its right--as they should--to attend, hear, record, and so forth. And I think it's really important what Mr. Peterson said on another bill that you heard this afternoon. This is about the public. It isn't about whether or not the city council members or the members of the League Association of Risk Management necessarily know everything that's going on, because they're there. They're present. It's for the public, because your public dollar is being spent and in our case, as the case of other risk management pools, millions of dollars being saved of taxpayer dollars. So for us, one of the things that we would like to do with this particular measure is have actually more meetings that are subject to the open meetings act. Right now, the statute 84-1409 outlines which types of meetings are subject to the open meetings act, and that does include, of course, meetings of the governing body, meetings of advisory committees and certain subcommittees when they take action and so forth. We want to be able to have all of our subcommittees, whether they take action or not, all of these be open so that people can, in those 55 cities, anybody that wants to come and listen, can do that. There are provisions here, again, if you note on page 4, line 24, at least one copy of all documents have to be present. One page 5, line 2, one member of the governing body has got to be present at each site. This is already current law, by the way. The telephone conference call can last no more than one hour. In fact, the ones that we've had last maybe 15 minutes and that's because there is some information that may be specific to a city. The longest one we've had dealt with skateboard parks because we deal with P&C Property and Casualty issues, E&O, other kinds of things, and the question was how do we cover skateboard parks? And the Legislature, of course, helped us out with that in 2007 with the passage of LB564. But there was a lot of concern with cities across the state of do we have to close those skateboard parks? What do we do? But there was really no action being taken, it's mainly advisory, but at the same token, things that the public, I mean, there were lots of folks present at those telephone conference sites. They wanted to know because they, those, there were lots of kids present, lots of teenagers present and their parents. We think that more openness is better for pools, it's better for government, and certainly better for the taxpayers. Also you will note then, the only changes that are being made in the open meetings act with this bill, on page 5, starting on line 9. That as already noted, no more than one-half of the entities pools meetings in a calendar year can be held by telephone conference call. That's current law. But if a risk management pool that meets at least quarterly and ours does and our meetings occur in conjunction because of the cost of all these people coming in. We tie it into meetings we already have. So there will be an alarm meeting next Tuesday in conjunction with our midwinter conference. One in conjunction with our annual conference, one at our county finance conference, and then one that is their standalone budget meeting. And they do have other meetings as well to these quarterly meetings where they actually physically meet, and they, again, follow all the requirements of this law. But it also notes that, the advisory, that they may hold more than one half of their meetings by telephone

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conference call if the governing body's quarterly meetings are not held by telephone conference call or video conferencing. We can tell you that right now, at the current time, we hold at least six or seven meetings. But we are having problems because when we represent cities like Scottsbluff and other municipalities, it really takes them, as you would imagine, a full day to come in for the most part. They come to a meeting which may last only an hour, maybe two hours, and then they drive all the way back. And we've had some of our members indicate that frankly, they may have to withdraw, not from the pool, but from serving at a board level or on any of our committees because they simply, their city can't afford to send them and in fact, it's a time issue. These are also business men and women who are doing other things. These are council members and other folks that are doing other things with their lives, so we want them more involved, not less involved, and we want the public to know what we're doing. We think it's in their interest. So with that, I'd be happy to respond to any questions that you have and again, we appreciate the Senator introducing this measure. [LB639]

SENATOR AVERY: Any questions? Seeing none, thank you Ms. Rex. [LB639]

LYNN REX: Thank you very much. [LB639]

SENATOR AVERY: Any other proponents? Okay, we'll move to the opponents. Anyone wish to testify in opposition to LB639? Anyone wish to testify in a neutral position? Seeing none, Senator Karpisek...you waive closing. All right. That closes the hearing on LB639. Thank you, sir. I see that Senator Christensen has arrived, and we are now ready for our hearing on LB465. Welcome, Senator Christensen. [LB639 LB465]

SENATOR CHRISTENSEN: (Exhibits 1, 2 and 3) Thank you, Mr. Chairman and members of Government, Military and Veterans Affairs Committee. I am Senator Mark Christensen, C-h-r-i-s-t-e-n-s-e-n. I represent the 44th Legislative District, and I'm here to introduce LB465. LB465 would allow the board of Educational Service Units to hold meetings by videoconference or by telephone conference. No more than one-half of the issue board meetings in a calendar year could be used on such method. Issue boards would be under the same guidelines, regulation meetings held by videoconferencing, telephone conference for other public bodies under the open meetings act. LB465 is a commonsense bill. It allows the board of an ESU the flexibility to use technology they already possess to meet more easily with geographic distance traveled by their board members may make it difficult to do so. I believe that this could be beneficial to many issues in my district and across the state. I encourage you to advance LB465. And I'd be glad to answer any questions. [LB465]

SENATOR AVERY: Thank you, Senator Christensen. Are there any questions from the committee? Seeing none, you got off light. [LB465]

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SENATOR CHRISTENSEN: I like that. [LB465]

SENATOR AVERY: Anyone wish to testify in support of this? [LB465]

BRENT McMURTREY: Senator Avery and members of the committee, my name is Brent McMurtrey, M-c-M-u-r-t-r-e-y. I'm the administrator of Educational Service Unit 15 which is headquartered in Trenton, Nebraska in the southwest portion of the state, and I am here today to ask for your kind consideration of the advancement and support of LB465. This bill would allow the addition of ESUs to the already other entities that exist that can hold their meetings via the teleconference or videoconference means. ESU 15 is in Trenton, in southwest Nebraska. We are sparsely populated and cover six counties. We have ground actually in nine counties. It sometimes poses challenges on January or some of those months when the roads are dark and ice-filled or animal-filled, and this would just allow that option that we could hold a portion of our meetings by videoconference. As Senator Christensen explained, the technology already exists. I commend you for video streaming it. It allows for greater access which you've heard on the other bills today. The greater access to, for accessibility for folks to watch your proceedings. This would also allow that people could go to their local high school as opposed to driving 65 or 70 miles to attend an ESU meeting. This would be the exception. This is not the rule with this. It would only be those times when there would be the occasion of wheat harvest and slick roads are two big challenges for our issue. So I would again ask you for your support of LB465. Thank you. [LB465]

SENATOR AVERY: Thank you, sir. Any questions for Mr. McMurtrey. Senator Pirsch. [LB465]

SENATOR PIRSCH: Thanks. Could you give me, the underlying premise for this is, and I think it's a good one is with greater technology and a way to save money, you don't have to drive, you know, 200 miles now to attend a board meeting for an hour and come back. And I like that promise. Would it...how many members on your ESU Board then? [LB465]

BRENT McMURTREY: Okay, in ESU 15, we have a 10-member board. And then just past election, the makeup of the ESU board has changed because we're now by population of equal or substantially equal. It used to be issues were governed by one per county and four at large. And that changed. And so that also, for our ESU, that made a difference in the makeup of our board. [LB465]

SENATOR PIRSCH: So substantial savings you think could be had by, for your board, this way. I mean, you'd pay a fee for transportation, a per diem, so to speak, for board members, correct? [LB465]

BRENT McMURTREY: Yes, sir. We do. We reimburse for actual and necessary

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expenses for our board members. So that would be an additional consequence and the technology already exists. If the issues are out there on the cutting edge and we want people to use the interactive distance learning technology, we have these rooms in our building that sit idle especially in the evening a lot of the time. That we could light up here and light up another location or three other locations. So that would be another advantage, but that certainly is not the intent because we want this to just be an option to use on those rare occasions. We really want folks to come to our headquarters. The ESUs are not well known; we don't generate a lot of interest. In fact, we still have one vacancy on the ESU 15 board where we don't have a board member, we have a vacancy that exists. So that would be an option. Yes, sir. [LB465]

SENATOR PIRSCH: Let me clarify that. Are you saying that this would be in addition to your board meetings or are you saying that this bill would allow for, instead of your normal board meetings at a physical location? [LB465]

BRENT McMURTREY: This would be, on those rare occasions, this would be instead of. This would be another means to hold our meeting that would just allow the issues to be added to the other entities that already exist to have that option, to hold the meeting. So no, we're not looking for additional meetings. This would just be another option to hold an already scheduled meeting. The only provision would be that it would change. I mean, we still would advertise it and do all those things that you've heard much about today, but this would just be an option that on that rare occasion we could hold those in other places. [LB465]

SENATOR PIRSCH: On the rare occasion that you couldn't hold...I'm sorry, what was the last part? You envision using this on a rare occasion, correct? Is that what you just said? [LB465]

BRENT McMURTREY: As the exception, not the rule. Just another, another option that we could do this. Although in listening today, I do see that this would, an added benefit would be the added accessibility that folks and not only the board member traveling, but if there was something that the community wanted to hear about, they could go to the local high school and participate interactive on our distance learning technology. [LB465]

SENATOR PIRSCH: But that's at your discretion. I mean, you could, if you so chose, do all of your board meetings via this new method, right? Or is this just for a certain allowance? [LB465]

BRENT McMURTREY: No. This would be the same as the existing statute that would allow up to one-half of the meetings. [LB465]

SENATOR PIRSCH: Okay, up to one-half of the meetings. [LB465]

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BRENT McMURTREY: Yes. [LB465]

SENATOR PIRSCH: I see. Okay. Thanks for clarifying that for me. Thank you. [LB465]

SENATOR AVERY: Senator Price. [LB465]

SENATOR PRICE: Senator Avery. Sir, I just want to say, you know, Senator Christensen is doing a lot of work for you because of your opening comments where you talked about the animal-filled roads, well, with the passage of LB5, we're taking care of another one there. [LB465]

BRENT McMURTREY: I knew that would come up somewhere today. (Laughter) [LB465]

SENATOR PRICE: I appreciate having the opening to interject some levity. Thank you, sir. [LB465]

SENATOR AVERY: Any other questions? Seeing none, thank you, sir. Any other proponents? [LB465]

MATT BLOMSTEDT: (Exhibit 4) Senator Avery, I'm Matt Blomstedt, the executive director of the Educational Service Unit Coordinating Council. Blomstedt is spelled B-l-o-m-s-t-e-d-t. I am here in my role, we look at all of the issues and we've had discussions on this among the ESU Coordinating Council. And there is particular interest, especially when you look at the geography of our ESUs, and I think as Senator Christensen has remarked and Mr. McMurtrey have remarked as well, that certainly there are a variety of situations that could occur that would make this a useful tool for Educational Service Unit Boards. As you look at the geography, I've not been able to come visit you as often, because I've been on the road actually quite a bit visiting ESUs in this new role for me. And I just realized some of the geography as you're out and about there, and I visited Scottsbluff recently, and their talk was, oh gee, we've got somebody at Chadron and somebody at Sidney and you know, it's actually quite an ordeal to pull a meeting together. This would, I think, allow ESU boards to have good succinct hour-long meetings or whatever it may be, but by videoconference, and I do believe it would allow the public to come view and participate in that. My hope would actually be that there would be an increased interest in ESUs and the work that they're doing, and the public would have a better chance to actually witness that at their school district. So we support this and appreciate your consideration of it. [LB465]

SENATOR AVERY: Thank you, sir. [LB465]

MATT BLOMSTEDT: Thank you, Senator. [LB465]

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SENATOR AVERY: Any questions from the committee? Seeing none, thank you. Any other proponents? Anyone wishing to testify in opposition to LB465? Senator Christensen, this might be the first time...oh, we have somebody, a neutral. I'm coming to you. I was just going to comment that this might be the first time you've had a bill that nobody opposed. (Laughter) Now we'll go to neutral. [LB465]

ALAN PETERSON: I'm Alan Peterson, representing Media of Nebraska. As I mentioned earlier, A-l-a-n P-e-t-e-r-s-o-n. Both this bill and Senator Karpisek's bill add a bit to the list of who can use telephones or audiovisual long distance instead of face-to-face meetings. And I think these make sense. I will say I think it's about as far as we ought to be extending that power. And that is because there is a real difference between telephonic meetings and a meeting where the audience, and now I'm talking about the media and the public, can look in the eyes, perhaps ask a question of a particular board member, get the reaction not only in the words you hear, but in the expression you see about where things are really going with regard to a particular issue. And I don't say that to criticize either of these two bills. There are good protections so the public can either be there where there is a speakerphone at one of these places or even have an extension line and listen in. But this whole idea of having teleconferences instead of meetings has been discussed for years. And it has crept a little bit and it is creeping further with these two bills. And I don't say that against them, but I do say that I think we've about reached the limit in terms of when you can substitute a phone call for having the public sit in and see the folderol and the debate and the expression and really see what's going on. It's important. And if this committee met by phone, you wouldn't have the quality of discussion, give and take, that you have that results in your decisions. So I say it as kind of a caution. I don't want this, I don't want this idea to keep creeping from the standpoint of my clients or the public to the extent I can claim to represent them. And I'm not like the little kid that has to be heard on every bill. But this is important that this not go too far. Because a phone call is not the same as my being able to look you in the eye and you look me in the eye, see that I'm telling the truth or you think that I'm faking it or whatever. It's pretty important at times to be face-to-face, most of the time even I'd say. Thank you. [LB465]

SENATOR AVERY: I'm sure Mr. Peterson that you would not let us do that. It's an important role we play. Thank you. Senator Pirsch. [LB465]

SENATOR PIRSCH: Thanks for your testimony. Just a quick question. Have you, I guess I haven't, I'm trying to think if I have attended an ESU meeting live. Are some of these televised currently? Do you know? [LB465]

ALAN PETERSON: I would doubt it. They are, they can't have the meeting by television now. But you mean, are they televised? I would doubt it. And I have only attended one in my life, so I'm hardly an expert on it. [LB465]

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SENATOR PIRSCH: Yeah, well, that's what I'm trying to get a sense of is do the public show up for these ESU meetings in large numbers? I mean, are the majority of these meetings held without even a single member of the public attending? I can, you know, when I think of even City Council meetings, you know, many of those are devoid of members of the public. Is the issue mostly the press, that they can get a better interplay or is it the public or at least that potentiality of somebody attending that you want to preserve that integrity? [LB465]

ALAN PETERSON: You know, I'm not at all an expert on the ESU and perhaps Senator Christensen can help or one of the others. But I will say from...I represent the press and they want to be able to cover an important issue if it comes up in one out of five meetings. They may want to be there and see the interplay and maybe it's a good deal they cannot drive so far themselves. But usually the public business ought to be...not by phone, not by phone. [LB465]

SENATOR PIRSCH: You're saying there's something about being present in person, being able to watch the expressions on people's faces and the...there's a certain amount of interplay that is visual not oral, is that...? [LB465]

ALAN PETERSON: Senator Pirsch, you and I are trial lawyers. Would you ever make your argument to a jury by phone? [LB465]

SENATOR PIRSCH: No. Thank you. [LB465]

SENATOR AVERY: Senator Karpisek. [LB465]

SENATOR KARPISEK: Senator Avery, thank you. Mr. Peterson I agree with you that it is different. Voting over a phone line would be a lot different than having Senator Pahls glaring at me on his bill that I would like to kill, maybe. [LB465]

ALAN PETERSON: Shaking his fist at you. [LB465]

SENATOR KARPISEK: So I do agree and you are right, there is a balance there. And maybe, maybe there should be something about what can be done, what kind of motions can be moved in those, in those teleconferences on my bill if we need to move some money right now in these ESU, if my goodness, something just happened that's huge. A school fell on some kids. I don't know what really happens, I've never been to one either. [LB465]

ALAN PETERSON: Annual budget, something like that. [LB465]

SENATOR KARPISEK: Something like that, that maybe has to be done in, in person.

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So I just wanted to say that I do agree, and I think that all of us here agree because we're being watched all the time. And that's good. Because sometimes things are perceived the wrong way and you can go back and see why it was perceived that way or say no, wait a minute, you've got that wrong. So thank you for bringing that up and maybe that can be some discussion further, further on, though. Thank you. [LB465]

ALAN PETERSON: Thank you. Thank you very much. [LB465]

SENATOR AVERY: Any other questions? Seeing none, thank you, Mr. Peterson. Any other testifiers in the neutral position? Seeing none, we'll call on Senator Christensen to close. [LB465]

SENATOR CHRISTENSEN: Thank you. Again, I want to thank you for hearing LB465. I remind you we are in the technology age. We own it, we need to use it. I have used video active teleconferencing that the issues you're talking about. It's very interactive, you see them, and that is definitely better than a conference call. And you know, I have attended ESUs meetings. I've been invited out there before, and been the only visitor there. That doesn't mean that if the press is there, that it isn't important to see everybody's reaction. I would agree with that, but it does help when you have that video to see their reaction as well as hear the voice and the reaction. But I think the key thing here is only half of them are going to be used and there's probably a couple of key times out there in my area that this would be used. A January meeting when there tends to be weather problems, we also have an aging community out there, and some of them that serve are getting older, and so it's not as easy to take on the weather elements. And then with, of course, the distance and time. And then the other time that it's difficult gets to be in harvest time. You need to have that annual meeting, it happens to hit wheat harvest or it hits the fall harvest in October. A lot easier to get that attendance, to make sure you've got that quorum, if they could drive over and have that meeting right there at the school that's close to them, get on with that interactive audiovisual and have that meeting. And that's why I feel this is very important and ask for your vote to move it forward. [LB465]

SENATOR AVERY: Thank you. Any more questions for the Senator? Thank you, sir. [LB465]

SENATOR CHRISTENSEN: Thank you. [LB465]

SENATOR AVERY: That ends the hearing on LB465 and our hearings for today. (See also Exhibit 5.) Thank you all for coming. I would ask the committee to hang around for a bit. [LB465]

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Disposition of Bills:

LB361 - Placed on General File with amendments.
LB465 - Held in Committee.
LB639 - Held in Committee.
LB678 - Held in Committee.

Chairperson

Committee Clerk