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General Affairs Committee  
January 28, 2008

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[LB723 LB760 LB995 CONFIRMATION]

The Committee on General Affairs met at 1:30 p.m. on Monday, January 28, 2008, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB723, LB760, LB995 and gubernatorial appointment. Senators present: Vickie McDonald, Chairperson; Russ Karpisek, Vice Chairperson; Merton "Cap" Dierks; Annette Dubas; Philip Erdman; Mike Friend; Ray Janssen; and Don Preister. Senators absent: None. []

SENATOR McDONALD: (Recorder malfunction)...General Affairs Committee. I'm Senator Vickie McDonald, Chairman of the committee. Committee members that we have present: To my far right is Senator Friend; Senator Erdman; "Cap" Dierks will be joining us later; our Vice Chair is Senator Russ Karpisek; Laurie Lage is our committee counsel; and to my far left Senator Janssen; and Matt Rathje, our committee clerk. The pages helping us today are Molly Keenan from North Platte and Ashley McDonald from Rockville. The bills that we will be hearing today are LB723, LB760, LB995. Each bill, after it's introduced, we'd like to have those that are proponents of the bill come forward, and then opposition, and then neutral. And if you're planning to testify, please pick up a sign up sheet that's back on the table by the doors and give those to one of the pages. If you have sign up sheets or if you have things to pass out to the committee members, please have ten copies so that we can make sure that each one of the committee members have one. Please state your name, spell your name into the microphone. Turn off all pagers, cell phones, and anything that makes noises, sounds like that's a good idea. And the first thing that we'll have, we have an appointment this morning. John Hiller, would you please come forward. And we are joined by Senator Preister. John. []

JOHN HILLER: Good afternoon. [CONFIRMATION]

SENATOR McDONALD: Yes, state your name. [CONFIRMATION]

JOHN HILLER: My name is John Hiller, H-i-l-l-e-r. I'm an electro-contractor from...based out of Omaha, Nebraska, and I have been asked to serve for a five-year appointment to the State Electrical Board, and I think I'm here for that purpose today.  
[CONFIRMATION]

SENATOR McDONALD: Have you served on that board before? [CONFIRMATION]

JOHN HILLER: No, I have not. This is a new position for me. [CONFIRMATION]

SENATOR McDONALD: Are you anxious to serve on that board? [CONFIRMATION]

JOHN HILLER: Yes (laughter). [CONFIRMATION]

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SENATOR McDONALD: That is a good answer. [CONFIRMATION]

JOHN HILLER: Yes, I am. [CONFIRMATION]

SENATOR ERDMAN: We can help you if you're not sure (laughter). [CONFIRMATION]

SENATOR McDONALD: How long have you been in the electrical business?  
[CONFIRMATION]

JOHN HILLER: I've been a contractor since...I've had a contractor's license since 1987. I've been in the electrical business probably 15 years prior to that just as journeyman electrician and estimator, that type of thing. [CONFIRMATION]

SENATOR McDONALD: Have you seen a lot of changes in the electrical business in your career? [CONFIRMATION]

JOHN HILLER: Oh, yes, numerous. [CONFIRMATION]

SENATOR McDONALD: And what are those? [CONFIRMATION]

JOHN HILLER: Well, when I first started way back when, for example, we used to solder connections. Today you don't solder anything. A lot of them are what I would consider either safety related or labor related changes. I think probably in the last ten years we've seen more safety related changes to the electrical industry, to not only make insulation safer for the homeowners, for the businesses, but also safety for those individuals who are installing electrical equipment. And I think both of those have been extremely important. I think that's the primary purpose of the Electrical Board is to provide for safe electrical installations in the state of Nebraska, and that is one of the reason I volunteered to perform that function. [CONFIRMATION]

SENATOR McDONALD: Probably see more electrical appliances than ever.  
[CONFIRMATION]

JOHN HILLER: Yeah, and the electrical appliances are different today. Today everything is digital, so the effect of electrical power to those devices has to be consistent, has to be clean. You know, those are the types of changes. It's much more finite, I guess, than it used to be. [CONFIRMATION]

SENATOR McDONALD: Thank you, John. Any questions? Senator Preister.  
[CONFIRMATION]

SENATOR PREISTER: Mr. Hiller, thank you for appearing and for your enthusiastic willingness to serve (laughter). One of the things that it would seem to me has changed

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in the industry is that now we not only wire for our lights, but we wire all kinds of electronic things and we plug all kinds of...whether it's the Internet or other kinds of things into those circuitry. How has that changed in the industry? [CONFIRMATION]

JOHN HILLER: Well, you're completely right. Now in the old days, computers would fill this room to do it. You sit on a desktop today, and so our industry has changed in numerous ways in that regard. First of all, not only the electrical requirements because each individual or each house, each business has to be wired with those devices in mind. But also from a communication standpoint, the wiring that's required for the data to be transferred from over telephone lines, cable lines, and within the building as well which provides for unique opportunities and unique challenges to provide raceways, where you put all the wire so to speak. In today's world we are also getting away from the wire. Now we're going to more electronic wireless, if you will, communications and that poses additional challenges and opportunities for everyone. [CONFIRMATION]

SENATOR PREISTER: Sure, both. Do you have any particular things that you would like to accomplish being on the State Electrical Board? [CONFIRMATION]

JOHN HILLER: I think that one of the things that I would like to accomplish on the State Electrical Board is to open up lines of communications between the inspectors, the business owners, the homeowners, and the electrical contractors. I think sometimes we all get to representing our own little group, so to speak, and I think we provide for the state in a much greater capacity if we work together, if we work as a partnership instead of as individuals. And so I'm not saying that it doesn't operate that way now, but I think that there are areas that we could increase that partnership. [CONFIRMATION]

SENATOR PREISTER: Good. Thank you. [CONFIRMATION]

SENATOR McDONALD: Any other questions for John? Seeing none, thank you for coming and attending. [CONFIRMATION]

JOHN HILLER: Thank you very much for your consideration. [CONFIRMATION]

SENATOR McDONALD: Thank you. Is there anyone that would like to speak for or against our appointment of John Hiller? If not, I think we'll get started with our next bill, LB723, by Senator Engel. Senator Engel is here. [CONFIRMATION]

SENATOR ENGEL: (Exhibit 1) Thank you. Senator McDonald, members of the General Affairs Committee, good afternoon. My name is Pat Engel, that's spelled E-n-g-e-l. I represent District 17 in northeast Nebraska, and I'm here today to introduce LB723 which revises the Nebraska State Electrical Act. I bring this bill to you at the request of the State Electrical Board. Randy Anderson, the executive director, will testify following me, as will the chief of police and the chief building inspector for the city of Wayne. The

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National Electrical Code is updated every three years, and this legislation would update Nebraska's current minimum standards for electrical wiring from the 2005 to the 2008 edition. It requires employees of municipal corporations, public power districts, public power and irrigation districts, electric membership or cooperative associations, public utilities corporations, railroads, or telephone or telegraph companies performing electrical work within the scope of their employment to be qualified in electrical maintenance since the State Electrical Act exempts them from licensing and inspection requirements. The National Electrical Code defines a qualified person as one who has skills and knowledge related to the construction and operation of the electrical equipment and installations and has received safety training to recognize and avoid hazards involved. I have an amendment that I would like to offer that further clarifies how to meet this requirement by specifying that 12 hours continued education is required every 2 years, and I believe that was just distributed to you there. LB723 also increases a fee from \$50 to \$250 for a person filing a late request for an inspection. This late fee is only imposed if a person doesn't file a permit before they start the work as the law requires, and then the fee has...and this fee has not been updated since 1982. And since the late fee is so small, currently there have been many problems with contractors and owners risking getting caught rather than filing the necessary permit. The supervisory fee of 50 cents was added into a \$25 minimum fee in 1993 is no longer needed in the bill, and regarding a reciprocity with other states, LB723 adds a requirement that an electrician must be licensed by state examination in such other state. This brings the act in compliance with our multistate reciprocal journeyman licensings agreements, and this change also reflects current practice. Finally, LB723 makes it easier for cities or counties to request inspection by the state electrical division. After a situation in Wayne, Nebraska, it was agreed that the inspection process needed to be more user-friendly. Currently, statutes allow the State Electrical Board to only conduct commercial property inspections of existing electrical violations observed during inspection of new wiring unless done in conjunction with a state Fire Marshal. This bill would allow the state electrical division to inspect existing insulation at the request of an elected or appointed local official. So that's the crux of the bill and if there are any questions, I would be glad to answer them. [LB723]

SENATOR McDONALD: Any questions for Senator Engel? Senator Erdman. [LB723]

SENATOR ERDMAN: In addition to updating the electrical act, it looks like we're updating the introducer as well. I think Senator Cudaback used to bring this bill to us on a regular basis. [LB723]

SENATOR ENGEL: Oh, is that right? [LB723]

SENATOR ERDMAN: So I'm sorry that it's a downgrade, but we've got an update so that's okay. [LB723]

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SENATOR ENGEL: No one can replace Senator Cudaback, so I apologize for being here in his place. [LB723]

SENATOR ERDMAN: No, no, don't do that. [LB723]

SENATOR ENGEL: Okay. [LB723]

SENATOR ERDMAN: You did a nice job, Pat. [LB723]

SENATOR ENGEL: Thank you very much. [LB723]

SENATOR McDONALD: Any other questions for Senator Engel? Seeing none, thank you. Are you staying to close? [LB723]

SENATOR ENGEL: Thank you. Yeah. [LB723]

SENATOR McDONALD: Okay. Anyone in support of LB723? [LB723]

RANDY ANDERSON: (Exhibit 2) Chairman McDonald, members of the committee, my name is Randy Anderson, A-n-d-e-r-s-o-n. I'm the executive director of the state electrical division, and we are a state agency charged with the enforcement of the Nebraska's electrical licensing and inspection laws. LB723 is the result of many hours of research by the State Electrical Board. Their primary goal has been to monitor the State Electrical Act and improve and update the laws as necessary to keep up with an ever-changing industry, and do it in the best interest of the general public. There's six changes in there. I'm going to address each one. I passed out some handouts. When I get to those, I'll bring them up. There's a cover sheet that just shows the one page of our multistate agreement. The next page is a map showing all the states that are similar to Nebraska, and then the last page will address the \$200 increase in the late filing fee. 81-2120 covers licensing without state examination through reciprocity with other states. Nebraska currently is a member of a group called a Multistate Reciprocal Licensing Agreement which now has 14 member states. The purpose of this agreement is to mutually recognize unlimited or general journeyman electrical qualifications between states with equivalent standards and allow electricians from those states to become licensed here. In other words, if you, say, were in Minnesota, had passed all their criteria, wanted to work in Nebraska, if you had held Minnesota's license one year, you could come here. Our law now doesn't say anything about getting the license by exam, even though the agreement Nebraska has signed--as you'll see by item 1 on page 1--requires that to be a member state, that license had to be given by exam. And that's the change of adding the word "by state examinations" so that our act falls into place with an agreement that we have signed, and that is currently the way it's done. In ours, it just says they have to have a license, but like I say, the agreement says by state exam. 81-2121 covers who is exempt from state electrical licensing laws. Currently,

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employees of municipal corporations, public power districts, irrigation districts, utilities, and so on are exempt. This change would be to add the words: If such employees are qualified in electrical maintenance as defined by the National Electrical Code in Article 100, which Senator Engel had said the word for word is that you're trained in the hazards. And an amendment to that, Nebraska electricians go through six hours of training per year to maintain their license. And to make it so it's not so vague, we made an amendment to lead you towards that so somebody wouldn't say, well, what is the training they have to have because the National Electrical Code just is a little vague there. It says you have to be trained in the hazards, so that just puts the limit on it. Something I do want to bring up is this change would really only pertain to municipal corporations because power districts, railroads, telephone, telegraph, the people that are installing that equipment obviously are trained in it by the company and that's all they do. Cities that operate their own electrical system, this isn't what we're looking at to do anything with them. It would be...basically the exemption is to put in place where a large number of municipalities used to provide power for the community. The municipalities that operate their own electrical systems would not be affected by the change since they have qualified maintenance that take care of their systems now. The way the law is written now, an employee that is hired to mow the park and take care of the streets could wire the playground our children play on with no training or no knowledge of the National Electrical Code or anything to do with the equipment they're installing. This change would give that municipality the option to train a person to perform the work or hire an electrical contractor. And as I said, if they have their own power supply and they're maintaining it, this law would not affect them because those people have been trained in it. This is strictly for a community that has a guy that mows the park and says go wire the ball field. Right now the State Electrical Act says they're exempt. I believe back in '75 this was put in there because a lot of cities had it, so municipal corporations were added to this because, well, they provided power so they were in the exception. Now I think there's 125 in the state that still do it and that's fine. But we have a lot of them that have trailed away from it and they have...I mean, a secretary working in the office could wire the ball field and would be exempt from inspection and licensing and I think there's a problem there. 81-2132 covers this same thing only one is licensing; 21 is licensing and 32 is inspection. So they're not only exempt from a license, this change would make it so they still would be exempt from inspection as long as they have a person that has at least six hours a year of training in what he's working on. 81-2124, this section covers the inspection of installations and right now, as Senator Engel said, the state electrical division can come into a job and see existing problems while we're performing inspections on new wiring. To get in on existing wiring they have to contact the state Fire Marshal's Office who then contacts our office. We do a joint visit by policy between the two. It's getting harder and harder to bring everybody together and we don't get to the problems as quick as we would like to. He brought up the instance in Wayne, Nebraska, that brought this about. We would like it that if Wayne, Nebraska, had a problem, they can contact the electrical division and cut out one step because if there's not a building structure problem, as the Fire Marshal

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has told me, there's really no reason for them to be there except to get us in the building. And we weren't looking at this for a way to run out there and jump in all the existing installations. But if a city has a problem and needs our assistance, we felt with this rule they could get us there a lot quicker instead of going through all the red tape. 81-2126 covers the fees and just in short, from 2003 until now we're seeing the increase. The last page that I gave you, page 3, just kind of shows a quick rundown of 2003 to present, and you can see how the one column is warnings. Now these people would be first given a warning that you're wiring without the proper permit. Then if they're caught again, then they're issued a citation. Sometimes they might get two warnings. Say somebody calls and says I need you to inspect something and we realize he doesn't have a permit. We don't levy a fine on that person because obviously they weren't trying to get away with anything. They honestly forgot to file, and that's usually just...we warn them just for the record and that's it. But if you look at those numbers, you'll see it's been a steady increase up to 2007, and the rumors we're hearing is that it's due to the fee that was put in place, I believe, in '75 and then done again in 1982. It was never raised. Today \$50 isn't a very big hand slap. Minnesota is \$1,000, plus they double your permit fee if you're late with filing. So the \$250 is just a way of...it will only be to the offenders that are repeat offenders. It wouldn't be that everybody that's an electrician has to pay this. I think that is all I had. Mr. Chairman, I thank you for your time. I'm, like I said here, representing the State Electrical Board. If there's any questions, I'd be glad to answer them. [LB723]

SENATOR McDONALD: Thank you, Randy. A question from Senator Janssen. [LB723]

SENATOR JANSSEN: Thank you. Randy, did I hear you say that the six hours of training yearly, was that mandatory? [LB723]

RANDY ANDERSON: That's mandatory for state licensed electricians. And we were looking for a number, so we just put on to the cities that wanted to do their own wiring and be exempt, they should be required to have at least the minimum that a licensed electrician has to have. [LB723]

SENATOR JANSSEN: Okay. Thank you. [LB723]

RANDY ANDERSON: You bet. [LB723]

SENATOR McDONALD: Any other questions for Randy? Randy, I do have a question. Looking at your map and saying you meet all the qualifications in Nebraska, if you went to Kansas which is not one of the states, do they have to test again or do they just...not have? [LB723]

RANDY ANDERSON: Yes. Kansas coming to Nebraska, we would not honor theirs because they don't have a state program. They would have to test in Nebraska. There's

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more states coming in, Massachusetts, Texas. I put red on there because they've been trying for two years and they've just now got their program to where it's equal, and we all have our little quirks. They let us be a little independent, but we meet once a year and set up the rules that all the states will work with. And it works really good for the traveling journeyman to be able to go state to state without having to take...they still pay us the exam fee and the license, but they're automatically licensed if they've met the requirements in a member state. And I'm going to Iowa this week. They're another close state that's trying to get a program and get into this. [LB723]

SENATOR McDONALD: So depending on what other states are doing that are not colored, if you were from Nebraska you could go to Iowa, but you would either not have to take an exam or you would have to take a more rigid one, whatever that state does. [LB723]

RANDY ANDERSON: Yes, whatever that state has. Anybody that's in red on that map is in our agreement and has like rules to what Nebraska...and I can honestly say one good thing, Iowa is impressed with Nebraska's program and that's why I'm going there Thursday. They want to copy the laws that we have right now, so I told them I can certainly tell them the ones we made a mistake on...no. But just try to help them out to get in so they can get into the organization. [LB723]

SENATOR McDONALD: Thank you, Mr. Anderson. Any other questions? If not, thank you for your testimony. [LB723]

RANDY ANDERSON: Thank you. [LB723]

SENATOR McDONALD: Any others in support of LB723? [LB723]

GEORGE ELLYSON: Madam Chair, Senators, my name is George Ellyson, E-I-I-y-s-o-n, and on behalf of the city of Wayne and the honorable mayor Lois Shelton, I submit to the committee the following testimony. I'm the chief building official for the city of Wayne, employed for nine years in this capacity. I'm a nationally certified building inspector, certified by International Code Council, which is acronymed ICC. I have a national testing that I have to complete every three years for my certification. When I was employed by the city of Wayne in January of 1999, the city at that time was conducting electrical inspections on both new and existing electrical applications and had been for years and years. At the time I was hired, the State Electrical Board provided the city of Wayne 12 months in which to...I hesitate to use the term "grandfather" because I think "grandfather" tends to allow for a lot of things that aren't really applicable, but they provided the city of Wayne the opportunity to register me as the city electrical inspector. Then city administrator, Joe Salitros, chose not to submit my name to the State Electrical Board for consideration as electrical inspector. So from 1999, the city of Wayne does not issue electrical permits nor do they do electrical

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inspections on any new construction. That service is now provided by state of Nebraska to the city of Wayne. Over the past nine years, I have always supported state electrical inspectors and at every opportunity conducted my required building inspections simultaneously with theirs, mandating that all required state inspections be conducted before or in conjunction with my inspections. All of the contractors working in Wayne know that electrical inspections must occur before a building inspection so that electrical work is not covered up. Secondly, I do not issue occupancy permits until all inspections are completed and initialed by the inspector. I've worked with Randy Anderson now nine years in his capacity, first of all, as my local district electrical inspector. So Randy and I are on...not a continual communication basis, but we do communicate on a pretty regular basis. The city of Wayne has adopted and enforces the International Property Maintenance Code, IPMC, and that code is in place that provide some electrical authority to myself as a building or code official in that if I observe an issue that's obviously substandard or in fact dangerous, I can intercede on behalf of the International Property Maintenance Code. But primarily I use that authority or that code to formalize a complaint. Then that goes directly...or that ultimately ends up with the state electrical inspector. Some of the above testimony might seem irrelevant to the passage of this bill, but specifically the modification 81-2124 provides direct access by my office, the state electrical inspector, in the event that substandard or dangerous electrical conditions are discovered. Previous to this amendment my office was directed to send electrical complaint issues to the state Fire Marshal's Office, who would then review and investigate those allegations for validity. If founded to be valid and of merit, the Fire Marshal's Office would then request of the state electrical to investigate the issue. Passage of LB723 should eliminate the duplication of inspection services, which is what we previously had, two state entities actually investigating...or looking into the same issue which was ultimately reported by my office. The state Fire Marshal Office does a terrific job of enforcing live safety code. But it stands to reason that unless the deputy is a licensed electrician, his electrical experience and knowledge may be no more valid than my knowledge. I'm also a member of the National Council of Building Officials which is a state of Nebraska building enforcement. But I want the committee to understand that this is my and the city of Wayne's opinion, not that of Nebraska Council of Building Officials. Thank you. [LB723]

SENATOR McDONALD: Thank you, George. Any questions? Seeing none, thank you for your testimony. [LB723]

GEORGE ELLYSON: Thank you. [LB723]

SENATOR McDONALD: Any other one would like to testify on behalf of LB723 in a supportive role? [LB723]

LANCE WEBSTER: Senator McDonald, members of the committee, thank you. My name is Lance Webster. I'm the chief of police in Wayne and one of the hats that I wear

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in that regard is chairman of our problem resolution team. And what the problem resolution team is, is a multidisciplinary task force that addresses quality of life issues and we do that through consensus building, cooperation, and shared knowledge. One of the things that...the primary thing that I want to talk about with LB723 is the ability in this law to allow a local elected official or appointed official to contact the electrical inspector's office directly to remove one layer of bureaucracy, if you will, and to streamline the process because that's kind of what we're trying to do with our problem resolution team is bring more people to the table, but do it in a way that the process moves very quickly and very fluidly. We think that by making this change to the statute, we'll enhance state and city cooperation, certainly enhance the sharing of resources and develop a collegiality in the professional level of knowledge that will help both the state and the city. Currently as Mr. Ellyson just testified to, the city has to contact the Fire Marshal's Office for an electrical issue, that goes to the electrical inspector's office, and ultimately comes back full circle to the city of Wayne. And so what we're looking at is reducing the man-hours of the state actually, and to improve response time. We think this is a very valid amendment or change to the statute and one that would serve the state as well as local municipalities very, very well. Thank you. [LB723]

SENATOR McDONALD: Thank you, Mr. Webster. Any questions for Lance? Seeing none, thank you so much. [LB723]

LANCE WEBSTER: Thank you. [LB723]

SENATOR McDONALD: Anyone else would like to speak in support of LB723? Anyone in opposition, those opposing? In a neutral capacity, anyone would like to testify in a neutral capacity? [LB723]

ERIC HOKE: Senator McDonald, members of the committee, I'm speaking on the neutral part. My name is Eric Hoke, H-o-k-e. I'm owner of Eric's Electric here in Lincoln, Nebraska. I'm speaking to you on a neutral part about the arc fault that we're...on LB723. A lot of people were trying to have this arc fault protector brought up for the use of family dwellings that the state has brought up. The reason why I (inaudible) be opposed is I guess I want to bring some information up to you because I'm also on the city Homebuilders Association. Also, I am the chairman of the Remodelers Council of Lincoln. A lot of electricians have asked me to come up and just give at least my testimony on certain issues and costs that would be in cost of this LB723 of the arc fault changes. For example, an outlet or a circuit breaker would be...well a circuit breaker would be \$3.62. With what the state was wanting to do...what nationals want to do, the arc fault protector would be \$49.75. So it's a big, you know, difference in cost for the homeowner. Again, I'm not for it, I'm not against it. It's a safety procedure but I thought I would at least...I'd like to stand up and let you know that the cost of this arc fault protector that the state is trying to comply with national, of what the differences are in cost. So if you have any questions, I'd be glad to answer. [LB723]

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SENATOR McDONALD: Senator Dubas. [LB723]

SENATOR DUBAS: Thank you, Senator McDonald. Thank you for bringing this up. I've had a couple of constituents from my district educate me about this issue. And one of their concerns is because of the cost that they might revert to either doing the job themselves or kind of go underground. And so actually we would be creating more of an issue and more of a safety hazard than we would be by requiring them to do that. Would you agree? Would that be a possibility? [LB723]

ERIC HOKE: Well, I will agree with that. I am on very good terms with the city of Lincoln, with Ed, I get along with him real well, and there is a lot of situations. I go into houses and the homeowners say, well, I can just go to the store and get one of those books that tells you how to wire it yourself. I'm not going to pay an electrician to come in here and put a \$50 arc fault protector in here when that \$3 ground fault...or I'm sorry, \$3 breaker would do the same thing. So yes, it is going to...there is going to be people doing it, like you say, underground or without a permit. Now the other thing is I try to educate people. I go on a lot of jobs, they're like don't pull a permit on this, don't do anything, and I try to educate them of let's see, if you don't, you do this by yourself, this could happen, your insurance wouldn't take it, would not cover you. So I guess my concern...and like I said, Randy is such a great person as a state electrical person and I admire what he does. But you know, I also want to be fair and obey the law too. I'm just coming to you guys because being the chairman of the Remodelers Council here in Lincoln and also being on the board of directors for homebuilders, I have a lot of electricians calling me saying, Eric, right now we're just having a tough time because the economy is not going very well and now we want to start pushing more stuff on everything. So I just wanted to come to you guys to let you know the difference between a \$3 breaker compared to a \$49.75 cent arc fault protector which would have to be put, you know, each like a living space, a living room, and stuff like that. Now I have heard, and I would have to get some more information on this, that they...not the state, but that the talk was they were wanting to arc faults on refrigerators, sump pumps, and freezers where normally when you wire a house you put those on a single outlet by themselves not sharing anything because of an imbalance that would happen on a compressor turning on that it would just trip the arc fault. And in 2002, the city of Lincoln was kind of a guinea pig to this where we spent a lot of money putting arc faults in people's homes and they didn't do anything, and ended up...a lot of electricians ended up going back to the house and just pulling them back out and putting regular breakers in and sending them back to the company because it was a little more money to spend. You know like I said, I don't want to divide myself up because, you know, I'm just here to let you know what the cost is for doing almost the same thing, and as I was coming up here I did have one electrician call and say, you know, basically if it's not broke, don't fix it. You know and I don't like to approach that. I'd rather go a different route of that way. But like I said, I don't want to...I sure as heck don't want to go between anybody. But like you

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said, you are going to find more people starting to do stuff by themselves because they just can't afford it right now. [LB723]

SENATOR DUBAS: And this would be more of an issue for probably remodelers or older homes than it is for the new construction. [LB723]

ERIC HOKE: Yes, ma'am. Well, even new too. Sometimes we've gotten to the point where...and what's nice is like the state and the local codes will always put a sticker on somebody's house if they don't finish the basement, it will say, basement unfinished. Well, you move in, Jim Bob comes down the road and wires it, no permits, no nothing, and then we've got problems. And that's what I'm trying to get away from, you know, so people stay on the right path. But like I said, it just...I just want to be fair and safe and at least give you guys the know that it will cost a lot more money, you know, for people and, you know, I mean you're talking \$49.75 for an arc fault protector and you're going to put...you might put 15 of them in. I mean that adds up for things like that. [LB723]

SENATOR DUBAS: Thank you. [LB723]

ERIC HOKE: Thank you. [LB723]

SENATOR McDONALD: Thank you, Eric. Any other questions? So can you tell me, a breaker is...is that in the fuse box? [LB723]

ERIC HOKE: Yeah. A fuse box is an actual breaker. That would be an ITE. These are certain panels. That would be an ITE, a Cutler Hammer or a Square D. The normal price for a breaker is \$3.62 and that was as of today. It might fluctuate a little bit just depending on prices. Today's price, that would be from Winlectric, Winnelson, Win in Omaha, Wesco, Wesco here and Omaha, right now the arc faults are between \$49.75 and \$52.50. [LB723]

SENATOR McDONALD: Okay. So explain what that is, an arc fault. [LB723]

ERIC HOKE: It's an actual device that will go in take place of a breaker, and actually it's a breaker itself that has a white little button. It's like a reset button and that acts like a GFCI, which would be what is in your kitchens. I don't know if some of you guys have kitchens that have a...or a bathroom. It's just a protector to protect you from anything that would have to happen with water or anything, and what this would do is you just take the breaker out and put this in its place of this \$3.62 breaker. So that's what it's doing, but a lot of the concerns now are, you know, gosh I mean there's some of these new homes when we wire, they're putting 2-200 amp panels in and they're 40 spaces and they're filled. And then, you know, you times that by \$49 and the GFIs, the GFIs...I'm sorry the two-pole, that would be your 220 breakers, are between \$162 to \$200, where a normal breaker is \$7.50 for a two-pole. So it's just a big difference. But

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like I said, you know, I have to get more information on it. I'm just coming here today as a neutral person to let you know the cost difference of what it is, and I am for safety. I don't want you to think that I'm up here posing I don't want safety. I am for safety. I'm a fireman myself, so safety is a big issue with me too. [LB723]

SENATOR McDONALD: Thank you, Mr. Hoke. Any other questions? Seeing none, thank you for your testimony. Anyone else want to testify on LB723? If not, Senator Engel, would you like to close? [LB723]

SENATOR ENGEL: I would like to thank you for listening today and like to thank everybody for their testimony. As far as bringing everything up to the 2008 National Electrical Code is basically what this is about. If that is part of what could happen, that's just bringing it up to code. So as far as the cost and so forth, I'm sure he's correct. I don't know. I heard differently than that, but that's probably correct because he got it right from his distributors there. But anyhow it's bringing everything up to code and I think that's what we should be interested in here. So with that, any other questions? If not, thank you for your indulgence and I would request you to advance this to General File. [LB723]

SENATOR McDONALD: Thank you, Senator Engel. [LB723]

SENATOR ENGEL: Thank you. [LB723]

SENATOR McDONALD: That closes the hearing on LB723. Our next bill is LB760. Senator Gay, welcome. [LB723]

SENATOR GAY: (Exhibit 3) Thank you, Senator McDonald and members of the General Affairs Committee, appreciate your time. LB760 would create a task force to evaluate the materials and condition of the Nebraska State Library, which is found on the third floor of the State Capitol Building here. The Nebraska State Library has existed in some form since 1855 when Nebraska was a territory. In 1871, legislation was enacted that actually established a Nebraska State Library. The library is under the jurisdiction of the Supreme Court and it currently contains about 130,000 volumes, making it the largest public library in the state. Those served by the Nebraska State Library include: The Nebraska Supreme Court, the Nebraska Court of Appeals, attorneys within the state of Nebraska, members of the Nebraska Legislature and their staff, and members of other state agencies. Right now the library is facing many challenges, including the conditions of its facilities and its collection. Years of structural damage and a lack of quality and consistent climate control has negatively impacted the physical structure of the library, and more importantly, the quality of the collection found in the library. The library currently has a vast collection of law books that go back to the 1600s, and I feel that we should look to protect this valuable asset or assets, I should say, in this case. As senators, we have been given a duty to be stewards of the

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resources of the state of Nebraska. We need to make good decisions on protecting this valuable resource and its collection. LB760 would assist with that creating a task force consisting of the Chief Justice of the Supreme Court, the state librarian of the State Library, the director of the Nebraska State Historical Society, and the director of the Nebraska Library Commission, the State Capitol administrator, and one member of the Legislature. Included in the duties of this task force would be: evaluating the condition of the Capitol structural space occupied currently by the State Library, and offering recommendations for conservation, restoration, and improvement of that space; evaluating the condition of the State Library furnishings and fixtures; evaluating the environmental controls that are needed to ensure the preservation of materials held in the collection; evaluate an alternative storage for rare and irreplaceable materials within the collection; and making related recommendations; and studying and identifying any alternative funding sources to the General Fund that may be available to support any recommendations of the task force, especially those recommendations relating to digital reproduction and storage of materials within the library's collection. This would have an ending date. The task force would complete its work and issue a final report no later than December 15. While I believe it is important to take immediate action to protect this valuable asset of the state of Nebraska, I feel we should get a full understanding of the condition of the library before moving forward. LB760 would allow us to gain a solid understanding of what we need to do to provide a guideline on how to proceed in the future to protect the library and its collection. I ask for your support of LB760. Also, I did have an amendment--and I think your legal counsel has this--that would clarify the nature and clarifies the bill, creates the task force. So your legal counsel has that and that just changes two words that we found were in error. But I just did want to say on this, I looked into this a little earlier this summer, went up to the library. And just on a personal note, when I was up there I had a book in my hands from 1862 and it literally was falling apart in my hands. So I walked away and we have many valuable books and rarities up there that I think just to take a look at. It does have an ending date on when we would do this. We would know what we have possibly to protect and move forward whether to keep or not. Many things, I know, are going digital and you can create a lot of these things. You can access them online, but still the rarities that are up there right now I think at least is (inaudible) to look into it. Now, what we do after that is our own business after we take a look at it. But like I say, on a personal note when I was up there, I noticed there were many rare books, and we do have quite a collection that we were one of the first and best libraries. Many, many years ago Nebraska was one of the best libraries in the country, so it still may be. In studying this issue...and others will speak briefly behind me and not be repetitive, but in studying this issue there are many new ways to possibly save existing books in speedier versions. I know Stanford University has some techniques that are being developed, and there are other ways that we should maybe just look into and see if that could be something that we could save here for the Nebraska Library. So like I say, in the course of this I did, you know, visit and wanted to make sure, just didn't do this on a whim. It's something I truly believe in and wanted to run it by you, and hopefully you will listen closely behind me and

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hopefully support this task force. With that, Senator McDonald, I'm going to listen for a little bit. I'm across the hall, so I'll waive the closing. If you have any questions now, I'd be happy to take those. [LB760]

SENATOR McDONALD: Thank you, Senator Gay. Any questions for Senator? Senator Erdman. [LB760]

SENATOR ERDMAN: Hi, Senator Gay. [LB760]

SENATOR GAY: Hello, Senator Erdman. [LB760]

SENATOR ERDMAN: I'm interested in the topic. I think it's a viable discussion. The question that I have candidly is why do we need the bill to do this? As I look at the listing, you've got the court, the court librarian or the state librarian, who according to your testimony is under the jurisdiction of the Supreme Court. So I don't know if that's an employee of the court or how that works; but it would appear to be that most of the people already have an interest, probably have an understanding of what we should do. Why do we need to put this into statute to do it? Why can't this be done now and have them start now instead of waiting through the process to do this because it sounds like now is when you need to act? And going through this process I would imagine most of what you're asking them to do, they probably already have documented or would be able to tell you. I'm just curious... [LB760]

SENATOR GAY: Yeah. [LB760]

SENATOR ERDMAN: ...I guess, why you think this is the best way to do it, as opposed to maybe them doing it on their own or by resolution or some other thing. [LB760]

SENATOR GAY: Well, yeah and I think, Senator Erdman, of course I'm new to the Legislature and I think we do have buildings...is it a buildings grounds committee or what would the committee be that would look into these things? But I think it's something that may not be being looked at now. But a public...like a public facilities committee could possibly look into this too. So that's where we're at. [LB760]

SENATOR ERDMAN: And I guess...I'm not disagreeing. I'm not saying you're doing it wrong. I'm just wanting the compelling reason. We have the State Capitol Administrator here, I believe, and others that have general authorities regarding the State Capitol and the entities within it; and we recognize that there are three equal branches of government that operate within this building as well. But I'm looking for an action-driven solution and not just another commission. If you're telling me that you took an 1862 book and it was falling apart, hopefully you didn't take the pages that fell out with you. But I mean, my guess is that they probably knew that and that it is probably nothing new. I've heard about issues regarding the State Library before. I'm just curious if there

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may be a better way. Would you...could you think of other ways that they be able to accomplish this? [LB760]

SENATOR GAY: Well, let's...you'll hear testimony...let's look into it. I think these people that we talked about to be on the committee are obviously very interested. Why hasn't something been done yet? I can't answer that question. Like I say, it's a learning process for me as well on these things. But I think what we're saying here has the weight of all of us saying, okay, we're going to take a serious look at because the people on here are all professionals to focus specifically on this issue and not expand it to something more than it needs to be. But sometimes I just think the power of shining a light on one particular issue...and maybe if there's another way to do it, I'm open to that. This was suggested to me by those wiser than me in these things. So yeah, might be there is. That's kind of where we're at, and like I say, if there's another alternative, I don't know. But I think what we're saying here is create the task force that does have an ending date. We'd get a specific answer to what we need and then we could go from there. [LB760]

SENATOR McDONALD: Senator Friend. [LB760]

SENATOR FRIEND: Thank you, Senator McDonald. Senator Gay, I think one of the things...I put a little--not an asterisk--a little parenthesis around it, I think one of the things in green copy...I'm not answering his question for him, but when we go to subsection (g) or Section (g) of subsection (2), we're talking about a study to study and identify any funding sources alternative to the General Fund that may be available to support any recommendations on the task force. So I mean it's a fiduciary thing. I mean they're looking for money which is legitimate. I mean it happens all the time. The General Fund gets, you know, abused during an appropriation. So I think I would...not abused, I'm sorry, it gets ransacked. Is that a better one? [LB760]

SENATOR ERDMAN: Taken advantage of? [LB760]

SENATOR FRIEND: Yeah. The point is, am I correct with that assumption? [LB760]

SENATOR GAY: Doesn't that say alternative... [LB760]

SENATOR FRIEND: There is one of the things that the task force would do is say, boy, let's think outside the box here as far as creative funding. [LB760]

SENATOR GAY: Yeah, other alternatives which possibly...donation or a...yeah, other alternatives. [LB760]

SENATOR FRIEND: Yeah. [LB760]

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SENATOR GAY: I think the direction is that we're giving credence and authority to a legitimate commission to look into this and get back. Has this been done before? I don't think so. I mean, you all would know that. I don't think so. I understand this is the first time that this has been created specifically for this situation, and it could be quite costly and it could be an answer we don't want to receive as well. But I think you look at different...maybe the rarities are worth many, many millions of dollars, maybe they aren't, but I don't think we know that yet. [LB760]

SENATOR FRIEND: Do you want to be on this task force? [LB760]

SENATOR GAY: I would serve on that, but if you know... [LB760]

SENATOR FRIEND: Can we coerce you to be on it? [LB760]

SENATOR GAY: I would be on it, of course, if that's where we would go. [LB760]

SENATOR FRIEND: It was a legitimate question. [LB760]

SENATOR GAY: Yeah. No, absolutely I would be on it. [LB760]

SENATOR FRIEND: All right. [LB760]

SENATOR McDONALD: Any other questions for Senator Gay? If not, thank you. [LB760]

SENATOR GAY: Thank you, Senator. [LB760]

SENATOR McDONALD: Looking for those in support of LB760. Welcome. [LB760]

JANICE WALKER: (Exhibit 4) Thank you, Senator McDonald and members of the committee. My name is Janice Walker. I'm the state court administrator, and as you can see from the document that Senator Gay handed out, the library is under the jurisdiction of the Nebraska Supreme Court. It's the oldest public library in Nebraska, and this document was prepared for the 150th anniversary of the library. It tells a lot about the history. It tells how we got the library, stole it from Omaha in the middle of the night, wonderful historical information. And then on the back of this, we talk about what we are doing in the library to try to make it relevant for users today, for you, your staff, lawyers, and members of the public. It is quite a bold statement to say that any space in this building is more beautiful than any other; but I think I can safely say that the Nebraska State Library is one of the most beautiful historical spaces in this building. And as such we are very proud of it, and we are very concerned about the future of it and protecting not only the collection, which I will touch on in just a moment. But Bob Ripley is here from the Capitol Commission and he will talk a little bit about some of the damage that

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has occurred to the facility and some of the artwork that's in the library. So I thank Senator Gay very much for bringing this bill. I think it is important to raise attention to the library. And I would answer your question, Senator Erdman, by saying it's not that we can't do this without a group. It has simply never risen to the level of having enough attention to really pursue any kind of action, and we've never been given a General Fund appropriation, of course, that would cover any of this work. So before I take my leave, I want to just mention some of the things that we have in the library that are very valuable. We have all of the legislative journals from 1855 to the present, all introduced legislative bills from 1895 to the present, all state's statutes and laws going back to either the beginning of the state, beginning of the territory or the colonial laws of our original 13 states. As the Senator mentioned, we have a number of very valuable documents and very old and rare books, and they are not in a climate controlled situation. Our oldest book is dated 1616 and it's called In Praise of the Laws of England. We have several other wonderful examples which we've brought here for you to see today. With me is Marie Wiechman. Marie is the deputy librarian and she has brought--for looking not touching--a number of documents, and the page is handing out what those are. Let me just turn this over to Marie for just a second. Perhaps you can point out some of the things you've brought with you today, Marie. [LB760]

MARIE WIECHMAN: I brought four books with me today. The first one is The Madison Papers. It was published in 1840... [LB760]

SENATOR McDONALD: Ma'am? You want to stop for just a second, and you want to state your name and spell your name. [LB760]

MARIE WIECHMAN: My name is Marie Wiechman, W-i-e-c-h-m-a-n. [LB760]

SENATOR McDONALD: And maybe pull it close to you so that... [LB760]

MARIE WIECHMAN: The four books I brought, the first one is The Madison Papers that was published in 1840. This may have been one of the original books in the library, and may have been on one of the wagons that brought the library from Omaha to Lincoln in 1868. Inside the front cover, there are some little yellow stickers that says: Territorial Library; so that is why I believe this may have been on one of the wagons. Also, we have The Laws of Virginia. Back in the 1700s, there were not very many books published because of the process it took to publish the books, and when you received your book, you signed your name in it. This book has been signed by Bushrod Washington. He is George Washington's nephew. He was the one that inherited Mt. Vernon, and he was also on the U.S. Supreme Court. Some of our older collections, this is Massachusetts Law and this goes back to 1660, and it's one of the colonial laws that we have. And this is Nebraska House Journal, and this was in 1893. And this is kind of to show what some of the conditions, fragile conditions, some of the books are. I'm not going to open it very far, but as you can see this one, someone tried to photocopy when

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it was during the impeachment trials back a few years back and it literally started to fall apart. [LB760]

SENATOR McDONALD: Thank you. Are we have any questions? Seeing none, thank you so much for showing us those books. [LB760]

JANICE WALKER: And if you have any questions for me? If not, I will thank you for your time, and I will issue you an invitation for all of you and each of you to come to the library and visit at any time. Marie gives a wonderful tour, including the area where the bats live in the summer, so...(laughter). [LB760]

SENATOR McDONALD: I think Senator Erdman has a question. [LB760]

SENATOR ERDMAN: I was just curious actually if it was one of our members of the media that tried to copy that because I know there's a couple here in the room. I was going to try to pin them down. [LB760]

JANICE WALKER: I believe no fingers will be pointed in that regard. [LB760]

SENATOR ERDMAN: Okay. Janice, let me ask you about the process. I understand the strategy of bringing a bill that brings attention. Obviously you're aware of the need, the court's aware of the responsibility of preserving these documents. There's probably most of this is somewhat in mind if not written somewhere about what it would generally take to make some of the improvements, whether it's climate control, preserving the documents, whatever that may be. Has there ever been any discussion within the court or between the court and the Capitol administrator, and the other branches of government about pursuing this prior to now? Kind of give me that history because I know that you've been looking at this. I'm just trying to make sure that we have a reference point. [LB760]

JANICE WALKER: There have certainly been conversations, and Bob Ripley is here and will be able to speak to that a little bit more. But it is a matter of priority, Senator, and when the judicial branch comes in for their budget, and we have to decide whether we're going to operate the trial courts or whether we're going to renovate the library, it's one of those things that does not get the high priority that it probably deserves, and that's the only thing. It's just money that stops us from doing that. [LB760]

SENATOR ERDMAN: And one of the--if I can follow up then on that point as Senator Friend pointed out--one of the issues is finding alternative revenue sources to help with some of the improvements. Obviously you recognize the limitations that the General Fund has. But what are some of those options that you may have pursued or have you pursued some of those options already to assist with some of the issues that you're finding in a daily basis? [LB760]

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JANICE WALKER: We have begun to look somewhat in the area of grants. Obviously there are some historical organizations that we may be able to turn to for some funding, and we've looked into a couple of things from the Library of Congress. We recently got a grant to automate the card system and that came from the State Records Board. So we are beginning to look at alternative sources of funding and I think, again, Bob Ripley may have some ideas in that regard as well. But so far, it's just been conversation and no action. [LB760]

SENATOR ERDMAN: Okay. [LB760]

SENATOR McDONALD: Thank you. Senator Janssen. [LB760]

SENATOR JANSSEN: Yes, ma'am. I think that would be a very good project for the State Bar Association to take on. [LB760]

JANICE WALKER: I think it would too. [LB760]

SENATOR McDONALD: If no other questions, thank you, appreciate it. [LB760]

JANICE WALKER: Thank you. [LB760]

SENATOR ERDMAN: Or at least write the check for it, right, Ray? [LB760]

SENATOR JANSSEN: Yeah. [LB760]

SENATOR McDONALD: We're looking for support for LB760. Is there anyone else that would like to testify in support? [LB760]

KEN WINSTON: Good afternoon, Senator McDonald and members of the General Affairs Committee. I'm testifying...my name is Ken Winston, last name is spelled W-i-n-s-t-o-n. I'm appearing on behalf of the Nebraska Library Association in support of LB760. The State Library, as previously testified, is a treasure. It's one of...it's a very valuable resource in its own right, and it houses many valuable and irreplaceable resources. These resources, as was indicated, are used by the public, including many attorneys, in addition to providing research documents and systems research for the courts and the Legislature. LB760 provides a mechanism for preserving and protecting the State Library's resources. This would allow maintaining the historical documents in the State Library while allowing it at the same time to go forward with new research in preservation technology. We would ask that LB760 be advanced. [LB760]

SENATOR McDONALD: Thank you, Mr. Winston. Any questions? Senator Erdman. [LB760]

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SENATOR ERDMAN: Ken, not to be argumentative, but as I understand the bill, it would study those things. [LB760]

KEN WINSTON: That's correct. [LB760]

SENATOR ERDMAN: So your comments are that by doing this, it would then lead to those endeavors that you articulated in your testimony? [LB760]

KEN WINSTON: That...exactly. [LB760]

SENATOR ERDMAN: Okay. [LB760]

KEN WINSTON: You're hitting the nail on the head. [LB760]

SENATOR ERDMAN: Just wanted to make sure I wasn't misreading that there was something more than the study and then looking at how to do those thing; but I was just making sure that I was clear about what your testimony was. [LB760]

KEN WINSTON: Well, maybe I'm jumping the gun, but it appears to me that...well, it would be my hope that once those things were studied that would provide a mechanism for making this happen. [LB760]

SENATOR ERDMAN: Are you a member of the state bar? [LB760]

KEN WINSTON: I am. [LB760]

SENATOR ERDMAN: Do you think that maybe some of your colleagues--as Senator Janssen has recommended--may be able to assist in this endeavor benevolently? [LB760]

KEN WINSTON: That's a possibility. [LB760]

SENATOR ERDMAN: Do you know if it's ever been approached, if the bar has ever been approached or would you know that? Obviously you represent the libraries, but... [LB760]

KEN WINSTON: I wouldn't...I don't know that. I do know there is a bar foundation, but I don't know how strapped their funding system is or what have you. And I don't know how much this would cost, whether we're talking about millions of dollars or...I imagine Mr. Ripley who is here will be able to give us a better idea of some of the costs involved. [LB760]

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SENATOR ERDMAN: And he will tell us what we need, whether we believe it or not, right? [LB760]

KEN WINSTON: You know, for some reason every time I get up, somebody has to make a joke...no, I must be a straight man. I don't know. No, I appreciate that. [LB760]

SENATOR ERDMAN: Thanks, Ken. [LB760]

KEN WINSTON: You bet. [LB760]

SENATOR McDONALD: Thank you, Ken, appreciate it. That's the end of the support for LB760...oh, please come forward, I'm sorry. [LB760]

ROD WAGNER: (Exhibit 5) I have a handout. [LB760]

SENATOR McDONALD: I apologize for that. I didn't see you over there. [LB760]

ROD WAGNER: It's all right, it's all right. Good afternoon, Senators. I am Rod Wagner, director of the Nebraska Library Commission, Wagner spelled, W-a-g-n-e-r. I'm pleased to be here to represent the Library Commission and state our support for LB760. The Nebraska Library Commission is the other state library, one of the other state libraries in Nebraska state government. And we have the state library administrative responsibility, and our statutory mission is statewide promotion, development, and coordination of library services. We certainly recognize and appreciate the interest and the inclination to study the needs and preservation requirements for the Nebraska State Library, and we would be very pleased to participate in that process. I wanted to add one other thing though, and that's just to also point out that the Nebraska Library Commission--by an act of the Legislature in 1972--is the agency that includes the State Publications Clearinghouse. And when that legislation was enacted in 1972, the commission did acquire a number of state documents from the Nebraska State Library and moved those to the Library Commission's facilities. And you know, just as an example, and these are a different type of state publication. This one happens to be a bound document dating back to 1886 of the Nebraska Railroad Commission Reports, the agency that is now the Nebraska Public Service Commission. And another example is a report of the State Board of Irrigation, and this is a state publication that came out in 1900. Our stuff isn't nearly as old some of the publications of the Nebraska State Library. But they do represent other kinds of historical documents that the state of Nebraska has, and that are also in need of being sure that we take care that they are preserved so that they are not lost as time goes on. These happen to be in pretty good shape. There was some other documents that we have that are still on the shelf that I wouldn't dare bring over. They're wrapped in plastic and they're very fragile. So this is certainly a need the Library Commission would be very pleased to participate in this project. We think it's an important one, and we're glad that the Legislature has an interest in this area. With that,

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I would stop and be pleased to respond to any questions that you might have. [LB760]

SENATOR McDONALD: Any questions for Mr. Wagner? Senator Dierks. [LB760]

SENATOR DIERKS: You remarked about a book that you wouldn't dare bring over because it would fall apart. [LB760]

ROB WAGNER: It might. [LB760]

SENATOR DIERKS: Is there any hope for restoring that book? [LB760]

ROD WAGNER: Oh sure. Yeah, those publications can certainly be transferred into a digital format so that we have a digital copy of it. Yeah. [LB760]

SENATOR DIERKS: I see. The book itself probably... [LB760]

ROD WAGNER: And we have been doing some of that, but there are a lot more publications that we need to do. [LB760]

SENATOR DIERKS: But the book itself, you can't do much with? You just have to copy it? [LB760]

ROD WAGNER: Yeah, it really needs to be very carefully handled because it really would fall apart if it's not handled by someone who's trained in handling those kinds of documents. [LB760]

SENATOR DIERKS: I've got some of those old 1880s veterinary books that are in that kind of condition. [LB760]

ROD WAGNER: You bet. [LB760]

SENATOR DIERKS: I treat them with care. I don't read them as much as I should (laugh). [LB760]

ROD WAGNER: Well, they're an important historical record. We have people who have done some research on the history of the Public Service Commission, and they came and used those publications for that purpose. [LB760]

SENATOR DIERKS: Thank you. [LB760]

SENATOR McDONALD: Thank you, Senator Dierks. Any other questions for Mr. Wagner? Seeing none, thank you for your testimony. [LB760]

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ROD WAGNER: Thank you very much. [LB760]

SENATOR McDONALD: Okay. Anyone else in a supportive role? Welcome. [LB760]

MICHAEL JACOBSON: (Exhibit 6) I've got a copy here of the constitutional convention of 1920. [LB760]

SENATOR McDONALD: Would you state your name and spell it, please? [LB760]

MICHAEL JACOBSON: Oh yeah, I'm sorry, ma'am. My name is Michael Jacobson, J-a-c-o-b-s-o-n. The last time I appeared before a committee was before Senator Dierks's committee on LB835 and I, for one, am very glad to see you back down here, Senator Dierks. [LB760]

SENATOR DIERKS: Thank you. [LB760]

MICHAEL JACOBSON: As I said, I'm a fourth generation farmer and rancher from Gordon, Nebraska. My ancestors homesteaded near Gordon in the late 1800s. As a prose-litigant with at BA in chemistry, I have used the law library in the State Capitol extensively for many years. I've done legal research in many other law libraries from Washington, D.C. My daughter, who's with the FBI, I got to go out and visit her when she was out there, and I spent some time at the Library of Congress. I've been to the Santa Clara Law Library in San Jose, California, University of Hawaii Library in Honolulu. The legal collection and the helpfulness of the employees of the State Law Library are far above any other library that I have used. An example is the legislative history contained in the constitutional convention of 1919 to 1920. This was Amendment 35 that was added to the Nebraska Constitution to define the priority of water rights in the state of Nebraska. The legislative history on the regular bills in the Nebraska Legislature only goes back to 1937. With the waters rights war just getting started in western Nebraska, this legislative history will be invaluable. Another thing I found was a copy of the complaint filed by the state of Kansas against Colorado in the late 1800s. Kansas claimed that Colorado was stealing all the water from the Arkansas River that ran through both states. The library is a very beautiful library in addition to being the most functional library this side of the Library of Congress in Washington, D.C. It took 10 years to build the State Capitol from 1922 to 1932. Sacrifices were made during the hard times to build the library, and it would be irresponsible and awful not to keep the state treasurer as the symbol of the work ethic and the pride represented by this library. With that, thank you very much. Any questions? [LB760]

SENATOR McDONALD: Thank you, Mr. Jacobson. Any questions? [LB760]

MICHAEL JACOBSON: And I apologize for not getting copies of all of the legislative history. For me it was eye opening to see how in 1920 when we were...we still had the

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two houses, and we had more urban representation and it was very enlightening for me to read that part and I was very happy to find it. I didn't think that that part of the legislative history would exist and so with that, thank you. [LB760]

SENATOR McDONALD: We'll make copies and make sure that each one of the committee members have that. Any questions? Seeing none, thank you, Mr. Jacobson. Anyone else in support? Seeing none, anyone in opposition of LB760? Seeing none, anyone in a neutral capacity? Welcome. [LB760]

ROBERT RIPLEY: Good afternoon, Senator McDonald and members of the committee. My name is Bob Ripley, R-i-p-l-e-y. I have the good fortune of serving as Capitol Administrator for the Office of the Capitol Commission. I'm here to testify in a neutral capacity with regard to what you may have in the realm of questions involving the law library and what we have done, what we have planned, and what we would perhaps hope to do with regard to the facility that houses the library--which of course are the books, without which these would just be a series of beautiful rooms. What I will tell you as a starting point is in the year 2000, in preparation for the '01-03 biennium, I wrote and composed what is now in the process of being updated the first master plan for the conservation and restoration of the Nebraska State Capitol. Within that document was listed a project for housing, at proper temperature and relative humidity levels, a facility of some type...when it was planned in 2000 was much smaller than our office has ultimately learned it needs to grow to accommodate the need that the library has in terms of a facility. But we have known for some time that the environment within which most of the older volumes within the library are stored is one of the worst in the building. In fact, if I go into the southeast library stacks in the dead of summer, which is a space that is only heated to keep it from freezing in the wintertime, I walk in the stacks in August and it is as warm as it is outside. And if it's 100 degrees outside, I guaranteed you it's 100 degrees in that stack, and it's not good for humans much less books that are a couple hundred years old. So clearly there is a physical need to do something with what I consider to be a priceless collection of legal documentation within the library. We have known it for some time and it is really a matter of taking care of a state asset that--as others before me have indicated--is as good a collection of legal documents of its type, and I would go beyond the limits of Nebraska and say within the region because of the age and the documentation that predates well before 1855 in some of the legal journals that are housed within the facility. So if there is something that I can attempt to do to fill in blanks with regard to the facility aspect of the library, I would certainly attempt to do so at this point. [LB760]

SENATOR McDONALD: Thank you, Mr. Ripley. Senator Preister has a question. [LB760]

SENATOR PREISTER: Thank you, Chair McDonald. When I was trying to get your attention, previous speakers had referred to you testifying reminded me, and I'm sure

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it's not in our library but the story of the three billy goats and the old troll. And as they kept referring back you, I'm thinking of this big billy goat that's finally going to come up and give us all the answers (laugh). [LB760]

ROBERT RIPLEY: I'll keep my chin down in that case. [LB760]

SENATOR PREISTER: Could be risky here. Since we've known this and since we have the Capitol Commission and we also have all of the renovation going on in the building, where is this in the prioritization? Why haven't we already done things when we've known about the deterioration of the facility portion in addition to the books? [LB760]

ROBERT RIPLEY: I think some of it has been...the Office of the Capitol Commission has existed as an entity just exclusively for the Capitol since 2004. And so for roughly the last three years, three years and four months, I've been Capitol Administrator. And so since we have been able to concentrate on just the Capitol alone and not a broader spectrum of facilities and buildings statewide, which was a charge of the greater office of the building division under the Department of Administrative Services, we're now concentrating on that effort. Some of the discussion that occurred previously with members of our staff, even during building division days much less Capitol Commission days, dealt with the issues of need within the library. And it was a matter in those days--not within the last three years--but it was a matter in those days of whose budget should it be in? Who should go in and really request this money? What sources should we try to tap with regard to improvement in the facility? And so the court might have been an obvious choice. There was some question on the court's aspect. They're primarily an operational arm of government and facilities are more our domain. It has been...we've been trying to catch up in three years with a lot of projects that were not able to make it to the table prior to that time. And we are now getting to the point where we are about to put a new roof over the library, and we haven't had great leaks, but we have had leaks in the library. The south reading room has had some problems with regard to a roof drain that was repaired in previous years in a very temporary fashion that's very prone to clogging when it fills up, water comes in, rains down on the interior. And so the project that we have underway currently in the closing stages of the masonry project, which is due to conclude at the end of calendar 2010, we will be putting a new roof and as well addressing the drain issues that have been the chronic problems with regard to the facility of the library. So we're getting to a point now where it's an imperative, and it's always been important to provide a better atmosphere for the volumes stored in the library. But the physical building, the rooms themselves have needed the attention that the masonry project will provide from the exterior, and the next is once we have the exterior watertight, to work onto the interior of the building so that we can get the repairs done that the exterior repairs--or lack there of--have caused in recent years. [LB760]

SENATOR PREISTER: The roof that's being repaired--and we've had other roof

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damage--would seem to be top priority. [LB760]

ROBERT RIPLEY: Yes. [LB760]

SENATOR PREISTER: You get the roof done before you work on the inside or you do any other exterior work so you protect the valuable asset. [LB760]

ROBERT RIPLEY: Correct. We are attacking the roof project like we did the masonry project. We're going to the areas that are in worst condition first. And then the roof that we prioritize first, interestingly enough happened to be the roof of the Legislative Chamber because it has been...although the library has had its problems, the west Chamber has led the way with regard to water infiltration, both through the wall as well as through the roof in recent years. And so we have it relatively in the dry right now, but don't have the roof completed which will start first thing when weather breaks this spring. We'll finish that, do the northwest quadrant, and then move into the southwest quadrant, and onto the law library which is the reason the construction yards that are on the east and the south side of the building still exist because those are the areas where we'll be able to put the crane for the logistical advantage of being able to move material from the ground level onto the roof of the building. And as soon as we're done with the section of roof for the west Chamber, west lounge, and northwest quadrant, we'll move the crane to the south yard and that's when the west yard will go away. And as soon as we're done on the south side of the building, we'll move the crane to the east yard and the south yard will go away. So it's this kind of leap-frog process. It's perhaps a bit more than was necessary as far as the explanation, but that's how the work is going to progress with regard to the roof repair, and the roof is the final phase of the masonry project. [LB760]

SENATOR PREISTER: Thank you for that. One last question, off the topic. Down in one of the other hearing rooms, 1524 I believe it is, there used to be six pieces of artwork by a Nebraska artist. They hung there for years. They're no longer there, haven't been for probably five or six years. Where and how are those stored, and what will eventually happen to those? I assume they were removed because they weren't here originally. [LB760]

ROBERT RIPLEY: I must say I have to plead ignorance here a bit. I would have to talk with the Legislature's Executive Board to know exactly when they came in and precisely when they were removed, and I'm not certain exactly which images you're speaking of. I've seen one that was a rendering of the corridor outside the two hearing rooms you speak of that was done that was on display for a time. I've seen a couple of different artists' work displayed in the hearing rooms on the west-central corridor. So I'm not certain exactly what you're speaking of, but I think a conversation with the Exec Board would probably clear that up. [LB760]

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SENATOR PREISTER: I could check with the Exec Board. They were all by the same artist. [LB760]

ROBERT RIPLEY: These were? Were they paintings or prints or... [LB760]

SENATOR PREISTER: No, they were original hanging framed paintings. Yeah. [LB760]

ROBERT RIPLEY: Okay. Very good. [LB760]

SENATOR McDONALD: Thank you. Any other questions for Mr. Ripley? Senator Erdman. [LB760]

SENATOR ERDMAN: Mr. Ripley, thank you for being here. [LB760]

ROBERT RIPLEY: Sure. [LB760]

SENATOR ERDMAN: Explain to me--and I'm trying to remember--the process we went through to get the funding appropriated to renovate the Capitol? Who ultimately made that request? How was that authorized? Was it a specific budget item outside of...is it under your authority? How does that work? [LB760]

ROBERT RIPLEY: The way the projects are funded in the Capitol, at least in the last roughly 10 years, have been...there's been a sum of money that started...we call it our 901 Fund. The first 2 years it was \$1 million a year. When the economy slowed down, it dropped to about \$500,000 a year, and until this year it had remained \$500,000. It's now back to \$1 million a year for at least this year and the next. So that is money that we have the we can prioritize projects based on greatest need first which come out of this document. When we have projects that are of such scale and are so large that in and of themselves they're beyond the scope of what we would write into a document like this, they're not housekeeping things we can do year to year, then we get into individual Capitol construction appropriations under themselves. And that's exactly how the masonry project came into existence. There was a study done in 1998 which made recommendations and proposed a budget and put priorities together, and it was from that recommendation that an initial funding, Capitol construction funding bill, was appropriated for I think a biennium making recommendations to do it in installments over a period of eight years. And as I said, when the economy slowed down, not only did our funding here slow down, but the masonry funding for that project slowed down, so it's taken longer to complete. But that is a separate appropriation because of the size and scale of that Capitol construction project. So we get money two different ways. The routine work is here and the larger Capitol construction projects are handled independently. And there's a third category, I might add, not to short our friends in the 309 Task Force for building renewal. They are also very supportive of largely mechanical-electrical code issues with regard to upgrades in the Capitol. So those are

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kind of our three primary funding sources. [LB760]

SENATOR ERDMAN: So any effort--hypothetically speaking--to renovate the State Library, would that fall under your 901 Funds or would that fall under a Capitol construction should we appropriate funds? I mean, obviously we're not talking about that, but... [LB760]

ROBERT RIPLEY: I think a good deal of this...perhaps one of the advantages of this task force would be to sit down and evaluate just exactly how much of this pie do we want to bite off at one time? Do we want to renovate the entire facility? Do we then want to put in a quadrant or half a quadrant of environmentally controlled stack space for rare books? There are a whole myriad of things that I think tie into what we would want to request, either in one big total package or maybe we do it in phases over a period of years, and we prioritize it in terms of, again, greatest need first. So perhaps this task force in fact, pretty obviously should it be forwarded to the floor for a discussion and vote, would have the ability to make such a recommendation. It was alluded to earlier with regard to funding as well, there are a number of organizations nationally that have funding that deal with collections. Our Capitol archive has just received roughly a \$28,000 NHPRC, Nebraska Historic Publications and Records Commission. We've received a grant from them to do ongoing organization and conservation of the records just in the Capitol collections, which involves drawings and specifications about the building. Take apart from that, there's the IMLS as well which is a Museum and Library Services arm and they have dollars and funding available. And there's a clearinghouse organization in Washington by the name of Heritage Preservation Inc. who's a clearinghouse for various grants and grant organizations. There's private sector money, there's public sector money, and there's a combination of the two that can be used. Sometimes one is a match to the other. So I think the idea of identifying potential funding sources might not be able to cover all of the expenses with regard to facility and holdings within the library. But there's certain areas that are probably more pointed to areas of grant opportunities. So it would bear some...I don't know those things off the top of my head, but I just know of some of the potential sources for funding. [LB760]

SENATOR ERDMAN: I guess the last comment that I would have is it would seem--and again I'll go back to the same comment that I made to Senator Gay--it would seem that the same people that are involved in their actual responsibilities today would essentially be doing their job by being part of this commission and trying to preserve the library. I'm just again wondering out loud if, for example, say LB760 doesn't pass, will you not still have the responsibility to examine and review the facilities of the State Capitol and try to provide for the appropriate maintenance of that and...I'm just...I mean, I understand the one side of this, bringing the legislative bill to make sure people are aware of it, to try to build an understanding of the need. But I'm looking at it from a standpoint of getting something done. I mean, this gives you a year, but realistically if you haven't started by now you're probably already behind and it sounds like there has been a lot of work

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done. I'm just trying to understand the intricacies of why you would do this instead of just saying, Bob Ripley, why don't you get these people in a room and start doing this today? [LB760]

ROBERT RIPLEY: There are a couple of different aspects to this. Clearly there's the facilities aspect which is really what I deal with. There's the operational aspect which is what the court deals with, and we have not focused on a combination of those two which likely may be the end result of what this task force's final report would address. The court is going to be concerned with some things that our office doesn't deal with. We don't deal with how the library is used, who uses it, how they chose to operate it, those sorts of things. And so it's likely in terms of the holistic use of the library there's a combination of not only facility needs, but as well operational needs, and we can address those in kind of one effort to try to put together a master plan for the library. It isn't just a facility issue. It is a myriad of the users in operations of the library that would need to be addressed, and that's...I guess I'm just kind of reading what I have of the bill so far that that would likely be kind of the bringing together of those various aspects of the library's needs and put them into a single report. [LB760]

SENATOR McDONALD: I think I have a question from Senator Janssen. [LB760]

SENATOR JANSSEN: Bob, weren't there some 309 dollars allocated toward the restoration? [LB760]

ROBERT RIPLEY: That's a good question. With regard to the masonry project, they helped...they provided some money initially. Now I've only been directly involved in managing the masonry project since 2004. I did some preliminary work to get it started and then I was out the picture for several years, and so what happened in those ensuing years I can't address. I think there was, and I think 309 may have provided some funding to help us get the initial study done. 309 is... [LB760]

SENATOR JANSSEN: Could you check on that for me and see what was... [LB760]

ROBERT RIPLEY: 309 has been a great partner with the needs of the Capitol and where we fit into their mission. They've been very, very willing to step forward and be... [LB760]

SENATOR JANSSEN: Of course they do work all over the state. [LB760]

ROBERT RIPLEY: Right. Yeah, their mission is a far broader one than ours, to say the least. [LB760]

SENATOR JANSSEN: Yeah, if you could get that information, I'd appreciate that. Thank you. [LB760]

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ROBERT RIPLEY: I'll dig up what I can. Absolutely. [LB760]

SENATOR McDONALD: Any other questions? Thank you, Mr. Ripley. [LB760]

BOB RIPLEY: Sure, thank you. [LB760]

SENATOR McDONALD: Pleasure having you. Is that the last testifier for LB760? Seeing none, let's move onto our final bill, and that's why we call this General Affairs because we went to the Electrical Board to the libraries and now we're going to talk about cemeteries. Welcome. [LB760]

LAURIE LAGE: Thank you. Would you like me to start?

SENATOR McDONALD: I think you can. []

LAURIE LAGE: Okay. Senator McDonald, members of the committee, I'm Laurie Lage, committee counsel for General Affairs here to introduce LB995. This bill changes duties of local government, makes clarifications, and updates language in the cemetery statutes to address some of the problems with small, abandoned, neglected, and pioneer cemeteries. This bill is the result of several years of study on the issue surrounding abandoned, neglected, and pioneer cemeteries. The General Affairs Committee has been working with groups and individuals who have an interest in such cemeteries, as well as with the County Officials Association, Municipal Government Association, the State Historical Society, and the Indian Commission. The bill does not make sweeping changes to the cemetery law, but does make small changes that are important to the groups of citizens who have worked to preserve cemeteries who have said that they need the Legislature's help to better maintain them. Not everyone agrees, even on the small changes in the bill. There are a few components of the bill that the Nebraska Association of County Officials would like taken out because of the extra resources counties would be required to expend for cemeteries. Amendment 1656 is in your books and addresses their concerns, and the representative from NACO is here to explain their objections and ask for your consideration of that amendment. That same amendment also contains a revision requested by the Nebraska State Historical Society, and it's related to the statewide cemetery registry and, again, a representative from the Historical Society is here to explain why they requested that provision in the amendment. There are a number of people here who are going to tell you about the roadblocks they have faced in their cemetery preservation work to give you an idea of why the proposals in the bill are needed. So I will stop here. I'll let them take over, and ask if you have any questions... [LB995]

SENATOR McDONALD: Thank you, Ms. Lage. Any questions? Senator Erdman. [LB995]

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SENATOR ERDMAN: I didn't catch the amendment, so that answers some of my questions. The process that we go through here on page 3 talks about that the city council can issue a warrant from the cemetery fund if the Cemetery Board is not scheduled to meet. Is that designed to be technical? There's nothing there that the city council could utilize that fund for something else, correct? [LB995]

LAURIE LAGE: It is meant to be technical. It's just something that...trying to think of who requested that, but just something that they thought would be helpful to give them the authority...I don't know that they don't have that authority, but it's just a clarification. [LB995]

SENATOR ERDMAN: Another question, on page 4 dealing with the...on Section 3, it says: The county board shall expend money from the general fund for the care and maintenance of each abandoned or neglected cemetery and now it's permissive. Is that...I'm trying to understand the rationale there. We're just wanting them to clean it up and we're giving them the responsibility? [LB995]

LAURIE LAGE: Well, it's the opinion of a lot of the people who work with cemeteries, these kinds of cemeteries. One of the big roadblocks that they face is dealing with county boards, and they believe that if we revise the statutes to be more clear and not be permissive and require county boards to do certain things that that will be helpful to them. And I know that they are going to explain what they...the problems that they have run into and why they would like that language changed. [LB995]

SENATOR ERDMAN: I think I had two other questions for you, Laurie. On page 5 is where the next ones come from. One adds the word "including mowing." Wouldn't maintenance of a cemetery include that already or is that a different type of maintenance then? [LB995]

LAURIE LAGE: And that's...no. [LB995]

SENATOR ERDMAN: Just clarification? [LB995]

LAURIE LAGE: That is a clarification that someone specifically asked for and actually that is part of an amendment. The amendment that NACO...well, I don't know...maybe not. No, maybe not that one. It's a different one about mowing. No, it... [LB995]

SENATOR ERDMAN: Just clarifying. [LB995]

LAURIE LAGE: It's a clarification and it's some...and it's in there because someone actually ran into the problem of having a county board say maybe that doesn't necessarily include mowing. [LB995]

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SENATOR ERDMAN: Last question is why are we changing the abandoned period from 20 years to 5 years? [LB995]

LAURIE LAGE: That is to help...just to shorten the time that a cemetery has to be abandoned or neglected before a county board will have duties to take care of it. That 20-year time period has caused some problems. There was a situation where a cemetery was abandoned, neglected for a long time. An Eagle Scout came in and wanted to clean it up, just very minorly as part of a project. And I believe the county board in that situation--I'm not sure which county--said, well, it's not abandoned or neglected anymore, therefore we start the 20-year time period over again and negated their duties to that cemetery. So there are stories like that behind most of the provisions of the bill. [LB995]

SENATOR ERDMAN: Okay. Thank you. [LB995]

SENATOR McDONALD: Any other questions? Seeing none, thank you, Laurie. We are asking those to come forward in support of LB995. [LB995]

MICHAEL SMITH: (Exhibit 7) Good afternoon, Senator McDonald, members of the committee. I'm Michael Smith, S-m-i-t-h. My position is a director and CEO of the Nebraska State Historical Society, and we have been working with the committee and committee counsel on this particular language of this bill for six months or a year, I think. I would like to speak in favor of LB995. It addresses two important needs relating to Nebraska cemeteries: The first of those needs is for regular care of pioneer cemeteries that are neglected or abandoned. LB995 provides for regular care of these cemeteries that do not receive care from any family or organization. From our place in time--yours and mine--we look back and commemorate the courage, the drive, and the everyday hard work that characterized the lives of our pioneer ancestors. Without their commitment, Nebraska would not be the very special place that it is today. The mission of the Nebraska State Historical Society, an agency of Nebraska state government, is to collect, to preserve, and to highlight the many histories that we share as a people. Our pioneer cemeteries are a highly visible reminder of our past, except those that have been abandoned over the years. Brush and grass, run-down fences, overgrown commemorative stones mark these places. Nebraskans of today, I submit, deserve to know the identities of those who have come before us. In our opinion, LB995 makes a reasonable demand on local services to provide that. In fact, the passage of LB995 can help to create local interest in the care of these places. That will, in many cases, help to find volunteer groups such as service clubs or the Eagle Scout project that was mentioned by your legal counsel that can work closely with local officials in caring for these places. We commend the bill to you for that matter. The second need that LB995 addresses is that of protecting unmarked Indian burial grounds. LB995 separates Indian burial grounds from cemeteries. These important tribal places, the burial grounds

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themselves, will be further protected by protecting the site information. Even today there are those who would seek archaeological treasure or the twisted pleasure of one committing vandalism in the burial of the ancestral...people of these ancestral tribes. The Nebraska statutes, Section 84-712.05(13), authorizes keepers of public records to withhold locations of sites of historic or archaeological importance. LB995 removes the term Indian burial grounds from the statute and in doing so further emphasizes the need to protect their locations. And I would like to speak about page 9. Legal counsel mentioned an amendment that we would ask, and it's on page 9, line 12, 13, and 14. We take out three lines that we found to be...that might be confusing. In fact, we states in some ways was already in statute in 84-712.05(13). And we ask that those three lines be taken out just for that...to try to avoid any confusion there. Pursuant to legislation passed by the Unicameral in 2005, the NSHS, Nebraska State Historical Society, is charged with keeping a register of cemeteries in the state of Nebraska. Data is furnished by local officials, historical societies, etcetera. We have been and remain ready to receive information on Indian burial sites. We do not share that information because of the high potential for vandalism, as I mentioned before. While we are cognizant of the financial limitations of most local units of government, we do encourage support of for LB995. It provides for honoring our pioneer ancestors while further helping to protect the interment sites of Nebraska's first peoples. Thank you. And with me today is Cindy Drake, who is the keeper of the Nebraska Cemetery Register we've been working on for the past two years. Be happy to answer any questions, if I may. [LB995]

SENATOR McDONALD: Thank you, Mr. Smith. Any questions? Senator Dierks. [LB995]

SENATOR DIERKS: Michael, have you heard of the book Hector's Bliss? [LB995]

MICHAEL SMITH: I have. [LB995]

SENATOR DIERKS: It's written about a black man who was...many of his people were buried in a cemetery over in Holt County. [LB995]

MICHAEL SMITH: Yes, it is. [LB995]

SENATOR DIERKS: And that happened to be on the ranch belonging to my great grandfather...homesteaded by my great grandfather, and I know that they're doing some research on that. I know that they have had a grave witcher come out and witch for graves. I think she thinks she's found three out there--completely unmarked over in the Sandhills there someplace. [LB995]

MICHAEL SMITH: Right. [LB995]

SENATOR DIERKS: And I just thought it might be of interest to you to know about that.

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[LB995]

MICHAEL SMITH: Yeah, I have heard of that. I know the book and the work that's been done there. A lot of this concern came out, if I may say, a lot of this concern I like to say came out of Texas where the rural cemeteries, small family cemeteries, small community cemeteries such as the one in Holt County which is...the buildings are all gone. Soon they became agricultural ground, they just planted cotton over the top of them or they planted beans over the top of them. And we're trying to provide some way where these can be preserved, especially the ones we have record of today which can be observed, that are there, and preserve those cemeteries in a reasonable manner for all units of government and for the local people, again, to provide for memory of our ancestors, honoring our ancestors. [LB995]

SENATOR McDONALD: Thank you. Any other questions for Mr. Smith? Seeing none, thank you for testifying. [LB995]

MICHAEL SMITH: Thank you for your time. [LB995]

SENATOR McDONALD: Anyone else in support? Please come forward. Welcome. [LB995]

CYNTHIA MONROE: Thank you, Senator McDonald, members of the committee. My name is Cynthia Monroe, M-o-n-r-o-e, and the reason I would like to testify to this today--thanks to Senator Dierks for reminding me of this--my husband and I returned tombstones that have been stolen or removed from cemeteries and try to find the appropriate home to take them back home, and we've probably done that with about 25 tombstones so far. I also am involved in a lot of family history and end up in a lot of cemeteries in the state of Nebraska and other places as well doing that. In fact, Saturday I spent some time at Forest Lawn Cemetery in Omaha. But I wanted to answer one of Senator Erdman's questions, too, that I think the word "shall be required" is very important because many counties do not take the responsibility of taking care of their cemeteries. There is a cemetery just southeast of Bennet in Otoe County that is in deplorable condition. I have a tombstone of a woman who belongs in that cemetery. Her husband was a Civil War veteran, and what they did several years ago was take all the tombstones, pile them under a tree, and mowed and probably ten years was the last time they mowed. And they didn't...and I've written the county commissioners, I've written the county sheriff to do something about that, which they don't. So I think this is a very important aspect to be included in this bill because they don't take up the mandate that they are required to do. They can use it loosely on what is keeping up a cemetery. And I think Senator Janssen's bill a few years ago was a good thing. And that's all I have. I just wanted to say that I have been in a lot of cemeteries and they are not in good condition. There's two tombstones that were returned to a small cemetery just southwest of Lincoln several years ago, and it's a family that keeps that cemetery in

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good condition, not Lancaster County. [LB995]

SENATOR McDONALD: Thank you, Cynthia. Anyone else would like to...Senator Dierks. [LB995]

SENATOR DIERKS: Just for the record, Cynthia's story was in one of the recent Nebraska Rural Public Power magazine, a pictorial issue that told of her trying to replace tombstones. [LB995]

SENATOR McDONALD: Cynthia, where do you find the tombstones that... [LB995]

CYNTHIA MONROE: Well, my husband is a retired deputy sheriff and Lancaster County...because I think because so many colleges end up with them a lot of tombstones that are from scavenger hunts. They have to find something dated in the 1800s, bring that back to whatever organization sponsored the scavenger hunt, and it's hard to find very many things that have the date of 1800s on them except tombstones. Most of them are children that we have returned. And so the first year that we got involved in this it was actually a Civil War veteran's tombstone that was in the stolen property area of Lancaster County Sheriff's office and they...Norm and I just got interested in it to try to find where this belonged. And then somebody heard that we found where it belonged and this just mushroomed. And most of them are found in ditches, roadways. One was found...my friend, Phoebe Hendershot who...I looked for her, where she belonged for years. She was found leaning up against the fence at Davey to a Catholic cemetery. She did not belong in that cemetery. We took her back to Hiawatha, Kansas, after about nine years of searching. But I think...they're just found in various...we've found one in the backyard out at Air Park. There's one in the dorm room at Wesleyan, anyplace you can think to find something like that. [LB995]

SENATOR McDONALD: Well, thank you for all your service. Senator Janssen has a question. [LB995]

SENATOR JANSSEN: Cynthia, we've been on this subject quite a few years. [LB995]

CYNTHIA MONROE: Yes. [LB995]

SENATOR JANSSEN: And I would like to commend some people for their actions with abandoned cemeteries. I know there's one in...let's see would that be...I think it's in Douglas County, Quarry Oaks Golf Course. They have maintained a burial plot there. I think there are only three graves of small children, and they put a fence around it and it's right by...I think it's the 13th tee box, and they maintain it and keep it. You know, there are people that care. [LB995]

CYNTHIA MONROE: Yes, there are. [LB995]

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SENATOR JANSSEN: And I know they could have used the room, too, but they chose to keep those tombstones there. [LB995]

CYNTHIA MONROE: It's just a few. It's the few that ruins the many. [LB995]

SENATOR McDONALD: Thank you. Any other questions for Cynthia? Thank you for coming forward. [LB995]

CYNTHIA MONROE: Thank you. [LB995]

SENATOR McDONALD: Welcome. [LB995]

GARY KRUMLAND: (Exhibit 8) Thank you. Senator McDonald, members of the committee, my name is Gary Krumland, last name is spelled K-r-u-m-l-a-n-d, representing the League of Nebraska Municipalities appearing in support of LB995. I want to talk about Sections 1 and 2 and I appreciate the committee including those sections in the bill. The sections relate to the part of the statutes that deal with municipal cemeteries in those cities and villages with a population under 25,000. And the amendments are geared more towards some of the smaller communities and some of the problems they've been having getting people to serve on cemetery boards. The letter that is being handed out is from Mark Eurek, who is an attorney in Loup City. He's the city attorney for Ravenna and Loup City, plus several villages, and he's the one who originally brought this concern to us several years ago. The statutes require that a cemetery board for cities or villages have six members, and in some of the smaller communities, especially those who have not maintained their population, maybe losing population, they're just having a hard time finding six members who are willing to serve on a cemetery board. So the amendment to Section 1 simply provides that the cemetery board may be made up of anywhere between three and six members. So those communities that are having a hard time finding six can change it and lower the number to five, four, or three. And so they can continue having a separate cemetery board with people who would be willing to meet when they need to, but it would be easier to find three sometimes than it is six. The second amendment, this is in Section 2, has to do with approving of warrants, and this is the question I think Senator Erdman raised before. The statutes provide that warrants are approved by the cemetery board and then given to the city or village treasurer to pay up, to write up the actual warrant to pay the bill. The problem that some of the smaller communities are having is--especially with six members--is to get the board to meet every month and they have bills coming up to mow, to different things that they have bills to pay. But if they can't get the board to meet--and sometimes it's just meet to approve a few bills--then those bills can't be paid until later and sometimes they just go on and on. A lot of these cemetery boards would like to meet quarterly, but that raises the question what do you do with those bills that are due monthly. And so this is just a situation in those cities and villages where the

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cemetery board cannot meet every month. There's an alternative. They can defer those immediate bills to the city council or village board to pay those warrants. And it only would apply if the bills are due and there is no cemetery board meeting scheduled before they're due. So it's just...these two amendments are probably a little different than the other part of the bill regarding pioneer and abandoned cemeteries, but they will help smaller cities and villages deal with cemeteries and help get people to serve on the cemetery boards making things a little more flexible in those situations. Be happy to answer any questions. [LB995]

SENATOR McDONALD: Thank you, Mr. Krumland. Any questions for Gary Krumland? Seeing none, thank you for coming. [LB995]

GARY KRUMLAND: Thank you. [LB995]

NANCY HARTMAN: (Exhibit 9) Good afternoon, Senator McDonald and the rest of the committee. I am Nancy Hartman, spelled H-a-r-t-m-a-n, and I am the person that had to fight to save the Granville Cemetery in Platte County from the farmer with not a lot of help from the county. And I'm pleased to know that the senators and others have realized that the existing Nebraska cemetery laws are inadequate for today's needs, and are aware that these laws have failed in the past to protect and save some of our wonderful pioneer cemeteries. Over many years as a family historian, I have walked and recorded tombstone readings in around 70 cemeteries, researched and wrote short histories for some of them. I consider our Nebraska pioneer cemeteries to be important historical landmarks to the development of our state. Often the inscriptions on an old tombstone are the only record of someone has lived or died because Nebraska didn't start keeping birth and death records until approximately 1905, and not all people complied to that until approximately 1914. And also many small communities didn't have newspapers until sometime in the mid 1880s. So unless a record was recorded in a Bible or somewhere, it just doesn't exist to that person. The people buried in our early cemeteries were the first to plow the land, establish homes, churches, schools, businesses, trails, roads, later bridges, and county government. It is they who created these early cemeteries for the last resting place of their loved ones. I am certain they trusted the graves would be there undisturbed from that day forward and to be respected and cared for by the next generations. I learned how inadequate the cemetery laws were when I became involved in trying to assist a county in getting a farmer to stop destroying an 1880s pioneer cemetery. The farmer was running an irrigation pivot over the grounds, farming over graves, cutting down trees, and driving on remaining graves. County officials would not go forward with the needed legal action to force the farmer off, but rather left that to me. This required finding of an attorney and descendants to file countersuit, reorganizing a cemetery board to also file a countersuit, and raising funds to fund all of this activity. Often citizens are aware a cemetery needs to be cleaned up or saved from destruction, but too often they do not know how to stop the destruction as when county officials will not step up and stop this destruction or

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neglect. There is no other place to go with the request for help, and no one citizen should have to step up and do what I had to do in order to save a cemetery. The cemetery laws at this time are worded in such a way that if a county refuses to take action, there is no penalty. I wish to see the responsibility of saving and caring for pioneer, abandoned, or neglected cemeteries to become a county responsibility and for the county to suffer some type of penalty if they do not comply with the cemetery law. As for one mowing a year for pioneer, abandoned, or neglected cemeteries, that does little to care for the grounds. And I would recommend at least four mowings in a season to keep down the growth of weeds, trees, brush, and to discourage wildlife from digging burrows in the area. Directional markers I feel are important to helping descendants and visitors to locate the cemetery. People from out of state often come in to an area to visit the graves of their ancestors, and stay in the area one to several days doing research at the library and courthouse, thereby spending time and money in that area. For a cemetery to go 20 years without care before it is declared neglected or abandoned is far too long. Much will be lost in 20 years that cannot be recovered, and you have to realize the tombstones fall over and start deteriorating. The growth of brush and trees holds more moisture against the stones which encourages, I believe they call it lichen to grow in the inscriptions, and this lichen will actually destroy the inscription in time. And some stones, like limestone and I think marble, are supposed to be highly sensitive to moisture. So having moisture against a stones or running irrigation water over the stones is going to speed the deterioration and also the falling over of the stones. And I do not believe a one-time cleanup or limited care given by volunteers should go against that time of abandonment that five years should be the time to choose. And does anyone have any questions? [LB995]

SENATOR McDONALD: Thank you. Any questions for Nancy? Seeing none, thank you so much. [LB995]

NANCY HARTMAN: Okay. [LB995]

SENATOR McDONALD: Come forward. Welcome. [LB995]

IRVIN MUELLER: (Exhibit 10) Hello, thank you, Senator McDonald and committee. My name is Irvin Mueller, spelled M-u-e-l-l-e-r, and I want to thank you for this opportunity to speak before you on cemetery laws. I feel this latest draft is very well written. I have been before the Platte County Board of Supervisors three times on behalf of pioneer cemeteries to no avail. One supervisor told me, since a group of us has started to care for the pioneer cemetery, it is no longer considered abandoned. They don't need to financially help in its care, even though all of Section 12-808 had made it qualified so the added sentences should cover this for us. Another supervisor told me, they just don't hand out money. So having the word "shall" in Section 12-805 instead of "may" should help. In Section 12-807, the words "including mowing" have been added. This will really help us as mowing is our biggest expense. So with that being said, how do we

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get the cooperation of governing bodies to facilitate these statutes? [LB995]

SENATOR McDONALD: Thank you, Irvin. Any questions? Seeing none, thank you for testifying. [LB995]

IRVIN MUELLER: Thank you. I have a statement I would like to make to Senator Dierks. When you mentioned witching, I was appreciative of that statement. I have a family member that has the feel, so I know what you're referring to. [LB995]

SENATOR DIERKS: Thank you. [LB995]

IRVIN MUELLER: Thank you. [LB995]

SENATOR McDONALD: Thank you. Anyone else wishing to testify in support? [LB995]

GREG EASLEY: (Exhibit 11) Good afternoon, Senators, committee. My name is Greg Easley. I'm the president of the Nebraska Cemetery Association. I've been a board member for 34 years, and I am in support of this bill, LB995. I do have some questions on a few of the things. Although I've talked with a number of these people that have talked and we've all been at a stalemate over the years in how to get some of these things accomplished. And it is really terrible the way some of these old cemeteries have been treated, and the law prevents anything from happening on one side or the other, and so it's a stalemate that this will be a tremendous help. But there are...one thing you probably should put in there that...because a lot of times when you do mowing, there's going to be...you hire the kids and the kids go out there and they start hitting the stones and whatever. You better put in there that the county will not be liable for any damage to some of these markers because the equipment might hit them. I don't know what you're going to do about that because then they'll be, he said, she said, and a lot of other things. So you better put something in there to protect everybody on that because in the old days they used limestone or marble, and those are the worst materials to make a tombstone from. Granite that we use today...most cemeteries require granite or bronze, I mean, they're impervious to anything. They'll last...you know, the stuff from the Greeks and the Roman days in granite. Our Civil War...I mean our Revolutionary War people that were in that war in their stones had to have been replaced many times over because they used marble out east a lot of the times, and that's what they're stuck with here in Nebraska. That was what was available and it was easily engraved on. I do ask that they probably question on some of these neglected and abandoned cemeteries because over the 34 years, I get...because I was on the committee that developed Pre-Need Burial Act of 1986. I'm the only living member left. Everybody else died off, and I've been on the board for 34 years. So the Attorney General's Office and the Department of Insurance and any kind of questions seemed to come to me. So I've been fielding a lot of questions over the years and, again like I said, this will solve a lot of it. What it won't solve...and this must be put in there and I'm going to give you

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something here to put in somewhere. It has to be put in that...I get three to five calls a year. You multiply that over 30-some years. Okay? And then there's a lot that don't even do it and go ahead with it, and they do...it happens in your farm, Senator. They say, I want to bury my father on my farm property. Well, that's going to also become a problem in the future. And we have people starting up little bitty cemeteries all over Nebraska, and I'm talking about in my short time over 150. They just started up, willy-nilly. Because now you can go to a granite place and have a private mausoleum made up for \$5,000. It looks like a box, granite box. Boom, you set it down and you put them in. Now that's going to become the responsibility of a lot of people not here today, but in the future it's going to be their responsibility. To start a cemetery today...in the '30s they put in a law where to start a cemetery--and that would be any mausoleum, column burium, grave area--you had to have a perpetual care of \$15,000. That was a lot of money back then. It's not today. Fifteen thousand dollars, you know, you can buy yourself the Smart Car, you know, pay for it in full and drive down the road. I'm suggesting that you put in...I'll give you the...give some language and where you want to put it, I don't really care, but it will stop this growth of which is going to be starting cemeteries all over the place. In another 100 years from now somebody is going to be saying, oh, we've got to take care of these people and our ancestors of the year 2008, and wonderful heritage and this beautiful little mausoleum that's sitting out there in Douglas County somewhere. And what we have to do is change that Perpetual Care Fund because people have a lot of discretionary funds to do some of these sentimental things that will then become the problem of the citizens of Nebraska and the county and other organizations way down the road. And I'm going to ask that they raise that from \$15,000 to \$300,000 because if anybody has the money to go off, put a cemetery in, put the roads in, buy the land, and do all this sort of thing, they should fund a Perpetual Care Fund so they don't end up like Wyuka just ended up in. Now Wyuka is become the...nationally...I'm getting calls from all over the country saying what the heck is going on in Nebraska? This has never been done where a group of trustees and people depleted the perpetual care system. Okay? That's why I think it's important for anybody that's going to start a cemetery that other people not be responsible for their ideas. If they want to start a cemetery, that's fine, just provide for it so the volunteers of Nebraska and everybody else or the counties aren't held responsible for it. There are plenty, there are thousands, thousands of cemeteries in Nebraska, I mean, because people wouldn't go more than ten miles away from their home to get buried. And sometimes if you had a German group and an Irish group, they're right next door to each other because they wouldn't get buried in the same land. There was that fight going on, and some cemeteries I visit, there's the Polish, the Irish, and the German. God knows, then you get the Lutheran and the Catholic and it goes on and on and on. You get some of these communities have a lot of them. So there are plenty of places for people to get buried in. We don't need to start anymore. And if you do wish to start them, that's fine. Do not make it a burden upon the rest of us in the future. So I would say from this point on...and I'll give something to you, and if you want to put it to the lawyers and have it extended further, that they also pony up the money to take care of

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this or go five miles down the road and get buried in the municipal cemetery. It's there for them and there's plenty of cemeteries available in every county. I don't think there's...nobody has been deprived of a burial in the state of Nebraska that I'm aware of. And so but there are plenty of people...I get three to five calls a year saying, I want to start my own cemetery. What do you want to start it for? Just our family. I says, do you realize what you're asking us? Your family is going to take care of it...then it's going to become neglected and it's going to become abandoned after 20 years because that's the rule we had then at the time...right now, 20 years. And I just think that's unconscionable to do that. So I am going to ask if they put this in here...and it just basically says...and a lot of the cemeteries that are abandoned now used to have a church...you know, a wooden church next to it. It burned down. It got abandoned. The congregation moved on. The town dried up maybe. Okay? And they're everywhere, and so I have in here any church, fraternal or benevolent society, cemetery association, mausoleum association, or any person wishing to establish a cemetery, a mausoleum, or a column burium must establish a Perpetual Care Fund in the amount of \$300,000. That will replace the \$15,000. This fund will help maintain a cemetery, a mausoleum, or a column burium in the future when said property is full or abandoned, and that will then take care...now the county won't have a problem and the volunteers aren't going to have a problem because they're going to have the interest off of that, and then they have other provisions in there. They can take \$1,000 out each year to care for it and cut around or do any improvements they need to, put a fence around it if they want and that kind of thing. If in two...you know, the year...you know, another 200 years from now that becomes a problem, there's money available, plus then it grows and grows and grows, and you can't touch the principal. They can only use the interest until that time it becomes abandoned because in here you have statutes. Once it becomes abandoned, they can use that money then, once it becomes abandoned and neglected. Okay? So that would help take care of any future problems. Right now they are popping up. They're popping up on you just like little mushrooms everywhere and it's going to be somebody else's problem down the street. I just want to get this in here now while it's on board to protect the future of a lot of citizens because it's easy to start a cemetery today, real easy to start a family plot and that's fine. Just fund it so the rest of the people do not have to be held accountable for somebody's wishes to have their own place. You had a question about why you have the 20 years and that interested me. From the one side, we had run upon this talking to some of the counties and saying, well, you had the one-time maintenance. You know because the scouts and the Eagle Scouts, we've gotten a lot of them...in Douglas County alone there are 45 cemeteries in Douglas County. I can only find ten of them and they are hard to find because they are small. Some of them are half the size of this room, a third the size of this room, and one's out at Quarry Oaks. That's Lancaster isn't it? Is that Douglas? [LB995]

SENATOR JANSSEN: It's Douglas. [LB995]

GREG EASLEY: That's Douglas? And again, any cemetery...that thing can be put, you

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know, in this little square right here and it's a great thing they've done, but not everybody has to do that. A lot of them are getting plowed under like Nancy mentioned and are being abused, and I would like to make sure that problem doesn't accelerate. And so I would probably ask that something in that Section 6, number 3, something be added there. Now we've got this historic place that we don't then start...people start getting buried in it and then that becomes now...well, now it's not abandoned anymore, is it because we've got burials going on there or people buying graves in it because some people, they say, hey, now that this...we've got the county taking care of this, I want to get buried in there and all of that. Well, I don't know if that's...it's a historical site now. It's a place that's supposed to be preserved, and then once you start doing that, then you have the problem now of sunken graves, and the equipment goes in there, the thing becomes even a difficult problem for the county to take care of. Then you've got people going out there and putting a gravestone, and then it's put in the wrong place and now you've got an argument with the county saying, wait a minute, that's an unlawful burial, that's a wrongful burial. No, that marker doesn't belong there. It belongs...it's going to open up a lot of problems. And even the one lady that talked about getting these markers back to where they belong, that's a difficult thing to do, and I don't know how she does it. I admire her because even in our cemetery at West Lawn Cemetery in Omaha, boy, you know, we've got markers every ten feet. There's a...stones in the ground that tell us where everybody is and you can take a...I can take a, you know, 120-acre area and I know exactly where everybody is to be buried, and even then we have difficulty. And these abandoned ones--God save the Queen--I don't know how she does it and I'm grateful. But I wouldn't want that to open up that bag of worms there for somebody else. So I would probably say that no burial or transfer or purchase of graves or lots within the last five consecutive years, and that's what count an abandoned cemetery also, if there hasn't been any transaction. If there's transactions going on, that means there's people have not abandoned it. There's people want interest in it. If they want interest in it, then they should band together and take care of it and then you've got all these other laws in here that will help protect that. But if...I wouldn't...it becomes a problem of people that want to come into a historical site and get buried and therefore if they start doing all that transaction, buying, doing rebury them, then it's not deemed an abandoned anymore. So we've got to watch out the kettle of worms we're asking for here. I'll give you this one piece of paper. The one thing I'm concerned about though is your...the \$300,000 of perpetual care which will stop the problem from flourishing from here on out. Anyway, I've said enough there. Anybody have any questions? [LB995]

SENATOR McDONALD: Thank you. Any questions? Are you going to leave the information? [LB995]

GREG EASLEY: Can I leave this here? [LB995]

SENATOR McDONALD: We would love to have you. [LB995]

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GREG EASLEY: And I ask that they just expound on it or do whatever they wish. Thank you. [LB995]

SENATOR McDONALD: Thank you. Anyone else in support of LB995? Anyone in opposition? Anyone in a neutral capacity? Welcome. [LB995]

JON EDWARDS: Good afternoon, Senator McDonald and members. My name is Jon Edwards, J-o-n E-d-w-a-r-d-s, and I'm with Nebraska Association of County Officials. We are here today in a neutral capacity on LB995 based on the fact that we did receive...and I'm assuming it was 1645 that was put into the record today just for clarity's sake, and that removed our original opposition to the green copy language of LB995. Basically the counties are concerned with...the sections that concern the counties are Sections 3 to 7 of the green copy, and I'll just make a couple of quick points. We certainly agree with the update to the language that's included in the green copy, and some of the clarity that that might help to provide with some of these issues. Secondly, I would say that we also understand that there's clear intent within the language currently that counties become responsible for what is quoted in the language currently in the statute as "care and maintenance" of abandoned cemeteries. And then that there's also some care provisions in there for abandoned pioneer cemeteries which are a couple of different things. Our concern with some of the language that was originally in the green copy is that we would say that probably one size does not fit all circumstances when you have a mandate such as this. So we would just urge caution in those types of situations, and I believe that 1645 addresses those original concerns. So...and for the record, I think there was some mention of county cemeteries, and it's my understanding...I don't believe technically there are county cemeteries. So I just wanted to make sure that was straight. I'm not certain on that, but I don't believe that is correct. So with that, that's all in there and any questions that I might... [LB995]

SENATOR McDONALD: Senator Dierks. [LB995]

SENATOR DIERKS: Jon, do you have any suggestions on how funding should take place? [LB995]

JON EDWARDS: Well, I mean, I think certainly if the Legislature would choose to go through some sort of a big overhaul of these current statues, and the current language that include some significant mandates, that might be something that the state wants to look as an operation the state takes on to catalog, to maintain, and to upkeep pioneer and abandoned cemeteries. Currently as it's structured, you know, I understand there's some issues here with some of the testifiers before me. You know, we haven't received a lot of information about problems around the state. That's not to say that there aren't some situations that do exist like that. I think currently, county board members typically understand the responsibility, and as it stands currently they're able to live up to the

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mandate that is in statute. [LB995]

SENATOR DIERKS: Okay. Thank you. [LB995]

SENATOR McDONALD: Senator Janssen. [LB995]

SENATOR JANSSEN: Mr. Edwards, you're familiar with Dodge County? [LB995]

JON EDWARDS: Yes. [LB995]

SENATOR JANSSEN: Do you know where the old county poor farm was at? [LB995]

JON EDWARDS: No. [LB995]

SENATOR JANSSEN: Right north of Fremont. [LB995]

JON EDWARDS: Okay. [LB995]

SENATOR JANSSEN: All right. I think there were some graves there. Do you recall if the property owner is taking care of that cemetery or if the county is? [LB995]

JON EDWARDS: You know, I don't know for sure, Senator Janssen, and I don't...the Historical Society might have more information on that. And if the county is not currently taking care of it then they probably have no record of who...whether it be the landowner or some other association that might be providing care for that. So I couldn't answer that question. [LB995]

SENATOR JANSSEN: Thank you. [LB995]

SENATOR McDONALD: Any other questions? Senator. [LB995]

SENATOR PREISTER: Thank you, Senator McDonald. I'm wondering if the counties have any position. It may make it easier for you, but we've stricken the language to take out "Indian burial grounds." So we're saying the counties don't have to do anything or not requiring them to spend up to \$1,000 a year on Indian burial grounds. Do counties have any position on that? Probably you like it because it's less responsibility. [LB995]

JON EDWARDS: Well I think, Senator, with Indian burial grounds, that is a much different situation than abandoned cemeteries and even pioneer cemeteries in that you have the Native American community that has issues that have to be addressed when it comes to Indian burial grounds. So it's my understanding that the Historical Society is going to be the group that will actually make sure that there is proper maintenance and that those issues are addressed properly. It has not come to my attention that's a big

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component of this particular issue in that that is some sort of significant cost savings. I don't have the numbers to address that correctly, but it's my understanding that that will move to a caretaker that's much more better equipped to take care of the specific needs of Indian burial sites. [LB995]

SENATOR PREISTER: But one we're requiring at least \$1,000 to be spent on, there's nothing addressing the other. [LB995]

JON EDWARDS: You know, that is correct. Technically the language of the cap of \$1,000 as changed by the current language of the green copy would address only abandoned cemeteries. That does not speak to pioneer cemeteries. That's kind of a little bit of a different process there. [LB995]

SENATOR PREISTER: Thank you. [LB995]

SENATOR McDONALD: Any other questions? If not, thank you. [LB995]

JON EDWARDS: Okay. Thanks. [LB995]

SENATOR McDONALD: Welcome. [LB995]

JIM CUNNINGHAM: Thank you, Senator. Senators, good afternoon. My name is Jim Cunningham. I'm the executive director of the Nebraska Catholic Conference which represents the public policy interests and concerns of the archdiocese of Omaha and the diocese of Lincoln and Grand Island. I'm testifying in a neutral capacity because it occurred to me, after hearing Mr. Easley's testimony, to preserve the record if possible a little bit to be able to respond if necessary to that proposal to increase the perpetual fund amount from \$15,000 to \$300,000. It struck me as a pretty reasonable idea, although that amount I'm not sure, and when I heard him talk about that this would apply to any churches that might have an interest in starting a cemetery. Obviously that proposal is not in this bill, and I suspect that that proposal is not in the amendment that you have talked about here today, which I think was 1656. Isn't that correct, AM1656? So there has really been no opportunity for the public to be aware of that idea, and it seems to me that--especially from our perspective--I couldn't say on the record today with any assurance that we have any of our parishes or churches around the state that are contemplating starting a cemetery, but it's not out of the question. And of course, there are a lot of other churches around the state that are starting up and may have some interest in this as well. So I just wanted to preserve the opportunity on the record to respond to that proposal since it is not part of the legislation that was...not part of LB995. So that's my only purpose. Thank you. [LB995]

SENATOR McDONALD: Okay. Thank you. Any other questions? Senator Preister. [LB995]

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SENATOR PREISTER: Jim, I appreciate your testimony, and I was thinking that you might have a comment on that fee. But I guess...shift gears a little bit. I personally have signed the anatomical board certificate so my body will go to one of the medical centers, and they can use it and after that, I'll be cremated and I won't take up any land anywhere. There won't be any gravestone or any marker put there that...I mean, I believe God's intention was for me to go back to the earth, so I'm making use of my body before that happens. Catholic Charities does a lot of good things to help people. I'm assuming that the Catholic position is it's better to spend money on the living than spend money on the dead, and I don't know if...I mean, I'm kind of splitting that down and making it real stark here, but it seems like there are different ways we could go through the whole process. But just in terms of theological perspective, we're going to be forcing the counties to spend money here that they don't have. We're not addressing all people equally. There are different unequal systems. Your thoughts on whether this is even a good...you're in here oftentimes asking for money or wanting support for Catholic schools and other things for the living. I'm just kind of expressing some concerns and some frustration maybe, but your thoughts... [LB995]

JIM CUNNINGHAM: Was there something in my testimony that suggested that we were looking for a funding stream on this or something? [LB995]

SENATOR PREISTER: No. I didn't take you to be saying that, but you got up and testified and so just in terms of the Catholic perspective, I assumed that you knew that. [LB995]

JIM CUNNINGHAM: I don't know if there is any particular theological analysis or examination of maybe a justice angle of spending money on the living versus spending money on those who are deceased. I don't know of that. I suppose you could construct some type of social justice argument of some nature, but I don't know that it would have any theological underpinning. [LB995]

SENATOR PREISTER: That's what I was asking. [LB995]

JIM CUNNINGHAM: I'm not familiar exactly of what type of suggestion you're making about that particular concept, and I'm not here to testify on the merits of the green copy of the bill or of the amendment. I'm only responding to a suggestion for a fairly significant public policy change that is not in the bill to try to preserve the record on that particular point. [LB995]

SENATOR PREISTER: I acknowledge that and my question was not because of your comment on that \$300,000 perpetual fund amount. Thank you. [LB995]

SENATOR McDONALD: Any other questions? Seeing none, thank you. [LB995]

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JIM CUNNINGHAM: Thank you. [LB995]

SENATOR McDONALD: Anyone else wishing to testify? Seeing none, our hearing is over on LB995, and that will close the hearings for the day. Thank you. [LB995]

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Disposition of Bills:

LB723 - Advanced to General File, as amended.

LB760 - Advanced to General File, as amended.

LB995 - Advanced to General File, as amended.

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Chairperson

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Committee Clerk