

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee August 1, 2024  
Rough Draft

**WAYNE:** Good afternoon and welcome to the Judiciary. My name is Justin Wayne. I represent Legislative District 13, which is north Omaha, northeast Douglas County, and I serve as the chair of Judiciary Committee. We'll start off by having members of the committee do self-introduction, starting with my right.

**BOSN:** I'm Carolyn Bosn. I'm the state senator from District 25, which is southeast Lincoln, Lancaster County.

**McKINNEY:** Terrell McKinney, state senator from District 11, north Omaha.

**JOSH HENNINGSSEN:** Josh Henningsen, committee legal counsel.

**ANGENITA PIERRE-LOUIS:** Angenita Pierre-Louis, committee clerk.

**DEBOER:** Good afternoon. I'm Wendy de Boer. I am from District 10, in northwest Omaha.

**DEKAY:** Barry DeKay, District 40, representing Holt, Knox, Cedar, Antelope, the northern part of Pierce, and most of Dixon County.

**WAYNE:** Also assisting us is our new page, Rolf. He has his page badge on, because he found it. And he works in my office. This afternoon we'll be hearing four billet-- bill-- bills, and we'll be taking them up in the order that is listed outside the room. On the table to my right, you will find blue testifier sheets. If you are planning to testify today, please fill out the blue testifier sheet when you come up and hand it to Rolf, and we'll make sure we keep accurate records. If you do not wish to testify, but wish to record your presence and position at the hearing, please fill out the gold sheet in the same co-- over there in the same column. I'd also note that it is the Legislature's policy that all letters must be re--received-- letters for the record must be received by the committee by 8:00 AM on the morning of the hearing. Online comments are to be submitted in lieu of personal testimony. Any handouts, please hand them to Rolf, and we'll make sure there's copies. If you already-- if you know you're going to have handouts for a hearing today, please make sure you have ten copies. Testimony will begin with the "introducer's" opening statement, followed by supporters of the bill, then opposition, then those who will be speaking in a neutral capacity. The introducer of the bill will then have an opportunity to make closing remarks. We ask

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that you begin your testimony by stating your first and last name, and spell them for the record. We'll be using the three-minute light system today. When you begin your testimony, the light will be green; yellow means it's one minute left, and then red, we will ask you to wrap up your final thoughts. I would like to remind everyone, including senators, please turn off your cell phones, put them on vibrate. You will see a lot of senators coming and going; we have other hearings. Me, in particular, I have four over in Revenue that I will be coming in and back and forth on. That doesn't mean your testimony is not important; it is being recorded. And, for the record, we will review it. With that, we will begin with today's hearing with LB59. That's me.

**JOSH HENNINGSSEN:** Is that the shell bill?

**WAYNE:** All right. I'm gonna stay right here, because it's real short. My name is Justin Wayne. I represent Legislative District 13, which is north Omaha in northeast Douglas County. This is truly a shell bill. There's no intent behind it, other than that--

**DEKAY:** Can you spell your name?

**WAYNE:** Oh, spell my name? Thank you. J-u-s-t-i-n W-a-y-n-e. The purpose of this bill is just to make sure that if there-- something goes off the rails during special session and we don't have a bill, this bill will be used as an overall catch provision to make any changes that we would need. And with that, I'll answer any questions.

**DEBOER:** Are there any questions for Senator Wayne? I don't see any. We'll take our first proponent.

**JON CANNON:** I didn't know it was a shell bill.

**DEBOER:** Welcome to your special session, Judiciary Committee.

**JON CANNON:** Why, thank you, Vice Chair DeBoer, members of the Judiciary Committee. My name is Jon Cannon; J-o-n C-a-n-n-o-n. I'm the executive director of the Nebraska Association of County Officials, also known as NACO. I'd like to thank Senator Wayne for bringing this bill. We are in, we are in support of, of the bill as written. And, and, and the reason is, is because anytime that there's an, an ability-- an opportunity for us to analyze expenditures and budgets in the counties, we're happy to do so, especially as it relates to the

property tax. That's kind of our bread and butter; it's the lifeblood on which counties run. We're responsible for office space for the courts, we're responsible for their furniture and equipment, we're responsible for probation. And so, when you look at those expenditures on a, on a statewide basis, we've got a-- had to send out a sample, had 56 counties in it. Office space takes up about 0.4 percent on average of all the expenditures across the state. The range is about 0.1 to 1.4 percent. Meeting costs of \$17,800 for cor-- for courts and furniture and equipment; probation is about \$14,000. I'll not add much more to that. Happy to take any questions.

**DEBOER:** Any questions? I don't see any.

**JON CANNON:** Great. Thank you.

**DEBOER:** We'll take our next proponent. Our next proponent? Seeing none, opponents. Anyone in opposition to this bill? Now we'll go to neutral testimony. I don't see any. Senator Wayne, would you like to close on this bill? Senator Wayne waives closing, and that will end our hearing. One opponent letter for the record. And now, we'll move to our next bill that will end our hearing on LB59 and open our hearing on LB46. And surprisingly-- Senator Wayne, take it away.

**WAYNE:** Thank you. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. Part of the call here is today is to find property tax relief. One of the ways that I think Judiciary has always had the ability, is to look at our juvenile and adult criminal system, and our overall judicial system, to find efficiencies and ways that we could save the local tax burden. As you just heard in the last bill, the county pays for a lot; they pay for meeting space-- everything, pretty much. So, I introduced this bill a couple of years ago; Senator Dorn introduced this bill last year. There is one hang-up for the special session that will not allow this bill to move forward as written, but there is an alternative, and I want to mention both. Rule 5.5 of our Legislative Rules deal with any employee-- public employee, that deals-- that has a pension or a retirement, you have to introduce a bill the first 10 days in a 90-day session, and there has to be an actuarial, actuarial, analysis of the impact of that pension, and the, the state taking them over. So the alternative is-- and I don't have this amendment written yet; if you understand bill drafting and the amount of work they've been doing. But what we would do, underneath

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the amendment that I'm proposing now, before this committee, is we would start off with a reimbursement. There would be a 90-day session next session, in which another senator would have to bring that bill to include that actuarial analysis of the pensions. But, a way that we could start immediately saving taxpayer dollars is to reimburse the counties for all their costs from the court systems, whether it be clerks, bailiffs, legal secretaries and all the other things that the counties will surely come up and talk about. We estimate, across the state, that is around \$35 million that is directly impacting the counties that we could reimburse them on, and provide a property tax relief by the state assuming, or at least paying for-- in this session, paying for those individual roles. And that's why this bill is important. It does provide direct property tax relief to the counties. And by my proposal to just do reimbursement, it does not at this point, change over any responsibilities to the state, or to the Supreme Court, in that matter. But it does allow us to start the transition, where at least we're moving in the direction of the state covering those costs at the local level. My theory is simple. Most of your district court costs, and your county costs involves laws that we pass at this level. And so, the local counties should not bear the burden of enforcing those laws, or maintaining our judicial system when it is, in fact, our laws, and how we set everything, from discovery rules to civil procedure, to how things are filed-- that is all done either by the Supreme Court rules, or through legislative process. And so, to me, this is the easiest unfunded mandate that we should fund. And with that, I'll answer any questions.

**DEBOER:** Are there any questions for Senator Wayne? Senator Wayne, I'll ask you a couple questions. So these are the unelected, not elected, clerks?

**WAYNE:** Both. The initial bill calls for both. And so, to get around that entire argument at this section, we would just provide for reimbursement. So whatever those cost are, the state would reimburse those costs.

**DEBOER:** So we would just take over the funding--

**WAYNE:** Correct.

**DEBOER:** --of the clerks, both elected and unelected.

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**WAYNE:** Correct. Otherwise, we would have to waive our 5.15, 5.15 rule. And, talking to Senator McDonnell this morning, a study would not be done-- feasibly not be done for another 30 days, and none of us are hoping to be in a special session for 30 days. So, that would be a fight that would-- this body-- or, a discussion this body would have to take on next year. But, at a minimum, we can reimburse them.

**DEBOER:** OK. Other questions? Thank you. I assume you're going to run over to Revenue?

**WAYNE:** Yes.

**DEBOER:** All right. Well, do you intend to close on this?

**WAYNE:** No.

**DEBOER:** OK. All right. So with that, I'll have the first proponent. Is there anyone in favor of this bill? Welcome to the special Session Judiciary Committee. I won't say that every time.

**COREY STEEL:** Thank you, Senator DeBoer. And I apologize that we have to meet so early this time, instead of our normal time. But, with that, I'm here in support of LB46, and any amendments that come with it. My name is Corey Steel; C-o-r-e-y S-t-e-e-l, and I'm the Nebraska state court administrator for the Administrative Office of the Courts and Probation, testifying in strong support of LB46 and any amendments. The Nebraska court system is considered a unified court system, almost. In 1970, the Nebraska Constitution was amended, resulting in several significant changes to the state court system. The amendments gave the Nebraska Supreme Court general administrative authority over all courts in the state. It shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be ex-- executive head of the courts. It may appoint an administrative authority director thereof. However, even in this constitutional change, a new charge of the Nebraska Court and the Chief Justice still does not have full administrative authority over all functions of the state court system. Nebraska-- excuse me-- LB46 and the amendments that will be-- that Senator Wayne has talked about is a path towards a better-functioning court business model that will allow us to address some of the judicial branch's challenges, and provide greater consistency in court administration for the state. In its current court business model form, county property taxes are

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paying and providing state court functions through the clerks of the district court, through bailiffs, through law clerks, through child support referees, etc. We currently have agreement with ten counties, where the administrative offices have resue-- assumed responsibility of the district court. There's a map that's provided under these agreements currently outlined in state statute; the counties reimburse the administrative office for the portion of the staff cost. However, under LB46, the state would assume 100 percent of the costs for managing the district court functions outlined in those counties. This would save those counties local property tax dollars, and no other counties would have to use local property tax dollars for a transition of the clerk of the district court duties, or provide state court functions. A few areas of concern you will hear are in the-- are "is there adequate staffing in these counties?" "How is the administrative office going to handle walk-in fines, protection orders?" On, and on, and on. The administrative office of the court currently provides all of these functions, in all 93 counties, with our county court clerks offices. So this is not a new business, this is not anything that we haven't done; we do this already in 93 counties. I ask for your support in LB46 and any amendment outlined by Senator Wayne. We'll be more than willing to work with anybody, through either a special session or into next session, on this property tax relief package. I'd be happy to answer any questions you may have.

**DEBOER:** Thank you very much. Are there questions for this testifier?  
Senator McKinney.

**McKINNEY:** Thank you, Vice Chair DeBoer. Thank you for your testimony.  
Are there any other states that follow this model?

**COREY STEEL:** Every state's a little bit unique and different across the United States. We have centralized court systems, where everything is under the administrative structure, and all court staff are under the purview of the Chief Justice, Supreme Court, and the court administrator's office. Then we have decentralized states, which are county-by-county. So, the court administrator's office in those states really works for the Supreme Court, Court rules, and manages the court system through court rules structure. And so, those are county-by-county, where judges, all of the court staff, all of the clerks offices, are all county-based and property tax, county-funded. So there's both models out there.

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**McKINNEY:** OK. Thank you.

**DEBOER:** Other questions? So, on the map that you gave us-- the pink, blue, the green-- you would be paying for all the pink, all the blue, and all the green?

**COREY STEEL:** Under this-- under the proposal that Senator Wayne-- correct. We would, we would have-- because right now in our state, we have two-- two-tier clerk's offices: we have clerks of the district court, clerks of the county court in all 93 counties. What this would do is transition the clerk of the district court duties, and we would then transition to have that under the state instead of the county. So it would be county-- it would be state.

**DEBOER:** But just for purposes of financing?

**COREY STEEL:** Correct.

**DEBOER:** Would the individual clerks in the individual counties still get to decide, like, what their hours were or things like that?

**COREY STEEL:** At this point in time, there's court rule that says the court shall be open, and defines what that means. And so, typically what we see is 8:00 to 4:30, 8:00 to 5:00, depending on the c-- on the kind of-- the county, county courthouse structure; we have some that are 4:30, some that are 5:00, but, those are the--

**DEBOER:** My point was those folks that are-- sorry to cut you off. Those point-- those folks that are sort of on their own right now, that are being paid by their county rather than by the state-- would they retain whatever autonomy they have now under this new system? Or would the state also, when it takes over funding, want to be more involved in the day to day management?

**COREY STEEL:** So, the structure that we have within our court administrator's office is, all of the current clerk magistrates in the county court work for the judge, work for the judge that they are there to serve. We provide administrative functions for that. We also provide policy procedure, and how information is entered into our court case management system; we have a statewide court case management system that all courts enter their information. We have all the hiring processes, all the payroll, all of those administrative functions come from the administrator's office. So, to s-- with that

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said, the day-to-day really is by the clerk magistrate or the clerk of the court; they, they run the day-to-day operations of what goes on within the office, but we set guidelines, precedents and procedure on how things should operate.

**DEBOER:** So I guess my question is, is there-- do we expect there's a lack of-- a shift away from local control with this change?

**COREY STEEL:** It depends on how you're going to define local control.

**DEBOER:** Always does.

**COREY STEEL:** So if--

**DEBOER:** I'm just trying what the--

**COREY STEEL:** But it's saying right now-- so, if you're going to talk about the ex-officios, or the, or the elected officials are two, two hybrids of clerks of the district court. Ex-officios typically have multiple functions within the county; they're usually elected as not the clerk of the district court, but one of the clerk of the county, and then that's a duty and responsibility they have. If it is an elected clerk of the district court, the only local control would be the county funding their budget.

**DEBOER:** Right. That's what I'm trying to figure out, is if there's any change in the local control by this change in finance.

**COREY STEEL:** The funding would come from the state. I-- in, in my brief discussions with Senator Wayne, at this point, the funding would come from the state, and they would become, eventually, state employees through how he's projected this to me. But right now, under his current-- which we haven't seen the amendment, so it's hard to react to it, is we would just offset the cost from the counties, and we would then, through the state, pay for those county court clerks' offices, bailiffs, and all the other actors that are there to perform state court functions.

**DEBOER:** So, one of the weird things you know from thousands of hearings about this, is that you don't get to come up after the other side has talked and, and sort of answer the questions. So, what I'm trying to do is figure out what I'm going to hear later, and then what



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you're going to respond to it, so that I can better understand both sides, because they can respond to you, but you won't be able to respond to them.

**COREY STEEL:** So c-- currently, in our state court system in the state of Nebraska, there's only one individual that is elected out of all the-- all of the state court actors. So, clerk magistrates are not elected; they're hired and appointed by the presiding judge. Judges are appointed through the appointment process that we-- that you all are aware of. They do stand for retention election, which is much different than running for an election. There-- in the, in the 1970s, when the constitutional cha-- change came, judges used to be-- the, the local judges were elected. And the, and the decision was that judges should no longer be elected and run on a partisan ballot for election. The only piece of our court system that there's an elected official is the clerk of the district court. So, that's a, that's a-- and that's a fundamental belief by our Supreme Court, that, in our court system, there should not be an elected official.

**DEBOER:** OK. This is helpful. Anybody else have any questions now? Senator DeKay.

**DEKAY:** Thank you, Vice Chair DeBoer. The ten counties that you-- have taken over the administrative duties-- how did that process come together? Did they come to you? Did-- how did that work?

**COREY STEEL:** Yeah. So, currently in state statute, it allows for ex-officio counties-- if they do not want to perform the clerk of the district court duties, they can contact my office, and we can enter into a local agreement that the county board signs, and come up with an agreement and transition those duties to us. And right now, how we have that set up with those ten counties-- and it's a little bit different with each county in the sense of a payment structure. If we have to add staff or resources because of the caseload of that district court, the county has offset those costs. So we have some counties that pay for a position, others pay for a part of a position, or what-have-you. And that's an agreement that we have with the county, and those are year-to-year agreements that we meet with the county, and the county commissioners, and they agree upon.

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**DEKAY:** Did other 83 counties contact you guys to try to do the same services for them? Or--

**COREY STEEL:** Yes. I've had quite a few over the last several years. Right now, I'm in contact with one that has contacted me to start the process, and it's going in front of their county board in two weeks. We have had several others through the years. And once we get down to it, and the county would have to reimburse us for some cost, that seems to be a barrier and an impediment that their, that their county just can't afford to pay for additional staffing resources or time that would be needed.

**DEKAY:** And then, you said this is renewed every year with the county?

**COREY STEEL:** It's reviewed ev-- our current contracts are reviewed either every year-- I think we have a couple that are every other year, because they do a two-year cycle. So, we work with the counties on what is the best timeframe for them to be reviewed.

**DEKAY:** I thank you.

**DEBOER:** Thank you, Senator DeKay. Any other questions?

**BOSN:** Can I follow up?

**DEBOER:** Senator Bosn?

**BOSN:** Thank you, Vice Chair. I'm trying to follow some of this, and understand sort of where the cost savings for Nebraskans will come from, as a result of something like this, transitionally. Can you answer that?

**COREY STEEL:** So this is-- it's, it's-- here's what I'll say. It's difficult right now, because the current bill that was submitted, plus some potential amendments that Senator Wayne is, is working on is, is where we got to see what is in the writing, right? What-- how it's written and what-have-you. But if, if my understanding is correct in working with Senator Wayne-- if the staff that are paid for out of local property tax dollars by the county was shifted to the state, that would then provide local property tax relief to those counties. That's where-- it's not per se, at this point in time, a savings, because we would pay for all the staff that are currently there; we think, over time, within the court system, with the technology that

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we're implementing within our court system, we're on the cusp of, kicking off a new case management system-- and those types of things, we think we'll, we'll continue to see savings within our court structure and our court system, and eventually, through attrition, we'll probably be able to save some positions over time.

**BOSN:** But that isn't dependent on the language of this bill, because what you're saying is, with or without this, those same-- I mean, I assume you're talking about justice?

**COREY STEEL:** Correct.

**BOSN:** Thank God. Side note.

**COREY STEEL:** I'll need your help. I'll need your help down the road.

**BOSN:** Call me first. I mean, we're still using a black screen with green typing on it that no one can read, but, those changes are coming, so I'm-- I mean, I guess I, I understand that we can streamline the process-- I guess, is I-- what I'm gathering from Senator Wayne's efforts here. And an amendment proposed. Is that what you're understanding?

**COREY STEEL:** Correct. And it's that, it's that start to alleviate the counties from pay-- for paying for state court system individuals that are performing state court functions.

**BOSN:** OK. Thank you.

**DEBOER:** Thank you, Senator Bosn. Other questions? Senator DeKay has another one.

**DEKAY:** Thank you. So would this be set up as a special fund, or is this just taken out of the general funds in the-- to cover the costs of this?

**COREY STEEL:** That's a great question.

**DEKAY:** Well, thank you.

**COREY STEEL:** I don't think we-- I don't think that, that it's come to that point of-- is-- how, how would that be set up? Obviously, again, Senator Wayne talked about his amendment. It's with bill drafters. We, we have to see it, and see what that does. I'm sure there's going to

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be more input in how that should work and function. If it's a pass, pass-through from the state court administrator's office or, or what-have-you, I'm not sure yet, but, I think the goal and the vision is alleviate the counties from paying for state court personnel.

**DEKAY:** Thank you.

**DEBOER:** Thank you, Senator DeKay. Any other questions? Thank you for being here.

**COREY STEEL:** Thank you.

**DEBOER:** Take our next proponent.

**TIM HRUZA:** Good afternoon, Vice Chair DeBoer, members of the Judiciary Committee. My name is Tim Hruza, last name spelled H-r-u-z-a, appearing today in support of LB46 on behalf of the Nebraska State Bar Association. Let me first start by saying that-- or, clarifying, I think-- our, our support here today is, is for the concept of what we're talking about, and what Mr. Steele sort of explained. I recall this bill, sitting up in that chair as legal counsel for the committee. The first hearing I sat through was about eight years ago, when the elimination of the clerk of the district court office transitioned to this. And the conversation has continued. That started before I was here, and it has continued now that I'm working and representing the State Bar Association. And I think, from our standpoint, on behalf of the attorneys that are practicing in the courts, over that time span, we have seen the value of what Mr. Steele is talking about, in terms of finding ways to promote efficiency within how our district courts operate compared with the county courts, and the rest of the state court system, but also efficacy, and ensuring that we have consistent operations for what amounts, ultimately, to an administrative office that's doing, doing functions to help the public get access to the courts, and make sure that the things that they are doing, that they're filing, that, that when the courts open and those sorts of things are operating smoothly. And I, I-- we have-- we believe that more conversation about how to do this the best way, and how to ensure that we can unify, I would say, the district and the county courts, and the Supreme Court, is a worthwhile conversation. That's why I'm here in support of the concept today. We'll continue to work with Senator Wayne, with the court administrator's staff, whether it's this version of the bill, or the

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amendment that was discussed earlier, to, to see if this is the right solution for Nebraska state courts. So with that, I'm happy to answer any questions you have. Thank you for your time this afternoon.

**DEBOER:** Any questions for Mr. Hruza? I don't see any.

**TIM HRUZA:** Thank you.

**DEBOER:** Let's have our next proponent. Anyone else wish to speak in favor of the bill? We'll switch, then, to opponents. Welcome, again.

**JON CANNON:** Thank you. We're not on a shell bill, right? Just want to be sure.

**DEBOER:** I don't think this is a shell bill.

**JON CANNON:** OK, good. Madame Vice Chair DeBoer, members of the Judiciary Committee, my name is Jon Cannon; J-o-n C-a-n-n-o-n. I'm the executive director of the Nebraska Association of County Officials, sometimes referred to as NACO, here to testify today in respectful opposition to LB46. Certainly appreciate Senator Wayne's efforts in this regard to provide streamlining and, and efficiencies within the court system, and, and really within county government. We, we do appreciate the effort. I-- actually, I appreciate everything that Mr. Steele has done in this regard. I mean, he's, he's worked very tirelessly on behalf of the judicial branch of government, and Chief Justice Heavican in particular. I've not seen the amendment; frankly, I didn't see this bill until three days ago. No one's come to talk to me about it, and that's-- no one has to talk to me about it. That's fine. No big deal. But, you know, as was indicated, what are the questions going to be from the opponents? Local control is probably the, the top of the list. Mr. Steele, more ably than I did, described kind of how we got here; where we severed-- started to sever the link between the locals and their, and their judicial branch of government. And frankly, you start, you start to see that erosion more and more and more. But, going back in time even further, back to 1867 when we were first made a state-- even before that, when we first had a collection of counties in the Nebraska Territory, people were very pr-- very proud of the courthouse that they built. They didn't build a county administrative house; they built a courthouse, because they were, they were proud of the fact that they were going to have the power of the law in their counties, as part of their community. What

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is being proposed here, or, what we're on the path toward, is really severing that last remaining link between the locals and the judicial branch of government. And, I mean-- and if that's the direction we want to go, if we want to centralize power in the state, we certainly can do that. However, I will-- I'll make a couple of observations first. One, the way that we're going about this, in this bill, is not much of a savings at all. The people that would be taken over pri-- that would be immediately taken over would be the ex-officio clerks of the district court. These are folks that have other jobs in addition to being the clerk of the district court. They're the clerk, they could be the register of deeds, they could be the assessor; they could have a number of hats that they're wearing, and we're essentially removing one of those hats. And so, these folks are going to-- they're going to remain in those offices, and they're-- we're going to be paying their salary. So, not much of a savings there. There is the possibility of having other counties come on, much like we, we do now. The other thing, though, that I want to make as far as an observation, is that we have seen this movie before. And its sequel. And we know how it ends. Several years ago-- I would certainly recommend that you all take a look at, several years ago when the state wanted to centralize the assessment function, which gets a lot of attention these days, I know. And the state took over certain offices of the, of the assessor in those counties that wanted to petition for it, much like a lot of what we read in this bill here. I can tell you that, as we moved on down that road-- and there were about nine counties that, that jumped on-- don't ask me which ones they were; I used to know them, but I, I don't anymore. But as-- nine counties jumped on-- I'm out of time. I'm happy to take any questions you may have.

**DEBOER:** Can you finish telling what you were going to tell us there?

**JON CANNON:** Yeah. Yes, ma'am. Thank you, I appreciate it. And so, nine counties came on, and then we got to a point where there was an outrage about assessed values in, in Omaha, Nebraska. And, you know, maybe the Douglas County assessor should be, should be part of this assessment function that the state has taken over, and the cost of running the assessor's office in Douglas County made its way over here to the, to the Legislature, and in no uncertain terms was Douglas County told "don't even think about it." And so, that really killed the program at that point. So I, I guess my observation is, is that-- you know, if, if we're going to do this, let's have the honest conversation about what it costs to take over the whole thing and see

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if the Legislature truly wants to do that. Otherwise, I can tell you, the piecemeal approach-- we've tried it before in the past; it does not work. I'll conclude by saying there are other people with, with a lot more knowledge about the actual functions of the clerk of the district court behind me, who are going to come in and, and fill all the-- in any gaps you might have, but I'm happy to take any questions you may have.

**DEBOER:** Other questions for this testifier? So, I'll ask you one. You started off by saying, you know, they built the courthouses because they were proud of them. That won't change. There'd still be a courthouse, and there will still be hearings and law that's dispensed from the county level, right?

**JON CANNON:** We will have-- well, I guess that depends, ma'am. You know, the thought is, is that we're going to be essentially providing free rent to an organization with whom we have no tangible connection. And, yeah, they'll, they'll be dispensing law and, and issuing, you know, a judgment from the bench and everything like that. But, that won't be a, a county function. That will not be something that belongs to the counties. The question is going to become "Oh, wait a minute. Why are we providing them with rent?" and--

**DEBOER:** Even though they're just paying you back for what the cost of this particular person is-- because that's what I understand it's going to be-- what we're going to do, is you're just going to get money, and-- I mean, I'm sort of shocked, because aren't you usually saying, "Give the, the counties the money for the things that you're requiring us to do?" So, if you're just going to be given money to do it, is that a problem?

**JON CANNON:** Well, under the terms of this bill, they're going to be taking away a duty from someone that's already being paid by the county. And those other duties that they're then undertaking on behalf of the county aren't going away. And so--

**DEBOER:** I don't think they're taking-- I mean, under the amendment, as Senator Wayne described it, they're not going to be taking away the duty from anybody. They're just going to be paying the counties for what the counties incur and the expenses to do that duty.

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**JON CANNON:** I haven't seen the amend-- I, I heard Senator Wayne describe it in his opening; I, I haven't seen it. I, I can't really comment very well, and then I apologize.

**DEBOER:** Would you object to, no one takes any power away from any clerks, they just give the counties the money that it costs?

**JON CANNON:** We would want to look at what that looks like. My experience has been, there are typically strings attached, and you have to make sure that the juice is worth the squeeze.

**DEBOER:** Fair. What kind of strings are typically attached? Because, I'm trying to decide here what to do on this. So, what kind of, what kind of strings are typically attached, and what are you worried about?

**JON CANNON:** You know, over in Revenue, they're having a great conversation about K-12 funding. You know, I'm, I'm a firm believer in the golden rule; whoever has the gold makes the rules. And so, the expectation is that-- and not the expectation, our, our learned experience is that, when the state is saying "we're going to fund these things," the state is also saying "and we're going to tell you exactly how to do it." And in fact, I-- Mr. Steele actually mentioned this in his testimony, in, in response to a question of yours, Senator. And that was, you know, what, what does the county get to do as far as, you know, paid holidays and those sorts of things? If-- it's a judicial day, then the judiciary-- judicial branch of government is going to say, "Courthouse has to remain open." I can tell you that I am far more comfortable with the Kimball County Board saying, "We're going to close the courthouse, because there's a blizzard that's going on right here" rather than someone that's sitting in Lincoln saying, "You have to remain open no matter what's going on." And those are the sorts of strings that, that are almost always attached.

**DEBOER:** Got it. Thank you. That was helpful.

**JON CANNON:** Yes, ma'am.

**DEBOER:** Other questions? I don't see any. Thank you for being here.

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



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**DEBOER:** Next opponent.

**DAUNITTA BUOY:** Good afternoon. My name is Daunitta Buoy:  
D-a-u-n-i-t-t-a B-u-o-y. I'm the Rock County ex-officio clerk. I've  
been an employee of the county clerk's office for 22 years: 16 years  
as deputy, and 6 years as the clerk. If LB46 passes, I will still have  
a job. But to lose another service to our people of rural Nebraska  
would be devastating. The county no longer has DHHS services available  
locally; if we want in-person help, we have to go to Ainsworth. I can  
speak from experience. Not a good move for rural Nebraska. 17 miles  
might not seem far, but it's 60 miles for me. You can spend a half a  
day or more trying to get help, if trying to contact them by phone. I  
know from experience; both parents are in the nursing home. We used to  
do child support; the state took that over also. I've spent a half a  
day trying to get questions answered there, also, starting with one  
person, making a complete circle with the different departments, and  
ending up back with the beginning contact, and not getting my question  
answered. Court access is another issue; it is almost impossible to  
talk to anyone face-to-face anymore. Half a day, once a week for  
county court is not good customer service. Rock County has 8 civil  
cases filed this year-- my district court does. Dissolutions,  
paternity, protection orders, three criminal cases. Why can't county  
court be combined with district court? We are there from 9:00 to 5:00,  
five days a week; we can provide that face-to-face customer service.  
Whatever happened to the vote of the people to decide which way this  
goes? This should not be a legislative decision. If this bill passes,  
the Legislature also needs to consider taking on the court-related  
costs, juries, court-appointed attorneys and court costs. And as an  
ex-officio clerk, I answer to the Supreme Court. I answer to the  
Secretary of State. I answer to the Department of Revenue. My job is  
to do the best job I can.

**DEBOER:** Thank you. Are there questions? Did you spell your name, by  
the way?

**DAUNITTA BUOY:** Yes. It's difficult.

**DEBOER:** OK. Thank you. Questions for this testifier? Thank you for  
being here.

**DAUNITTA BUOY:** Thank you.

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**DEBOER:** Next opponent.

**TRAVIS HOBBS:** Good afternoon. Travis Hobbs, Brown County. T-r-a-v-i-s H-o-b-b-s. I am the ex-officio clerk of the district court. I am adamantly opposed to district court duties being transferred to the clerk magistrate. As the ex-officio clerk of the district court, I am an elected official. This creates another level of accountability to all constituents. I make it a priority to attend the yearly workshops, and any additional trainings made available, if possible. I am always available for my staff to get a hold of me via my cell phone if a question arises on a court-related matter that they are unable to answer. I carry my laptop with me, and have stopped in the middle of my vacation to process a filing, if needed. These are the types of obligations that we, as elected officials, do not take lightly, as we are employees of the residents of, of each of our own counties. LB46 will adversely affect Brown County. As with a lot of counties, office and storage space is an issue. If the offices are to merge, then the county will be forced to create more office space for the county court to contain their records. As we are all aware, this comes with a great con-- expense to the county. Currently, I employ one full-time and a part-time staff member. If LB46 passes, I will have a tough decision regarding that part-time position in my office. Currently, I have the workload to support the full-time and a part-time person; if I was to have to cut that de-- position, not only does it negatively affect the individual, but it will affect my office, as there are many times in our busy season that even without the district court, that person is needed to help with other seasonal office duties. It can be argued that dollars will be saved by the county by eliminating that position, but we all know that any money saved on the county budget level will be sent to Lincoln to fund this transition. Furthermore, the county is paying the clerk's salary; transferring will add unnecessary additional expenses for a new position the state will create. If LB46 passes, the transition will not be seamless, as the difference between county and district court is substantial. I have been in my position for over 9 years, and still learning the best practices are continually evolving. It is a well-known fact, due to overseeing multiple counties, that county court personnel are not available every day in every county. While at the decision of the Supreme Court, the county courts are available remotely, district court is open and staffed every day of the week. In 2023, LB363, the most recent time consolidation was proposed, the AOCF testified to remedy the lack of

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staffing to install a kiosk. In my time as ex-officio clerk of district court, I have witnessed the urgency that comes with district court matters, where an on-location clerk makes a difference. When a petitioner is distraught from an abuser harassment situation, they need a person to speak with and take their petition; not have to drive to the next county, if they are lucky enough to get out with a vehicle to drive. In District 8, our remoteless-- remoteness creates its own set of issues that the judges, district court clerks and clerk magistrates have navigated successfully; we work together to ensure that our people are taken care of. I currently take documents and payments for county court within-- when they are closed. Thank you for the time, hearing my concerns. Do you have any questions?

**DEBOER:** Thank you very much. Are there questions? I have a clarifying question. Under LB46, you say you will have to get rid of your part-time person? I'm not following why that is.

**TRAVIS HOBBS:** If-- I'm at that-- I have enough duties in my office, because I have-- I am the one that wear, that wears many hats. If we get rid of district court, it might be just enough that I don't have enough to do for my third-- my part-time employee. But yet, it's a struggle because, during election time, during budget times-- those times we are busy, and we need that extra person. So it's just kind of a balance of if I have enough work at all times for them, if I lose district court.

**DEBOER:** Perfect. Thank you. Senator Ibach.

**IBACH:** Thank you. I just have one chair-- or, one question, Madame Chair. Do you feel like there are efficiencies that you've implemented over, like, the last year, three years, five years that speak to your responsibilities in that office? I mean, I think you're probably constantly looking for efficiencies. Are there any-- are there-- is there anything that you've been required to do that have forced some of those efficiencies? Or, maybe have helped you be more efficient in your office?

**TRAVIS HOBBS:** They have-- some of the updates that they have done with the technology, it has, it has helped us be more efficient.

**IBACH:** That's a good answer. All right. Thank you.

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**DEBOER:** Other questions? Thank you so much for being here. We'll take our next opponent.

**AMBER MULBERRY:** Hello. Amber Mulberry, Saline County, clerk of the district court office, Wilber--

**DEBOER:** Can you spell your name?

**AMBER MULBERRY:** Yep. A-m-b-e-r M-u-l-b-e-r-y.

**DEBOER:** Thank you.

**AMBER MULBERRY:** The word on the street is you guys are here to solve a property tax crisis. LB46 does not appear to do that; taking ex-officios does not result in property tax relief. The county is still employing the person as the clerk, as others have already stated. I'm confused, as well as you should be. If the judicial branch wants to contribute to property tax relief, their path forward should start with taking responsibility for what they already have, what they already control. And let's make no mistake about it; this is about control, not property tax relief. In the past, the judicial branch has indicated they would use a kiosk, or a touchscreen pad to do business. Do you see this face? This is the face of humanity. This is the voice of humanity. I'm dealing with people in some of the most critical times in their life. The day after a domestic violence incident, when they come in to seek a protection order; after having been in a car accident; the morning they decide to come in and file paperwork to get custody of their child; the afternoon where they call in to ask questions about filing for divorce. If you want to talk about access to justice, it does not start at a kiosk. It starts in the county, in the community, and with the people's vote to elect the clerk of the district court, the people we serve. And you all understand that, because you're elected officials. And it's different; it's different than being an employee. And there's no reason to grow state government. If the judicial branch has all this money to spare, the path forward, perhaps, could be updating the record-keeping system that was started in the 1990s. A system that has flaws, and lacks the fluency of work and viewing; it really lacks the growth of the 21st century. And if the judicial branch wants to "take people in," show me where the legislation has been introduced to take over county-paid law clerks, county-paid bailiffs, county-paid judicial administrators. I've been here for the last 8 years, and I haven't seen any of it. So,

ask yourself "why?" These positions operate at the pure pleasure of the judge, and yet, we're not hearing about taking these people in. LB46 is not doing that. This should raise a question mark to you about intent. Listen, we're in Nebraska, and it might not be for everybody, but we should be OK with standing up for the preservation of a system that has stood the test of time. You see, even before there was a court administrator introduced into statute in the 1970s--

**DEBOER:** I'm going to ask you to start to--

**AMBER MULBERY:** I have just, like, a little bit.

**DEBOER:** All right.

**AMBER MULBERY:** There were, there were clerks of the district court. And least we forget, 100 years ago in Douglas County, where the clerk of the district court, Robert Smith, stood up to a crime boss and widespread corruption in Douglas County. And you have to believe that there is a reason for the separation of power. And with that, I, I hope you oppose this. Thank you.

**AMBER MULBERY:** Thank you. Are there questions for this testifier? I don't see any today. Thank you so much for being here. Next opponent. Thank you, all of you who came from such a distance to come and testify today.

**MATT FISCHER:** Good afternoon. My name is Matt Fischer; M-a-t-t F-i-s-c-h-e-r, clerk of district court for Knox County, and while LB46 does not directly affect me as a stand-alone clerk, I'm here in opposition of the bill. I know the special session is to address skyrocketing property taxes. I'm aware this is a serious issue facing property owners; one of my family's largest annual expenses on the farm is paying to keep the land that we already own. LB46 is not exactly a complete tax savings on the county level, and I have to ask, in the 10 counties where the district court functions have already been moved from the county clerk to the AOCF, how much of those county clerks reduce their staff because of the reduced workload, or reduce their payroll? Will the AOCF absorption of the remaining ex-officio district court clerks result in expense reductions to those county clerks? To totally eliminate the payroll burden that the district courts put on the counties, that would require the AOCF to absorb all 93 counties, and there have been bills brought forth over the past 4

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decades to that effect, but none have prevailed; one made it to the Governor's desk. And those bills only address payroll, not the physical plant expenses which still fall on the county. Real county-level tax relief would be if the AOCF absorbed all expenses: supplies, equipment, furniture-- similar to how DHHS took over the county social service offices in 1982. But that didn't happen when the AOCF took over the county court 5 decades ago. The counties still pay for everything except for computers and payroll, and it will be the same with the district court. And what's never mentioned? Court costs, sheriff service fees, jury expenses-- those are all still paid with county tax dollars to the benefit of a state-run office. What isn't realized that the clerks of district court are already partially self-funded, reducing the burden on local tax dollars. Based on our workload handling IV-D child support cases, we receive federal im-- reimbursement that's conveyed to us by the Nebraska DHHS. Right now, in a county of 8,300 people, we receive enough annual reimbursement to cover 90 percent of my deputies' wages, and the remainder is-- a good share of that is covered by passport fees. Both my deputy and I are personally accountable to our constituents, the taxpayers who elected us, and we do everything we can to keep the expenditures to a minimum, because we know where the money comes from: our neighbors, and from our own pockets. We strive to stay in compliance with whatever the AOCF and our judges ask us to do, and at the same time, guard the local purse. To truly make a district court absorption by the AOCF successful, and do justice to the courts and its patrons, there's so much more time needed, and statutory cleanup required that this special session truly can't afford, given the daunting task that's before you for property tax relief. I thank you.

**DEBOER:** Thank you very much. Are there questions for this testifier? I don't see any today. Thank you so much.

**MATT FISCHER:** Thank you so much.

**DEBOER:** Next opponent.

**CRYSTAL RHOADES:** Hello, my name is Crystal Rhoades; C-r-y-s-t-a-l R-h-o-a-d-e-s, and I am the clerk of the district court in Douglas County. I'm in opposition to LB46. Elimination of the elected clerks of the district court will do nothing to reduce costs. What it will do instead is transfer the costs from the county to the state, and, frankly, reduce accountability to the electorate. It is the only

office within the judiciary branch that answers directly to the electorate, and we are responsible for making sure that our offices operate as efficiently and cost-effectively as possible. That is not a responsibility that you all want falling at your feet, I assure you. My, my colleagues have succinctly talked about the diminished customer service, so I'm not going to bemoan that point. But it is also unclear what impact such consolidations or reimbursements would have on union contracts, which, of course, would be an issue in some of the-- in my county in particular. Many of our court employees are covered by a union agreement, and the result is that they have much higher pay, and they have pensions. Quite frankly, in my county, there's a, a real difficulty in even staffing the county court due to the very low wages. The other thing is that it's really unclear where the AOCF is coming from on a lot of these issues; they are not engaging the clerks-- the elected clerks at all. Instead, they're showing up at our conferences and workshops and broadly announcing that they're going to get this done and, and institute these takeovers of our offices. In my view, a better way to save money is to improve the efficiency of our software systems. As you know, we are using a ancient, antiquated, terrible software that is very time-intensive and labor-intensive. In my office alone, it is estimated that we could save about \$700,000 annually, if we were to have appropriate software. Again, the AOCF says someday we're going to have new software, but they have not engaged us in any meaningful way about when that will occur, how that will occur, and what, and what, what will happen. I will tell you, I have 11 full-time people. I have 5 that scan documents and 4 that create paper files; I have 2 that I had to hire to review 30,000 image errors in the JUSTICE software leftover from a botched conversion that they did more than a decade ago. We're still moving around a lot of paper, because of the self-represented litigants not being able to e-file, and judges refusing to e-file. Why are they refusing to e-file? Because the software is terrible. It's not user-friendly, it's not reliable, they don't trust it. So what ends up happening is-- I have two departments full of full-time staff that probably could be eased out through attrition if we had software that we could make a proper, thoughtful conversion to. I've got 50 years worth of documents in the basement of our courthouse that all needs to be digitized and preserved in new software. This would save a c-- a very significant amount of money.

**DEBOER:** I need to have you wrap it up, please.

**CRYSTAL RHOADES:** OK, one last point. Another way that software could actually end up saving you a lot of money-- and the good senator here asked a question about that earlier. In my court, 2 days a week, part-time afternoons, we had to hire a court reporter to come in and do Board of Mental Health hearings. It cost the county \$36,000 annually. We have-- we are replacing that court reporter service with software. It's going to cost us \$500 annually. I would suggest, strongly consider-- what you would want to do is, is, is phase out-- or, phase in court reporting software through natural attrition as those court reporters retire, resign, or as new judges are appointed. That concludes my testimony to you, and I'd be happy to take any questions.

**DEBOER:** Are there any question-- questions for this testifier? I don't see any. Thank you for being here. Next opponent.

**JANET WIECHELMAN:** Good afternoon. My name is Janet Wiechelman; J-a-n-e-t W-i-e-c-h-e-l-m-a-n. I'm the elected clerk of district court for Cedar County, and also elected-- not elected, but the legislative liaison for the Clerk of District Court Association. I didn't prepare any testimony, because, in reading the initial bill, it's mishmash. I'll be honest with you. If you're basing it on the inflection, every four years, to eliminate a clerk of district court, is there any gain to it? But I stand there's an amendment out there, and we have not had the opportunity to see it, so, I'm not really sure how we can really comment to that as far as whether or not something we would support or still oppose. To not be disparaging to attorneys or judges-- yes, the JUSTICE system does help us. It does provide us some form of consistency. But still, when we get filings, and we're asked to file this in a certain way, or act on a judge's order a certain way, we have to understand, we have to go by what's been presented to us. Yes, we would all love consistency. We all would. It would help the system move much "etter"-- easier. But we are limited in some forms when we have the filings that we do. One of my concerns is-- brought up in the fiscal notice in the testimony, is the transition of employees. As I stated, we have not seen a bill. We don't know if that transition includes ourselves, or even our own employees. How does that work if that's going to be the issue? Are they going to be guaranteed the same years of service across to a vacation or sick leave plan? How's it going to work? Are they going to be to-- able to take some of their sick leave and vacation leave over to the new system? There's a lot of unknowns to this, and I guess we really would reach out to the court



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administrator's office if you'd like to present to us, or to NACO, the bill and what the proposal is. Make sure to take a look at it. But in the present form, we do oppose to it, because it's not saving a county anything. Like, is it [INAUDIBLE] for the ex-officios? There's not going to be any change, hardly. And a full-time CDCs? There may not be either, because how is county court can be able to assume the additional duties of clerk of district court? They're going to need more staffing, so, therefore, they're going to have to hire more individuals. I just would like to add-- many testifiers talked about the other things that the counties are required to provide. I was able to come some nights, to kind of go through some of the budgets and give you a highlight what it costs to support the county court offices now; what the counties are paying to support those state offices. Also, I've put in the last couple years how much the counties are expend in court appointed attorneys' fees, public defenders, jury cost. Those costs, the counties cannot always assume what's going to be; situations change, crimes are committed. We'd-- it's-- is difficult for the counties to understand that. If you're willing su-- to provide some sort of compensation for the counties, or take over some of the county functions of that, would you please also have this conversation about that? Thank you for your time, and I'll be glad to take any questions.

**DEBOER:** Are there any questions for this testifier? Senator Holdcroft.

**HOLDCROFT:** I'm looking through this, and I'm wondering how you put this all together in just three days.

**JANET WIECHELMAN:** Well, if you ask the Cedar County Sheriff's Office to check their video system, you'll see that I've been in my office every single night since this came out Monday night-- Monday morning. It's-- I can't do it during my office time. I'm busy enough with the caseload I have right now, but I've worked with the clerks to try to give me this stuff, and I was making copies and making this information at night.

**HOLDCROFT:** And did you put out some kind of call, I mean, for these comment? I mean, you must have.

**JANET WIECHELMAN:** For this far as the budget information, some of it was provided by some of the clerks of district court. Some of it, I

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did go into the budgets that are presented to the public auditor's office, and got the information from that.

**HOLDCROFT:** OK. Thank you.

**JANET WIECHELMAN:** Thank you.

**DEBOER:** Other questions? Thank you so much for being there.

**JANET WIECHELMAN:** Thank you.

**DEBOER:** Next opponent. Anyone else here in opposition to this bill? Is there anyone who would like to testify in the neutral capacity? Anyone in the neutral? I don't see any. For the record, there are 46-- or, this is LB46; there are 5 opponent letters. Senator Wayne has indicated that he did not wish to close, so that will end our hearing on LB46. Our next bill is LB53, and we're waiting for Senator Wayne to return, so we'll take a brief recess until we see Senator Wayne return.

**DEBOER:** Senator Wayne has returned. Now we have LB53.

**WAYNE:** Good afternoon. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. I was watching on my earpiece when I was in Revenue-- the last hearing. And this is the same kind of conversation that's going to happen. At the end of the day, we pass laws. 90 percent of the people who are sitting in a county jail is charged with a law that we passed. One of our greatest, biggest unfunded mandates is how we operate our judicial system to counties. While in Nebraska, this may seem odd; there are a lot of other states that operate completely different than how we operate on a county basis. Many of them operate at a regional level, from regional attorneys to county jails, etc. When tasked with property tax relief-- I said this before-- I look at what every committee should be doing-- as the judicial chair-- is looking at their committee of where they could find it. And if you look at the fiscal note, there's \$200 million. \$200 million to 64 counties is not a drop in the bucket. And 64 counties are the ones who actually have the jails, but all counties charge people with crimes. And again, unless you're a municipality, whether it's Bellevue, Omaha, Lincoln, Lexington-- they have some city code violations, but the majority, if not 90 percent or more, are state laws they are being charged that they broke. The least we can do

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is fund them. Maybe, do I want to take some things over a little far at the county attorney level? Absolutely. And that's because we have kept seeing, inconsistently, things being applied. And that'll be another bill. But we are literally, in Douglas County, sending people to Sarpy County, to Cass County, to Lancaster County, as far as Madison County, because we can't have certain people and certain populations for safety reasons. Or, can't have certain people and certain populations, because they can witness-tamper. So if you look at Cass County, or Sarpy County, you'll see many people who are there on Omaha crimes. Why is the county carrying that cost? If you want to talk about significant property tax relief-- \$200 million by reimbursing the counties. We're not taking over their operations. We're not taking over their employees. But at a minimum-- we're the ones who are passing the law; we should reimburse them. Don't have a-- to me, it's just a no-brainer. We should fund what we say we're going to make a law. And if it's a law, and we say you violate it, we should pay for that violation, not the county. And I'll answer any questions.

**DEBOER:** Any questions for Senator Wayne? Senator Holdcroft, first.

**HOLDCROFT:** Thank you, Vice Chair DeBoer. I think we used to-- this is not-- this has not been done before. I mean, this has been done before, right? I mean, this was-- I think it was under Governor Heineman where we stopped reimbursing the county jails, so it's, it's, it's something that we should probably be.

**WAYNE:** It was a smaller percentage, not 100 percent, before Heineman. And then we also had, before Heineman, the municipal aid to cities for different reasons. Both of those were, were nixed. So it's not a-- very rarely have I ever come up with a new idea; I just find other people's ideas. And so, this was done before, and I just think it's an opportunity to have that conversation.

**HOLDCROFT:** Thank you.

**DEBOER:** Thank you, Senator Holdcroft. Senator DeKay?

**DEKAY:** Thank you. Has there been a dollar amount tagged to this on how much it would be-- if it would be on a daily basis? Or-- and would it be uniform statewide?

**WAYNE:** Yes. So each-- the operational cost for each jail is, unfortunately, based off of the counties, based off of salaries, based

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off of how many people-- but, the average one last year, and I think this year, too, was \$81 a day. And so, whatever those counties would be reimbursed, I think we, we-- they send an invoice and we reimburse them every month. That'd be the ideal for me. But I think the way the bill is written, they would certify what the amount is, and we would reimburse them the following year. So they wouldn't receive any benefit this year, but they would start in 2025-- \$206 million, something like that.

**DEBOER:** Thank you, Senator DeKay.

**DEKAY:** Thank you.

**DEBOER:** Other questions. Senator Bosn?

**BOSN:** Thank you. Thank you, Senator Wayne. So under this plan, what is-- so, the reimbursement comes out of the state General Fund?

**WAYNE:** Correct.

**BOSN:** And where do we-- what is your proposal for how we increase our state General Fund? [INAUDIBLE] compensatory--

**WAYNE:** So, I have a lot of ideas on how we can do it. I did not include that in my bill, because then it would have went to Revenue.

**BOSN:** What's wrong with Revenue?

**WAYNE:** Well, then you don't have control of what happens to your bills. So that's why I didn't put a, a funding mechanism, but there-- I mean, right now we're plus, right? We have proposals for property tax relief that would take over complete school funding, even if we were to reduce that by 30 percent. So the s-- the locals would fund it 30-- \$0.30 out of 100, then that remaining \$0.30 is roughly the \$200 million. So, there's-- according to the Revenue plan put forth by Governor, there's enough funding to do it, it'd just being to where we shift it from.

**BOSN:** So, it-- I-- and I'm trying to understand. So, your plan is that this would come out of judiciary, and be attached as an amendment, essentially, to some greater Revenue package.

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**WAYNE:** Or pass on the floor by itself, and you'd have two bills moving at the same time. So, how TEEOSA was originally passed is you had an education bill and a funding bill, and they went lockstep through the process. So, they passed on General, they passed on Select, and they passed on Final Reading together. Two separate bills.

**BOSN:** But how would you guarantee them that the \$200 million goes to--

**WAYNE:** That's why you have them in lockstep.

**BOSN:** So they reference each other, then, essentially.

**WAYNE:** Right. Essentially.

**BOSN:** Thank you. Sorry.

**WAYNE:** Sorry I didn't explain that very well.

**BOSN:** Thank you, Senator Bosn. I think Senator Ibach had a question?

**IBACH:** I just have one quick question, just for clarification. In the past, did we fund per-prisoner that was in a county prisoner, or did we fund the entire jail?

**WAYNE:** It wasn't the entire jail. It was a per-prisoner cost. Well, no, it was just a, a reimbursement at a percentage, and I think it was like 30 or 40 percent.

**IBACH:** Per inmate? Or-- it's not transfer inmate, though. It was transfer in-- inmate?

**WAYNE:** Per inmate. Per inmate.

**IBACH:** Per inmate?

**WAYNE:** I believe. But, I believe Jon's still-- the NACO's still gonna be here to help. OK. Somebody's shaking their head yes, so I-- they'll be here

**IBACH:** OK. Because my, my local Dawson County, I know that we've had this conversation a lot, and I guess I never really clarified with him whether it was a, a per transfer inmate, or if it was per inmate, whether they were from the county or not.

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**WAYNE:** Oh, when we did reimbursements.

**IBACH:** Yeah.

**WAYNE:** Oh. No, no. I don't, I don't know the answer to that. Because-- yeah, I didn't think about that. We didn't-- it wasn't until-- so, I graduated 90-- 1995-1996, at least in Omaha, is where we started seeing a more-- of transferring people due to safety issues. Prior to that, there just wasn't that many gang issues. And now, we're seeing a lot more where we have people who are co-defendants in different, different counties.

**IBACH:** And then, some of those transfer inmates, it's not due to overcrowding, it's more due to conflict of interest? Or--

**WAYNE:** S-- I've seen both, at least in my private practice. But a lot of it is co-defendants, or safety issues.

**IBACH:** OK.

**WAYNE:** A lot of it is.

**IBACH:** OK. Thank you, thank you, Vice Chair.

**DEBOER:** Thank you, Senator Ibach. Other questions? So, what-- so, right now, if there is a state prisoner, sentenced already, sitting in the jail, in that program, right? Do we do that-- we do not send them--

**WAYNE:** So if it's under a year, there's--

**DEBOER:** Yeah. That's right.

**WAYNE:** So if it's-- even if it's a state sentence, my understanding-- if it's under a year, it is still, it is still on the county's dime. It's a, a-- 366 days, they, they go down to state prison.

**DEBOER:** I thought we gave like \$17 or \$31 a day, or some ridiculous token amount.

**WAYNE:** I don't-- maybe. I-- I haven't seen that.

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**DEBOER:** OK. Maybe? OK, maybe not. And then what-- so, what does the co-- what is the cost to house someone in a jail? Do you know?

**WAYNE:** Right now, according to the fiscal note, previously it was \$81 a day on average across the state.

**DEBOER:** Across the state?

**WAYNE:** Correct.

**DEBOER:** And we are reimbursing nothing.

**WAYNE:** My understanding. Yes.

**DEBOER:** And you would have us pay just for state prisoners? Or, you would have us pay for--

**WAYNE:** All prisoners. And again--

**DEBOER:** All prisoners. So, that would, that would handle the transfer cost, because--

**WAYNE:** Yes, it would still be covered.

**DEBOER:** --so you don't have to pay for--

**WAYNE:** I mean, where the "windfall" would be is, if you're charged with a misdemeanor underneath a city ordinance.

**DEBOER:** Right.

**WAYNE:** But, but again, there are not a lot of small communities who have city ordinances, and even the ones that are charged under the city are-- like a Omaha; Omaha city ordinances that are 60-65 percent duplicate of state, state crimes. So, there's a DUI, and there's a city DUI. So, to me-- I'll, I'll accept that windfall.

**DEBOER:** So, now the jails are paid for by the state. Does the state have control over them? Because we keep having these local control discussions about if the state gets to choose X, Y, and Z; what the inmates eat for dinner, or whatever. I don't know.

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**WAYNE:** No. No, I'd had a bill to take over all corrections in there. That didn't go over very well. So now we're just trying to do reimbursements, I mean--

**DEBOER:** Just reimbursements?

**WAYNE:** Just reimbursements.

**DEBOER:** OK. Any other questions? Thank you, Senator Wayne. First proponent.

**ELAINE MENZEL:** Good afternoon, Vice Chair DeBoer, and members of the Judiciary Committee. For the record, my name is Elaine Menzel. That's E-l-a-i-n-e M-e-n-z-e-l, here today, on behalf of the Nebraska Association of County Officials in support of LB53; I would also like to record the support of the Nebraska Sheriffs Association. I am having passed out correspondence from both the she-- Sheriff Cardenas from Morrill County, who is the current president of the Sheriffs Association, and also Buffalo County Sheriff Neil Miller, expressing their support for the bill. First, I'll touch on a couple of things, and then I'll try to, hopefully, to the best of my recollection, talk about jail reimbursement in the past, because I-- that question was being discussed earlier. First, we would like to express a great deal of appreciation to Senator Wayne for recognizing the significance of jails in the county government structure of functions. As he mentioned, he had introduced legislation-- I was going to say last year, but earlier this session-- that would have taken over county jails and operations, and paid for some of that. Our objection was local control. We obviously would have appreciated the funding, but the loss of local control was a concern. This bill is different in that we would still have the local control, and yet have a reimbursement mechanism similar to what had occurred in the past, but it's a little bit broader, as I'll reference in a second. I am-- or, I had provided you a copy of a proposed amendment that we have, and that's attached with the information that was handed out. The rationale for proposing that is that the Douglas County Jail is not under the same structure as the other jails, meaning it's not under jail standards, but rather the American Correctional Association that does have a citation to the statutory section for those purposes, and we would just ask that you include all the jails. With respect to jail reimbursement, as I recall, it was \$35 a day; there's where you're getting your amount of "mondey." We had, at times, asked for it to be



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increased, and those types of things. And, per inmate, it w-- there was a set amount, I'm going to say it was perhaps \$6 million; I could be off on the dollar amount. The difficulty with that was that it was a first-come-first-served basis. Therefore, you didn't necess-- I see my time has expired.

**DEBOER:** Thank you. I'm sure we'll have some questions for you. So, are there questions-- Senator Bosn.

**BOSN:** If you could finish your, your thought.

**ELAINE MENZEL:** OK. Thank you, I appreciate that. It was essentially a first-come-first-served basis for purposes of being reimbursed. So, in the amount that Douglas came-- County came in and asked for, say, the full \$6 million, then none of the remaining 65 or however many jails were able to get any sort of reimbursement. That's perhaps an excrem-- extreme example, but there were many counties that were short funding-- or-- at-- under that mechanism. I will tell you that the loss of jail reimbursement is still stuck in the craw of many sheriffs who remember that. But with that said, the, the basis for it being cut was, essentially, that it was, at the time that the Legislature was having to make funding cuts for other types of programs, roughly in 2001-- or well, maybe that's not quite the right year, but whenever-- maybe 2017 is when all the cuts were occurring. I, I apologize for going on.

**DEBOER:** No, that's OK. Are there other questions? Senator DeKay.

**DEKAY:** Yeah. The \$81 a day that there-- might be the average. Does that include everything, as far as like, say, if they have a public defender, does that include those costs? My, my question is, is, if you have a person going from Douglas County up to Madison County, who covers the cost of that public defender's time and travel expenses at that point in time then?

**ELAINE MENZEL:** I believe that the \$81 a day that's being referenced for the inmate cost is strictly for the care and operation of jails, for providing maintenance and boarding, and some of those types of services for the inmate. It's not going to-- well, I shouldn't say this, but it would probably include also their medical expenses. The public defender and county attorney costs are going to be separate and

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apart from those. We do have some figures on that as well, if that's of interest to you.

**DEKAY:** Well, thank you.

**DEBOER:** Thank you, Senator DeKay. Other questions? So, so my understanding is that, at one point, let's say before 2017 or whatever point that, that shifted-- we paid-- you said \$35 a day, but that was-- was that for everyone, or was-- like, is that for someone that was sitting on an ordinance? Or, was that just for state?

**ELAINE MENZEL:** It-- I don't remember quite the terminology, but I believe it was for convicted inmates within the jail.

**DEBOER:** OK.

**ELAINE MENZEL:** There was some terminology.

**DEBOER:** And there was, there was-- what you're saying is, basically, there was a pool of money that was a line item in the budget.

**ELAINE MENZEL:** Yes.

**DEBOER:** And everyone got \$35 a day for all their daily-- but that the money ran out too quickly, because we did not allocate enough money to actually reimburse all the folks who would have been entitled to it.

**ELAINE MENZEL:** Yeah. Yes. Essentially, that, that-- yes.

**DEBOER:** OK. That is great; that clears that up for me.

**ELAINE MENZEL:** OK.

**DEBOER:** Thank you. Are there other questions? Thank you so much for being here.

**ELAINE MENZEL:** Thank you. I appreciate your time.

**DEBOER:** Yeah. Let's have our next proponent? Proponent. Anyone else in favor of the bill? Anyone who would like to testify in opposition? Anyone in opposition to the bill? Anyone in the neutral capacity? Senator Wayne? Do we know Senator Wayne coming-- OK. Senator Wayne is

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ostensibly on his way. Here is Senator Wayne. Senator Wayne to close.  
There were two opponents.

**WAYNE:** I waive.

**DEBOER:** He waves his close.

**WAYNE:** Unless you guys have questions. You have questions, I assume.

**DEBOER:** Are there any questions? There are not. Therefore, we will go-- I did say that, for the record, LB53 had two opponents. That ends our hearing on LB53, and we will now begin our hearing on LB54.  
Senator Wayne.

**WAYNE:** Good afternoon. My name is Justin Wayne; J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. Brought this bill last year. Again, looking for ways that Judiciary can contribute to property tax relief and find efficiencies in our system, and one of the ways is district attorneys. This is not a new concept; many states have them, South Dakota in particular. One, it saves multiple ways. It saves from local elections as a cost-savers, which is not included in the fiscal note. But also, you'll see it's about \$12 million that we can take off of local counties from just the offices itself. I did get feedback from last session regarding estate work and civil work, and we left those in there for county attorneys, or the county, to either hire an attorney to do that, or contract out, which they could do already. Again, this is about if they are prosecuting crimes. They are state laws; we should be paying for that. And, the second part of that is uniformity. As many of you know who were here, part of LB50 and other conversations-- we have some counties that prosecute residue, some counties that don't; some counties that charge habituals on Class IV felonies, some counties that don't. We have a variety of things, and I don't think your rights should change based off of the county you're in. That's just a fundamental thing that I believe, that if I drive through the state of Nebraska, I should be pulled-- if I am pulled over, I should be charged with a crime, no matter I'm in Lexington or I'm Omaha; it should be uniform, and we don't have that. We have disparity, and we have a lot of disparity. And so, I'm trying to bring uniformity to that. And there is always the question of, "what about public defenders?" We don't have a statewide public defender. We do have a statewide Nebraska Attorney General. That's why a public

defender is not there. If we want to create a statewide public defender, I don't know how that would work, but we could do that. But that's why there isn't a public defender; we don't have a statewide public defender that we could have somebody be under. What is interesting about-- particularly rural counties is, if there is a major crime, right now, our county-- our Nebraska Attorney General's office already goes out there, and we already pay for the trial. Most of the time, they are the ones trying the case, or doing all the work, because their office doesn't have the staff to do it. So, we're already paying for it right now, so let's just put what we practice into actually reality. So, we have some counties that can't even have a-- or don't even have anybody run for county district, district attorney. So, to me it just makes sense. Again, if we're going to have a property tax discussion, let's look at all systems. And I think one of them, structurally, is our county attorneys, and how we operate. I believe this bill also calls for exempting the big three counties from that process, because it seems like the issues are not necessarily in those account-- in those counties. So, I'm trying to be flexible and take the feedback that I got from the previous bill. And with that, I'll answer any questions.

**DEBOER:** Any questions for Senator Wayne? Senator Bosn.

**BOSN:** Thank you, Vice Chair. Have you given any consideration to proposing the option for the districts to vote to do something like this? As opposed to-- like, you've carved out for districts three and four, I think is what the bill says. But putting to those areas where they struggle to find someone to even run for the position, saying, OK, why don't these four counties in Judicial District 11 vote if they want to have some-- a system like this, so that then it-- they don't feel like it's being forced on them?

**WAYNE:** I don't want to use Conrad's words, but let's tease this out a minute. She always says that; it drives me crazy. But-- so, would they be-- so, the answer is yes, I'd be open to it. But I don't know what that vote looks like, is what I'm trying to figure out. So it is a vote to form a compact? Because they can already do that through a-- in a local agreement through the county commissioners.

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**BOSN:** But they still have to have an elected county attorney that can't be in bo-- you can't be the elected county attorney in two neighboring counties.

**WAYNE:** We have that right now, your-- I was about to say "Your Honor." We have, we have counties in one who are contracting for their work of counties of others.

**BOSN:** But they're did-- they're not running in both of them.

**WAYNE:** No, that's what I'm asking. So there wouldn't be an election any-- in any of them? Is that what you're proposing?

**BOSN:** No. What-- I guess I--

**WAYNE:** Because right now we have counties, who-- County A has a district prosecutor, or county prosecutor. County B did not have anybody run. So, the county commissioners contract with County A to do that work.

**BOSN:** So something similar to that. But essentially, they would be able to decide, as County A and County B in your example, and, and be bit bigger districts. I mean, the, the map was-- there's what, 13 judicial districts?

**WAYNE:** Correct.

**BOSN:** A judicial district would vote as a district. It's like they, right now, have a district judge to say, "OK, do we want to do this to pool our funds, our resources and, and use our time?" Because right now, they're having court one day a month, and they don't need it. So then, that would be up to them, and they'd maintain that local control as to whether or not they want to do that with all the counties in one person.

**WAYNE:** So when you allow people to opt in, and I did this on urban affairs-- when you allow people to annex, you've got to figure out how you to allow them to detach. So, it's a one time vote, they never get to vote out?

**BOSN:** I-- I'm just asking if this is something you would consider. It's not an argument [INAUDIBLE]

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**WAYNE:** I-- I don't-- yeah. So the answer is yes, I would. I, I've-- yes I would consider. I've thought about that. But then if s-- if five out of the six counties vote, then is the six-- sixth county having the same problem of it being done to them, too? So, so that's-- so there was a lot of logistical reasons. So, like in Omaha, there is no detachment. It's the only-- one of the-- Omaha and Lincoln, there is no detachment. Every other vi-- village you can actually detach. So, if you don't want to be a part of a, a, a city, you could actually vote to get out of it. But Omaha, you can't. So, going through that scenario, trying to update those statutes that are in Urban Affairs, I think it be-- it became too complicated when we were looking at it 3 or 4 years ago. So that was the issue. But I'll still be open to it. We can think through how it, how it happens.

**BOSN:** That was it. Thank you.

**DEBOER:** Thank you, Senator Bosn. Next question? Anybody else with a question? Senator Holdcroft.

**HOLDCROFT:** Thank you, Vice Chair DeBoer.

**WAYNE:** Did I miss the joke here? Or did I--

**DEBOER:** I think I did.

**HOLDCROFT:** No, I'm just recognizing Vice Chair DeBoer. I think-- and, and I'm sure you'll correct me if I'm wrong, but, wasn't one of the issues with this bill before, is that county-- county attorneys are elected, and district attorneys are appointed. Correct? So are we taking away some of the people's choice of their prosecutors?

**WAYNE:** Theoretically, yes. But I would argue no, because they get to vote on the Nebraska Attorney General, who would hire those individuals. So if they didn't like how things were being prosecuted in their county, they could vote for somebody else at the state level.

**HOLDCROFT:** Well, at the state level. But having more local control, obviously, at the county level, would give the, the counties, I think-- the county attorney of a specific county would b-- be a better reflection of, of the people in his county.

**WAYNE:** Right. And that's-- the issue is we pass state laws, and it is their discretion at the county level on which ones to enforce. And the

problem is, you have some counties who won't prosecute X, Y, and Z, and then other counties who will take that to the map. So, you driving through the s-- through your-- the state of Nebraska, you could be prosecuted for different things, even though you're doing the same thing. And I don't think that's fair either.

**HOLDCROFT:** OK. Thank you.

**DEBOER:** Thank you, Senator Holdcroft.

**HOLDCROFT:** Thank you. Vice Chair DeBoer.

**DEBOER:** Senator Holdcroft. So are there any other questions? I don't see any. Thank you, Senator Wayne. We'll take our first proponent. First person who would like to speak in favor of this bill. We'll switch to opponents; is there anyone who would like to speak in opposition to this bill? Welcome.

**DAVID SOLHEIM:** Good afternoon. My name is David Solheim, D-a-v-i-d S-o-l-h-e-i-m, and I live and practice law in Crete, which is in Saline County, Nebraska, and I am also the elected Saline County Attorney there. Today, I am testifying in opposition to LB54 on behalf of the Nebraska County Attorneys Association. And, the bill has prompted some good initial discussion among county attorneys about the need for additional resources, which there is, and to help counties with their criminal and juvenile statutory duties, but while also balancing the importance of local control. You know, the overwhelming concern, and the basis for the association's opposition to both LB963 earlier this year and today's bill is the erosion of that local control, and the accountability to the voters of the county, and to the county board. And these matters are of particular concern and importance when it comes to criminal prosecution, setting bonds on criminal offenses, and decisions impacting county jails. And a good example of this is the situation in my county. Our county is often con-- compared to Seward County, which is just north of us, but we are very different counties. And, in our county, for example, we have Crete; Crete is a majority Latino population community. Many of those people are undocumented; they have an inability to get a driver's license, they have immigration consequences that attach to their criminal cases, and there are just cultural differences for some of those folks who are newly-arrived in our country. And so, who better to understand those issues than somebody who lives and works in that

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county rather than a broader district attorney? So, so that w-- that would be one concern, is that loss of local control. The-- there is some prospect for uniformity given through the judges, who are already organized by district, and, and they give some uniformity in sentencing. In juvenile cases, there are occasionally disagreements between the county attorney and the Department of Health and Human Services, and this occurs when there are issues about visitations, services ordered for the parents, reunification, termination. Sometimes the county attorney is at odds with DHHS, and when that happens, if the, if the district attorney is employed by the Attorney General, then you've got two attorneys under the same office at odds with each other, which would require then another attorney, or some, some, solution to this conflict of interest. You know, the County Attorneys Association is open to further collaboration between the Attorney General's office and county attorney's offices. In my experience, there is great-- and I s-- red means stop.

**DEBOER:** Red means stop.

**DAVID SOLHEIM:** OK. Very good. Well, I'll, I'll conclude there, and would take any questions that you guys might have.

**DEBOER:** Are there questions for this testifier? I don't see any.

**DAVID SOLHEIM:** OK. Thank you.

**DEBOER:** Thank you so much for being here. We'll take our next opponent.

**MIKE GUINAN:** Good afternoon, Vice Chair DeBoer, and members of the Judiciary Committee. My name is Mike Guinan, M-i-k-e G-u-i-n-a-n, and I'm the Criminal Bureau chief for the Nebraska Attorney General's office. I appear before you today on behalf of the Attorney General's office and in opposition to LB54. We appreciate Senator Wayne for bringing the bill in the conversation around how to lower property taxes in Nebraska. In addition, there is a need for more lawyers in greater Nebraska, and think about solutions for that crisis is very important to the Attorney General. However, there are several issues with the bill, or, that we have concerns with. First of all, the change from the county attorneys to district attorneys would represent a wholesale change in responsibility. Currently, the Attor-- Attorney General's office does, like the county attorneys, handle criminal



prosecutions around the state. Unlike the county attorneys, however, the office does not handle a wide variety of local issues, including representing counties in civil matters and civil actions, coroner duties, processing mental health cases, and advising county and elected officials. These duties would presumably, presumably still be left for the counties to manage. At the same time, the Attorney General's office would be required to expand exponentially to handle, on a statewide level, if this bill were to become law, all criminal and juvenile court matters across the state. Likely then, in its hiring, we would be targeting, in considerable part, the county attorneys, the deputy county attorneys and their staffs of these 90 counties that are affected by this "allegislation." As noted in, in the accompanying fiscal note, the budget for the pay, benefits, travel, training and so on of these individuals is not presently ascertainable. Second, there is an important level of local control and accountability in the current system that would be lost in a district attorney system. Having prosecutors closest to the people enables a more responsive and accountable system. Having district attorneys, which would report to the Attorney General instead of an electorate, would erode that structure. Last, if the committee would pursue this bill, we would also note that the "implemation" timeline of two years is not practical, and almost certainly not sufficient time for such a wholesale transition. For these reasons, we ask that you not advance LB54. And I'd be happy to take any questions at this time.

**DEBOER:** Are there questions for this testifier? Senator McKinney.

**McKINNEY:** Thank you, Vice Chair DeBoer. I'm curious, how does other states that do have district attorneys make it work?

**MIKE GUINAN:** How do they make it work?

**McKINNEY:** Yeah.

**MIKE GUINAN:** Well, that's a good question. I'm not sure how-- there are, as Senator Wayne noted, there are states that have district attorney systems. There are states that have county attorney systems surrounding Nebraska; I know that Iowa and Kansas have a county attorney system. As Senator Wayne had mentioned, South Dakota has a district attorney system. I suppose they make it work, maybe by a

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tradition. Maybe that's what they were used to, maybe they were accustomed and had that from the outset, but-- I guess I'm not sure--

**McKINNEY:** But, but it's not like an impossible concept, though.

**MIKE GUINAN:** No. No, it's certainly not an impossible concept, no.

**McKINNEY:** Thank you.

**DEBOER:** Thank you, Senator McKinney. Other questions? I don't see any. Thank you so much for being here.

**MIKE GUINAN:** Thank you.

**DEBOER:** We'll take our next opponent.

**ELAINE MENZEL:** Good afternoon again, Vice Chair DeBoer and members of the Judiciary Committee. For the record, my name is Elaine Menzel. That's E-l-a-i-n-e M-e-n-z-e-l, here on behalf of the Nebraska Association of County Officials, in opposition to LB54. I will attempt to not repeat what the prior two testifiers said, because I piggyback on what they have to say with respect to most of their issues. The one thing I will just comment specifically on is related to civil matters and county attorneys being advisors to county officials and that type of thing. There would be a huge void left if it was a district system, where the Attorney General's office took over t-- strictly the criminal matters rather than the civil as well, and not leave that guidance for the county of-- boards and other officials. One other thing, in terms of-- with respect to the shortage of attorneys in outstate Nebraska and there are tools that can be used, in terms of interlocal agreements, which they do at this time; there are situations where county attorneys are elected in one county, and appointed in another adjacent to, or close to-- I want to say one county attorney perhaps has as many as 6 or 7 counties that he or she is responsible for, and that type of thing. So, there are alternatives. And the same goes for their staff, with respect to being able to cover those functions. With that said, I th-- and, and local control is one of the things, as was expressed earlier. So, again, those are just a couple of highlights of issues I wanted to raise. So, if there's any questions, I'd attempt to answer them.

**DEBOER:** Any questions? Senator McKinney.

**McKINNEY:** Thank you, Vice Chair DeBoer. Thank you for your testimony. On the conversation on local control, I guess I'm curious-- would a district attorney system eliminate any perceived bias that is within a county attorneys system currently, because you're so local?

**ELAINE MENZEL:** I think-- when I'm suggesting local control for purposes of this legislation, I think I'm suggesting that the decision-makers regarding-- who have the prosecutorial discretion, are more familiar with the situations of the environment where the values of the constituencies relate to crimes that have been established by the state.

**McKINNEY:** I guess that's my point. Having somebody more from a district level than a county level to still understand the different things that go on-- goes on within different counties, but having somebody that isn't as connected, because of perceived biases of the current county attorney system; having somebody from a district level, instead of just saying like, you want somebody that understands the, the people there and where they come from. Yes, you want somebody-- they all would most likely be from Nebraska anyway, but having somebody that isn't as connected could potentially decrease what is perceived as some biases within the current system.

**ELAINE MENZEL:** I, I shouldn't share this, but once in a while I will say that-- people will ask me to move back to my hometown, which is a small community in north central Nebraska, and I say, "Well, I can't go back because I would either prosecute or defend all my relatives." So there would be sometimes too much of a connection to a local area. But for the most part, we would suggest local control is the best option.

**McKINNEY:** All right. Thank you.

**ELAINE MENZEL:** Thank you.

**DEBOER:** Thank you, Senator McKinney. Are there other questions for this testifier? I don't see any. Thank you so much.

**ELAINE MENZEL:** Thank you very much.

**ELAINE MENZEL:** Next opponent. Next opponent? Is there anyone here to testify in the neutral capacity? I do not see any. As Senator Wayne is

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coming up to close, I will note that there were two opponent letters for this bill. Senator Wayne, close.

**WAYNE:** Thank you. What I find interesting is, is nobody talks about the time that there weren't a county attorneys. Just think, when we go into exec, we'll-- I have all the data for you, but Nebraska didn't always have county attorneys. In fact, we had regional attorneys when we first became a state. And it wasn't until later in 19-- 1875, and then again in 1881, we authorized counties to be able to do that. And we didn't actually codify most of this until the late 1950s, so, this isn't a new concept. It just-- we need to re-look at it and see what's best for all of the state. So, with that, I'll, I'll answer any questions.

**DEBOER:** Are there questions for Senator Wayne?

**WAYNE:** I will say, Senator McKinney, you should bring a bill next year to remove all the prosecutor authorities under there-- the Attorney General's office, and promote that it's local control and people who are best-- close to them should prosecute all of those crimes, and all of those dep-- deceptive trade practices, and remove it from the county attorney's office-- I mean, the Nebraska Attorney General's office.

**McKINNEY:** Sounds like a good idea. I'm sure the AG's office would come opposed.

**DEBOER:** Are there any questions for Senator Wayne? I don't see any questions, Senator Wayne.

**WAYNE:** Thank you.

**DEBOER:** That will end our hearing on LB54, and that will end our hearing for today. Thank you very much.