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Government, Military and Veterans Affairs Committee
January 21, 2015

[LB65 LB84 LB135 LB177]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Wednesday, January 21, 2015, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB84, LB177, LB135, and LB65. Senators present: John Murante, Chairperson; Tommy Garrett, Vice Chairperson; Dave Bloomfield; Joni Craighead; Mike Groene; and Matt Hansen. Senators absent: Tyson Larson; and Beau McCoy.

SENATOR MURANTE: Welcome to the Government, Military and Veterans Affairs Committee. We'll start by introducing the members of the committee. To my far right, Senator Mike Groene from North Platte, Nebraska, will be joining us shortly. To his right now is Senator Tyson Larson from O'Neill, Nebraska, who will also be joining us momentarily. Next to him is Senator Dave Bloomfield from Hoskins, Nebraska, if memory serves, yeah; the Vice Chair of the committee, Senator Tommy Garrett, from Bellevue; our research analyst, Charles Isom. I am John Murante, state senator for District 49 in Gretna. To my left is Senator Matt Hansen from Lincoln. To his left, Senator Beau McCoy will not be joining us but he represents Omaha. Senator Craighead, on the end is Joni Craighead, represents the city of Omaha. And Sherry Shaffer is our committee clerk. We are here for four bills today. In this committee we will be using the light system. Senator Groene has arrived. We'll have four minutes of testimony. When the amber light illuminates, you will have one minute remaining. And when the red light comes on, it's time to wrap things up and we'll let you know. If you have a prepared statement or exhibit, give it to our page, one of our pages who will distribute it. If we need to make copies, we can do that for you. But we need 12 copies for any material that is to be distributed. For testifiers, we ask that you fill out these green sheets which are on either side of the committee hearing room. And other than that, I think we are ready to go. So our first bill on the docket is LB84 by Senator Davis. Welcome.

SENATOR DAVIS: (Exhibits 1 and 2) Thank you. Good afternoon, Chairman Murante and members of the Government, Military and Veterans Affairs Committee. I am Al Davis, D-a-v-i-s, and I represent the 43rd Legislative District. I am here today to introduce LB84, a bill that would amend the Open Meetings Act to enable local governing bodies located in counties under 3,000 residents to utilize electronic means of conferencing for public meetings. The need for this bill was brought to my attention in 2013 by a constituent from Thedford who was serving on the local board for the Sandhills Journey Scenic Byway which runs from Grand Island to Alliance, about 260 miles. Due to weather conditions and the vast distances within its jurisdiction, this board has a lot of difficulty maintaining a quorum. She will be testifying today to give you her perspective on the difficulty she and her fellow board members faced in trying to abide by the strict meeting laws and by the quorum regulations. Currently, limited electronic conferencing is permissible for meetings of several types of public bodies including

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state entities, the Educational Service Unit Coordinating Council, ESUs, irrigation and power district boards, and community college board of governors. LB84 would allow for the use of videoconferencing, teleconferencing, or other electronic means of conferencing for meetings of public bodies in counties under 3,000. The bill would allow only one member to participate by electronic conferencing per meeting. I recognize that there may be resistance to moving away from the standard that all members of a public body be present in a room to transact business. But the reality is that for the sake of very rural areas of the state like my district, we cannot ignore the immense difficulties these public servants have in abiding by the strict physical presence requirements of the Open Meetings Act. Furthermore, video and teleconferencing technology has advanced dramatically and we are capable of easily accommodating participation from a distance with clear video and audio. I do not envision this bill as an attempt to supplant the open meeting laws. Most board members in rural Nebraska are eager to participate in regular meetings and all I have visited with view the use of electronic media as substandard to the real thing. However, there are many very real situations in which this bill will benefit rural Nebraskans where it is most needed. A spring blizzard could easily catch a county commissioner at home when he is unable to attend the monthly meeting in town, but he could participate via teleconferencing. This would assure that his views are considered and his portion of the county represented even if he can't be there in person. A rural school board might be hiring a new superintendent at their March meeting when a board member is called away for a family emergency. This important decision can't be put off, but the input of every board member is valuable to the discussion and again, the involvement of that individual will assure the constituents he or she represents have a voice. Several years ago, the Hyannis School Board entered an agreement with Cody-Kilgore to share administrative services. This took place while I was president of the board in Hyannis. The two schools are over a hundred miles apart, but much of the negotiation which took place to develop the agreement occurred when both boards met in their respective schools and visited across the miles on the distance learning equipment in place there. We used modern technology to solve a problem, one which would have required extra hours and expense to implement if we hadn't had the technology available to us to communicate in this manner and one which might not have happened simply due to distance. Since then, technology has improved and expanded opportunities and it is time Nebraska considered a radical restructuring of laws to incorporate modern technology in our work. I view what I'm introducing here as kind of a baby step and I would encourage the board to look very favorably on the bill and to consider implementing some other practices which might liberalize and make it easier for communication to take place in public meetings across the state. Testifying behind me will be...testifiers will be bringing suggestions of how to expand the use of this technology further and extend it to even more public bodies. I am generally supportive of their proposals. At the very least though, I urge you to extend this ability to governing bodies in the most sparsely populated counties of our state where this issue is most pressing. I have two handouts, one which shows counties which are eligible and schools districts which are eligible. And I'd be happy to answer any questions at closing.

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[LB84]

SENATOR MURANTE: Thank you, Senator Davis. Are there any questions for Senator Davis? Senator Bloomfield is recognized. [LB84]

SENATOR BLOOMFIELD: Thank you, Senator. Senator Davis, I have a couple questions and probably people behind you are going to be in a better position to answer them. If that's so just...who decides which one gets to miss that meeting? If you have five people that's supposed to be there, who decides and when do they decide which one gets to stay home and watch the baby calves? [LB84]

SENATOR DAVIS: So I would say that the public body is going to have to set up rules and regulations for how that is handled. And I can't answer how they're going to do that. I would envision it though that if you, Senator Bloomfield, and I were on a board, maybe one month you might need to be gone. Maybe the next month I might be gone. But there would have to be a protocol put in place. And it would probably have to be done with the local governing board to do that. [LB84]

SENATOR BLOOMFIELD: So it wouldn't necessarily be on an emergency basis, which you kind of indicated that. If somebody had a family emergency or something you wouldn't know that a month in advance. [LB84]

SENATOR DAVIS: Well, most of the time people want to go the meeting and sit there because you can get a lot of information from body language and other things. So I don't really view that this is going to be taking the place of face-to-face meetings. We just need to have the opportunity for people to participate in that way. [LB84]

SENATOR BLOOMFIELD: And when you say teleconferencing, are you referring to Skype? [LB84]

SENATOR DAVIS: That is often used by some. You know, I do a lot of...with my Independent Cattlemen role, we do everything on the phone in a conference call manner. [LB84]

SENATOR BLOOMFIELD: Thank you. [LB84]

SENATOR MURANTE: Thank you, Senator Bloomfield. Senator Garrett has questions. [LB84]

SENATOR GARRETT: Thank you, Senator Murante. Senator, I like the bill but I'm curious as to why you're limiting it to just one member. What's the logic behind that? [LB84]

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SENATOR DAVIS: Part of it refers to what Senator Bloomfield made reference to earlier and there were concerns. I did meet with the Secretary of State's Office. They had some concerns about going quickly on to some other manner. I think they'd like to see us sort of baby step into something else. [LB84]

SENATOR GARRETT: Okay. So there's no other reason to limit it to just one member. I mean for the reasons Senator Bloomfield mentioned, if there's more than one individual that's got an issue or there's a snowstorm or whatever. [LB84]

SENATOR DAVIS: You know, this is why I think it would be important for the committee to discuss what they think is valuable. I think you could extend that. I don't think you want to go to the point though where you've got six board members and all six are staying at home. You know, I think you want to be sure you have enough people there at the public meeting so the press or the public who wants to come in doesn't feel like they're being cheated or people are hiding behind the law with what they're trying to do. [LB84]

SENATOR GARRETT: Okay. Thank you. [LB84]

SENATOR MURANTE: Thank you, Senator Garrett. Are there any additional questions? Senator Groene. [LB84]

SENATOR GROENE: To me right now...thank you. Right now, as long as you've got a quorum, who cares if everybody is there, right? [LB84]

SENATOR DAVIS: Well... [LB84]

SENATOR GROENE: The big issue is here, if a person really has an interest, he's on the board. He really wants to be there he can take part in it even though, because the vote might go one way or the other but really it's just to have a quorum, right? Sometimes you can't get enough members there. [LB84]

SENATOR DAVIS: Well, these are issues again that I would hope the committee would look at. I think the quorum issue needs to be established. I think you'll hear from people testifying behind me that even though some people will call into a meeting, they're not allowed to be part of the quorum. So I think that's something... [LB84]

SENATOR GROENE: Or vote. [LB84]

SENATOR DAVIS: Or vote. And what was the other part of your question, Senator Groene? [LB84]

SENATOR GROENE: Well, there's no other... [LB84]

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SENATOR DAVIS: We talked about the quorum. [LB84]

SENATOR GROENE: Some members just want to be part of it even though...because their vote will decide an issue. [LB84]

SENATOR DAVIS: And that's something else that needs to be determined. Now in my opinion, if the public is sitting out in the room and they can see who is on Skype and they can hear that the Skype person says aye or nay, that should be satisfactory. So I think they ought to be able to vote. [LB84]

SENATOR GROENE: I'll hear the public comments. [LB84]

SENATOR DAVIS: Right, right. [LB84]

SENATOR MURANTE: All right. Thank you, Senator Groene. Are there any additional questions? [LB84]

SENATOR BLOOMFIELD: Probably not. [LB84]

SENATOR MURANTE: Seeing none, thank you, Senator Davis. Are you going to stick around for closing? [LB84]

SENATOR DAVIS: I am. Thank you, Senator Murante. [LB84]

SENATOR MURANTE: So how we'll proceed is we'll start with proponent testimony, advance to opponent testimony, and then close off with neutral testimony, give Senator Davis an opportunity to close. What I'd ask is if any members are planning, especially the proponents, is to kind of sit in the front row, and matriculate your way up to the front so that we can process things as quickly as possible. I didn't make a mention of the electronic devices. I would ask you now if you have any cell phones or anything that makes any noise to silence them so that we don't disturb our testifiers. So we will proceed to proponent testimony. And welcome. Also, state and spell your name for the record, please. [LB84]

JON HABBEN: Good afternoon. My name is Jon, J-o-n, Habben, H-a-b-b-e-n, and I'm the executive director of Nebraska Rural Community Schools Association generally referred to as NRCSA, easier that way. This bill, this isn't the first time the subject has come up. But this bill I think provides an opportunity. And as Senator Davis mentioned, in conversations with various superintendents, school board members that are across the state, this does come up. I wish I could have. I couldn't be there. I wish I could have. It may be due to simply the interest in being present. It may have to do with a particular issue that was coming up and their job called them away or whatever else might have

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called them away. I had some of the same questions. Why, one, is it just an emergency? The person obviously would be included in the quorum...in the quorum count. Same questions, same details, same--what methodology is acceptable? Is it Skype? Does it have to be something more elaborate? Could it just be by telephone? I think all of those questions are good questions to ask as a bill develops. But I think first and foremost, our association would support LB84 because it does create the opportunity for that individual who is called away to be able to participate. One of the realities is everybody's job isn't alike and everybody's family circumstance isn't alike and just because the board meeting is every second Monday doesn't necessarily mean that everybody has got it free on their calendar when they volunteer to serve as a board member. So I would appreciate your support of the bill. I think it does have good application. I think there are technicalities to work out but I would trust those can be worked out satisfactorily either in the bill or by deferring the authority to decide certain things to that local board. Thank you. Any questions? [LB84]

SENATOR MURANTE: Thank you very much. Are there any questions for the testifier? Seeing none, thanks for coming down. [LB84]

JON HABBEN: You bet. [LB84]

SENATOR MURANTE: Appreciate it. [LB84]

JON HABBEN: Thank you. [LB84]

SENATOR MURANTE: Next proponent. Welcome. [LB84]

TERRI LICKING: Thank you. Thank you, gentlemen, for letting us...I am a proponent of LB84. And my name is Terri Licking, T-e-r-r-i, Licking, L-i-c-k-i-n-g, and Senator Davis is our senator. I am secretary of the Sandhills Journey Scenic Byway and I am the guilty party that set him on this road a couple years ago for this. I'm also a member of the Thomas County Visitors Committee which is a five-member board and which follows to the letter the open meetings statutes. And we have written up some stuff, items that we would like to make you aware of. So we are requesting a change in the open meetings statutes to permit voting by one member per meeting via use of video or audio devices. Our objectives are to efficiently conduct business in a timely manner, expedite payment of bills, and keep members informed and involved. Our challenges are distance, human resources, and lifestyle. Of the 93 counties in Nebraska, 26--or 28 percent of them--are counties that have population under 3,000, which this bill pertains to. As one would expect, the majority of these counties are in predominately agricultural areas. Therefore, we are assuming that individuals who serve on public boards that adhere to the open meetings statutes are generally involved in ranching and farming to some degree. Myself, my husband and I ranch south of Thedford. It's a 30-minute drive over rough roads to get to town. This lifestyle is not always conducive to attending meetings that

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are frequently many miles away. Counties with small populations have a smaller pool of volunteers to choose from and frequently those who do volunteer find themselves wearing many hats, serving on multiple committees. I for one serve on six different volunteer committees. We experience problems conducting business in a timely and efficient manner due to members' inability to attend meetings resulting in not enough members for a quorum. Rescheduling meetings in our case takes minimum of two weeks to provide adequate time for notice to be posted in our local weekly newspaper. In addition, we run into scheduling conflicts with other meetings our members attend. Matters requiring voting may take up to 30 to 45 days for action. Here are some of the examples. We are both...I am a member of the Thomas County Visitors Committee which typically meets once a month. This past week even, only two of the five committee members were able to make the meeting. One more would have made a quorum. Two members who were unable to attend were available via phone. If one of them would have been able to vote by phone we would have had a quorum and been able to conduct business. Since no quorum was possible, matters will be brought up and the meeting for next month is February 19, more than 30 days away. Two of the five members on the airport authority regularly need to travel out of state on business. It is difficult for this group to arrive at a quorum and conduct business in a timely manner. In another recent instance, the Thomas County School Board convinced an ill member to come in for a meeting so they could have a quorum. The inability to make a quorum and to take action is of particular concern when it comes to payment of the bills. With so few people to draw from, it is important to keep all members not only informed in minutes but involved. We need everyone's participation to conduct business efficiently. Thank you for your time. [LB84]

SENATOR MURANTE: Thank you for coming down. Are there any questions? Senator Bloomfield. [LB84]

SENATOR BLOOMFIELD: Thank you, Senator. Ms. Licking, I understood you to say that you were kind of the push behind getting Senator Davis to do this. So I'm going to ask you why we cut it at 3,000 and maybe not 5,000. Is there any magic about that number? [LB84]

TERRI LICKING: I did not visit with Senator Davis on that, the cutoff number. I do...in researching the numbers, there's a county with 3,095. But there was like...I think the next up, the level up was into the 4,000s, you know, so. [LB84]

SENATOR BLOOMFIELD: Okay, thank you. [LB84]

TERRI LICKING: But, yeah. And it's central to western Nebraska. [LB84]

SENATOR MURANTE: Thank you, Senator Bloomfield. Any other questions? Seeing none, thank you for coming down. [LB84]

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TERRI LICKING: Thank you. [LB84]

SENATOR MURANTE: Thank you for your testimony. Are there additional proponents? Welcome. [LB84]

PAM REED: Hi. My name is Pam Reed; that's P-a-m R-e-e-d, and I'm from Thedford and I'm on the Thomas County Visitors Committee. Part of the reason that Terri brought this up was that on numerous occasions I've needed to be in Colorado with my family. And I...it's a small committee. And I've not been able to vote, though I've been in attendance via Skype and on the phone. With such a small group, it is really important that we come to a quorum. It's important that we pay our bills in a timely manner. I have a problem or concern with some of the wording with regards to participation. We just wanted to be able to vote so we could come up with a quorum was kind of our initial hope. I mean I realize that this is a much broader point that, you know, maybe it's not 3,000. Maybe it's not one person. Maybe we need to take a look at technology in a different way that says we all use our cell phones and maybe it should be a broader scope--not for me to say. My concern was that we could vote. We could get things done. We could get bills paid. We could get answers back to people who have asked us for grants and we could keep moving. So thank you very much. Any questions? [LB84]

SENATOR MURANTE: Thank you very much. Are there any questions? Seeing none, thank you very much. Appreciate it. Additional proponent testimony. Welcome. [LB84]

TIMOTHY KENNY: (Exhibit 3) Thank you, Mr. Chairman, members of the committee. My name is Timothy Kenny, delighted to...in fact, when I opened my copy of the bill, I'm delighted to be here. This is a bill that's very interesting to us. My name is Timothy Kenny, T-i-m-o-t-h-y, Kenny, K-e-n-n-y. I'm the executive director of the Nebraska Investment Financial Authority and I'm here today to testify in support of LB84. NIFA, the Nebraska Investment Financial Authority, was created in 1983 pursuant to a specific state statute as a body politic and corporate, not a state agency but an independent instrumentality of the state. Our board is composed of nine members, six public members appointed by the Governor and three ex officio members from the Department of Economic Development, the Department of Agriculture, and the Nebraska Investment Council. Of the public members, two members are required to be appointed from each of Nebraska's three congressional districts. And those are the members that I am most interested in speaking about today. Our territory and responsibility covers the entire state. And under our reading of the bill, we think that we're part of the item described in Section 2. And we're supportive of the proposed changes to the Open Meetings Act that would be accomplished by LB84. The proposed changes would permit the public bodies with statewide authority such as NIFA to address issues that arise regarding the ability of our board members to attend the meetings in person. Because the NIFA board members travel to NIFA from various locations in the state, on more than one occasion

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in my experience, inclement weather, particularly unpredicted inclement weather, has prevented their attendance by the member. This becomes significant because we allocate resources and facilitate financings that often have very specific time deadlines, particularly in the allocation of the federal resources that we administer on your behalf. Participation by all NIFA board members is in the best interest of the state. Several of our board members, particularly those in the 3rd District must travel long distances to attend NIFA board meetings. The challenges with respect to attending our meetings is often a very significant impediment in my ability to attract board members from the 3rd District, and after we've attracted them, to retain them for their full term. We currently have one board member who's elected not to return principally because of the travel issues. Enactment of LB84 would better accommodate participation by the board members of all public bodies like NIFA whose boards are comprised of Nebraskans from various areas across the state. We take very seriously the intent and purpose of the Nebraska Open Meetings Act and we feel that this public policy would be very consistent with that intent and accordingly we support the enactment of LB84. Thank you for your attention to this matter and I'm available for questions. [LB84]

SENATOR MURANTE: Thank you very much. Are there any questions for the testifier? Senator Bloomfield. [LB84]

SENATOR BLOOMFIELD: Thank you, Senator Murante. Mr. Kenny, it concerns me a little that you said you have members that aren't coming back because of the travel. It almost sounds like they would stay if they could do it by teleconference all the time. Is that...to me that could be an issue. Do you see a problem there at all? [LB84]

TIMOTHY KENNY: We have very dedicated members. The Governors do a great job in selecting them. The challenge that we have is with a quorum of five in the conduct of our meetings. I'm often on the phone in very difficult weather times because we've got three or four other...two or three members who are not there urging them to come to the meeting so we can conduct our business. In almost all the cases, it has been issues of very severe weather or things like unpredictable dust storms. But in all the years that we've worked at NIFA, it's never really been an intention of a member to stay home. It's just the difficulty of the weather for my outstate members. [LB84]

SENATOR BLOOMFIELD: Okay, thank you. [LB84]

SENATOR MURANTE: Thank you, Senator Bloomfield. Senator Groene. [LB84]

SENATOR GROENE: Thank you, Chair. How many members are on your board normally? [LB84]

TIMOTHY KENNY: 9. [LB84]

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SENATOR GROENE: 9. [LB84]

TIMOTHY KENNY: Nine, Senator. [LB84]

SENATOR GROENE: So if you got four of them there and you got a contentious issue and both the...you got two voting red, two voting blue, who gets to decide who the single person is that votes? [LB84]

TIMOTHY KENNY: In our experience, Senator, we really don't know who's going to vote which way. We just need to have a quorum. [LB84]

SENATOR GROENE: I'm just saying I see a real problem if there's only one. [LB84]

TIMOTHY KENNY: Yeah. All of my concerns have always been associated with just quorum and affecting the business that NIFA is doing. And we've never really...generally, contentious issues are fortunately rare in our organization. [LB84]

SENATOR GROENE: But it's always going to come up. [LB84]

TIMOTHY KENNY: Could be. [LB84]

SENATOR GROENE: So I just wondered if you see any reason why we should just limit it to one. If they're all elected, who gets to decide who the one person is when they all have equal rights on the board? [LB84]

TIMOTHY KENNY: In the case of agricultural processing, it's often just a function of when members are in the field, whether it's going to be raining or not raining, whether they can come or not. And so I, about a week earlier than the meeting I begin the calling and just, you know, urge all the members and let them all know that I have issues. But if you're out in the field and a storm is coming, you know, you're just...your priorities are not really clear until about three hours before the actual meeting. [LB84]

SENATOR GROENE: You just want a quorum. [LB84]

TIMOTHY KENNY: It's not really a...well, to elaborate just a little bit, it's really seldom a decision about who comes so much as, can we just do our best to get a quorum. [LB84]

SENATOR MURANTE: Thank you, Senator Groene. Are there any additional questions? Seeing none, thank you very much. [LB84]

TIMOTHY KENNY: Thank you, members. [LB84]

SENATOR MURANTE: Welcome. [LB84]

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JOHN HANSEN: Mr. Chairman, members of the committee, for the record, my name is John Hansen, J-o-h-n, Hansen, H-a-n-s-e-n, and I am the president and also the lobbyist for Nebraska Farmers Union. We're the second-oldest, second-largest general farm organization in the state. We're 101 years old. We are in support of LB84 and we would also say that for me personally as a former public official but also as our organization, we've been very supportive of the protecting the integrity of the open meetings law. But the reality of participation is one that we face in our organization all the time. Rural participation is difficult to come by because of the nature of weather and of time and distance. So we have, in our own shop, we're going to have a board meeting Saturday and we're going to have at least one, maybe two, of our seven board members are going to participate through a conference call. They're going to get scanned all the materials. And we have a very nice conference call setup so you can hear really well. And so they're looking at the same materials that we're looking at, the same time that we're looking them. And so our board member from Minatare, his family has come down with the flu. And so they were going to drive down but they said given the flu that they're going to stay. But he'll be able to participate by being able to do that. And so it goes. And so if we want participation given the declining population base, a lot of the folks in rural areas especially, those folks willing to serve, you have folks who are willing to serve and folks who aren't. And the folks who are willing to serve are busy people because they're doing multiple things. But in a lot of cases, just the time and the travel of getting there, coming back home, so all of those things, it's not a minor issue and it's the way we do business. We do organizational business. I serve on three national organizations. We do the business of our organization through conference calls and videoconferencing. And if we didn't, we'd go broke because the transportation costs would just kill us. And so it is. And so I just think that it's...while I've been a real reluctant supporter of this kind of activity, if I want participation, I've had to rethink my position. And so I think that the time has come for the operation of the public business to reflect what we do in the private sector. And any organization that I know of that wants statewide participation has to accommodate the needs of the members. And I see this as a commonsense step. I'm certainly not married to one person participating. But as long as you've got a majority of the folks there and everyone can hear, the press can sit there and hear, it seems like to me it's a good trade-off. And with that, I would close my testimony and be glad to answer any questions if I could answer them. [LB84]

SENATOR MURANTE: Thank you very much. Are there any questions? Seeing none, thank you for coming down. [LB84]

JOHN HANSEN: Thank you, Mr. Chairman and members of the committee. [LB84]

SENATOR MURANTE: Welcome, Mr. Geis. [LB84]

GAVIN GEIS: (Exhibit 4) Chairman Murante, members of the Government Committee.

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My name is Gavin Geis, G-a-v-i-n G-e-i-s, and I am representing Common Cause Nebraska. We have been interested in modernizing and looking at ways to modernize our Open Meetings Act now for about a year. And it was kind of a lucky chance that Senator Davis was looking at the issue at the same time. This summer we did a study looking at both our state Open Meetings Act and other states' open meetings acts with an eye toward video and teleconferencing but also other ways of using technology, how do other states address the use of new technologies. When we were looking at that, because of concerns we'd heard from other individuals that it was really difficult to make use of the way that videoconferencing is currently referenced in our Open Meetings Act, what we found was that there is an extremely wide range across the nation of different ways of dealing with video and teleconferencing. Nebraska is by no means the standard. You go all the way from states that say no video and teleconferencing to some that it's the Wild West and you can do basically whatever you'd like to do. Nebraska falls more on the restrictive end at the current point. It can be difficult for many organizations to meet the standards that are required by our statute as it stands. Our takeaway after looking at all that research...and I'd be happy to provide that to anybody. I didn't bring it today. There's a lot of it, but if anybody's office would like to have it, happy to provide it. Our takeaway is that as a state we need to find ways to actually use technology in a useful way for areas like the ones that are being addressed in this bill. And so we support LB84 for two main reasons. First of all, it does a good job of balancing, protecting the intent of public meetings. It does a good job of balancing the intent of protecting public meetings versus including new technologies as we go along. It does that by, first of all, not opening it up to everyone. Like I said, there are some states that open it up for every single public body out there. This is restrictive and says only in certain cases where distance is an issue. And the second reason we think it is good is because of that one-person-at-a-time usage. I know there have been several questions now asked about why is that important. There are fears, and there have been fears expressed in discussions I've had but also in other states, of abuse if you open it up for everybody on the board to use that where you basically just have a bunch of video screens and the public is sitting looking at a bunch of televisions while the board sits at home and talks to the public. Maybe that's something we can work out. But as it stands, the bill is a good way, a first step, of protecting the act and its intent of having public, face-to-face meetings while at the same time letting us use technology to move forward. From our research, there are a couple things that I think should be looked at if we're talking about modernizing our Open Meetings Act. One of them may be covered by the bill, and I may be a little unclear about it. But I think it needs to be certain that this new...that LB84 covers statewide boards. I think Section 2 covers it, but I think it's a little uncertain. The second thing and it's a little off the beaten path but it's being addressed in a lot of other states when talking about the modernizing of open meetings, and that is the on-line posting of meeting dates, times, and places. If we're going to look at changing things to be more inclusive, to engage more people, there are almost 26 states--and that's the list I provided you with--that use on-line posting and require that boards post prior to up to two to three days beforehand the places, times, and dates of

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meetings. Other than that, we think that LB84 is a great first step to improve our system. And I'd be happy to any questions whatsoever. Thank you. [LB84]

SENATOR MURANTE: Thank you for your testimony. Are there any questions for Mr. Geis? Seeing none, thank you for coming down. [LB84]

GAVIN GEIS: Thank you. [LB84]

SENATOR MURANTE: Appreciate it. Are there additional proponents wishing to testify on LB84? Seeing none, is there opponent testimony? Welcome, Mr. Radcliffe. [LB84]

WALT RADCLIFFE: Thank you, Mr. Chairman. Senator Murante and members of the Government Committee, my name is Walter Radcliffe and I'm appearing before you today as a registered lobbyist for Media of Nebraska. Media of Nebraska is an organization comprised of the Nebraska Press Association, the Nebraska Broadcasters Association, Omaha World-Herald, the Lincoln Journal Star, and the outstate dailies. They exist primarily to be represented before the Legislature collectively on issues involving open meetings, public records, and First Amendment issues. And it is in that capacity that I appear today in opposition to LB84. The first thing I'd like to ask you to do or that I'd like to have you do when you consider LB84 in Exec Session is look at the bill but look at the existing language, that existing language that's contained in 84-1411. That is Nebraska law today as it relates to teleconferencing and telecommunication in an open meetings setting with regards to public bodies. I would submit to you that LB84 as...with the new language quite frankly is a phone-in-your-vote bill if you're in an area of less than 3,000 people. However, and I'll come back to the NIFA situation; obviously NIFA doesn't fit into the, if you're in a county of under 3,000 people. Very honestly, Nebraska's open meetings law has certainly tried to accommodate teleconferencing and any Skype, any type of electronic meetings, but it's done it in such a way that everybody has notice, that everybody can be in a place and see what is being done and see what documents are being handled. To have someone in Colorado call in a vote--Senator Murante, there's been days I wish I could have had some call-in votes on the floor of the Legislature. It doesn't work that way. However, any public body that has come before the Legislature and has requested to have been added to the existing state law, there really hasn't...I don't recall that there's ever been an objection to it. I think an important thing for you to consider today is not just what you hear but what you haven't heard. You haven't heard any representatives from any political subdivisions, from their associations, from school boards, counties, cities, NRDs, public power districts, whatever, here today saying this is something that's needed. I don't believe it's needed because the remote participation is adequately covered today with regards to Nebraska's open meetings law. Now the issue of NIFA, I'll have to talk with my friend Mr. Kenny because you've got an entity here that spend hundreds of millions of dollars. I don't think you want to phone in the vote. You want to phone in the vote on the budget bill for that 33rd vote on a line-item override? I don't think you do. And NIFA certainly

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spends that much and more. If the committee wants to refine our existing telephonic communications with regards to open meetings, Media of Nebraska would be very happy to work with you and do it. But it shouldn't be done in a piecemeal manner like this. And you shouldn't pass a phone-in-the-vote bill. I'd be happy to try to answer any questions, Senator Murante. [LB84]

SENATOR MURANTE: Thank you for your testimony. Senator Groene has a question. [LB84]

SENATOR GROENE: Would you be adverse to just limiting it to appointed committees like the--I'm sure you guys are appointed--the tourism? Were they looking for volunteers and they're not elected officials? [LB84]

WALT RADCLIFFE: If an organization is covered by the open meetings law, we believe they should be covered completely by the open meetings law which would include the telecommunications provisions in here. And the short answer to your question is, yes, we'd object to that. Most commissions, Senator, as you know are volunteers. The Governor appoints, what, 3,000, 4,000 people to various commissions. They're all volunteers and yet I think they, in many instances, spend public monies and that accountability should be open to the public. [LB84]

SENATOR GROENE: But they would be...any state committees wouldn't be under the 3,000 county limitation. [LB84]

WALT RADCLIFFE: That's true, Senator. And you haven't had any state committees come here and say they need it. [LB84]

SENATOR GROENE: They don't have the distance problem. I guess they do. [LB84]

WALT RADCLIFFE: Some do. [LB84]

SENATOR GROENE: I've been on committees and I've had to drive. [LB84]

WALT RADCLIFFE: I'm not saying there isn't a distance problem. Don't misunderstand me. But, hey, Senator Stinner has a distance problem too. Senator Davis has a distance problem. But they don't get to phone in their votes if it snows. [LB84]

SENATOR MURANTE: Thank you. Are there any additional questions? Seeing none, thank you for your testimony. [LB84]

WALT RADCLIFFE: Thank you. [LB84]

SENATOR MURANTE: Is there any additional opponent testimony? Seeing none, does

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anyone wish to testify in the neutral capacity? Welcome, Mr. Dix. [LB84]

LARRY DIX: Good afternoon. [LB84]

SENATOR MURANTE: Good afternoon to you. [LB84]

LARRY DIX: (Exhibit 5) Good afternoon, Senator Murante, members of the committee. My name is Larry Dix, spelled D-i-x, and I'm the executive director of the Nebraska Association of County Officials appearing today in a neutral capacity. Our board has not yet met on LB84. For that reason, since this is a new bill, we haven't heard it specifically before. We're here in a neutral capacity. What I handed out for everyone was just a map of the counties that fall under the 3,000 population. And one of the things that...before we get too far in here I know we had a testifier that said there were 26 counties. I think I've got 25 counties. And that leads me to, if you would to look at the bill on page 5, line 13 where it defines less than 3,000 inhabitants. Just speaking from experience when we have bills like this, typically in a time of depopulation in some of these areas, if the committee would consider putting in a statement as to the last census or at some point in time just so that we have a reference point so we can determine who really fits under this guideline. So that's a recommendation. And certainly I'm happy to work with Senator Davis on that. But I think that would help define that. When you look at this in the bill, it also talks about if you have two or more counties. And for the most part that works pretty good when you get out into the west-central part and the panhandle part. I feel sorry for poor Pawnee County down there. They can't find anybody to join with to fall under this provision. But couple of things, from NACO's perspective, we certainly like the idea of using technology. Don't get me wrong. We like that. We think there's possibly a time and a use for it. One of the things that I want to have a little bit of a conversation with the committee, when I look at this map, all of these counties with the exception of Boyd is a three-member board. So we just have three members. And I think Senator Bloomfield alluded to it and I think Senator Groene touched on it, but we would ask for a little bit of clarification on if I have a three-member board and I have one person who is truly absent, cannot participate, if I have another person that says I want to call in--so I have one person in the board room, one person call in--we want to be clear. And I don't think it necessarily makes any difference. We just want clarification. Does that constitute a quorum? So we would ask the committee to give a little thought of that because you really have one person there, one person calling in. Two people constitute a quorum, but you really only have one person there in person, so a situation like that. The other questions that we had I think have been pretty much brought up and talked about. We think from a county government perspective, I think for the most part you're going to have county boards coming to the courthouse because within the geographic boundaries of these counties there isn't a tremendous travel difficulty. There isn't difficulty with that. Where we think it might come into county government using that is where our county boards oversee a multicounty public safety answering point or a mental health region where there are multiple counties. We could see numerous mental

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health regions having two counties that are less than this population threshold. The question about population, and I'll end with this, 3,000, 5,000, I think that's really a committee decision. I just sort of laid it out on a map for you of what we saw as 3,000. But obviously 5,000 is going to take in a significant number of counties. So with that, I'll stop and answer any questions anybody may have. [LB84]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions for Mr. Dix? Seeing none, thank you for coming down. [LB84]

LARRY DIX: Thank you. [LB84]

SENATOR MURANTE: Does anyone else wish to testify in the neutral capacity? Welcome, Ms. Rex. [LB84]

LYNN REX: Thank you. Senator Murante, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. I appear before you today in a neutral capacity. The reason is because we have some of our member cities and villages who really like this proposal or like the concept of it. We have others that are strongly opposed to it. So we have some that strongly like it, some that are sort of neutral, and some that strongly oppose it. And under those procedures and guidelines, we've got a legislative policy that says the League itself is neutral in those capacities. But I would like to point out a few things. First, I think that the bill itself would need some technical issues. And I've talked to Senator Davis about some of these things. For example, if you look on page 3...actually starting on page 2, I suppose, line 20--page 2, line 20, this is the beginning of the whole effort on videoconferencing. And there are all kinds of requirements that are there, most of which are duplicated then when you go to page 3, line 22, (3)--page 3, line 22, (3). This is where it starts talking about telephone conferencing. Now there's one exception up above and that's for the Judicial Resources Commission. But fundamentally, everything else above there were...as for videoconferencing. Those provisions and requirements that are outlined in those first pages, if you are going to proceed with this you would want to certainly include that and say that anybody on page 5, for example, on (4)(a) or (4)(b) would have to follow those same provisions. I think it's implicit, but you might want to expressly state that so that no one can think that they can just go ahead and have some kind of a conference call without following all the other provisions. And I think that's what Mr. Radcliffe was referring to, at least in part. In addition, one of the questions that we've had as we've talked to our members about this is who gets to decide which member gets to call in. Let's assume it's a controversial project and you happen to be for it and you happen to be against it. Which one--if this is a city council--which one gets to call in, and who gets to make that decision? So we would respectfully suggest that if you proceed with this that you make it optional for the municipality or for the political subdivision so that they have...that they would have the obligation then to hold the hearing on it, make a decision in open session about what the procedures would be.

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And also what their rules and procedures would be so that everybody understands on the front end who gets to call in in those kinds of scenarios because the issue...I mean one could see, those cities that are opposed to it, their concern is if it's a really controversial issue you have somebody calling in because perhaps they don't want to be there when those kind of decision are made. By the same token, very legitimate issues when you have, especially with smaller entities, but you have someone who is ill. We have hundreds of villages in the state of Nebraska--529 cities and villages. And of those, hundreds of them are villages. And truly these people get nothing for their public service. I mean they are truly public servants. Not that the others are not, but certainly they are there. And in a village capacity, many of them are recruited to run because of the kind of time intensity that it takes to operate within a village context. So when you're doing that we think that that's one thing you might want to consider. We will at some point as an organization be coming in to request additional telephone conference calls. The last change actually made to the Open Meetings Act, if you turn to page 5, lines 1 through 4 was put in for regional interlocal risk management pools. And this is just one of many examples why the technology is important because frankly we do have a risk management pool, the League Association of Risk Management. And due to regulations, whether it's through the Department of Insurance or other federal or state regulations, lots of times you have meetings that frankly only last ten minutes. Well, you don't want a situation where the only people that can be on your board are east of Grand Island. You want to make sure you have a statewide board. And so therefore, perhaps we need to have more telephone conference calls with respect to that. I know it's a red light. So I'd be happy to answer any questions that you have. Again, we're neutral because we have many members that support this and many members that do not. [LB84]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thank you very much for coming down. [LB84]

LYNN REX: Thank you very much. [LB84]

SENATOR MURANTE: Appreciate it. [LB84]

LYNN REX: Thanks to Senator Davis for his work on this. [LB84]

SENATOR MURANTE: Are there any other testifiers on LB84? Seeing none, Senator Davis, you are recognized to close. [LB84]

SENATOR DAVIS: Thank you, Senator Murante, members of the committee. Well, I think you've heard a lot of good discussion about what we're trying to do with this bill and why I think it's an important piece of legislation for rural Nebraska. I take seriously the recommendations of Lynn Rex and Larry Dix. I think they've got good suggestions. I think the committee can do a lot of things with this bill. But let me say first and foremost,

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you know, what I think Mr. Radcliffe was recommending is that each entity come before this body to carve out a niche for itself to exempt itself from the policy. I don't really think that's where you want to go. I think it's really an appropriate time for us to move on into a modern age technology is used, not abused, but used the way it should be to make government more efficient and actually more reliable and dependable. Thank you. [LB84]

SENATOR MURANTE: Thank you, Senator Davis. Are there final questions? Seeing none. Thank you very much. [LB84]

SENATOR DAVIS: Thank you. [LB84]

SENATOR MURANTE: Appreciate it. That closes the hearing on LB84. And just in time Senator Haar has arrived to introduce LB177. Welcome, Senator Haar. [LB84]

SENATOR HAAR: Thank you. [LB177]

SENATOR GARRETT: Senator Murante has had to step out. So I'll go ahead as the Vice Chair. Welcome, Senator Haar, and here to hear your presentation on LB177. [LB177]

SENATOR HAAR: Good. Well, thank you very much, Mr. Vice Chair and members of the committee. LB177 addresses an oversight in the current statute regarding employees of a public power district serving on a public power district board. Current law prohibits an employee from serving on the board of a district that employs them unless the employee resigns or takes an unpaid leave of absence. LB177 changes the law to apply to any public power board, not just the board employing the member. This originally came to my attention several years ago when the executive director of Norris Public Power District ran for the Nebraska Public Power District Board of Directors, not the current director of Norris but the former one. The situation seems to continually creep up during the election cycles. I see a direct conflict of interest for the employee of a public power board to serve on the board of directors of another public power district, especially when the one district buys their power from another district. This bill was introduced last year. It was advanced out of the committee on a unanimous vote. The bill did not get scheduled for debate as time ran out on it last year. I ask you to advance this bill to close this loophole and prevent this obvious conflict of interest. Just a couple examples then to show why I see this as a conflict of interest, and these are approximate numbers, but Norris Public Power District has about 30,000 voters. NPPD has about 400,000. These are just round numbers. And so if you have a director...I'm sorry, if you have an administrative person from Norris, for example, running for the NPPD board and Norris buys all of its electricity from NPPD. So then when a decision comes up that would affect Norris, you have to ask the question, well, would...you know, who does this person really serve? Do they serve their own board of directors--Norris in

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this case--or are they serving the larger population like an NPPD? Another example, last year Northeast Nebraska Public Power purchased electricity from Kentucky. It was sort of a fire sale. My understanding is that the Kentucky company had lost one of its big industrial consumers. And so Northeast Nebraska Public Power got a good deal. So now you have to imagine. Okay, let's imagine that the person running Northeast Nebraska Public Power is sitting on the board as a board member for NPPD. Whose interests are being served when they're trying to negotiate that kind of contract with NPPD? Is it NPPD? Would it be good for NPPD for this public power district to buy out of state? Probably not because that gives NPPD some excess generation. Would it be good for Nebraska? Who is it good for? And somebody employed by Northeast Nebraska Public Power trying to make that decision on the NPPD board seems, to me at least, to be a conflict of interest. And right now, many of the power contracts with NPPD are expiring in 2021. And so NPPD is negotiating contracts with a lot of REAs, municipalities, and so on. So again, if you had somebody employed by one of these smaller public power districts being involved on the board of NPPD, who do they really represent then? Are they representing the NPPD people that elected them or are they going to find...feel pressure to keep their job with their local public power district. And so what this legislation would do, and again it passed unanimously last year, was to say that if you're employed by a public power district, you can't run for the board of any other public power district. It's clean cut. Not that we don't trust people but it just seems to me to put people in a bind that's going to create some real problems. So with that, since it was heard last year, passed unanimously, we didn't line up a lot of testimony for the bill. But I will stay for the closing. [LB177]

SENATOR MURANTE: Thank you, Senator Haar. Are there any questions for Senator Haar? Senator Bloomfield. [LB177]

SENATOR BLOOMFIELD: Thank you, Senator Murante. This didn't get heard last year because of the time constraints. [LB177]

SENATOR HAAR: Right. [LB177]

SENATOR BLOOMFIELD: Do you intend to prioritize or ask for a Speaker priority or anything that we might have a better shot at it? [LB177]

SENATOR HAAR: I probably would not prioritize this as my priority bill. But it seems since it was heard last year, passed unanimously, if the committee again feels that this is a really good bill, you could pass it out. We could deal with it rather quickly in the beginning of the session. [LB177]

SENATOR BLOOMFIELD: The hope is that we'll get it out soon enough before we get into the fray. [LB177]

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SENATOR HAAR: Yeah, yeah. [LB177]

SENATOR BLOOMFIELD: Okay. Thank you. [LB177]

SENATOR MURANTE: Thank you, Senator Bloomfield. Senator Groene is recognized. [LB177]

SENATOR GROENE: At present, can an employee of a public power district run for the board of his own, where he works? [LB177]

SENATOR HAAR: No. That's currently not allowed by the law. But he or she could run for... [LB177]

SENATOR GROENE: The neighboring. [LB177]

SENATOR HAAR: ...another, a neighboring one or for even NPPD where it seems the conflict is the greatest because, like Norris buys its electricity from NPPD. [LB177]

SENATOR MURANTE: Thank you, Senator Groene. Any additional questions? Seeing none, thank you very much. [LB177]

SENATOR HAAR: Thank you. [LB177]

SENATOR MURANTE: Are there proponents wishing to testify on LB177? Welcome. [LB177]

VERN JANTZEN: Mr. Chairman, members of the committee, good afternoon. My name is Vern Jantzen, V-e-r-n J-a-n-t-z-e-n. I am a farmer from Plymouth, Nebraska. And I come before the committee this afternoon to speak in favor of LB177. I was here last year and testified in favor of LB817 at that time. I am a customer of Norris Public Power. And when the situation that Senator Haar spoke about, the director or the general manager, I guess, of the Norris Public Power announced that he was going to run for the Nebraska Public Power Board, I said, whoa. I don't think this is a very good idea. I can see a conflict of interest. And so I guess what this boils down to me is we have to...when somebody crosses that line of a conflict of interest and doesn't see it, whose job is that to point it out? And so I have this neat little toy that I got a year ago. And so I looked up conflict of interest and it says here, a widely used definition is a conflict of interest is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest. The conflict in a conflict of interest exists whether or not a particular individual is actually influenced by the secondary interest. It exists if the circumstances are reasonably believed on the basis of past experience and objective evidence to create a risk that decisions may be unduly influenced by secondary interests. And so to me that's the

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thing that we have to address. There's a risk here that whether the person running for this board intends to be influenced or not, if that risk exists we need to shut that off. And that's what I think this bill will do. And you know, a lot of times we hope people can figure this out on their own. And when they can't, that's what you guys get to help decide to set parameters. And so that's what I think this bill does and that's why I speak in favor of it. Be happy to answer any questions. [LB177]

SENATOR MURANTE: Wonderful. Thank you for testifying. Are there any questions? Seeing none, thanks for coming down. Appreciate it. Additional proponent testimony. Welcome back. [LB177]

JOHN HANSEN: Again, Chairman Murante, members of the committee, for the record, my name is John Hansen, J-o-h-n, Hansen, H-a-n-s-e-n, and I am the president of Nebraska Farmers Union, also their lobbyist. This issue came to us four years ago. We have a lot of members in Vern's area. They were not happy campers. They said, how in the world can this possibly be? We looked at the law and the law was clear relative to this kind of conflict between one public power entity and its employees and serving on the board at the same time. And so that's what the current law says. I think when that was drafted I don't think they ever assumed that anybody from a different entity would claim to be and get paid to manage that entity and then also run for another entity. So the principle in the current law is simply being extended to cover additional situations not anticipated, in my opinion. So this is...the principle that we have now is a sound one relative to conflict of interest. And so we support the bill. We helped raise the issue four years ago. We supported the bill when it came to Natural Resources. We supported the bill when it came to Government last time. And so to us there is a clear potential for conflict of interest. So we think extending the current law to cover that is a reasonable thing to do and encourage the committee to support the bill and get it out on the floor for consideration. There's also a public perception component to this. And that is that when the public, a lot of whom can see this conflict, see this kind of thing happen then you've undermined the credibility of the institution. You've raised the prospect of impropriety. And so as we all know that the appearance or the potential for impropriety is at least as bad as impropriety itself whether a conflict exists or not. But there's at least the public...the opportunity for a perception. The last thing I would say is that we were particularly disappointed, a bit surprised when in the past at hearings on similar bills, folks from the REAs were not only not aware of or could see the conflict but, in fact, thought that it would be a really good idea if just the general managers of the REAs generally would just be the board of directors of the Nebraska Public Power District and you just get rid of these kind of baby kissing, coffee shop folks running for public office that represent public power. That is a particularly bad idea. That is not the law that was created. And that would, in fact, create a situation where there would be much less appropriate oversight and transparency in the public power system. And since our organization helped create the public power system in the first place and have been its strong supporter all these many years, we would not support that alternative construct

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that does not, in fact, exist in law. And the current law that we have was created for a good reason. And it's been working for us and we suggest we stick with it. So with that, thank the committee for its time and attention. And I'd be glad to answer any questions if you have any. [LB177]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down. [LB177]

JOHN HANSEN: Thank you. [LB177]

SENATOR MURANTE: Are there additional proponents wishing to speak? Seeing none, is there opposition testimony? Welcome. [LB177]

KRISTEN GOTTSCHALK: Thank you. Senator Murante and members of the Government, Military and Veterans Affairs Committee, my name is Kristen Gottschalk, K-r-i-s-t-e-n G-o-t-t-s-c-h-a-l-k. I am the government relations director and registered lobbyist for the Rural Electric Association. And my testimony is going to change a little bit based on the final comments of the previous testifier. In my tenure at the REA, we have never advocated for general managers of our members to be the only directors on the NPPD board. That's inappropriate and that's not the position of our association. Now 22 of NREA's members, the rural electric systems which comprise a major portion of the state, 22 of our 34 members receive 100 percent of their electricity at wholesale or retail from NPPD. In these systems, the wholesale electricity rates account for about 50 percent to 70 percent of the cost to provide electricity to the consumers. It's clear that the rural public power districts and their consumers have a direct stake in what happens on the NPPD board. And I should mention that every member of our REA boards as well as every member of the NPPD board is a ratepayer affected by all of the decisions made by that board. Now, I want to get a little bit more into what the bill does. LB177 unfairly singles out the employees of PPDs making them ineligible to serve on another PPD without taking a leave of absence or quitting their jobs. However, that same application doesn't apply across the board of all electric suppliers in the state nor does it apply to all large wholesale customers of NPPD. So if you're saying there's a conflict of interest for a PPD person to serve, you would also say there would be a large customer such as Nucor Steel, if they had an employee that served on the board of NPPD there could also be a perceived conflict of interest. Now, I'm also going to tell you in my entire tenure at the Rural Electric System and before, even polling other members of the utilities, only once--and that was in 2010 when the general manager of Norris ran for NPPD board--did we ever know that an employee had run for another public power district board. So this is very specific to that situation. I do also want to point out that in 2009 we passed LB53 sponsored both by NPPD and by the rural electrics. And it was created to provide some equity and fairness for customers of NPPD by ensuring that individuals elected to the NPPD board are, in fact, wholesale or retail customers of NPPD who receive 50 percent or more of their electricity from the district and have a

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direct financial stake of vested interest in the decisions of the board. It is important for members of the board to be vested. Now, what LB177 does is it doesn't just simply restrict membership on the board of directors of NPPD, it restricts membership in any public power district board. So let's say you're an employee of Omaha Public Power District, yet you live in Burt County's service territory. The bill as drafted, even though those two utilities aren't connected, would prohibit the OPPD employee from running for the board that they receive their electric service from. And that's an unfair discrimination for them. With respect to the election in 2010, the candidate that was the general manager, he lost that election. And it proves that in that situation we can trust the voters within a power district's boundaries to make decisions that are appropriate for the power district. With that, I'd be happy to answer any questions that you may have. [LB177]

SENATOR MURANTE: Thank you very much. Are there any questions? Seeing none, thank you for your testimony. [LB177]

KRISTEN GOTTSCHALK: Thank you. [LB177]

SENATOR MURANTE: Is there any additional opposition testimony? Is there any neutral testimony? Seeing none, Senator Haar, you're recognized to close. [LB177]

SENATOR HAAR: Thank you very much. When Mr. Jantzen talked, I really liked the definition he used talking about a secondary interest. And if you had a general manager from one of the public power districts serving on NPPD board, the big question, who's the secondary interest? Is it my public power district and the people that hire me? Or is, you know, my secondary interest the NPPD board, generally? So I just think this is a loophole. It needs to be closed. It will just make things clearer. We won't have this happen again. And I guess I have no more to say about it than that. [LB177]

SENATOR MURANTE: (Exhibits 1 and 2) Thank you, Senator Haar. Any final questions for Senator Haar? Seeing none, before we close the hearing I have two letters with respect to LB177. The first is from the Nebraska Cooperative Council writing in opposition to LB177, the second is from Baird Holm Law Firm, David Levy, who is a registered lobbyist for the Northeast Nebraska Public Power District writing in support of LB177. And with that, we will close the hearing on LB177. [LB177]

SENATOR HAAR: Thank you very much. [LB177]

SENATOR MURANTE: Thank you for coming out. [LB177]

SENATOR HAAR: May many of your hearings be this short. (Laughter) [LB177]

SENATOR MURANTE: Amen to that. Next up I see Senator Johnson with LB135. Welcome, Senator Johnson. [LB177]

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SENATOR JOHNSON: Thank you, Chairman Murante. My name is Jerry Johnson, J-e-r-r-y J-o-h-n-s-o-n. LB135 concerns an area of local government that is often misunderstood and not completely unknown to many. It's the township form of government. We introduced this bill, I did, last year. Because of time restraints and the fact that there was an amendment to it, it did not qualify for consent calendar. So we introduce it with that correction made. And it was minor but we did handle that. Currently, in Nebraska there are 25 counties that operate under township form of government, which essentially divides the county into smaller political subdivisions. Each of these subdivisions or townships has a three-person board and has levy authority or has funds directly distributed to them by the county board. These townships, a lot of them are 6 miles by 6 miles or 36 square miles. Historically, the purpose of a township was to carry out certain functions of counties that might be more readily accomplished by smaller or local forms of government. State statutes provide for townships to have cemeteries and libraries, construct wells, protect from fires, perform other governmental functions. As time has evolved, most townships now limit their activities to roads. The townships employ people. They operate the road graders within their boundaries. They spread the gravel, remove the snow, and do perform other functions such as having proper signage. Now some townships conduct with the...contract with the county to perform some of these road functions. And others, having no township board, become inactive and the responsibilities then fall to the county to continue to keep the rural roads safe. It is this inactive townships that results in the introduction of LB135. Currently, if a township board has become inactive due to a lack of a sufficient number of board members, the county board has tried and been unable to fill the vacancies for at least six months or more, the county board of supervisors must hold a public hearing to determine if the township shall be declared inactive. Notice of the hearing must be published in two consecutive weeks. And then after the hearing, the county board has up to six months to fill the positions and keep the township active. During this time, any tax distributions will be held by the county in a separate township fund and disbursed only to pay current outstanding obligations of the township board. LB135 shortens the period of time from six months to 45 days before a two-week publication notice and a public hearing would be held by the county board and then 45 days after the public hearing before a resolution can be made to determine if the township is active or inactive. Also, LB135 would allow the county board to continue to levy funds to the township to pay for future obligations of the township until such time the township board has been reenacted. So if it becomes inactive, it is not terminated. It becomes inactive. And at a point in time, if three members from that township would come to the county board with a form of a petition, they could ask for their county...township board to be reinstated and the county would take action accordingly. And they'd be back to an active board. Right now, townships receive money and there's no real mechanism for the county to use those funds in order to work on the roads. They have to use general funds from the rest of the county in order to handle that. So this helps clear that up. Again, this was introduced last year. I believe it was a seven

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favor, one nonvoting. And it had the amendment which did not very clearly define the change in the time process for the process to declare a board inactive and how much time it would take for them to act on that resolution. So that concludes my opening comments. Do you have any questions? [LB135]

SENATOR MURANTE: Thank you, Senator Johnson. Are there any questions for Senator Johnson? [LB135]

SENATOR GROENE: Just a clarification. [LB135]

SENATOR MURANTE: Senator Groene. [LB135]

SENATOR GROENE: How many counties did you say still do this form of government? [LB135]

SENATOR JOHNSON: There's 25 counties that still operate with a township. [LB135]

SENATOR GROENE: Are most of them rural? [LB135]

SENATOR JOHNSON: Yeah. [LB135]

SENATOR GROENE: Or larger? [LB135]

SENATOR JOHNSON: Yeah, metropolitan are not, I believe. [LB135]

SENATOR GROENE: Thank you. [LB135]

SENATOR MURANTE: Senator Bloomfield. [LB135]

SENATOR BLOOMFIELD: Thank you. I believe we had a map last year, didn't we, of the 25 counties? [LB135]

SENATOR JOHNSON: Might have. You can have that. I don't know. [LB135]

SENATOR BLOOMFIELD: If you have that, would you be willing to make that available again? [LB135]

SENATOR JOHNSON: Have we got a map? [LB135]

_____: Yes, I do. [LB135]

SENATOR JOHNSON: Okay, he's got a map. [LB135]

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SENATOR BLOOMFIELD: Would you make that available to us again? [LB135]

SENATOR JOHNSON: Yeah. [LB135]

SENATOR MURANTE: Thank you, Senator Bloomfield. Any additional questions? Seeing none, thank you, Senator Johnson. [LB135]

SENATOR JOHNSON: I'll stick around for a little bit. Thanks. [LB135]

SENATOR MURANTE: Sounds great. We will proceed to proponent testimony. Welcome. [LB135]

PATTI LINDGREN: Welcome. Thank you. Good afternoon, everybody, Chairperson, committee. My name is Patti Lindgren. I'm the Saunders County Clerk; Patti with an I, Lindgren, L-i-n-d-g-r-e-n. I was here last year and testified in favor of Mr. Johnson's bill because...first of all, let me give you a little history. I have 22 going on 23 years of experience as county clerk and also the election commissioner for Saunders County. Saunders County has 24 townships. When LB768 was introduced by NACO--and I don't remember which senator introduced that, too, in 2010--in reading the bill I noticed the wording in there was "June and July." I called Mr. Dix and I said, I see a problem with this bill. And I gave him the scenario. Well, 2010 was an election year for township boards. And as we came out of 2010 and hit 2011 when the officers took seat, that scenario that I gave Mr. Dix fell into place for Saunders County. We had two townships that went inactive. And because of the process of LB768, it took us a year and a half before we can get to where we can even terminate any of the townships. The board did do all the process they're required by law, had their public hearings and everything. And they actually went as far as terminate...passing a resolution to where they could take the next step to terminate it. But what held them back from doing that is they had no way of taxing or receiving any revenue to take care of roads in those areas. So the county had to take on the bill for those things. By the time we could actually find...and we continued to advertise for these townships, that we needed officers for them. By the time we were able to actually get township officers in place, that was midyear of 2013. There is a time line for townships to submit to the county board a tax request of the share of levy authority they want from Saunders...from the county. And that is August 1. We barely got these two boards into place in order to have a budget. Boards have to be in place in townships in order to do budgets. We cannot do that. So what happened is, is funds were froze in the county treasurer's office. I notified the banks where other funds were being held by these two particular townships. They were froze at those banks also. There was also one of the townships that had a utility building and motor grader that also just went dormant for a while. So the county picked up the bill for that. And to give you a scenario of how that actually compares to is we recently had to take back the assessor's office because the state took it on, but only nine counties came on because the state determined that they couldn't afford to take on all the assessor's

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offices. So we had to take the assessor's office back. The same scenario for townships: You unfairly tax the taxpayers of the county if two of these townships can't be taxed, okay? So going on, Saunders County did put a question in 1998 to the township...to the constituents for voting to terminate them. At that same time there was a constitutional amendment to eliminate township government. Both of them failed tremendously. In 2014, here's the scenario we got going on for election here. I had 72 officers, 60 candidates filed, 3 declared write-ins. Of that, I currently have 20 active townships with all three board members. I have three that are active with only two board members. And I have a township that is inactive right now. So it's better right now because June and July has been removed. But without the authority for the board to tax, it creates an issue of unfair taxing for our county. But it also creates a burden onto...dollar burden on the county because, like the two that I told you back in 2013, they couldn't collect taxes. So the small funding they had dwindled and dwindled and dwindled. And as most of you know when set your taxes, it takes about a year before those taxes actually come in. So those townships are now struggling just to even get ahead. So that's all I have. If you have questions... [LB135]

SENATOR MURANTE: Thank you very much. Are there any questions? Seeing none, thank you for your testimony. Thanks for coming down. Appreciate it. Additional proponent testimony. Welcome back, Mr. Dix. [LB135]

LARRY DIX: (Exhibits 1 and 2) I'm glad to be back. Senator Murante, members of the committee, my name is Larry Dix, spelled D-i-x. I am executive director of the Nebraska Association of County Officials appearing today in support of LB135. I handed out a couple documents. Let me just sort of go over those to start with. The color document when you look at those, you'll see those are the ones in blue would be the existing counties that are under township form of government. In the probably past, well, I guess since I've been executive director, 12-plus years, that number has been declining but has been declining very, very slowly. And I think 12 years ago we may have had close to 30. And so we're starting to see those go down. Senator Groene, you had asked about, you know, are these mostly rural? There's an interesting...couple interesting things on here. Hall County is one of those. But Hall County has no active townships. They still operate...Senator Bloomfield...they still operate under the supervisors form of government, but there are no active townships. So the county takes care of all the roads and everything. There has just never been a public vote to say, let's move to a commissioner form of government. So they operate very similar to a commissioner form of government. Although in name only, they are county supervisors as opposed to county commissioners. So over the years, what we have seen and what Patti, Ms. Lindgren had defined to you is an ongoing scenario where we're starting to see more and more townships become inactive within counties. And some of those, when they become inactive, the problem really is the people that reside in that township, if we are unable to tax, the county board is unable to tax those people in townships for the maintenance of the roads, the county then comes in and maintains the roads. But

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everybody else in the county accept the bill for the roads in that township. And what Senator Johnson's bill will do will expedite that process so that the next cycle when we roll around to taxation, the people that live in the township that are receiving the services can be taxed just like the other townships. And that's what we're trying to accomplish. Senator Schumacher is going to have a bill following that looks at it just slightly differently. The second document that I held out...handed out is really more of just the same information but it also...it's something that you may want to hold on to for future hearings because it does tell you how many of our counties have three-member, five-member, seven-member boards. The other vote that's just recently happened, Antelope County has voted to terminate township form of government. And so in January of 2017, they will become a commissioner form of government and they will have gone from a seven-member board to a five-member board. One thing that you'll find on supervisor form of government always is going to have seven-member boards, all of those, all the supervisor. And that's laid out in state statute. So what we're trying to do with LB135, though, is really assist and help those counties that are going through a scenario with depopulation where we just cannot find anyone who will run for those township boards. Senator Johnson's bill does not get rid of the township. It just says when they become inactive, here's how we can continue to do business. And once they find people that want to become active again it allows them to do so. So that's really the genesis of this bill. So with that, I'd be happy to try to answer any questions anybody would have. [LB135]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Senator Bloomfield. [LB135]

SENATOR BLOOMFIELD: Thank you. I want to refer back briefly to your statement on Hall County. Since they had no board members, how do they elect their commissioners and whatnot? [LB135]

LARRY DIX: They have no townships, okay? So there's no township form of government. So on their board, they elect by district. They're just like most any other county board. They elect by district. They run in districts. They're separated out and are voted on. [LB135]

SENATOR BLOOMFIELD: Not that it has anything to do with this bill, but what if somebody threw his name in the hat to run for the township board? [LB135]

LARRY DIX: Somebody could, although you're going to have to have three members. And if you all three lived in that township, you could probably reconstitute a township within Hall County. And there are provisions within the law sort of how you go about doing that. But that could happen. It could happen. [LB135]

SENATOR BLOOMFIELD: Okay. Thank you. [LB135]

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SENATOR MURANTE: Thank you, Senator Bloomfield. Are there any additional questions? Seeing none, thank you very much for your testimony. [LB135]

LARRY DIX: Thank you. [LB135]

SENATOR MURANTE: We will continue with proponent testimony. Are there any additional proponents? Seeing none, are there any opponents? Does anyone wish to testify neutral? All right, Senator Johnson. [LB135]

SENATOR JOHNSON: I'll be very brief in the closing. The two that came and testified and thank them for their input. They helped me out a lot, to clarify and talk from a real business perspective. What this does, I think the main difference maybe from a perception is this does not terminate. Terminate is pretty permanent. This, it's inactive. And if there are people then that come forward later want to go back and have an active, they can do that. There is a process for that. So I think that's one of the main things from that structural standpoint but also the taxation side of it and the county being able to be fair to all taxpayers. That's my closing. Thank you. [LB135]

SENATOR MURANTE: All right. Thank you, Senator Johnson. And that will close the hearing LB135 which brings us to LB65. And Senator Schumacher is here. Welcome, Senator Schumacher. [LB135]

SENATOR SCHUMACHER: Thank you, Senator Murante and members of the Government and Military Affairs Committee. It's a pleasure to be here. I'm Paul Schumacher representing District 22 in the Legislature. And I bring you a fairly simple bill that attempts to solve a fairly aggravating problem and a problem we might see in increasing frequency in the future as our ag sector becomes very, very efficient and there are fewer and fewer people in townships and townships still retain the authority and the obligation to maintain roads and do certain very basic things for a government that once was the one closest to the people. But now because of the changing complexion of rural areas, there are fewer and fewer people in and, whether regrettably or not, fewer and fewer people interested in serving on the township board. I understand there will be testimony today from the folks from Platte County who have been grappling with this issue, researching the law on this issue, trying to figure out what can be done about a situation where they cannot find anybody to run for election on the township board. And they cannot find anybody who will accept appointment to the township board. And they still have roads and bridges that need to be worked on. And they still have to, in all fairness to the rest of the county, not have that bill picked up by the entire county but levied against folks who are in the township. And I think you'll hear some interesting testimony with regard to that. This proposed solution they think will work. And I think it's simple enough. And it says, look, if you're in that predicament, the county board can perform the functions of the township board until such time as there is an

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election, a regular scheduled election, and those positions are filled by people who want to have the job. And that would basically solve the problem. The county board would be able to do the functions and I think there would be proper governance under our scheme, our statutory scheme to do taxes, to fix roads, and the like. So I'll be happy to answer any questions, but it may be better that you direct those questions to somebody that knows something. (Laughter) [LB65]

SENATOR MURANTE: Fairly reasonable. All right. Senator Bloomfield has a question. [LB65]

SENATOR BLOOMFIELD: Thank you, Senator Murante. And I thought I was when I was talking to you. Line 13, page 3: "all vacancies on the township board." Could we not elect enough to do the job without insisting that they all be? [LB65]

SENATOR SCHUMACHER: You get down to...I think there's three people, if I'm not mistaken, on township boards. [LB65]

SENATOR BLOOMFIELD: I believe you're right. [LB65]

SENATOR SCHUMACHER: And so if you don't have them all full, you have a township board of one person or a township board two people. And if they don't agree, you have a township board that can't do anything. So you elect all three. And if there isn't all three, then maybe the county board should run things until they can find three people interested. [LB65]

SENATOR BLOOMFIELD: Okay, so you have no problem with leaving the three in there. [LB65]

SENATOR SCHUMACHER: I have no problem with that simply because it probably isn't good to have a township dictator, which would occur if there would just be one person elected. And you probably shouldn't have township ties--if you've got two guys who don't get along. So you might find yourself back in the same soup of two people. And townships are small enough things that they may not...they may vote against each other just because they don't like each other. So you've got standoffs. So three is the number that our law apparently worked in the past. You have a way to determine a quorum and get a vote. [LB65]

SENATOR BLOOMFIELD: I would think two would be a quorum, but that's something we can discuss later. [LB65]

SENATOR SCHUMACHER: But then you a problem then of a tie vote and you not being able to do anything. Then we're back in... [LB65]

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SENATOR BLOOMFIELD: It's called democracy. [LB65]

SENATOR SCHUMACHER: ...within the county board saying, who's going to fix the roads? But you're right. [LB65]

SENATOR MURANTE: All right. Thank you, Senator Bloomfield. Any additional questions? Seeing none, thank you very much. We'll proceed to proponent testimony on LB65. Welcome. [LB65]

ELIZABETH LAY: Thank you. Good afternoon. Please excuse my voice and my water. I'm trying to get over a sinus infection. My name is Elizabeth Lay; it's L-a-y. I'm the deputy county attorney in Platte County, Nebraska, and I'm here to talk to you about the inactive township board issue. Platte County has recently been dealt this hand of cards. And it was quite a learning experience for me. I...we had...late last year, we had a township board member, the only township board member left, come to a county board meeting and hand over all the records and documents of his township and say, I don't want to do this anymore. I've been doing it for a lot of years and I don't want to do it anymore. And he asked that the county board take over the township board at that point. And I did the research and found that Nebraska Revised Statute 23-2,100 gave us kind of the guidelines to how to terminate that township board. And we began that process. And we went through our...trying to figure out if the board was inactive. And a board was inactive once the vacancies had existed for six or more months. So we had to allow the six months to pass. And once the six months passed, we declared that the board was inactive and we went through. And to make a long story short, we encountered a lot of legal issues along the way. You asked a question about why there has to be three members. And there are bonding issues if you don't have all three members. The others have to...there's some sort of bonding issue where one has to help another, and the other has to help the other. And that caused us some issue. I personally reached out to quite a few members of Loup Township, which is the township that we had an issue with. And none of them really wanted to return my calls. And so we had a very hard time trying to find any interest in serving on the township board. And there was also issues with insurance. We did not, without a township board, we weren't able to have the interlocal agreements that we needed to ensure that the county remained safe from lawsuits from those individuals traveling on the township roads while they were being taken over and maintained by the county. So we had some issues with that. And all in all, just not being able to levy a tax on the township board was our main concern. I found this out when I discussed the issue with the State Auditor's Office. We were trying to wrap up business during the six months of time that we had to wait for the board to become inactive. As soon as that expired, the statute gave us the ability to wrap up business on that township and the budget, audit budget waiver requests were due from the State Auditor's Office. And so we got into a lot of different areas with this one...what we thought was this one tiny problem of three people not wanting to serve on their township board. And so what we're asking and I guess

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what I'm hoping to get through is how important it is for us, for the county boards to have continuing authority to exercise the powers that the township board would have and that's given to them. I believe it's 23-224. It lists a lot of powers that aren't just maintaining roads, but they're also in the safekeeping of their citizens and protecting against suits and things of that nature. So I think it's really important to say that the statute gives us the ability to levy one tax. I think the most important thing is that we need the continuing ability to levy a tax so that it's fair across the county until we can get someone else put into that place. [LB65]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Senator Bloomfield. [LB65]

SENATOR BLOOMFIELD: Imagine that. Just idle curiosity, what percentage of Platte County's townships are vacant or look like they're going that way? [LB65]

ELIZABETH LAY: So far, this is the only township that we have that is completely...well, it's not...this is the township board that's completely vacant. At this point, that township board has been terminated and the county has taken over all the duties of that township. But this is the only township in this instance where all of the...that the board has been terminated and that it's vacant. [LB65]

SENATOR BLOOMFIELD: Okay. Thank you. [LB65]

SENATOR MURANTE: Thank you, Senator Bloomfield. Are there any additional questions? Seeing none, thank you very much for coming down. [LB65]

ELIZABETH LAY: Thank you. [LB65]

SENATOR MURANTE: Appreciate it. More proponent testimony. Welcome. [LB65]

JERRY ENGDAHL: Thank you. My name is Jerry Engdahl, E-n-g-d-a-h-l. I'm a county supervisor. I'm not going to spend a lot of time. We did have four people receive two write-in votes each in the last election. And one of them said he might serve if the others didn't. Nobody else would. So I think Elizabeth has exhausted all efforts to get somebody on the board. And again, in a fairness issue, we don't think the rest of the county should have to pay for what these people...and in the '90s, our county voted to keep the township form of government. And I have heard nothing about anybody wanting to change that. In fact, the people are pretty adamant about having control of the roads in their particular area. So if at some future time things changed or more counties decided to give it up, that would be a different problem. Right now, we need the help to take care of the immediate problem. Thank you. Any questions? [LB65]

SENATOR MURANTE: Thank you very much. Are there any questions? Seeing none,

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thank you for your testimony. [LB65]

JERRY ENGDAHL: Thank you. [LB65]

SENATOR MURANTE: Appreciate it. Additional proponent testimony. Welcome back. [LB65]

LARRY DIX: Senator Murante, members of the committee, my name is Larry Dix, L-a-r-r-y D-i-x. I'm the executive director of the Nebraska Association of County Officials appearing today in support of LB65. When we go through this bill, you know, I think the subtle differences...Senator Johnson has an idea. Senator Schumacher has an idea. What I want to leave the committee with is regardless of which way we go, we've got a problem that we need to have fixed. And we need to have it fixed rather rapidly because we've got a situation in those counties where we're running into a problem that, according to law, we can't resolve on our own. And so we ask for the committee to advance one bill, two bills, or a combination of the bills so we can really, really get this addressed. And the sooner, the better because this typically isn't the type of bill that's going to be high on the profile once we get into selecting priorities and things like that. So we would like to see it advanced very rapidly so we can get it up to the floor to debate. It is probably one of those bills that early on could be a good bill to be debated and we can get it moved through the process this year. If we don't get it through the process here then we go through another year of taxation where we have a problem. So I want to stress that it is rather important that we try to move it through the process. The difference between the two bills, Senator Johnson's bill simply says if at some point in time we can find enough people to serve on that township, the township is sort of reconstituted. Senator Schumacher's bill says once we go down this step then the next opportunity to bring the township back together is at the next general election. So when we read the bills, fundamentally they sort of do the same thing with those subtle differences. So either way, we think it's important that we try to get something resolved. Senator Bloomfield, I know you had asked how many in Platte County, which we know there's one. Saunders County I think at one time had two, maybe three. Dodge County has had a problem with it. So when I look across the state, from time to time numerous counties have had an inactive township for a period of time. And so it is starting to occur. And with that, I'll answer any questions anybody has. [LB65]

SENATOR MURANTE: Senator Bloomfield has questions. [LB65]

SENATOR BLOOMFIELD: Thank you, Mr. Dix. I'm going to back to the discussion I had with Senator Schumacher. Would we be better off having one or two people elected to that position than leaving it open? [LB65]

LARRY DIX: Yeah, I think you...I think you're going to want three really for pretty much the same... [LB65]

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SENATOR BLOOMFIELD: Three certainly would be preferable. [LB65]

LARRY DIX: Yeah, it really is. We, from time to time, while we represent 93 counties, the townships fall under it, we get calls from time to time on townships that have lost a member. And so now they're down to a two member. And we get calls from time to time of, what do they do when they come to make a decision on a road and the two disagree? And they called us and said, from a county perspective then can the county board step in and break the tie, which they cannot. So three I think is probably the right number. [LB65]

SENATOR BLOOMFIELD: I understand three being the ideal number. But where they're having trouble being able to tax or if you have one could you not then go ahead and collect the tax? [LB65]

LARRY DIX: It's always... [LB65]

SENATOR BLOOMFIELD: Would a dictator not be better than nothing? [LB65]

LARRY DIX: Well, I think these bills would be better than the dictator. And the reason I say that is NACO has never really ever been a proponent of giving an individual taxing authority, which is really what you are doing. And while there are some controls, that they have to go to the county board to determine how much they can levy, I think you're setting that person up for a very, very uncomfortable situation. And so that's why I would avoid that. [LB65]

SENATOR BLOOMFIELD: Thank you. [LB65]

SENATOR MURANTE: Thank you, Senator Bloomfield. Senator Groene. [LB65]

SENATOR GROENE: You said earlier there are similarities between Senator Schumacher's and Senator Johnson's bills. [LB65]

LARRY DIX: Right. [LB65]

SENATOR GROENE: Could we take the best parts of both and turn it into one bill? [LB65]

LARRY DIX: Yeah, we can. And I think if you take Senator Schumacher's bill, I think it solves the problem completely. I think if you take Senator Johnson's bill, it solves it for the immediate cycle but doesn't really deal with what happens come the next election, doesn't really...you know, it doesn't really define...it leaves some loopholes as to when that becomes reconstituted. And I think Senator Schumacher's bill goes through and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

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January 21, 2015

says it becomes reconstituted at the next election. [LB65]

SENATOR GROENE: They both solve the problem. One does it better. [LB65]

LARRY DIX: Yeah. [LB65]

SENATOR MURANTE: Thank you very much. [LB65]

LARRY DIX: Thank you. [LB65]

SENATOR MURANTE: Appreciate it. Are there additional proponent testifiers? Are there any opponents? Is there any neutral testimony? Seeing none, Senator Schumacher is recognized to close. [LB65]

SENATOR SCHUMACHER: Thank you, Senator Murante, members of the committee. I'd ask the committee to consider both these bills fairly promptly, make a determination. We've got the procedural issue of, you know, how do we make sure they get voted on upstairs? They're not the kind of thing that often rises to the level of a senator priority or a committee priority even though they are very important. The consent calendar always is what it is. And you may make it, you may not depending on how things go. And if we can get this up on the floor rather quickly, we may be able to, since the debate will probably be most limited, be able to move it through in 10 or 15 minutes and resolve this issue. And hopefully, at least accomplish something this session. Thank you. [LB65]

SENATOR MURANTE: (Laugh) Just one thing. All right. Thank you, Senator Schumacher. Are there any final questions? Seeing none, thank you. That closes the hearing on LB65 and ends the hearings on the day. [LB65]