

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board July 31, 2024
Rough Draft

AGUILAR: Good afternoon and welcome to the Executive Board. My name is Senator Ray Aguilar. I represent the 35th Legislative District, and serve as Chair of the Executive Board. We'll start off having members of the committee and committee staff do self-introduction, starting on my far right with Senator Clements.

CLEMENTS: Rob Clements, District 2.

BALLARD: Beau Ballard, District 21.

BOSTAR: Eliot Bostar, District 29.

LOWE: John Lowe, District 37.

TREVOR FITZGERALD: Trevor Fitzgerald, committee legal counsel.

ARCH: John Arch, District 14.

VARGAS: Tony Vargas, District 7.

JACOBSON: Mike Jacobson, District 42.

AGUILAR: Also assisting the committee is the committee clerk, Sally Schultz. This afternoon we'll be hearing bills and we'll be taking-- hearing five bills, and we'll be taking them in order listed outside the room. On the tables near the entrance, you will find a green testifier sheet. If you are planning to testify today, please fill one out, and hand it to Sally when you come up. This will help us keep an accurate record of the hearing. Please note that if you wish to have your position listed on the committee statement or a particular bill, you must testify in that position during the bill's hearing. If you do not wish to testify but would like to record your position on the bill, please fill out the yellow sheet near the entrance. Also, I would note that the Legislature's policy that all letters for the record must be received via the online comments portal by the committee by 8 a.m. the day of the hearing. Any handouts submitted by testifiers will also be included as part of the record as exhibits. We would ask that if you do have any handouts, that you please bring 12 copies and give them to Sally. If you need additional copies, we can help, help you make more. Testimony for each bill will begin with the introducers opening statement. After the opening statement, you will hear from the supporters of the bill, then from those in opposition,

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followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make a closing statements if they wish to do so. We ask that you begin your testimony by giving us your first and last name. Please also spell them for the record. We will also be using a three minute light system today. When you begin your testimony, the light on the table will turn green. The yellow light is your one minute warning, and when the red light comes on, we ask you to wrap up your final thoughts. I would remind everyone, including senators, please turn off your cellphones or put them on vibrate. With that, we will begin today's hearing with a joint hearing for four identical bills, LB5, LB18, LB21, and LB74. Welcome, Senator Blood.

BLOOD: So good afternoon, Chair Aguilar and members of the Executive Committee. My name is Senator Carol Blood, that is spelled C-a-r-o-l B as in boy, l-o-o, d as in dog. And I represent Nebraska Legislative District 3, which comprises western Bellevue and eastern Papillion, Nebraska. Today I am introducing LB5, which allows constitutional amendments submitted by the Legislature this special session to make it on the ballot for the general election this year. Alongside LB5, I have been given permission by Senators John Cavanaugh, Kauth, and McDonnell to introduce on their behalf the other three identical bills, L-- hey, you have to give Bill Drafting credit, they clearly didn't snitch, right? We were not aware that anybody else was doing this, so. To introduce on their behalf the other three bills, LB18, LB21, and LB74. I've introduced LB5 in conjunction with LR1CA to end unfunded mandates on political subdivisions, because I do not think taxpaying Nebraskans should have to wait to vote on ending unfunded mandates. The Governor mentioned in his Cass County town hall recently the role unfunded mandates play in our state's high property taxes. So I believe we should accelerate this issue to the ballot. If we can get unfunded mandates passed on the floor and submitted to the Secretary of State by September 1st. I was told this would be sufficient time for any constitutional amendment to make the general ballot this year. I thank the committee for your time.

AGUILAR: Questions for Senator Blood? Speaker Arch.

ARCH: So, so help me understand. The 60 day. What if the session ends less than 60 days before the election? How does that work?

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BLOOD: I think you're going to find better clarification with an amendment that's going to be coming--

ARCH: Oh, OK.

BLOOD: --behind me on, on that question.

ARCH: OK. Thank you.

AGUILAR: Further questions? Seeing none, thank you.

BLOOD: Thank you.

AGUILAR: Will you be staying around and close?

BLOOD: Yes.

AGUILAR: Thank you. Now we'll have proponents of the bill. Are there any opponents to the bill? Any neutral testimony?

WAYNE BENA: Good morning, members of the committee. My name is Wayne Bena, W-a-y-n-e B-e-n-a. I'm here on behalf of Secretary of State Bob Evnan as deputy Secretary of State for Elections here in a neutral capacity on all four of these bills. First of all, I'd like to thank Senator Blood, Cavanaugh, Kauth, and McDonnell for allowing me the fourth committee I can talk to elections to in my tenure. Once I get Ag, I think I've made it here, if I can talk elections to them. We at the Secretary of State's Office in the Election Division are, are able to accommodate this bill as written. However, we would provide the suggestion that a date certain, such as September 1st, is a better option. One, anything that gives me just a few extra days helps in this process. And second, it harmonizes with all other political subdivisions such as your schools, school boards, cities, counties that put something on their county ballot, September 1st is that deadline, to put something onto the ballot. That would be our suggestion. However, if you decide to go with this method for special elections and/or, I will save you guys some time and not testify on the next bill and just say that this is the same, that September 1st is the better which way you decide to go, whether it's for any or all, or just for special sessions. Again, just to give us a couple-- few extra days on a date certain in statute, as well as it harmonizes with all other political subdivisions. With that I'm happy to take any questions. One other caveat. If a CA is not passed this session, if we

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could hold on passing any bill like this and talk about it longer next session, just in case we see something in the interim that may affect our ability to be able to get it done. But we think right now we can get it done as is. Thank you.

AGUILAR: Questions for Mr. Bena? Seeing none, thank you.

WAYNE BENA: Thank you.

AGUILAR: Is there any other neutral testimony? Senator Blood? I'll also read into the record, letters to be read. ADA accommodation for LB5, none. Written position comments, proponents, two, opponents one, neutral one.

BLOOD: I just want to thank you for your time today. I think that the special session has called for unusual circumstances to get things moved forward. I think that it would behoove us to work together to find ways to make these solutions happen, and give the Governor the property tax relief that is sustainable, and will help Nebraskans regardless of who they are, where they live, what they look like, or where they come from. And--

AGUILAR: Senator Riepe.

RIEPE: Thank you, Senator Blood, for being here. I guess my question is, is the why now question. When the Legislature's [INAUDIBLE] state spending there, and all of a sudden, these issues must have come up before.

BLOOD: No, not all of a sudden. This is-- so the issue is coming up now, and it has come up before, because we are in a property tax crisis according to our executive branch, and we know that that's true. And so for those of us that are bringing forward bills that we feel will be sustainable and help property tax go down in the future, we want to find ways while we're here to move those bills forward. For my bill personally, this will be the third time my bill has come out of Government 8-0. My bill hopefully will get at this time a full, fair debate. But we'll see, because it's a special session I'm not sure how it's going to work. But I think that there are several bills, I believe Senator Bostar has one, I have one, Senator Slama, maybe Senator Wayne, Senator Kauth, Senator Cavanaugh. We have bills that are very important that we want to see get through to help the Governor meet his goal of lowering people's property taxes. I think it

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Executive Board July 31, 2024
Rough Draft

would be very different if it wasn't a special session, and there wasn't an urgency attached to it. But we're all on board to lower property taxes, and we were told that all, all ideas would be considered. Right? You heard that over and over again. So now it's an opportunity for us to show that all ideas will truly be considered and allowed the, the platform that they need to move forward. And the nice thing about constitutional amendments, Senator Riepe, is that the people use their voices, Right? That's the best thing about them.

AGUILAR: Any other questions or comments for Senator Blood? Seeing none, thank you for bringing us the bills.

BLOOD: Thank you for having me. I hope you have a very quick meeting. It's a long day.

RIEPE: Thank you.

AGUILAR: And that closes the hearing on LB5, LB18, LB21 and LB74.

TREVOR FITZGERALD: We need to add those. You need to read these [INAUDIBLE].

AGUILAR: On LB18, the accommodation testimony, none. Written position comments, proponents one, opponents three, neutral one. On LB21, accommodation testimony, ADA accommodation testimony, none. Written position comments, proponents one, opponents two, neutral one. LB74, ADA accommodation testimony, none. Written position comments, proponents one, opponents one, neutral one.

AGUILAR: I read open on LB74. I'm sorry. I read open on LB15.

LOWE: Oh, we're skipping LB15.

JOEL HUNT: My name is Joel Hunt, J-o-e-l H-u-n-t. Senator Erdman has a conflicting hearing on the EPIC Option Consumption Tax downstairs in room 1524, so I'm coming in instead to introduce this bill. This is LB15. The impetus behind this bill is that we have two constitutional amendments for EPIC, LR4CA and LR5CA, and we would like to get those on the ballot in November. So that's what necessitates this bill. Nebraska state statute 49-202-01 places a four month waiting period between the time that the Executive Board of the Legislature submits the ballot language and the ballot-- or the ballot measure to the Secretary of State and the date of the election. The four month

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waiting period means that no constitutional amendment passed during the 2024 special session could be placed on the ballot for the November 5th, 2024 election. LB15 changes the four month waiting period to a 60 day waiting period. Because there are 31 days in the month of October, the cutoff date for the November 5th, 2024 general election would be September 6th, OK? I'm going to come back to that in a minute because that's important. If the 2024 special election ends on August 15th as planned, and the executive board submits a ballot measure to the Secretary of State on that date. Then the waiting period for that ballot measure would expire on October 15th, giving the Secretary of State more than the 60 day required notice. LB15 is necessary in order for LR4CA and LR5CA to get on the November ballot. These are two resolutions for constitutional amendments that are necessary for the EPIC Option Consumption Tax to become a reality in Nebraska. Big difference between this bill and some of the others is that this makes a permanent change in the law, whereas some of the other bills are specific just to this year, or specific to a particular piece of legislation. This would be a permanent change. And one of the reasons I want you to think about as to why we need to make this permanent change relates to petition circulators. With the four month waiting period, you-- petition circulators are not able to take advantage of the county fairs or even the state fair. And, and I want you to think especially in terms of a volunteer effort like we did with EPIC this year, we were unable to take advantage of the county fairs or the state fair this year because of the four month waiting period. If we reduced that to 60 days, we would be able to take advantage of the county fairs and the state fair. And so this is why I believe that we need to make the change. It needs to be permanent. And that's what I got for you.

AGUILAR: Questions? There.

LOWE: Thank you, Chairman. I just got a question on timing. If, if we were to pass LB15, but the Governor doesn't sign it for 30 days, or 40 days?

JOEL HUNT: We have an emergency clause in there.

LOWE: OK. I was just wondering about timing, and if, if, if all that works out.

Transcript Prepared by Clerk of the Legislature Transcribers Office
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AGUILAR: Any other questions or comments? Seeing none, thank you.

JOEL HUNT: OK.

AGUILAR: Will you be staying around to close?

JOEL HUNT: I'll be here at the close.

AGUILAR: Is there any proponents of this LB15? Welcome.

MARK BONKIEWICZ: Good afternoon, Senators. My name is Mark Bonkiewicz. I live in District 12, 11129 Z Street, Omaha, 68137. I'm here to support LB15. Based upon the fact that you have 24 constitutional amendment resolutions that have been introduced in this special tax session.

AGUILAR: Spell your name.

MARK BONKIEWICZ: Pardon me?

AGUILAR: Spell your name, please?

MARK BONKIEWICZ: Oh, I'm sorry. Mark, M-a-r-k, Bonkiewicz, B as in blue, o-n-k-i-e-w-i-c-z. Sorry about that. Obviously we have a big challenge with taxation in the state of Nebraska, or you all wouldn't be in this room right now. So since there have been 24 legislative resolution CAs introduced, something's going to have to happen majorly in order to solve this problem. So then when you do your job, whichever one gets passed to go on to the ballot, then we the people finally get a chance to vote. OK? Currently, with 120 days, it's not going to get on the ballot. That's why we have to reduce it down to 60 days, at least for this special session. So I can just tell you that there are hundreds of thousands of Nebraskans out there that are hurting with all the taxes that they're paying, especially the property taxes. And they expect this body to really come through and make it possible for them to vote on a constitutional amendment to reduce their taxes or eliminate their property taxes in November. So please do your job. Thank you.

AGUILAR: Thank you. Any questions for Mark? Seeing none.

MARK BONKIEWICZ: OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board July 31, 2024
Rough Draft

AGUILAR: Thank you. Any other proponents? Any opponents? Neutral testimony? Mr. Bena.

WAYNE BENA: Good afternoon again. My name is Wayne Bena, W-a-y-n-e B-e-n-a, Deputy Secretary of State for Elections, here on behalf of Secretary of State Robert Evnan. I promised you I wasn't going to testify on this bill, but I got the nod that I probably need to clarify something in the prior-- in the opening statement. The bill that you have before you will just, just applies to constitutional amendments in a-- in a normal or special session. Initiative and referendum petitions are in a separate statute in Chapter 32 as well as the, the Constitution. So what you have before you will not affect any initiative or referendums allowing them to go to county fairs later on in the year. The bill, LB15, says that any constitutional amendment passed in a regular or special session needs to get to us in 60 days prior to the general election. I have requested September 1st if you choose this method, or if it's just for a special session, September 1st just for special sessions. Just wanted to clarify that for, for the record, this is just for your constitutional amendments. If you were to want to change the deadline, you would have to change-- the deadline for initiative petitions, you would have to change the Constitution, as well as the statutes in Chapter 32. If you have any questions, happy to help.

AGUILAR: Questions for Mr. Bena? Seeing none, thank you. Would you like to close?

JOEL HUNT: I waive closing.

AGUILAR: Waive closing, and for the record, ADA accommodation testimony, one from Eric VonSeggern. Written position comments, proponent six, opponents two, neutral one. That closes the hearing on LB15 for the day.