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Government, Military and Veterans Affairs Committee
January 27, 2012

[LB735 LB766 LB782]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Friday, January 27, 2012, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB735, LB766, and LB782. Senators present: Bill Avery, Chairperson; Scott Price, Vice Chairperson; Charlie Janssen; Russ Karpisek; Rich Pahls; Les Seiler; and Norm Wallman. Senators absent: Kate Sullivan. [LB735]

SENATOR AVERY: (Recorder malfunction) ...wait for a few more minutes until one more person arrives so we have a quorum, but it shouldn't take long. Good afternoon, folks. We are lacking a quorum, but if you won't tell on me, I'm going to start anyway. I'm sure that Senator Seiler will be here in a few minutes. My name is Bill Avery. I chair the Government, Military and Veterans Affairs Committee. Welcome to today's hearings. We have three bills that we will be discussing and we will take them up in the order that they are posted on the door: LB735 first, by Senator Schumacher; LB766 second, by Senator Price; and LB782 by Senator McCoy will be last. Before I start, let me introduce the members of the committee. Seated on the end down here on my right is Senator Rich Pahls from Millard, who is in his last session, right? [LB735]

SENATOR PAHLS: Well, I don't know. We're going to review the law. (Laughter) [LB735]

SENATOR AVERY: And soon to join us is our newest member of the Legislature, Senator Les Seiler from Hastings. And Charlie Janssen from Fremont has called us and said he will be a little bit late. Seated next to him is Senator Scott Price, the Vice Chair of the Committee, from Bellevue. And to my immediate right is Christy Abraham, the legal counsel of the committee. I'm pretty sure that Senator Karpisek will be here in a few minutes. Russ Karpisek is from Wilber. Senator Sullivan--Kate Sullivan--from Cedar Rapids is out today because of a death in the family. Seated next to her is Senator Norm Wallman from Cortland and next to him is the committee clerk, Sherry Shaffer. The...we have...if you are planning to testify, we ask that you fill out a form and print very clearly the information requested. These are available at each door on a table. And give this to the clerk when you take the stand there. If you wish to record your support or opposition to anything that we discussed today but you are not planning to testify, there is another sheet of paper for you to fill out and that, too, is at the door. We ask that you pay attention to the testimony immediately...or the preceding testimony before you take the table and that...so that you don't repeat what has already been said. We will be using the lights system. The green light means that you have four minutes. When the amber light comes on, you'll have one minute to wind up your testimony. When the red light comes on, we ask that you be finished. That gives everybody ample time to get their testimony in and say what they want to say and then we can move to questions. The order of business is that the senators introduce their bills, then we go to

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proponents, and then we take opponent testimony and then neutral testimony and then the introducing senator is permitted to have some closing remarks. If you have a cell phone or any electronic device that makes noise, we ask that you put them on silent so as not to disrupt the proceedings. If you have material that you'd like for us to see--maybe it's a copy of your testimony or supporting documents--we need 12 copies. If you do not have 12 copies, give your original to Sherry Shaffer. She will have the intern get copies for you and our intern is Catherine Larsen from Omaha. All right. I think we now do have a quorum, so we can start with Senator Paul Schumacher from Columbus, LB735. [LB735]

SENATOR SCHUMACHER: (Exhibit 1) My name is Paul Schumacher, S-c-h-u-m-a-c-h-e-r, District 22, from Columbus. Senator Avery, members of the committee, I'm here today to introduce LB735, which arises out of an incident last year in which I had contact with a member of the Central Community College Board in our...in Columbus. And it was a circumstance in which she serves as a member of that board--they don't get any pay or benefits--and the board usually meets in Grand Island and this particular time, I think they were going to have some important discussions. I...if I remember right, it was regarding their budget. And due to various scheduling conflicts, she was not going to be able to attend the meeting or it would be very difficult for her. And I think at the same time, the other representative to the college board from Columbus had very serious health problems and Grand Island is two-lane road, oh, 75 miles or so from Columbus and along Highway 30. And I said, well, why don't you just set up and do a telephone conference or a videoconference? We've got up at the college, the Platte college and of the Central campus, real fancy videoconferencing equipment that they use to teach the kids high resolution. Everybody can see everything, hear everybody back and forth, and that would be a...you know, why don't you just do it that way? And I said, furthermore, you know, I asked if the local paper ever went over to Grand Island to cover things, and they usually don't want to spend the time to send a reporter over there. People from the community rarely get over to those meetings because it's a long drive on Highway 30 and you've got businesses and other things to conduct in town, so it just seemed to be like a win/win to do it by telephone conference or videoconference. And the lawyer for the community college group was brighter than I was. He thought to read the law and said, whoops, we're not in the list of things that can hold such a meeting. Apparently, the law was written back...the meat of the law was written back in the mid-1990s, before all this telephone conferencing, fiberoptic communications, high definition television, and the ability to do these things that all businesses kind of do right now was up to par. So this bill grew out of that. It simply adds to the list of agencies and boards community college boards. They're spread out over large areas and I think there's someone here to talk about how convenient it would be for them. Folks at the power districts also, which cover many areas, and most of them--not most of them, but some of them cover more than one county--said, you know, we've got this kind of technology available, too, and it should be helpful in our situation. And so today, I'm asking you also to consider AM1769 as an

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amendment to this one. It adds on the power districts. They're generally well equipped and I know that telephone facilities...but they've got these high-power fiber lines and everything too. So with a lot less excitement than a couple days ago, that's my story. [LB735]

SENATOR AVERY: Thank you, Senator. You know of course that we have some rules that govern how these teleconference... [LB735]

SENATOR SCHUMACHER: Um-hum. [LB735]

SENATOR AVERY: ...events would be conducted, and you're not trying to change any of that? [LB735]

SENATOR SCHUMACHER: No, just adding to the list of existing entities that can conduct telephone conference meetings, not changing the rules at all. They've still got to post notice. They can only do it for no more than half the meetings. Most of them that can do it, don't do it for even near half the meetings. But it's a convenient tool, particularly in the case of a short meeting and...where they need to renew a bond or pass a budget or go through something that has to be done and they've got a limited time frame and scheduling ability. And I think the history of the use of this has been that nobody's gone overboard on it and for the most part, they still meet traditionally. [LB735]

SENATOR AVERY: And you'd have to have a member of the board of governors at each site? [LB735]

SENATOR SCHUMACHER: Member of the board there. [LB735]

SENATOR AVERY: Right. [LB735]

SENATOR SCHUMACHER: It...everything that every...that's worked well for everybody else and... [LB735]

SENATOR AVERY: Right, yeah. [LB735]

SENATOR SCHUMACHER: ...and I think, even though I understand the...maybe some of the media may have a little heartburn on this. This is actually...creates transparency because paper...the more of these sites you have, the less hassle that the local media can get to them. And the more of these sites you have, the greater the ability for the public to listen and participate. And the quality is just getting better and it's time that we maybe save a little money, particularly these folks who are...like the college boards, who...they're not paid and they're just serving the community. [LB735]

SENATOR AVERY: Questions from the committee? Senator Pahls? [LB735]

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SENATOR PAHLS: Since you are with us, are there any others out there that we should be including today? [LB735]

SENATOR SCHUMACHER: I didn't even realize that it'd be very functional for the power districts, so there may be a number of them that are out there, but these are the two that I know of. [LB735]

SENATOR PAHLS: Okay. So in other words, by the publicity, our reviewing this particular piece of legislation, this may encourage other people to find out? [LB735]

SENATOR SCHUMACHER: You might see other ones next year. You might see other ones next year if they're in the...of a circumstance. [LB735]

SENATOR PAHLS: Okay, okay. [LB735]

SENATOR SCHUMACHER: You generally have to have a situation where you have some mileage between them and a multicounty or a multicity kind of group where it could be worthwhile, and probably some...on the videoconferencing site, some access to these high-powered videoconferencing things. And certainly the community college and certainly the power districts have access to those things. [LB735]

SENATOR PAHLS: Right. Thank you. [LB735]

SENATOR AVERY: Senator Karpisek? [LB735]

SENATOR KARPISEK: Thank you, Senator Avery. Thank you, Senator Schumacher. Can you just real quick, is it anybody could go on a computer and it's got a domain name and watch? [LB735]

SENATOR SCHUMACHER: Well, I don't think this contemplates a broadcast out over the computer system like over Skype or something. This contemplates either a standard old telephone kind of thing, but in a more modern version of that. They've got these classrooms with the cameras, just like we have here. They've got the ability to send faxes and people to see things. So it basically contemplates, in the case of community college, the local board members there in Columbus at one of these things going up a mile out of town to the college and sitting down in the classroom and...just like when they have the remote classes taught from Grand Island. [LB735]

SENATOR KARPISEK: Okay, I just didn't know if a reporter could, rather than running down to the college to sit in on it, could sit in his office and pull it up on-line... [LB735]

SENATOR SCHUMACHER: You know... [LB735]

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SENATOR KARPISEK: ...streaming as we do here. [LB735]

SENATOR SCHUMACHER: You know, my guess is that at some point, particularly if these cameras are all activated and then running, that there will be some guru who'd be able to wire that into the Internet so you could broadcast much like you do from here, but... [LB735]

SENATOR KARPISEK: And would this also kind of help in emergency cases, probably? I mean, you still have to have so much time. [LB735]

SENATOR SCHUMACHER: You've got to have notice to have them. So if somebody said, gee, my car broke down, can I just run up and it wasn't scheduled? No, I don't think that's what's intended, but it's really they know ahead of time they're going to have a meeting where they've got to pass a budget or approve a bond or hire somebody and it's a, you know, relatively simple situation. [LB735]

SENATOR KARPISEK: Well, and even an emergency might not need this minute, but this week... [LB735]

SENATOR SCHUMACHER: Right, right. [LB735]

SENATOR KARPISEK: ...something came up. [LB735]

SENATOR SCHUMACHER: Right, as long as the adequate notice is given... [LB735]

SENATOR KARPISEK: Yeah. [LB735]

SENATOR SCHUMACHER: ...and the local papers or whoever wants notice gets it. It just saves some miles... [LB735]

SENATOR KARPISEK: Great. Thank you, Senator. [LB735]

SENATOR SCHUMACHER: ...and also enables people to attend who might not be able to. [LB735]

SENATOR KARPISEK: Thank you, Senator Avery. [LB735]

SENATOR AVERY: Senator Wallman? [LB735]

SENATOR WALLMAN: Thank you, Chairman Avery. Yeah, this seems like a no brainer. But does the board have a vote on that then to put this in place? [LB735]

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SENATOR SCHUMACHER: The board would have...I mean, the board would have to make a decision whether it was going to use up...according to this, could do up to half of its meetings and that's the old law so no, that doesn't change. The board has to say, okay, we're going to do this next meeting by telecom because it's going to be shorter because of thus and so. [LB735]

SENATOR AVERY: I'm looking at your amendment and you mention in the amendment the governing board of a public power and irrigation district. [LB735]

SENATOR SCHUMACHER: Some of those out west are titled also irrigation districts, I think. And I think there's going to be someone here from NPPD and they can explain why that was...I don't...why that works. [LB735]

SENATOR AVERY: Yeah, okay. All right. Any more questions? Thank you. You're going to stick around to close? [LB735]

SENATOR SCHUMACHER: I'll try to, yes. Thank you. [LB735]

SENATOR AVERY: Okay. Proponent testimony? Welcome, Mr. Baack. Didn't this used to be your committee at one time? [LB735]

DENNIS BAACK: Many, many, many years ago it was, yes, yes, yes. [LB735]

SENATOR AVERY: Well, welcome back. [LB735]

DENNIS BAACK: Thank you. Thank you, it's a pleasure to be here. For the record, my name is Dennis Baack, D-e-n-n-i-s B-a-a-c-k. I'm the executive director of the Nebraska Community College Association, here to actually testify in...for two groups. I'm testifying specifically for Central Community College because there's...they are the ones that brought this up, and also for the Community College Association. The reason that this came up was when the colleges are doing their budgets and when they're asking for a...there's one of the things in their budgets that ask them to do a 1 percent carryover of budget authority. And in order to do that, in order to pass that, it requires a supermajority vote of the board, which means they have to have 9 out of 11 members there to pass that one issue. That's the only issue we have the supermajority on, but they have to have that. And in this case, what happened was that Central could not get the nine people on-site to do it and that's why this came up. Now that's the first time any of this has come up in 20 years. I've been on the...or with the association 20 years and this is the first time it's ever come up, but I think that it...I think it just brought to everyone's attention that this would be a nice tool to have just in case that situation did come up. There have been a couple of other occasions where boards had difficulty getting nine there, but they were always able to get it done and they were always able to get things passed. So they were, you know...it has worked out over...it has worked

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out okay over the years, but it might be nice to have that. Plus, I think in all actuality we need to get with the age of technology. I mean, we have all of the hookups and all the things that we can use at all of our campuses and lots of other sites around that we can use to utilize this technology now. And it may...and community college districts are very spread out. Some of them have as many as 19 or 20 counties in their district--they're very spread out. I think this just gives them an opportunity to use that technology and to make that board work. If this has only come up once in 20 years, I can tell you it's not a burning issue with any...I mean, you know, it's not something that's a burning issue with them because it's never come up before. But I think it just brings their attention to it now saying, well, that would be an awfully nice tool to have in case they want to do that. And, Senator Wallman, on your question about how they would have to handle this, I think they would have to develop a board policy and change their policy about how they handled their meetings to make sure that we've met all of the criteria that are in the law because I think there's enough safeguards built into that law with enough public notice and all of those kind of things to take care of that happening very often, but...and I don't anticipate that my boards would use this very often. My own board is allowed to use this but on the state level. They don't particularly like video meetings. We've done it a couple of times. They just don't particularly like them. They would much rather meet face to face and I think that the local boards are that way too. That's why this has never come up before. So with that, I'd be happy to answer any questions if there are any. [LB735]

SENATOR AVERY: Thank you. Questions from the committee? Don't see any. Thank you. [LB735]

DENNIS BAACK: Okay, thanks. [LB735]

SENATOR AVERY: Any other proponent testimony? Good afternoon. [LB735]

JOHN McCLURE: Good afternoon, Chairman Avery, members of the committee. My name is John McClure, J-o-h-n M-c-C-l-u-r-e. I'm vice president and general counsel for Nebraska Public Power District and I'm here today in support of LB735 on behalf of the Nebraska Power Association. This is an interesting bill and we appreciate Senator Schumacher bringing it. We fit into parts of the law today, but we'd like to see...we're not asking for any substantive changes in the law. We would like to see the number of entities who could utilize this expanded to include public power districts and public power and irrigation districts, as well as community colleges. My testimony is very simple. Number one, this actually increases efficiency and cost savings for both governmental entities and for citizens. Number two, it enhances opportunity for public and media participation in public entities' meetings. And three, it promotes safety. And I'll come back to those as to why those are all true in our opinion. We are authorized as a public power district that exists in more than 50 counties, which is one of the...a standard in the law today to use videoconferencing. I think we've had one in over a long period of time and it was recently. That meeting basically had a single item to take care

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of. It was a special board meeting that we noticed. We used our videoconferencing network. We have videoconference facilities in 11 locations across the state, from Scottsbluff to Brownville, Nebraska. We were able to conduct a meeting that took 20 minutes. We used videoconference facilities in North Platte, Kearney, Lincoln, Norfolk, Columbus, and York, and we were able to use one from the city of South Sioux City in South Sioux City. Had our directors been required to drive to a meeting in Columbus, it would have been about 2,000 miles of mileage reimbursed--about \$1,000 for a 20-minute meeting and the time. And so again, as was indicated by the previous witness, this isn't something we're going to use frequently, but it's a great tool. We have it for videoconferencing today. The public power districts in the state would also like this. They're in a number of counties in many cases. It's a good tool to have. And secondly, we'd like the option to have a telephonic hearing or a telephonic board meeting if that's necessary. If you think about the meeting we conducted, instead of having to come to Columbus if you're an interested citizen or if you're a member of the media, you could have gone to one of eight locations around the state to participate. And this particular meeting, we even had bond counsel and our financial advisor from New York City tied in. And these videoconference facilities these days are really quite effective in terms of how to conduct something. You wouldn't want to have an eight-hour meeting doing it, but for a shorter meeting, it's a very effective tool. And then finally, I mentioned promoting safety. We all know what winter weather can be like in Nebraska. Think of an entity that's in multiple counties that has a meeting scheduled and it's cancelled because of a blizzard and extended ice conditions on roads. They cancel a meeting, they still have business to conduct. Wouldn't it be beneficial if they could have this tool available so that they could conduct that meeting, get business done, and not require people to be traveling under hazardous conditions? So again, we think that is a benefit that can be associated with this. I look at why we have these facilities at NPPD today for videoconferencing and it's the same reasons: it increases efficiency; it allows more people to participate; and it promotes safety. And with that, I would be happy to answer any questions. [LB735]

SENATOR AVERY: Thank you, Mr. McClure. Any questions, Senators? [LB735]

SENATOR SEILER: No, over there. [LB735]

SENATOR AVERY: Oh, I thought you were. Senator Wallman? [LB735]

SENATOR WALLMAN: Thank you, Chairman Avery. I noticed an attorney brought this bill. And in my previous, when I had on boards, we sometimes used this to...and I have trouble with it on account of the transparency issue...contacted attorneys video advice. And do you have trouble with that or do you ever use it that way? Advice on legal matters? [LB735]

JOHN McCLURE: Through a videoconference? [LB735]

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SENATOR WALLMAN: Yeah. [LB735]

JOHN McCLURE: No, we've never done that. [LB735]

SENATOR WALLMAN: Okay. [LB735]

JOHN McCLURE: And I wouldn't consider that to be very practical. Again, I think this is practical when you have maybe a special board meeting, a limited agenda. Using this as the exception rather than the rule? Again, the authority is in the law today. We're...since this bill came up, we're looking at are there other entities who could benefit from this and have cost savings and enhance public transparency and participation. [LB735]

SENATOR WALLMAN: But there are some high-powered law offices on the East Coast that you can acquire through this. [LB735]

JOHN McCLURE: I guess I hadn't ever thought about that possibility. [LB735]

SENATOR WALLMAN: Thanks. [LB735]

SENATOR AVERY: Any other questions? I don't see any. Thank you for your testimony. [LB735]

JOHN McCLURE: Thank you. [LB735]

SENATOR AVERY: Next proponent. Any other proponents? Any opponents? Welcome. [LB735]

KORBY GILBERTSON: Good afternoon, Chairman Avery, members of the committee. For the record, my name is Korby Gilbertson; it's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n. I'm here today representing Media of Nebraska in opposition to LB735. Media of Nebraska is an organization that's made up of both print and broadcast media, but that's not their...the primary focus of the group is to protect open meetings, public records, and First Amendment issues. This bill was discussed at the board meeting last week, and so obviously we haven't had a chance to look at the further expansion of the language. But it gave us pause because of two things. And I think it's interesting Mr. Baack made both of my arguments for me when he was up here, or he said what I was going to say. There's a saying I've heard since I've been around the Capitol that you should never write what you can say, never say what you can whisper, never whisper what you can wink, and never wink what you can say with a nod. Those types of things are missed when people aren't in person at meetings. And I think all of us can attest to that and that's the main concern of Media of Nebraska. There are things that take place in

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meetings when people are together that don't take place when you're either on a telephone conference call or doing a videoconference. Secondly, we think it's slightly different when you have elected board members than if you have an appointed board that serves the entire state. Mr. McClure talked about the public power exception right now for if you cover more than 50 counties. There's obviously a specific reason why that was allowed. We don't think it should be so just across the board. And when I heard the question from Senator Pahls: Well, don't you think there will be other groups that think this is a great idea? I do. And so is the Legislature all of a sudden going to let us Skype in to do our testimony at hearings? I don't think that necessarily is a good idea. And I think that we just need to be careful with what we open this up to and make sure when you're setting the policy for the state you're doing so in a very careful manner. I'd be happy to try to answer any questions. [LB735]

SENATOR AVERY: Thank you. Questions from the committee? Let me see if I understand exactly what your objection is. You think that there are nonverbal communications that take place on boards and commissions that would be lost in this... [LB735]

KORBY GILBERTSON: Very much. [LB735]

SENATOR AVERY: ...format. [LB735]

KORBY GILBERTSON: I think very much so. I also think when they talked to...I think Senator Karpisek was the person who asked questions about, well, could then they broadcast these meetings to other areas. They can do that right now; there's no preclusion for them doing that. They just can't hold the meeting that way. There's no...that's how...you can put...what you do every day is on, you know, cable television, and you broadcast this out. But people have to come here to participate. [LB735]

SENATOR AVERY: The position of Media of Nebraska, I believe, on videoconferencing and telephonic conferencing has been fairly consistently in opposition, right? [LB735]

KORBY GILBERTSON: That's not totally true. I think that when there have been specific expansions to the law, and you can see...and we discussed this the other evening. When you have a statewide appointed board that has to have, you know, that are set meetings, I...the argument that we would only use this in emergencies, this really wouldn't be allowed for emergencies because you wouldn't be able to give the correct notice. It wouldn't be allowed for longer meetings because I think under the existing statute it has to be less than an hour. Both of the examples that were given...I'm guessing the community college didn't know they weren't going to get all nine there until hours before the meeting, and so this wouldn't apply in that case either. So that is our concern. This is...you're setting it up to allow this to happen even though I thought it was interesting to hear that even though they've done it, they've only done it once, so...

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[LB735]

SENATOR AVERY: In 2010, we extended telephone and videoconferencing authority to ESUs. [LB735]

KORBY GILBERTSON: Um-hum. [LB735]

SENATOR AVERY: Do you remember what your position was on that? [LB735]

KORBY GILBERTSON: I can go back and look. I'm not... [LB735]

SENATOR AVERY: Yeah. [LB735]

KORBY GILBERTSON: ...for sure. I don't want to say and be incorrect. [LB735]

SENATOR AVERY: It's not that important. I was just curious. Any questions from the committee? I don't see any. Thank you. [LB735]

KORBY GILBERTSON: Okay. Thank you. [LB735]

SENATOR AVERY: Any more opposition testimony? Neutral testimony? Senator Schumacher. [LB735]

SENATOR SCHUMACHER: Thank you, Chairman Avery, members of the committee. I think on...with reference to the hour, just length, that applies to the...if it's just a telephone type of meeting. A videoconferencing one, I don't see in there where that is limited to a particular hour. But I find the opposition to this kind of interesting because we're supposed to be in an age of transparency, an age in which the media is supposed to see what goes on. A meeting...page...when...there isn't supposed to be any under-the-table deals, or at least that minimized. Well, that can't happen with a videoconference. You can't pass a note back or forth without it being heard, being flashed into the camera. And it seems to me that this contributes to transparency because everything is there for everybody to see and nothing goes back and forth under...in the form of a note or a wink or a nod. It's for the people to see. And with many more locations, in the event they use this technology, there's more places for people to see it happen at, more access by the various media whether it's the local radio or local newspapers or television stations. This, I think, is a transparency enhancer, a public input enhancer. And if it works and is functional as it appears to have been in those cases where it has been used and is being used, it's all in the public benefit and it...we need to develop this technology and use it and it just makes common sense. Inertia is a hard thing to overcome and traditional positions are a hard thing to overcome, but the future requires that to be done sometimes. So that's all I have. If anybody has any questions... [LB735]

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SENATOR AVERY: Thank you. Questions from the committee? We're very quiet today. [LB735]

SENATOR SCHUMACHER: Bless you. [LB735]

SENATOR AVERY: Thank you. [LB735]

SENATOR SCHUMACHER: Thank you. [LB735]

SENATOR AVERY: That is the hearing on LB735. We now invite Senator Price to introduce LB766. Welcome, Senator. [LB735]

SENATOR PRICE: Good afternoon, Chairman Avery and members of the Government, Military and Veterans Affairs Committee. My name is Scott Price, S-c-o-t-t P-r-i-c-e, and I represent the 3rd Legislative District in Nebraska's Legislature and I appear before you today to introduce LB766. LB766 would allow for timely, professional, and coordinated hazardous material response within the framework of the existing emergency management statutes as established under the Governor's emergency program. HazMat emergency response is a very specialized service requiring expensive equipment and extensive training over and above what is normally maintained with traditional fire services. The Governor's Homeland Security Policy Group, using Homeland Security grant funds, has established 10 regional hazardous material response teams within local fire departments who are in interlocal agreement to provide HazMat response should the need arise over and above the capabilities of the local response organizations. Timely technician-level HazMat team response, when the need arises, is difficult using the process currently in state statute. The ability to activate a team and access the Governor's emergency program requires an acknowledgement of a Governor's proclamation of emergency. A precedent is currently in place within the statute 81-829.42, subparagraph 6, allowing for access to funds to cover aerial wild fire suppression up to \$10,000 under the authorities of the Adjutant General of the Nebraska Emergency Management Agency. The proposed legislation would extend the authority of the Adjutant General to cover HazMat emergency response team deployment under the same authorities currently existing for aerial suppression. A representative of NEMA is here today to answer any follow-up questions you may have. And I would just tell you what we're thinking about here and what's important is get done...is to get through our stacks in a hurry. It's Friday. Timely response is very important here. Lives, property are at risk, obviously. These are professionals, they make these determinations, they're trained, they know what they're doing. There's also a component of when a local...when one of these teams gets sent out, what's going to happen is they're going to have to...they're going to want to get reimbursed. This helps with the timely reimbursement of that local response team by the state, who will then go to the most likely indemnifying insurance agent and then be reimbursed for the bill,

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which would then go back to the Governor's response fund. So what we see here, we have a...we have two levels of emergency here. One is the immediacy for public safety, which you're going to do. The second one is going to be for their financial reimbursement. So for these reasons, I think it's really prudent that we move ahead with this. And again, the people behind us can really explain the need, but I...one anecdotal type of thing to reflect on. When I was active duty and worked in the weather field--most of us know--and there I am on the air base. And in the weather field, we were always charged with understanding the...getting the downwind chemical messages and plume. Something goes wrong, the first people they're going to call is the weather folks to find out where's the...where is it going to be disbursed to. I remember one evening they got a phone call. They had an aircraft coming in and it has some really, really caustic materials on board and I had to go run my little message machine and I couldn't even find out what these things were; I had to make a phone call somewhere else. And it didn't take a very large volume of this to kill everything within about--I don't know--2,000 meters. Well, they really wanted to be prepared for these things. These things aren't...this isn't, you know, something we like to dally with, so any time we have the opportunity to make it quicker to let the professionals get there, I think that's a good deal. And with that, I'll close and I'll answer any questions. Or, if you have anything too technical, the people behind me can definitely answer. [LB766]

SENATOR AVERY: Let me start. This is a pretty straightforward, simple, additional language to allow the Adjutant General to spend up to \$10,000 not just for aerial fire suppression, but for HazMat too. [LB766]

SENATOR PRICE: That is correct, sir. [LB766]

SENATOR AVERY: That's all? [LB766]

SENATOR PRICE: Yes, sir. [LB766]

SENATOR AVERY: Okay, just...think I got it. Senator Pahls? [LB766]

SENATOR PAHLS: Yes, as I read...then I'm reading the fiscal note and actually, in actuality it would be \$3,100 with the reimbursements from FEMA. Am I interpreting that correct? [LB766]

SENATOR PRICE: Yes, there...right now in talking...and Mr. Berndt will answer that. They're programming that there would be two--based on historical data--that there would be two events they respond to in a year. But again, the part to remember is while we would have that expense and it has to be shown, they would be going to the insuring agent, who they're indemnified to, who would then reimburse them. So it would wipe that out, but we have to show it as a cost. Yes, sir. [LB766]

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SENATOR PAHLS: Okay, so...and so we're coming forth with this bill. Explain that to me one more time, why we need this. You know... [LB766]

SENATOR PRICE: Okay, okay. Someone behind me is going to explain it really well. But in a nutshell, there was a response to an incident this year, I believe, and they couldn't find the director and they needed his okay and three-and-a-half hours went by. [LB766]

SENATOR PAHLS: Okay. [LB766]

SENATOR PRICE: This way, they wouldn't do. They could go ahead and make the response by themselves. Imagine if you would, if you're in "HazMat Area 1" and you respond outside of your area from North Platte to somewhere else, who would have the responsibility of paying a bill because you go across jurisdictions and this helps cover that and the people behind me can really line that up well for you. [LB766]

SENATOR PAHLS: Okay, okay. Thank you. [LB766]

SENATOR AVERY: Any other questions? Thank you. [LB766]

SENATOR PRICE: Thank you. [LB766]

SENATOR AVERY: Proponent testimony? Welcome, sir. [LB766]

AL BERNDT: (Exhibit 1) Senator, how are you today? Mr. Chairman and members of the committee, my name is Al Berndt. It's A-I B-e-r-n-d-t, and I am the assistant director of the Nebraska Emergency Management Agency. I'm actually here to give testimony in support of LB766 as introduced by Senator Price. The senator did do a very good job of laying out the intent of the bill. I've prepared written testimony and it's been distributed to you. I don't believe I need to take your time going over the written testimony per se. But as Senator Avery has pointed out, this is a very straightforward bill. It expands the authorities of the Adjutant General to include hazardous material response as an incident. Along with aerial wild fire suppression is the ability to access funds up to \$10,000 through the Governor's Emergency (Cash) Fund to react to that incident. And having said that, I would be more than happy to answer any questions on the technicalities of how we do this as currently in place. [LB766]

SENATOR AVERY: Thank you, sir. Questions from the committee? I appreciate the testimony--written testimony. Senator Wallman? [LB766]

SENATOR WALLMAN: Thank you, Chairman Avery. Did you tap into this fund, you know, with the flood this year--last year? [LB766]

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AL BERNDT: This is the same fund that's utilized to do...to cover the initial cost of state response and then to do cost share with local governments on the costs of both response and recovery to a flooding event. This is the same fund that we testified to yesterday in front of the Appropriations Committee, sir. [LB766]

SENATOR WALLMAN: Thank you. [LB766]

SENATOR AVERY: Any other questions? Don't see any. Oh, yes, I do. Senator Seiler. [LB766]

SENATOR SEILER: Mr. Berndt, I noticed in your fiscal note you said this does not include an impact on political subdivisions and that's covered under the narrative. When you go to get your reimbursement from the insurance company assuming there's one there, do you go together or does the state reimburse the political subdivision for their expenses and then the state carries the burden of recovery or do you go together or does the political subdivision on their own? [LB766]

AL BERNDT: I'm a firm believer that the fire chief of a political subdivision has enough to do being an emergency responder not to worry about the finances of the state-supported response. In the incident involving Stapleton fire, Chief Pedersen from the North Platte Fire Department, he submitted his bill to NEMA and we reimbursed him. [LB766]

SENATOR SEILER: Okay. [LB766]

AL BERNDT: And at that point in time, I would point out that we're also getting assistance in this from the Nebraska Department of Insurance, because what we did is went to the Department of Insurance and says, help us collect our bill from the indemnified due insurance carrier. I would also like to point out while I believe that incident was maybe the 16th or the 17th of July, that North Platte Fire got their reimbursement relative quick to the submittal of the bill. I collected on the bill last week and that money went back into the Governor's Emergency (Cash) Fund. [LB766]

SENATOR SEILER: Okay, thank you. I was wondering how you collected. [LB766]

SENATOR AVERY: You collected last week? [LB766]

AL BERNDT: That's when I got the check. [LB766]

SENATOR AVERY: Wow. Thank you for your testimony. [LB766]

AL BERNDT: Thank you very much. [LB766]

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SENATOR AVERY: Any other proponent testimony? [LB766]

BILL BOWES: Thank you, Senator Avery and members of the committee. [LB766]

SENATOR AVERY: Good afternoon. [LB766]

BILL BOWES: My name is Bill Bowes, B-i-l-l B-o-w-e-s. I'm the Papillion Fire Chief and I'm here representing the Nebraska Municipal Fire Chiefs Association in support of this bill. Senator Avery, you said it very well. It's just a very simple solution to a problem that we have essentially at the street level. Right now, current state law doesn't allow for a speedy response and economic recovery to a HazMat incident. Just by the simple change in the state law that this bill proposes, that problem is going to be fixed. NEMA is going to be able to fulfill their responsibilities and those of us responding will not have any worries as far as the hazardous materials response goes. So very simply, the Nebraska Municipal Fire Chiefs are in favor of the bill. We appreciate Senator Price's work on this and we appreciate your favorable consideration of it. [LB766]

SENATOR AVERY: Thank you, sir. Questions? Don't see any. Thank you. [LB766]

BILL BOWES: Thank you. [LB766]

SENATOR AVERY: Next proponent? Mr. Stilmock. [LB766]

JERRY STILMOCK: Thank you, Mr. Chair. Members of the committee, my name is Jerry Stilmock, J-e-r-r-y, Stilmock, S-t-i-l-m-o-c-k, representing two of my clients today, the Nebraska State Volunteer Firefighters Association along with the Fire Chiefs Association, in support of LB766. The message that is undoubtedly in Mr. Berndt's material that was handed in to the committee is this important item I'd like to throw out just in my testimony is that there is no way that the Nebraska communities can each have a hazardous material team in order to respond. So in order for Nebraska to be able to respond to these incidents, we have to have the ability of cooperation. One nugget--one category, if you will--of cooperation is from the state emergency response team, composed of different personnel--some State Patrol, some Fire Marshal's Office, and a category of others--that are scattered throughout the state. And then, as Chief Pedersen will say from North Platte, they have a hazardous material response unit in North Platte but given their geographic location, they have to...they don't have to. They're ascribed with maintaining coverage, if you will, over a large portion of the western one-third of the state. We need to have LB766 to take care of those situations where it doesn't happen in the jurisdiction of the North Platte Fire Department. It happens outside of the jurisdiction and we need the ability of the Adjutant General to be able to act without the declaration of course from the Governor that an emergency exists. Chief Pedersen has the details of the Stapleton incident, so I'll defer those to him. But my two clients are very, very interested in seeing this bill go forward. Thank

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you, Senators. [LB766]

SENATOR AVERY: Thank you, Mr. Stilmock. Questions from the committee? Don't see any. [LB766]

JERRY STILMOCK: Thank you. [LB766]

SENATOR AVERY: Thank you. Any more proponents? Welcome, sir. [LB766]

PAUL PEDERSEN: Thank you, Senator. Thank you, Senators, for allowing us to speak to this issue. I am Paul Pedersen, chief of the North Platte Fire Department and we...I'm...our... [LB766]

SENATOR AVERY: Will you spell your name for us? [LB766]

PAUL PEDERSEN: P-a-u-l P-e-d-e-r-s-e-n. [LB766]

SENATOR AVERY: Thank you. [LB766]

PAUL PEDERSEN: We're one of ten hazardous materials teams that has been set up and we're spread throughout the state by NEMA through Department of Homeland Security funds. And in return for setting us up, if you will, we have agreed with them...we have a written document, an interlocal agreement between the state and each of our cities that we will respond if we're called out to hazardous materials incidents. And this goes into the training and what's expected when we respond, but it makes it very clear that if we are not called out, if we're not dispatched by NEMA, then we're on our own. We can't self-deploy. We need to wait for that word from NEMA in order to be dispatched to a scene. Well, in North Platte, there's another HazMat team in McCook. That's 70 miles to the south. There's a team in Scottsbluff, roughly 180 miles west. There's none north of us. It's almost 140 miles to the border. And then east of us, the next closest is 150 miles to Grand Island. So we have quite a large area of the state so obviously we're not going to self-deploy and bear the...not only the expenses but the liability for these runs for the city of North Platte. So what this...we're hoping that this bill will pass and speedily because what it does...it allows for us to give...when we get the call to get on the road and then it gives the expenses and it covers the liability up to \$10,000. The Stapleton incident has been mentioned here this morning. There's a call out procedure and a flow chart that's in this agreement and it was used in that incident. It really didn't work very well and this legislation would dramatically change that and improve it and we would again like to see this passed. [LB766]

SENATOR AVERY: Thank you, Mr. Pedersen. Questions from the committee? Thank you, sir. [LB766]

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PAUL PEDERSEN: Thank you. [LB766]

SENATOR AVERY: Any more proponent testimony? Welcome, sir. [LB766]

KURT STRACHOTA: Good afternoon, Senator Avery, members of the committee. My name is Kurt Strachota, K-u-r-t S-t-r-a-c-h-o-t-a. I'm a battalion chief with the Bellevue Fire Department. I also run one of the other number of the ten teams in the state. I just wanted to convey our support of this bill. And basically from our point of view is if we get called even somewhere close, our problem is we have to call in to backfill for our HazMat technicians that are...have to leave the shift in order to cover our city and then obviously we would run into funding issues with that. The other is that when we get called--and it think it was the case when North Platte got called to this previous call--firefighters don't sit around well and wait. And granted, there's a lot of planning that can be done. But most of the time, we have to dispatch there and get some feet on the ground to see what's going on before we can start that significant planning, so that's all I have. [LB766]

SENATOR AVERY: Thank you, sir. Questions from the committee? I don't see any. Thank you. [LB766]

KURT STRACHOTA: Thank you. [LB766]

SENATOR AVERY: Any more proponent testimony? Any opponent testimony? Anyone wish to testify in the neutral position? Senator Price. [LB766]

SENATOR PRICE: Thank you, Chairman Avery and members of the committee. You've heard all the testimony. I just came up here to give you an opportunity to ask any questions. Obviously, we would like to urge the favorable consideration of the bill. Any questions, sir? [LB766]

SENATOR AVERY: Yeah, thank you. Any questions? No, we're pretty quiet today. [LB766]

SENATOR PRICE: Thank you. [LB766]

SENATOR AVERY: All right, that ends the hearing on LB766. It will now move to the final item on the agenda for today, LB782, and invite Senator McCoy before the committee. You don't appear here very often, Senator. [LB766]

SENATOR McCOY: I do not. [LB782]

SENATOR AVERY: Welcome. [LB782]

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SENATOR McCOY: (Exhibit 1) Thank you, Chairman Avery and members of the committee. For the record, I am Beau McCoy, B-e-a-u M-c-C-o-y, and I represent the 39th District in the Legislature and I am here today to introduce LB782 to the committee, which would require a report submitted to the Legislature to be submitted electronically. You know, all of us receive many, many reports and piles of paperwork as we all know in our offices, and this piece of legislation, really, I have to give the members of my staff credit for. They obviously are the front lines of receiving a lot of information in our office, just as your members of your office are as well. And really, this came out of an idea of how could we be more efficient? How could we achieve some savings and printing costs and the man hours that it takes to do this? And I know one of the things that we've discovered as we've moved offices a few times--this will be our fourth session down here--as I know many of you have as well is that you try to move everything with you and it's so hard to move all those reports over the years, keep track of them, which ones are from what year. I know all of you probably have the same thing that happens to us. Sometimes we'll have constituents that will ask about a specific report, maybe from a particular year, and it sometimes is difficult to come up with that and have the room to manage all that. And we really felt like this piece of legislation may be helpful to try to streamline that process. It's somewhat ironic, as probably all of you have it there in your binders as I can see, that it took a 382-page piece of legislation to try to reduce the amount of paperwork that we get here in the Legislature. But nonetheless, that is what we're required, as is certainly a lot of places in statute that reference reports to be submitted to us here in the Legislature. You have before you an amendment which I'd like to reference real briefly and I believe the Clerk of the Legislature, Patrick O'Donnell, will testify behind me a little bit in reference to this amendment as well. But essentially, it's a fairly simple technical amendment that there are some electronic submittals that won't be coming up for a few years yet until 2015, in reference to lobbyist reports. And also, there was a concern--and I think it's an important consideration to make--that in these electronic submittal of reports versus paper copy to make sure that we receive those in a PDF format so they can be saved and referenced later rather than...sometimes I know we all receive those e-mails or reports that are a link that, as time goes on, if you were to file that, perhaps that link goes away and we wouldn't be able to access that information. So that is the essence of the amendment you have before you and I think the two of those put together, I hope this would be a piece of legislation that you would find useful and hopefully that we would all find useful. I know if you look at the fiscal note, it's very difficult to really determine what kind of a cost savings we might actually be talking about here. It may not be a hugely significant amount, but my hope would be that it would just make things simple as we go on. As technology progresses, this certainly seems to be the way that things are going with information that we receive here in our offices. And with that, I'll conclude. If there are any questions, I'd be happy to take them. [LB782]

SENATOR AVERY: Wouldn't you think there would be substantial savings, though, with this legislation? I understand the difficulty at the fiscal office of coming up with a number

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or an accurate estimate, but just intuitively you would expect savings. [LB782]

SENATOR McCOY: Well, you would certainly think so. I know it certainly seems when we receive many of these annual reports from boards and commissions--and sometimes way more often than annual--and agencies that there has to be a printing cost attached to those reports. And perhaps it's not as great as what one might think considering how nice some of them are, but you would certainly think that there would be a significant cost savings involved not only, I would think, in printing costs but in the man hours it takes to sometimes...as many of you know, those reports are hand-delivered to us from whatever board or commission or agency. I think what's particularly most useful, I know to many of you, is we take things home with us over the weekend sometimes or recess or during the interim. Sometimes it's so difficult to take these reports and process them or trying to take them in our briefcases or whatnot home with us over the weekend. And to me, I think it makes these reports much more accessible to us as members of the Legislature when we have the ability to call one of our staff members and say, can you e-mail me that report? We can access it on our computers or on our smart phones and it just seems to me that it gives us the ability not only in a savings and printing and man hours, but just is more efficient in how we go about doing things and trying to make the best decisions possible that we can on the bills and ideas that we need to process. [LB782]

SENATOR AVERY: What do you think happens to most of these reports that pour into our offices every day? [LB782]

SENATOR McCOY: Well, I guess I can only speak for our office, but I would assume that over time most of them end up in the recycle bins and I would hope from here that means they get recycled and maybe end up coming back to us in the form of the next annual report. [LB782]

SENATOR AVERY: Another report. Questions from the committee? Senator Janssen? [LB782]

SENATOR JANSSEN: Thank you, Chairman Avery. Thank you, Senator McCoy. And the only thing I could say is you beat me to it. And I do disagree with the...it's hard to look at the...I really don't have question; I'm just saying a few things here. The amount that we'll save on this...it struck me as a little bit ironic when I first came to the Legislature--when we first came here--all the paper that was given to us and I requested it not come to my office. And this was just after my company that I own in Fremont had undergone a lengthy, paperless, shooting for a like a green--whatnot--environment, and for a couple reasons. One, a lot of times it was sensitive material and it was more secure on the computers. But to get back to the significance of the savings, this is...I don't have a number to put to this, so I could see where they didn't. We used to have stacks and stacks and stacks of paper ready for printing in our office. It's a small office,

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40 people working there, dealing with medical records and whatnot. And now I walk in, there's probably three little boxes there and we order them one at a time instead of pallets of them coming in. So I don't know the cost of printing. I do know I had a county election commissioner tell me that it costs 31.25 cents per envelope the other day, buying in bulk, so I'd imagine this is a fairly significant bill. And I don't know who would oppose it, but I appreciate you bringing it. [LB782]

SENATOR McCOY: Thank you. [LB782]

SENATOR AVERY: Senator Price. [LB782]

SENATOR PRICE: Thank you, Chairman Avery. And just to follow on to that, doing some quick math here, being that there's 782 pages, numerical pages being 391 individual pages, we went through about eight reams of paper just to bring this bill to the committee. [LB782]

SENATOR McCOY: My apologies. (Laughter) [LB782]

SENATOR AVERY: It's not your fault, though, Senator. [LB782]

SENATOR McCOY: My apologies on that, but... [LB782]

SENATOR PRICE: I was hoping you would carry something with them, but at least we have now a reference point, or the all 250 reports that we have available for us to read should we get bored on weekends, so I do appreciate that. [LB782]

SENATOR AVERY: Any more questions? Senator Pahls. [LB782]

SENATOR PAHLS: Since we're all making statements, I think in reality we're in a transition time. That's simply it and we're caught in there. Eventually, this stuff will happen. Whether we do it today or not, it's going to happen because we're in...if you are a student of history, when you're in transition time, it takes a while to get everything all cleaned up. Enough of my sermon. [LB782]

SENATOR McCOY: Well, I...if I may, I would agree with that. I mean, we've all noticed the difference now that we have the podiums on our desk up in the Chamber versus the bill books that were present for, I assume, going back to even probably before the Unicameral's founding, back when we had both the Senate and the House, I would imagine. And I think that's been a big change and I think just in my coming up on four years in the Legislature, seems that we receive more and more and more on-line already, even just in the last four years. So to me, this seems to be a natural progression of just the way things are going. I know in our family business back at home, I spent some time earlier this week undergoing an effort with some of the guys

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that I work with as we try to go more and more on-line and digital with our forms and paperwork just in our construction company back at home. [LB782]

SENATOR AVERY: I remember those big green books providing a podium for most people. We...nobody opened them. [LB782]

SENATOR PAHLS: They were red. Red. [LB782]

SENATOR AVERY: They were red? [LB782]

SENATOR JANSSEN: They had green copies. [LB782]

SENATOR PRICE: We had green copies. [LB782]

SENATOR AVERY: The green, the green copies, the green copies. I don't see any more questions. You're going to stay for closing? [LB782]

SENATOR McCOY: Yes, sir, I will. [LB782]

SENATOR AVERY: Proponent testimony? Well... [LB782]

SENATOR PRICE: This is an honor. [LB782]

SENATOR AVERY: Mr. Clerk, I think this is might be your first time since I've been Chair. [LB782]

PATRICK O'DONNELL: Well, yes, sir. I've been here a few times over the years, but I believe it's the first since you've been Chair. Mr. Chairman, members of the Government, Military and Veterans Affairs Committee, my name is Patrick O'Donnell, Clerk of the Nebraska Legislature, O-'-D-o-n-n-e-l-l. I don't really have a lot to offer. Senator McCoy was kind enough to share with you the amendment that we had drafted. And I guess one of the reasons I wanted you to understand why we've asked for a two-year deferral on the lobbying quarterly reports and end of session reports is that in all of that bill that you've seen, we're dealing with other governmental entities, with the exception of the lobby, okay? And our goal, obviously, is to go to on-line registration/on-line reporting. We're not there yet. We've had some distractions the last year or so with things like special sessions and big rebuilding drafting systems. But our goal is to get to the point where we can accept on-line lobby registration as well as the reporting requirements, and this will allow us kind of a grace period. Hopefully, we'll be in position to do it sooner than January of 2015, but that's the goal and that's the reason I asked for this accommodation. I didn't know how to deal with those groups that come in that aren't used to dealing with government yet register as lobbyists. And now we're putting a mandate on them that they have to send this stuff electronically, so this gives

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me a little wiggle room with those folks. The other component of the amendment, as Senator McCoy talked about, was you know right now, we get...I'd venture half of the reports that the Legislature gets right now are coming electronically. Maybe not quite that, but a number of them are. Sometimes we get agencies that submit things as a link to their, you know, agency Web site. Well, there's no historical perspective that we can get from that. Links don't...I mean, they can change their page and not...a link doesn't get us there in six months or a year. So by requiring a PDF submission, it will allow us to keep it for our recordkeeping purposes. Right now I will tell you we have a three-year retention schedule, so any report that we get we keep for three years. If it's something that warrants keeping longer we will but that's kind of our records retention schedule right now. And that's really all I have, Mr. Chairman. I just thought I'd try and provide a little more perspective as to the amendment. [LB782]

SENATOR AVERY: So you are squarely behind dragging this state into the 21st century? [LB782]

PATRICK O'DONNELL: Slowly but surely, Senator. [LB782]

SENATOR AVERY: We usually say kicking and screaming into the 21st century. [LB782]

PATRICK O'DONNELL: Yeah, yeah, yeah. [LB782]

SENATOR AVERY: Senator Price? [LB782]

SENATOR PRICE: Chairman Avery, thank you. Thank you, Mr. Clerk. The question I had referred to other bills where we talk about records retention for posterity's sake. [LB782]

PATRICK O'DONNELL: Um-hum. [LB782]

SENATOR PRICE: Does this mean that one of these PDFs would be sent to the archives? Do we archive these records now? [LB782]

PATRICK O'DONNELL: What...I don't know what the agencies do. Every agency will have their own archival or recordkeeping requirements. [LB782]

SENATOR PRICE: So this wouldn't touch that. We don't have that. [LB782]

PATRICK O'DONNELL: Well, the Legislature does have a record keep...I mean, documents that we create. You know, whether they're bills or hearing schedules or other kinds of public documents, yeah, we have a records retention schedule. The three-year period I talked about are for these kinds of reports that come in as a result of

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the legislation that this Legislature has passed over however many years saying we want this report or that report. The fact that we have a three-year retention schedule doesn't necessarily mean that the Department of Roads or the Department of Health and Human Services doesn't have something longer or something shorter, okay? Actually, my plan is to talk to our legislative librarians after...even after the three-year period that we currently have in place, talk to them and see if they have any interest in maintaining those kinds of records for an extended period of time. I mean, the reason I get them is because members have inserted into the legislation that you process and pass a requirement that this agency report on this, that, or the other thing. And they come to my place because it's a convenient depository, if you will, for you to have access to them. But to be very candid with you, there is...I'm not getting a lot of requests from members to see this stuff. And very, very seldom do we see something, a request from a member coming for a report that's more than three years old. That's kind of why we sat on the three-year time frame. [LB782]

SENATOR PRICE: And could you hazard a guess on the changes you've noticed because we've gone away from the bill books? On the...as far as the level of effort and the amount of paper you're going through. [LB782]

PATRICK O'DONNELL: Well, we're...obviously we're printing fewer bills. You know, I can tell you 15 years ago, we were spending \$500,000 a year on printing. We're probably down to about \$250,000-\$300,000 a year number for session activity. You know, we've ratcheted down as obviously members' needs and interests change. I mean, this Legislature is much more technology savvy and technology literate than a Legislature of even 5 or 10 years ago. And if nothing else, I think the Chamber looks cleaner. We don't have a lot...you know I think...I mean, I think it's enhanced the appearance of the room considerably, but that's just a personal observation. [LB782]

SENATOR PRICE: Thank you. [LB782]

SENATOR SEILER: You probably have the only seat in the house that shows that. [LB782]

PATRICK O'DONNELL: Well, yeah, I...you know, I've got a pretty good seat because I'm up a little elevated, but I...we've gotten comments over the years from a lot of the public when they come into the balconies or watch them behind the glass just to what are all those bill books and what's in there and gosh, you guys have a lot of paper. Yeah, we do. [LB782]

SENATOR AVERY: Any other questions? Thank you,... [LB782]

PATRICK O'DONNELL: Thank you. [LB782]

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SENATOR AVERY: ...Mr. Clerk, for your testimony. Any other proponent testimony? We're on LB782. Any opponent testimony? Anyone wish to speak in a neutral position? Good afternoon. [LB782]

BRIAN HALSTEAD: Good afternoon, Senator Avery, members of the Government Committee. For the record, my name is Brian Halstead, that's B-r-i-a-n H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. I'm here in a neutral capacity and the only reason I'm here is one section of this bill is amending 79-760.05 of the statutes which calls for the department to do the State of the Schools Report to the Governor and the Legislature. We have always done that from our Web page because it would be a couple thousand pages long if it were printed out, and our Web page is designed to be interactive so you can select certain schools you want to compare to. So if you're expecting the department to produce that in a PDF now to the Clerk of the Legislature, that's going to be a couple thousand pages of PDFs. And if you want us to do all of the possible comparisons of the 900-and-some school buildings, that's going to add to it also. So that's the only reason I'm here. We've been doing this electronically on the Web page for the past 10 years. If you're expecting a PDF or an actual physical report, I'm going to be honest, we've never filed that with the Clerk. We've made it available, we do have our own records retention schedule which we're required to keep a copy of that with the Secretary of State and everything else. So that's the only reason I'm here. I...it looked like when the bill was drafted by Bill Drafters, every time they saw the word "report" they put it in here. And sometimes you can report just like I've reported to this Government Committee this afternoon without actually putting a physical document in front of you, so that's my... [LB782]

SENATOR AVERY: Would you have an amendment? [LB782]

BRIAN HALSTEAD: I didn't have an amendment because we weren't sure what "electronically" meant in the bill. I know there's been an amendment that Senator McCoy offered this afternoon... [LB782]

SENATOR AVERY: Um-hum. [LB782]

BRIAN HALSTEAD: ...I briefly looked at in that regard. But in that regard, if you want it done that way, we'll do it that way. We've just put it on a Web page. It's there; everybody can still access all of the past State of the Schools Report off of that Web page. So that's the only reason we're here is to make sure that when you say...when you look at the reports, are these the ones you physically got a paper report or something from the department, as opposed to the Commissioner of Education shall report to the Education Committee, which he sometimes does by appearing in front of the committee. That's the only reason we're here. [LB782]

SENATOR AVERY: How did you meet the requirement prior to the presence of

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computers on our desks? [LB782]

BRIAN HALSTEAD: Well, Senator, the State of the... [LB782]

SENATOR AVERY: Did you publish a 2,000-page report? [LB782]

BRIAN HALSTEAD: The State of the Schools Report was only required beginning in this century, so there wasn't a State of the Schools Report prior to that under 79-760.05, so we've always done it electronically. [LB782]

SENATOR AVERY: You always have, yeah. [LB782]

BRIAN HALSTEAD: We were adapt... [LB782]

SENATOR AVERY: Do you know of any other agencies that might face the same issue? [LB782]

BRIAN HALSTEAD: I don't, Senator, I don't. And again, we're not opposed to doing this electronically or however you wanted it. I just noted that for our State of the Schools Report one that was included in this... [LB782]

SENATOR AVERY: Um-hum. [LB782]

BRIAN HALSTEAD: ...if it's a PDF that you now want, that's fine. It's out there on the Web page just because of its huge nature, and its interactive nature is why we've never physically provided each of you with a paper copy of it. [LB782]

SENATOR AVERY: But you wouldn't have any trouble preparing a PDF version, would you? [LB782]

BRIAN HALSTEAD: It depends if you want all of the possible comparisons because you can compare up to five school buildings... [LB782]

SENATOR AVERY: Um-hum. [LB782]

BRIAN HALSTEAD: ...or five districts on our Web site. If you want all of those comparisons included... [LB782]

SENATOR AVERY: Um-hum. [LB782]

BRIAN HALSTEAD: ...in that PDF, now you've added to it in the sense. We can give you what every school building report would be, every school district report is, but we won't be able to produce for you the ability of the public to do multiple variations of

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comparisons if that's what you're looking for. [LB782]

SENATOR AVERY: Um-hum. Okay. Questions from the committee? Senator, is this for you? [LB782]

SENATOR PAHLS: Well, yes, I, if you... [LB782]

SENATOR AVERY: Okay. [LB782]

SENATOR PAHLS: Well, as I read the amendment it says, upon showing a good cause, the Clerk may accept the report in written form. Do we need to add another word that would cover you? [LB782]

BRIAN HALSTEAD: No. I haven't seen the amendment that you got handed, so that's... [LB782]

SENATOR PAHLS: Oh, okay. Okay, I mean, it's...yeah. [LB782]

BRIAN HALSTEAD: I ran over here as quickly as I could on a bill, so... [LB782]

SENATOR PAHLS: Yeah, okay. And I appreciate that, especially if there are a number of organizations out there that may...because we don't want to add more if it's already out there given to us. But this leads me...and I'm going to ask this question and I think it's a fair question: Do you think your Web site is easy to manage for the person in the public world? [LB782]

BRIAN HALSTEAD: For them to manage or use? [LB782]

SENATOR PAHLS: Not to manage, sure. But yeah, to manage to get information. [LB782]

BRIAN HALSTEAD: Well, in the sense of that Web page has a feature where you can download onto your computer all of the data that's contained in that report. [LB782]

SENATOR PAHLS: But to find it? I mean, I'm not using the word. [LB782]

BRIAN HALSTEAD: It's on our main page and there is a bar that has every year the State of the Schools Report that takes you to the link for that year and then it also has on that page the links to the prior years if you want to look those up. [LB782]

SENATOR PAHLS: I'm sorry, I'm really messing this up. Just your site, just to utilize your site. [LB782]

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BRIAN HALSTEAD: Oh, I think our site is real easy to utilize because there's an A-Z list you can scroll over. If you're looking like for State of the Schools you go to S, you'll get a drop-down screen that shows you everything under S, which would show you State of the Schools. [LB782]

SENATOR PAHLS: Okay, okay. [LB782]

BRIAN HALSTEAD: So I can't speak for the entire public though. [LB782]

SENATOR PAHLS: No, that's all right. I see. Okay. [LB782]

BRIAN HALSTEAD: And we also recognize--let's face it--not everybody in the public has access in their homes to a computer. Our libraries are there, the schools are there for computer access, too, but... [LB782]

SENATOR PAHLS: Thank you. [LB782]

SENATOR AVERY: Senator Wallman has a question. [LB782]

SENATOR WALLMAN: Thank you, Chairman Avery. Yeah, thanks for coming, Brian. How far do you have, do you keep track, do you go back on data so I can compare? [LB782]

BRIAN HALSTEAD: The State of the Schools Report on our Web page goes back to the first one we produced in...I believe it was two-thousand and...after the 2002-03 school year, but I'd have to go look at our Web page to see when we did it the first time. This is all part of the NeSA tests that we're now doing. Previously, star Senator Avery, since he's on the Education Committee, is very familiar with the whole subject and everything else. But just in the sense of when you keep in mind we now have 249 school districts that have over 900-and-some different schools, you can see how many pages that's going to produce for you. That includes all of the demographics of all of the students, all of their performance on a whole bunch of multiple measures. It's a voluminous paper report if we actually printed it off, and that's why we've never printed it off. It's been on the Web page for anybody to look at it. [LB782]

SENATOR WALLMAN: Thank you. [LB782]

SENATOR AVERY: Two-hundred forty-nine. What happened to the other two? [LB782]

BRIAN HALSTEAD: They probably are either in a unification or they dissolved and merged with somebody else. That will go down one to 248 next year if everything holds together at the moment, so. And I don't know if there are any more school reorganizations going on. That number has gone down. When I first came to the

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department in 1990, there were 821. [LB782]

SENATOR AVERY: Yeah, Class I's took care of some of that. [LB782]

BRIAN HALSTEAD: We did 200 of them in one fell swoop. That was not exactly painless but in that regard, that's... [LB782]

SENATOR AVERY: Yeah. Any other questions from the committee? Thank you, Mr. Halstead. [LB782]

BRIAN HALSTEAD: Thank you. [LB782]

SENATOR AVERY: Any other neutral testimony? I think we're near the end, Senator McCoy. [LB782]

SENATOR McCOY: Thank you, Chairman Avery. I'll be very brief in response to Mr. Halstead's questions. I...and I should have mentioned in my opening, there are a number of...if you go through...and we have a list that's many, many pages long that my staff has prepared that shows just exactly what all reports are included in the bill itself. And there are some that we did not include such as the Governor's budget, other really important--or we deemed to be very important--reports that just don't make sense to probably just be in electronic format because we go over those probably more than once at...here in the Legislature. So in answer to Senator Pahls's question, you know I'm happy to...we'll be happy to talk to the department and see if possibly it makes sense to just exempt that report out, if that seems to be the best answer. Or perhaps under the amendment it does give the Clerk the authority basically to deem whether or not that's a good cause to exempt that. So I think between one of those two things, we could always add it to the amendment if possible, whatever the committee would like to do. But we certainly...again, the whole idea of this is to make this less work for agencies and commissions and the ability to reduce paper, not more work. So along those lines we're happy to do anything that we need to do to streamline this and take care of any concerns that might be. [LB782]

SENATOR AVERY: Thank you, Senator. [LB782]

SENATOR McCOY: Thank you. [LB782]

SENATOR AVERY: Any more questions from the committee? Senator Pahls. [LB782]

SENATOR PAHLS: And I'm trying to ask this question and if the bill seems relatively simple and then we can get all these things ironed out. Would this...would you feel this would be like a consent calendar bill? [LB782]

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SENATOR McCOY: I would hope so. Yes, Senator Pahls. I mean, clearly that would be up to your committee when you vote on it. [LB782]

SENATOR PAHLS: Right, but I...just your perception. [LB782]

SENATOR McCOY: That would be my hope, yes. I think this is of value to the Legislature as a whole. So that would be my hope, that provided that you would see fit to do that, I would hope that it would be consent calendar, yes. [LB782]

SENATOR PAHLS: Thank you. [LB782]

SENATOR AVERY: Thank you. [LB782]

SENATOR McCOY: Thank you. [LB782]

SENATOR AVERY: All right, that ends the hearing on LB782 and the hearings for today. Thank you all for coming. [LB782]