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Transcriber's Office

Government, Military and Veterans Affairs Committee  
January 22, 2015

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[LB16 LB24 LB55 LB163]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Thursday, January 22, 2015, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB163, LB16, LB24, and LB55. Senators present: John Murante, Chairperson; Tommy Garrett, Vice Chairperson; Dave Bloomfield; Joni Craighead; Mike Groene; and Matt Hansen. Senators absent: Tyson Larson; and Beau McCoy.

SENATOR MURANTE: All right, everyone. Welcome to the Government, Military and Veterans Affairs Committee. We'll get started today as our members continue to trickle in. We'll go through a couple of our standard operating procedures. First of all, in the Government Committee we do use the light system. When the green light illuminates, you may begin speaking. When the amber light comes on, you'll have one minute remaining. When the red light comes on, we ask that you cease your commentary. There will be four minutes for everyone who wishes to testify. We would also ask if you intend on testifying on a bill once we get to the bill that you make your way forward, preferably sitting in one of the first three rows so that we can have an idea of how many people we have left to testify. Of the members on the committee, I'll do some introductions right now. To my immediate right is Charles Isom. He is our research analyst. To his right is Senator Tommy Garrett from Bellevue who is the Vice Chair of the committee; to his right is Senator Dave Bloomfield from Hoskins, Nebraska; to his right is Senator Tyson Larson from O'Neill, Nebraska. We anticipate him joining us later. To his right is Senator Mike Groene from North Platte. To my immediate left sits Senator Matt Hansen from Lincoln who will be joining us shortly; to his left is Senator Beau McCoy from Omaha who will not be with us today. Unfortunately, he is travelling and unable to attend today's hearing. To his left is Senator Joni Craighead, also from Omaha; and at the end is our committee clerk, Sherry Shaffer. If you have materials which you would like to distribute, we ask that you provide 12 copies to Sherry and they will be...or to a page and they will be distributed throughout the entirety of the committee. We would ask at this time that if you have any cell phones or electronic devices, anything that makes noise, that you please shut them off at this time or silence them. You'll notice that in this committee we do permit the members to use electronic devices, computers. I know Senator Garrett does. Please don't infer from that that we aren't paying attention. We are usually just taking notes or reading the bills that are before us. So that's our plan there. How we will operate is that the introducer of a bill will give opening remarks. We'll proceed to proponent testimony, followed by opponent testimony, conclude with neutral testimony, and then allow the introducer an opportunity to close if she would like to. Senator Hansen has joined us. When you are testifying, please begin by stating your name and spelling your name for the record. That helps our transcribers. And if you are not going to testify, that's fine, but if you would like your presence noted for the record, we have sign-in sheets on both sides of the room where you can articulate your name, where you're from, and your position on any given bill. If

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you do plan on testifying, these green sheets are on both tables as well. We ask that you fill them out before testifying and give them to the clerk. She has a bin right in front of her computer right there. Set them there so that we have them for the record as well. Without any additional commentary, we will proceed to Senator Crawford and her legislation. Welcome. [LB163]

SENATOR CRAWFORD: (Exhibit 1) Thank you. Thank you. Good afternoon, Chairman Murante and members of the Government, Military and Veterans Affairs Committee. My name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d. I represent the 45th District, which is eastern Bellevue, eastern Sarpy County. Today, I bring LB163, a bill to leverage today's technology to help emergency planners, first responders, and police better respond to emergency situations. The pages are circulating an amendment that we drafted with input from the Chief Information Officer to ensure that the bill language is as technology neutral as possible. My interest in this issue began with a constituent, as Senators Murante and Senator McCoy who were members of the Transportation Committee last year may remember. Sue Sheely contacted our office following the tragic death of her father in a road accident. Despite the best efforts of the officers on the scene, Ms. Sheely was not notified of the accident until hours later. LB786, introduced last year, would have created an emergency contact registry with the Department of Motor Vehicles with the goal of reuniting families sooner after an emergency. The bill did not advance from the Transportation Committee and died at the end of last session. Over the interim, we heard from someone who had been at that hearing for our bill about an innovative program in another state that she has seen featured in a news program. This is how we first became aware of the technology available to states and local governments that provides emergency contact information and much more to police, first responders, and emergency planners. Michigan and Arkansas used this technology without requiring added staff or equipment. In fact, the bill that we are bringing today authorizes a contract for the registry so that the local and state entities will not have to create, manage, or update the registry. In these states, the partnership with the contracted organization has included services above and beyond database management and updates. It also provides assistance with public education and outreach that are so important to emergency preparation. Todd Miller, following me, can tell you what this looks like in those other states. Over the interim, we also learned that North Platte already uses one of these programs, Smart911, to leverage technology when responding to their 9-1-1 emergencies in Nebraska. You will hear from Mary Ann Agler of North Platte later in later testimony. She'll be able to tell you what this looks like in North Platte already. As amended, LB163 allows NEMA to contract with an entity to ensure law enforcement and other first responders have vital information at their fingertips in an emergency. Smart911 allows citizens to enter information that they want to make available to 9-1-1 response centers in the event of an emergency. Information can include family member data, pictures, medical conditions, movement limitations, hiding places within a home, and even pet information. This is all voluntarily entered by the person. The person enters as much information as they wish to share. This

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information is associated with a phone number or phone numbers provided in the registration and is available only when a call to 9-1-1 is made. Users traveling to Michigan, Arkansas, or the thousands of communities across the country who use Smart911 can know that when they call 9-1-1 responders can see their information since the information follows the phone and the user. When a person calls 9-1-1 from a registered phone number, their data automatically displays on the call taker's work station. The call taker can then share this information with police, fire, and EMS in the field to help them respond quickly and effectively. Once a user creates a profile, he or she receives e-mail and text reminders to update their information every six months. Individuals can elect to share this information with emergency planners as part of a program called SmartPrepare. This bill allows for deployment of both Smart911 and SmartPrepare capabilities. Communities who utilize Smart911 or SmartPrepare can tailor questions based on their emergency planning targets. In Missouri, for example, emergency planners are able to access information about households who have limited mobility, no transportation, or who are on oxygen and may need extra assistance in the event of an emergency situation. They are also able to see individuals in the area of a tornado or flooding who have access to a front loader or other equipment that they're willing to share in the case of an emergency. As a member of the Health and Human Services Committee, one of the compelling applications for this technology is the ability for parents to enter information about a child with a physical, mental, or intellectual disability such as autism. This type of information can be flagged in a user's profile, alerting police and other first responders that someone in the household may need extra attention or care when they arrive on the scene. LB163 builds on the work of Senator Scott Price who represented District 3 prior to Senator Garrett. In my first session, the Legislature passed LB434, a bill introduced by Senator Price establishing an emergency management registry for people with disabilities. Counties are currently mandated to maintain this registry but the state provides no funding for the registries to be created. We understand that some counties, like Lancaster and Douglas Counties, have begun work on a registry through grant funding. But this funding is limited and other counties have been unable to participate due to a lack of funding. LB163 creates a way for counties to meet the state mandate and to provide valuable information to 9-1-1 and other first responders. Despite the early hearing date, we tried to speak with as many stakeholders as possible in this tight time frame. These include the Office of the CIO, NEMA, Sarpy County Emergency Management, and 9-1-1 directors, as well as a couple other emergency management directors across the state. We anticipate these conversations will continue in the coming weeks. If the bill passes and becomes law, we expect NEMA and the Office of the CIO to bring together stakeholders to create a bid proposal that meets the needs of emergency managers, PSAPs, law enforcement, and other first responders. LB163 creates the opportunity for these stakeholders and the state as a whole to discuss how to best use technology to assist in emergency situations. This bill launches those discussions. I'm happy to answer any questions you have. I have another hearing in front of Health and Human Services Committee, so I'll stay as long as I can and if I'm able to be here at closing to answer any other questions

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I'll be happy to do so. Thank you. [LB163]

SENATOR MURANTE: Thank you, Senator Crawford. Are there questions for Senator Crawford? Senator Garrett. [LB163]

SENATOR GARRETT: Thank you, Senator Crawford. Looking at the fiscal note, \$900,000 for 2015-16 and another \$600,000 in FY '16-17, is this going to be an ongoing expenditure? I can understand that the initial setup of the database, but is... [LB163]

SENATOR CRAWFORD: Right. As this is written, it allows a contract to be bid. And so the first year there would be some additional setup work, but it would be...as it's written, it would be the case that we would be authorizing the agency to contract for these services year to year and that expected about \$600,000 would be what you would expect for all the services that you would get in return in that contract. So it's the state picking up that cost, yes, and that would be...that cost. So that is...with that cost, then we are...the person that we contract with, whoever it is, they are responsible for maintaining the database, updating the database, and all the services that are required so that we are not investing any equipment or software development time. It would be instead putting all of that on the person we're contracting with. [LB163]

SENATOR GARRETT: And what would the access...what would law enforcement's access...I know we had a discussion prior to committee meeting a couple of days ago, what would the law enforcement access to this information be? You gave a great example responding to a 9-1-1 call where...for domestic disturbance where they could find out a family member might have some impairment... [LB163]

SENATOR CRAWFORD: Correct. [LB163]

SENATOR GARRETT: ...so they could respond accordingly. In a situation where it's not a 9-1-1 call, would law enforcement have access to this database, that information? [LB163]

SENATOR CRAWFORD: That's a very good question. I can follow up. And actually we have someone here from North Platte who uses the system, so she may be able to answer that question. I'm most familiar with the access that the dispatcher has when you call, and then it provides an ability to have access for people who do emergency management. But that's a good question to ask the person from North Platte, so thank you. [LB163]

SENATOR GARRETT: Thank you. [LB163]

SENATOR MURANTE: Senator Groene has questions. [LB163]

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SENATOR GROENE: You're contracting with a private company? [LB163]

SENATOR CRAWFORD: Yes. Well, that's what this bid allows us to do. [LB163]

SENATOR GROENE: Who owns the database? That company goes broke. We don't contract the next year. [LB163]

SENATOR CRAWFORD: In this case that would be part of that discussion with NEMA and the CIO and all the stakeholders. The way we envision the way it would operate would probably be the case that the company maintains that database and owns it. But that's a good question to ask the people following me who work with this. [LB163]

SENATOR GROENE: In the free market, can this company sell this app to somebody? If you're worried about couldn't they sell this app to individuals in the marketplace? [LB163]

SENATOR CRAWFORD: Oh, I'm sure that as the contract was developed there would be very strong protections against that. You know... [LB163]

SENATOR GROENE: No, I mean, couldn't they sell it to me that I'm worried if I have an accident and my wife isn't called that I could buy the app, pay for it myself, and then have my information on the (inaudible). [LB163]

SENATOR CRAWFORD: Again, the bill authorizes the discussion with NEMA and other...the CIO to develop the contract, and we would expect that the contract would be written so that this is a free service. And that's part of why we're bringing this to authorize that so we can provide that platform for...that the state is picking up that cost, but the counties would have access to the platform and any of the citizens in those counties across the state would have access without having to pay for an app. [LB163]

SENATOR GROENE: But if I don't use it I'm paying for it as a taxpayer. [LB163]

SENATOR CRAWFORD: That would be correct. [LB163]

SENATOR MURANTE: Thank you, Senator Groene. Are there additional questions? Seeing none, thank you for your testimony. [LB163]

SENATOR CRAWFORD: All right. Thank you. [LB163]

SENATOR MURANTE: We will proceed to proponent testimony. As I mentioned previously, if you are intending to testify, especially as a proponent, please try and work your way to the front of the room and sit in one of these front two chairs so we can process these as quickly as possibly, so. Welcome to the Government, Military and

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Veterans Affairs Committee. [LB163]

TODD MILLER: (Exhibit 2) Great. Thank you very much. Good afternoon. My name is Todd Miller, T-o-d-d M-i-l-l-e-r, and I'm from Rave Mobile Safety. We're a public safety partner here in the state of Nebraska with a number of entities, including the University of Nebraska at Lincoln, and city of North Platte, Lincoln County. Senator Crawford asked us to share some experiences from other states around the country that have been tackling similar issues important to 9-1-1, emergency management, and first responders. As a brief overview, I thought it would be worthwhile sharing a few more details about how North Platte is using a platform called Smart911 to deliver additional information to 9-1-1 and first responders. Smart911 is public safety platform that allows for community members to share additional information about themselves that can be used in a critical emergency. It has the ability to collect information like photos and physical descriptions of family members that can be used in the case of missing person cases, as an example. It also can include health and rescue needs that often aren't known until first responders arrive or next of kin information and much more. It also opens additional communication capabilities like text messaging to be able to extend emergency services to those that may be unable to communicate otherwise. The platform also allows for portions of this information to be shared with emergency management, allowing for better coordination and planning across agencies, creating a true shared service, and common public safety operating platform. Like Nebraska, many states are looking at these types of issues. As an example, about two years ago the state of Arkansas launched the very same platform used by North Platte but on a statewide basis. In the first year, the program was incredibly successful, including a great story of a young six-year-old girl that went missing one day after school. Smart911 was able to instantly provide 9-1-1 and first responders with her photo and physical description, and I'm very proud to say she was located within ten minutes. Arkansas' Smart911 program was so successful in the first year state legislators moved quickly to fully fund Smart911 for five years, but also worked to add the emergency management components allowing counties across the state to quickly and easily have access to critical details throughout the life cycle of an emergency. Arkansas, however, is not alone in their pursuit of a statewide coordinated public safety platform. Kentucky and Michigan have both recently taken the same approach with Massachusetts, Oklahoma, North Dakota all taking up this issue in the 2015 legislative session. Smart911 itself is available in portions of 39 states across the country today. I want to thank both Senator Crawford and the committee for the opportunity to share experiences from other states and I'm here to answer any questions the committee may have. [LB163]

SENATOR MURANTE: Thank you, Mr. Miller, for your testimony. Are there any questions? Senator Bloomfield. [LB163]

SENATOR BLOOMFIELD: Thank you, Chairman. Mr. Miller, can anyone besides the individual put information in there? Can the police department put in information about

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me if they so choose or do I have to put it in? [LB163]

TODD MILLER: So there are a couple of different ways that information is provided. The typical approach is that the citizen or the family members are providing the information, and there are a number of safeguards that go into that also that are important. There's a full registration process that confirms that you're in possession of phone numbers. But typically police would not be able to create those safety profiles. There is a feature, however, that does allow 9-1-1 centers to attach notes to information, but it's very similar to features that 9-1-1 centers have today when they have to attach information about a premise. For example, if they have known hazardous materials in a premise, they could make those notes. But the citizens create their safety profiles today. [LB163]

SENATOR BLOOMFIELD: Okay. You also said family. How about the crazy aunt? (Laughter) Could she put in the information about her nieces and nephews if she so desires? [LB163]

TODD MILLER: Well, we all have a crazy aunt or uncle, so I certainly understand the concern. But the way that the process works, and, in fact, I would actually encourage maybe as a brief homework assignment for the committee, if you get a chance later today, go to Smart911.com and register yourself for free. There's no cost and that's really important. And we can certainly talk about the cost aspects of the citizens. But citizens are provided this at no cost. And when you create that profile, you create a profile for your family members, and you go through that confirmation process where I have to confirm that I'm actually in possession of that phone. So if I put my mobile number in, my wife's mobile number in, my home number, my work number, I'm actually going to have to be in possession of that phone. So, Senator, I wouldn't be able to create a profile for you because I would not have access to your phone. [LB163]

SENATOR MURANTE: Thank you, Senator Bloomfield. Senator Garrett. [LB163]

SENATOR GARRETT: Thank you, Senator Murante. I'll raise the same question I raised with Senator Crawford then. What would be the law enforcement's access to this database outside of a 9-1-1 call? [LB163]

TODD MILLER: The safety and security of this information is of utmost importance. And so when it comes to delivering this information to 9-1-1, it is tied directly to a 9-1-1 call. In fact, there are safeguards within our 9-1-1 centers to ensure that it's only a 9-1-1 call that triggers the display of this information. And then when it is triggered to display to our 9-1-1 call takers, it's only available for 45 minutes unless there are extenuating circumstances that supervisor rules can sort of extend that window. That being said, there are components such as the next of kin registry where citizens can opt in to provide portions of their information that could be made available outside of a 9-1-1 call. At the end of the day, citizens have full control over their information, and you'll see this

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when you create your safety profiles later today. You have the ability to provide as much or as little information as you choose to. You have the ability to always opt out and remove yourself from the system. But as a default, your information is only going to be made available once you register, once you confirm your information, and when you dial 9-1-1. [LB163]

SENATOR GARRETT: Additional question. What would the...if a parent has an adult child who's got a mental issue, and let's say the adult child doesn't wish to register with this system, could the parent of that adult child enter that mental affliction, if you will, of that? [LB163]

TODD MILLER: Certainly mental health issues are very prominent and one of the reasons why states are pursuing Smart911, just very briefly, the state of Michigan who's doing Smart911 on a statewide basis in 2013 conducted a public...sorry, mental health commission. And over the course of 2013 looked at mental health issues, everything from diagnosis, treatment, to housing and public safety. The one recommendation that they made at a statewide level was to do Smart911. That being said, it is ultimately the citizens that are responsible for creating it. And so you'll actually have an opportunity to talk to a representative of the Autism Society of Nebraska later today that can talk about some of those issues. But when a profile is created, there's a terms of use that citizens agree to. That terms of use highlights that they are responsible for the data, they're responsible for its accuracy, and they're responsible for its upkeep, and that they have responsibility, guardianship, or relation with the appropriate family member. So the answer is yes. A citizen could as long as they have the proper authority to do so. [LB163]

SENATOR GARRETT: Okay. I guess if a parent has a child, an adult child, who's bipolar, for example, without that bipolar child's agreement to have their information entered, you know, if that adult child is living independently on his or her own, could that parent register that child? [LB163]

TODD MILLER: So as part of the terms of use one of the items that they're saying is part of the terms of use is that they have the proper authority to be able to provide that information. [LB163]

SENATOR GARRETT: Okay. [LB163]

TODD MILLER: And, again, if that individual did not want to participate, their phone number is going to have to be confirmed and they'll receive that confirmation process. And if they don't confirm it, their information is never made available. [LB163]

SENATOR GARRETT: Thank you. [LB163]

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SENATOR MURANTE: Senator Groene. [LB163]

SENATOR GROENE: Worst-case scenario, I have an accident and I'm unconscious. Can the state patrolman come along and then somebody else comes along signed up and he sees the accident. He calls in with his 9-1-1 and he's got diabetes and here comes an ambulance injecting the...thinking this guy has got a health problem because somebody else called 9-1-1. [LB163]

TODD MILLER: So your first question is along the lines of if an officer comes along and sees an accident would they have access to some of the information. [LB163]

SENATOR GROENE: Pick up the phone and... [LB163]

TODD MILLER: So part of what Senator Crawford is looking to accomplish with LB163 is that next of kin registry portion. So not only delivering information instantly and automatically with those inbound 9-1-1 calls, but also allowing citizens separately to opt in to choose to participate in a next of kin registry, which in that case would allow officers not to have to make a phone call from that phone number but to use basic information that would be available such as a driver's license number or, for example, a license plate number to look up next of kin information. But the Smart911 system itself in delivering the information about that person's health and medical issues, photos, physical descriptions, that is all tied to their phone number and would not be a process that an officer would usually go through. Also, there are lots of reasons why someone would call 9-1-1 and information provided by Smart911 may not be pertinent to that call. Our call takers across the nation are well-trained in those procedures and they will always go through a set of standard operating procedures and questions that would determine who they're talking to, what the condition may be. It's really in those more severe scenarios where there's an information gap that Smart911 plays such a critical role in delivering that information. So I can't really foresee a situation where someone would receive incorrect treatment. [LB163]

SENATOR GROENE: You just made a statement, this doesn't show up on my local 9-1-1 dispatchers. It shows up in some call center somewhere? [LB163]

TODD MILLER: No. It shows up in your local 9-1-1 center. So and that's a really important piece. It is not shared externally at all. Information is never shared outside of the 9-1-1 call taking process, and it's tied directly to that 9-1-1 call taking process. So it's that inbound call and that phone number that, therefore, displays the information. Just to give you a very brief example. Because it's a nationwide database, which is really important. You've got a transient population. You've got a growing population in many portions of the state. You have military bases across the state. What that means is, even if individuals are registered in other portions of the country, they can go now today to North Platte and if they are injured, have a missing child, if they dial 9-1-1, they can

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be helped. The same is true for residents that would create their profiles today even. You could go to Seattle, Washington, Washington, D.C., Atlanta, Georgia, anywhere across the nation, over a thousand communities in 39 states, and if you were in need of assistance or your family was in need of assistance, you could dial 9-1-1 and your information that you opted into and in control at all times would be made available automatically to those 9-1-1 centers but only those 9-1-1 centers. [LB163]

SENATOR GROENE: The only time I've ever called 9-1-1 is some drunk passed me on the highway or some guy was speeding too fast and I got upset and I called 9-1-1 or I saw a fire. I travel a lot. I've seen an accident. My information is going to pop up. [LB163]

TODD MILLER: That's correct. And it would be important for them to understand who you are and where you are. And location information is one of the benefits of Smart911, is providing additional location details. Today in the United States, as I think you'll hear from North Platte, over 75-80 percent of the calls that come in are from mobile phones. And it's not quite like what we see on CSI and the James Bond movies. You don't get the exact location and that's trouble. It's one of the biggest challenges in 9-1-1 today. And one of the things, even if you weren't calling for yourself, one of the important things is to get some additional location information. That can help with that emergency scenario. [LB163]

SENATOR MURANTE: Thank you, Senator Groene. Senator Bloomfield. [LB163]

SENATOR BLOOMFIELD: Thank you. Mr. Miller, you said I believe that you could update your information every six months. Is there a point at which your information is removed if you do not update it? [LB163]

TODD MILLER: That's a great question because as we looked at working with public safety officials, 9-1-1, and first responders, one of the things that you'll commonly hear is if it's out of date we don't want it. Right? And that's true in emergency management, that's true in 9-1-1. And so the way that the process works when you create your profile later today you'll essentially be starting a six-month reminder process. As you approach the tail end of that six months, you will receive automated notification. So there's no resources that are needed at the state or local level to do that reminder process. It eventually starts with an e-mail, escalates to an automated call, and if for any reason you elect not to update your information because of course that's always your choice as a community member to control your own information, if you elect not to update it, at that six-month time period it becomes suppressed. And what I mean by suppressed is you create your profile today. You never go back to Smart911. Eight months down the line you're in North Platte. You dial 9-1-1, they're not going to see your information because it has not been kept up to date. It is suppressed. However, if you go back in and you make updates, it then becomes available again. And so we have those

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proactive freshness checks and balances to make sure that that information is as up to date as possible. [LB163]

SENATOR BLOOMFIELD: Okay. Thank you. [LB163]

SENATOR MURANTE: Thank you, Senator Bloomfield. Seeing no other questions, thank you very much for testifying. [LB163]

TODD MILLER: Thank you very much to the committee. [LB163]

SENATOR MURANTE: Appreciate it. Additional proponent testimony. Welcome. [LB163]

MARY ANN AGLER: (Exhibit 3) Hello. Good afternoon. My name is Mary Ann Agler, M-a-r-y A-n-n A-g-l-e-r. I'm the North Platte Lincoln County 9-1-1 supervisor. I'd like to tell you why it is we decided that Smart911 was something we needed to have in our county. When we first took over dispatching for Lincoln County Nebraska, the enhanced 9-1-1 software at the time provided an opportunity for us to add a note against a phone number. Cell phones were not prevalent then as they are now. As a matter of fact, for the first time I had 80 percent of my 9-1-1 calls were cell phones as opposed to land lines. In subsequent upgrades we lost that capability. Years went by. We had a lot of inquiries about, gee, can't we give you this information to tell us about how hard my house is to reach. My father lives with us and he has Alzheimer's. We had no way to add that data until we learned about Smart911. And it has been the answer to a lot of worries we have. Thank god we have not had many occasions where it actually...we were able to...where it actually saved a life but we believe in it strongly. I had an elderly couple. They live in a rural area in North Platte. The road they live on and are addressed off of is vacated. There's no way to find that house. We can give them directions by mapping, but in truth it's not a real road, it's a farm lane. They were so concerned after difficulty of a rescue in trying to find them that they came in and I helped them create a profile to, you know, explain, go this road, hit this ranch sign and you'll find my house. I can't begin to tell you, cell phones just don't do it for us. They call 9-1-1 but we get a little blip, a little circle. We have to figure out where they are in that circle still, even with the GPS chips on the cell phones. Smart911 provides an invaluable opportunity for people to give us their car information if they run off a road, for instance. Their pets. People are really concerned about their pets. If there's a fire in the house, the firemen know to look for it, look for the dog or the cats. It is an invaluable service. We have just a Smart911 part, but I can see an invaluable benefit to the entire state as far as emergency management is concerned. And in conversations with my emergency manager at Lincoln County, they're all for it. [LB163]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for your testimony. [LB163]

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MARY ANN AGLER: All right. Thank you. [LB163]

SENATOR MURANTE: We appreciate it. Are there additional proponents wishing to testify? Welcome. [LB163]

MEGAN MISEGADIS: (Exhibit 4) Hello. I'm Megan Misegadis. I'm the president of the Autism Society of Nebraska, and you spell my name M-e-g-a-n M-i-s-e-g-a-d-i-s. Again, I said that I was the president of the Autism Society and I first wanted to thank the committee for discussing this important legislation since it's been...has the ability to help all citizens across Nebraska, and as a statewide organization that's always one of my first concerns. Across the nation, 1 in 68 children born today are diagnosed with autism. I talk with families here in Nebraska on a daily basis that share some of the same challenges that are facing their sons and daughters to keep them safe. I also speak from personal experience. I had a 16-year-old son with autism. Individuals with autism tend to wander, which can be dangerous by all accounts. They often are attracted to water. Every year, families across the nation suffer terrible tragedies, drowning deaths reported from children that have strayed from their homes and their families. They could not be located quickly enough. Recently, I've been on two community searches here in Lincoln, both for children with autism who had wandered away from a home or a store. Both were found, fortunately for us and for the city and for their parents. Whether it be a wandering child, an abduction, or a senior with dementia, seconds save lives. LB163 would make a difference by allowing 9-1-1 and first responders to instantly have photos and physical descriptions for missing persons, dramatically reducing response times and increasing successful rescues. LB163 would also create a much needed next-of-kin registry that could be used quickly to identify and locate family members. While I personally work with and help address the needs created in the autism community here in Nebraska, LB163 clearly has the ability to help all citizens by putting critical information into the hands of our public safety and emergency management teams that work so hard to keep us safe and well. I want to thank you again for considering LB163, the tremendous and positive impact that it can have here in Nebraska and for all of our citizens. [LB163]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions for the testifier? Seeing none, thank you for coming down. [LB163]

MEGAN MISEGADIS: (Exhibits 5 and 6) For the record, I'd also like to present letters from Autism Speaks and from The Arc of Nebraska. [LB163]

SENATOR MURANTE: All right. Thank you very much. Are there additional proponents wishing to testify? Seeing none, is there any opposition testimony? Welcome. [LB163]

PAUL JOHNSON: (Exhibit 7) Thank you. My name is Paul Johnson. I reside at 19633

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Chandler Street in Gretna, Nebraska. And today I speak...P-a-u-l J-o-h-n-s-o-n, today I speak on behalf as a southeast area director of the Nebraska Association of Emergency Management, and my comments today are on behalf of that organization. The Nebraska Association of Emergency Management is an organization comprised of the county emergency managers throughout Nebraska as well as some associate members from related agencies and organizations. My comments will be brief and I will be happy to answer any questions you may have. The Nebraska Association of Emergency Management is in opposition to the passage of LB163 based on the following comments. Number one, we feel the bill as written is an attempt to prescribe and fund a remedy to a perceived statewide need that has not been thoroughly defined, assessed, and quantified. Our membership who is responsible for the planning and preparedness of our communities was not aware nor notified of this proposed legislation and, therefore, we had no knowledge or input regarding its intent, anticipated outcomes, or value. LB163 states that the Nebraska Emergency Management Agency shall provide or contract for an emergency management registry. Similar registries are already in place in some counties in Nebraska. Software solutions of this type are commonly on display and demonstrated by vendors at emergency management conferences and seminars. The association questions the wisdom of including descriptions of input fields and functions of currently available software-driven solutions within the Nebraska Emergency Management Act. These technology solutions are subject to continual change or sold to new ownership and are frequently altered, unsupported, or rendered obsolete due to their insufficient sales or use. Emergency managers are frequently contacted by such vendors and have multiple opportunities to investigate these hosted solutions if they so desire. There would be an increased risk associated with the handling, integrity, and reliance upon additional personal information in a database that is over and above the current risk. The value and use of the solution as stated in LB163 is not clear. The association feels that the objectives and implementing details associated with obtaining public information in an emergency management database to be used at the local level should be discussed and defined at the local level. If given the opportunity, emergency managers may indeed choose to utilize the state's funds in other ways that are of greater importance and necessity. It should be understood that not all emergency management needs are the same and depending on the jurisdiction, its size, existing community resources, and emergency management program, the need and prescribed remedy detailed in LB163 may or may not be appropriate. Speaking on behalf of the Nebraska Association of Emergency Management, I want to thank the sponsoring senator, her staff, and this committee for listening and receiving our comments. Thank you. [LB163]

SENATOR MURANTE: Thank you very much. Are there any questions? Seeing none, thank you very much for coming down. Appreciate it. Is there additional opponent testimony? Would anyone like to testify neutral on the bill? Welcome. [LB163]

DARYL BOHAC: (Exhibit 8) Good afternoon, Senator Murante and members of the

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committee, of the Government, Military and Veterans Affairs Committee. I am Major General Daryl Bohac, D-a-r-y-l B-o-h-a-c, the Adjutant General from the Nebraska Military Department and director of the Nebraska Emergency Management Agency or NEMA. I'm here today to offer testimony in a neutral capacity regarding this bill. NEMA and the local emergency management community invest significant time and resources towards the identification of individuals who may have functional needs within their respective jurisdictions. This effort is an essential component of the preparedness and planning process of all jurisdictions which they should be doing to protect individuals who may be vulnerable during times of disasters or emergencies. NEMA supports technology concepts that can improve the response and recovery missions assigned to the emergency management and public safety agencies. LB163 appears to attempt to offer a toolset to assist or compliment planning or preparedness strategies. However, my concern is that NEMA is not the appropriate agency to manage such a technology platform. NEMA coordinates with local emergency management personnel on the existing functional needs registry. Yet unlike other states, Nebraska does not have a centralized 9-1-1 system and the primary purpose of the bill as we understand it is to interface with local 9-1-1 systems. The discussion of how to transition to the Next Generation 9-1-1 services is currently before the Transportation and Telecommunications Committee of the Legislature. It's unclear to us how this bill would connect with those efforts. NEMA would recommend additional measures be taken to engage stakeholders from the appropriate disciplines to identify desired outcomes for such a project before the adoption of any statutory language occurs. Efforts should be given to assess what technologies exist and evaluate concerns related to the sensitive nature of the data involved and what measures will be taken to protect the confidentiality and integrity of the information. Finally, this proposal should clearly outline how this technology would be integrated with community or statewide efforts to assist individuals with functional needs during times of disaster response. Thanks for your time and I'd be glad to answer any questions the committee members may have. [LB163]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions for the General? Seeing none, thank you very much for coming down. Appreciate it. Does anyone else wish to testify as neutral on LB163? Seeing none, Senator Crawford to close. [LB163]

SENATOR CRAWFORD: Thank you. Well, thank you. I'd like to thank all the testifiers who attended today, and coming from a distance as well I appreciate you taking the time to come and share your concerns and questions with us about this bill. And I thank you to the committee for your patience and for your great questions. I appreciate the question about what happens if someone is unconscious at an accident site, because that really was what initiated our interest in this issue in the first place. So as you have heard, there is capability with Smart911 and SmartPrepare. That technology also provides a capability for next of kin registry. All of those programs from a citizen

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perspective, the citizen is able to enter as much information or as little information as they like and to decide when that information can be seen. So it leaves it really in the hands of the citizen to decide how much information to provide and how that information can be used. So this bill authorizes the Nebraska Emergency Management Agency and the Chief Information Officer to have the discussion about what a state platform should look like to enable these capabilities in our state. And we've had discussions just this morning with the Chief Information Officer and she assured us that when they go through this process they engage the stakeholders very thoroughly to make sure that there are discussions about what their needs are, what their concerns are, so that as the contract is developed it's developed in a way that addresses all of those concerns. As you've heard today, we are a big state with communities of all different sizes. And so what is important as you move forward is to make sure that we're trying to be attentive to that diversity in our state. So how do we move forward with something that make sure that the components of information that are critical to be available no matter where you are in the state are shared but that each individual community can make decisions about how they want to structure their own emergency preparation work. And it is not in any way my intent to wipe out or replace the hard work that communities have done to prepare for those emergencies. It is our effort to provide additional tool at no cost to counties that can supplement the work, and it is their choice to decide how they wish to use the tool, the SmartPrepare tools. We'll provide those tools and it does not mandate counties to use them or use them in a particular way. Our effort is to provide a tool and provide a tool to allow them to create these registries which we actually mandate that they have a registry but we don't give them any funds for that. So this is one effort to address one of those unfunded mandates that we've been studying over the interim and provide a tool to actually give them the capability to provide that at no cost to counties. And it is correct that a big component of this tool is 9-1-1. And much of our discussion has been with folks on the 9-1-1 side. But it is also true, as you just heard, Nebraska does not have a central 9-1-1 agency. So there is no clear other agency outside of NEMA that would be an appropriate agency to head this statewide effort and coordinate with both emergency management and 9-1-1 PSAPs across the state. So that's why we felt it was appropriate that the bill task NEMA with leading this effort with the Chief Information Officer because there is no state 9-1-1 agency. So there isn't another state agency on the 9-1-1 side to contract for that. As discussions move forward this session on Next Gen 9-1-1, I'm sure we'll have discussions about how those two efforts interact. One example is that, you know, as Next Gen 9-1-1 moves forward there will be changes like people texting 9-1-1 calls that will make it all the more important that we have capabilities such as this technology provides. But, again, I want to emphasize that this bill authorizes that discussion about what a shared state platform might look like, and that discussion will happen with emergency managements and managers and all those communities so that they can decide how best to move forward. It does not mandate that they all use it or they all use it in a certain way; it just provides the state an ability to contract for this service and provide it to counties at no cost to them and provide it to citizens at no cost to them so that this can be used to improve preparation for

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emergencies as well as improve the work of emergency responders as they're responding to those emergencies and allow people to enter next of kin information that law enforcement can access so that if they're in an accident that their family can be notified in a timely manner as they wish. Thank you. [LB163]

SENATOR MURANTE: Thank you very much. And that will close the hearing on LB163. Thank you, Senator Crawford. We'll proceed to LB16. Senator Krist is here. Welcome, Senator Krist. [LB163]

SENATOR KRIST: (Exhibit 1) Thank you, Senator Murante. [LB16]

SENATOR MURANTE: And before you start, Senator Krist, I'd also remind, if you intend to testify on LB16 please at this time come forward, make your way up to the front. We'd appreciate it. Thank you very much. [LB16]

SENATOR KRIST: Good afternoon, Senator Murante and members of the Government Affairs Committee, the Government, Military and Veterans Affairs Committee. My name is Bob Krist, B-o-b K-r-i-s-t. I represent the 10th Legislative District in northwest Omaha along with the north-central portion of Douglas County and the city of Bennington. I appear before you today in introduction and support of LB16. With full disclosure, I am a parent of a person of special needs, but this is not about her. She already has a job. So let me go forward. LB16, the Purchasing from Persons with Disabilities Act encourages the state to contract with individuals with disabilities to achieve life-changing independence through the power of employment. By creating and issuing employment contracts for people with disability, this law creates opportunity among people who have the will to work but often lack the opportunity. The contracts must be 60 percent of the direct work hours being completed by people with disabilities. Contracts must be held by accredited community rehabilitation programs, or CRPs, and the contracts must be fair market value. This act covers state agencies and departments, university systems, state colleges, the courts, Legislature, as well as local government and political subdivisions. How it works. This program has been in place for Texas, in Texas, for over three decades or, I'm sorry, nearly three decades. The Governor would appoint a nine-member council on purchasing from person's with disability to establish a certification procedure for the CRPs. No money out of our pocket. These are volunteers that are coming forward and the Governor appoints these folks. The council is also responsible for determining the fair market price of all products and services offered through these established contracts. The council may also create or appoint a nonprofit agency, or CNA, to administer the contracts. Agency costs are paid for by the community rehabilitation program. Again, no cost to the state. The act does not create any new contracts. It takes existing names and opportunities and gives them to people with disabilities. Additionally, the act does not create new positions within state and local governments. Thank you for scheduling this committee hearing early for me and I would just add this. A reminder for all members. The most important fiscal note you have in

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front of you is the legislative fiscal note. Occasionally we see fiscal notes that come in and say, sure, I can comply. I need two men, two years, and \$2 million. And the fiscal note goes off the range. I would ask you when you compare the fiscal notes that follow the legislative fiscal note, again, which is the one that you should be looking at, there's no way to tell what this program may cost or what it would actually produce. The legislative analysts, our legislative analysts have been very clear about that section by section. So in terms of the fiscal note and death by fiscal note I would hope that you would take a look at the legislative side. I'll also add this. As always happens in the 11th hour there are people who want to come forward and are offering amendments. I know some of them may be here today and may not be here. I'd be willing to work with anybody who wants to amend it any way. There's a concern about the professional act and would this affect them. There's concerns about NACO and I know they have been in contact with me. And I think that's the major two. There's a couple others out there. But obviously as always happens, I'd be willing to talk to anybody about the merits in trying to get this over the finish line. I feel like it's a very important project. I can tell you that in part and parcel my company employs Goodwill Industries and the folks of disability do a great job in the contract that we have with them. This only expands those opportunities and allows for more statewide exposure. I'm sure many of you have been aware of folks of disability in your individual districts. But yet Goodwill could not do this for "onesies" or "twosies" or "threesies" across the state. This would be a opportunity to get them to work in locations and keep them employed, which is what everybody wants to do, feel productive. And I stand for any questions if you have any. [LB16]

SENATOR MURANTE: Thank you, Senator Krist. Are there any questions? Senator Garrett. [LB16]

SENATOR GARRETT: Thank you, Senator Murante. Senator Krist, can you give me an idea, give the committee an idea about the size of...the number of businesses out there who are persons with disabilities? Are there hundreds of companies out there that... [LB16]

SENATOR KRIST: We have in the state I would think it's close to hundreds of sheltered workshop environments, Mosaic, Madonna, there are several of those. In addition to that, there's Goodwill Industries and there are several other opportunities but not as many as we need in terms to accommodate the people of disability. Some of those are in sheltered workshop environments because the naivety of a person or the person being taken advantage of. They can't work in the public, so to speak. So they serve a unique purpose. But as far as the other opportunities out there, we haven't scratched the surface on that. I think you're going to hear a testifier behind me talk about the opportunities and expanded opportunities and how much we are in need of them in the state. [LB16]

SENATOR GARRETT: Would this also apply to service disabled veteran owned

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businesses? [LB16]

SENATOR KRIST: Absolutely. [LB16]

SENATOR GARRETT: Okay. [LB16]

SENATOR KRIST: This act would apply to anybody, essentially the magic number is 60 percent. If 60 percent of your employees are disabled in any way, and the definition of disabled is in there in law--we'd use the existing definition--then it could be applied to any group. [LB16]

SENATOR GARRETT: Thank you. [LB16]

SENATOR KRIST: You bet. [LB16]

SENATOR MURANTE: Thank you, Senator Garrett. Any additional questions? Seeing none, thank you for your opening. [LB16]

SENATOR KRIST: Thank you. [LB16]

SENATOR MURANTE: We will proceed to proponent testimony. Welcome. [LB16]

ANDY BRADLEY: (Exhibit 2) Thank you. Good afternoon, Senators. My name is Andy Bradley, A-n-d-y B-r-a-d-l-e-y. I'm the executive vice president for Goodwill Industries out of Omaha, and I'm here today also representing the Goodwill Industries throughout the state of Nebraska that are located in the Grand Island area, Lincoln, and South Sioux City, as well as Omaha. Nebraska citizens with disabilities have long benefited from a program sponsored by the federal government that provides meaningful integrated work opportunities at federal facilities for people who are not able to maintain employment competitively in the community. That program has a very strong presence in Nebraska. For example, people with disabilities clean the federal buildings here in Lincoln and in Omaha. They do all the lawn care and grounds maintenance at the VA facilities in Omaha as well as Grand Island. They run the mail rooms at Offutt Air Force Base as well as the food service operations on the base. They run the laundry operations at the VA hospital. And as a matter of fact, there are three folks here with us today who are employed with this program in Lincoln that are working just down the street at the Denney Federal Building, and you'll hear from a couple of them later this afternoon. Now what LB16 does is it would take that same model of opportunity and apply it to select job opportunities in state facilities as well as county and city buildings and even the University of Nebraska campuses. In our opinion, there are very minimal extra costs to the state of Nebraska to enact this. The services or the products delivered need to be purchased anyway. Also, the cost associated with the central nonprofit agency that is identified in the bill are built into the fees that rehabilitation agencies pay

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in order to participate in the program. And those fees are usually based on a small percentage of the total contract value. The cost of those contracts would be determined by fair market value. In other words, the state would not be paying a significantly higher rate for services or products provided by people with disabilities than they would when procuring the same products and services in the open market. Similar programs are active in 24 states. Nationally, these programs involve 760 community rehabilitation programs. They provide jobs to about 40,000 individuals with disabilities. And the average wage on those contracts is about \$9 an hour. And testifying a little bit later this afternoon will be a representative of the national program who can give us a little more of a global perspective on how this works across the country. But we believe the program is vital for two reasons. First of all, the unemployment rate among people with disabilities in Nebraska is extraordinarily high. It exceeds 50 percent. And these jobs provided by public agencies provide yet another option, another tool to be able to help persons with disabilities become more sufficient. And, secondly, a real advantage of the program is that these are individuals who now become wage earners and taxpayers rather than just the recipients of public assistance, including Medicaid. And we believe that alone makes this a bill worth your consideration. So thank you for your consideration and I'd be happy to answer any questions you may have. [LB16]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thank you for coming down. [LB16]

ANDY BRADLEY: Thank you. [LB16]

SENATOR MURANTE: Very much appreciate it. Are there additional proponents wishing to testify? [LB16]

CARIE IDEEN: Hi. [LB16]

SENATOR MURANTE: Welcome. [LB16]

CARIE IDEEN: My name is Carie Ideen. My first name is spelled C-a-r-i-e; my last name is spelled I-d-e-e-n. I'm up here because I work for Goodwill and it's a really good program. And if it wasn't for Goodwill's program, I probably would have a very hard time trying to find a job because I do have some disabilities. One of them is me being nervous like now. But the program I think is awesome. And we need this program. We really do because there are people that do want to work but they might have a hard time because maybe their disability, you know, makes it hard for them to get a job. And a lot of times they need help finding a job because they just can't go out and fill out applications because they probably won't get any work. But this program is awesome. And the reason why I like it is because we have people at Goodwill that understand us if we have a disability or if we, you know, might have a few problems, they'll help us out. My boss knows a lot about me and I like that. Most people will not take the time or have

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the time to talk to us to get to know us a little bit, but at Goodwill they do. And that's what I like about my job. And I clean for Goodwill and I really enjoy my job. Mostly I like the people that work there, the tenants in the...where I work because they always say, you know, oh, you do a good job, thank you. And when you go into your office and it's nice and clean, you like that. And that's what we do and that's what we want to do here. And it would be great for us to get this going and we need people to work and to do this kind of job. Even though it might be just a cleaning job, it is something for them to do and they would give them a responsibility and feel better about themselves. And it would help for them being a taxpayer, too, because they're contributing to taxes and to paying taxes, and we need more people to work here in Nebraska because it would also help our state, you know. And it would help for all of us. And that's probably about all I have to say, so. [LB16]

SENATOR MURANTE: All right. Thank you very much for your testimony. [LB16]

CARIE IDEEN: Thank you. [LB16]

SENATOR MURANTE: Are there any questions? Seeing none, thank you very much for coming down. [LB16]

CARIE IDEEN: Thank you. [LB16]

SENATOR MURANTE: Good job. Are there additional proponents wishing to testify? Welcome. [LB16]

JAY DUNLAP: Thank you and good afternoon. My name is Jay Dunlap, J-a-y, Dunlap, D-u-n-l-a-p. I'm the president of the Madonna School and workshop in Omaha where our mission is to help people with intellectual and developmental disabilities live fulfilling lives as contributing members of the community. So obviously this kind of legislation is exactly what we aim to do through a K-12 special education only school, a life skills transition program for 18 to 21 year olds designed specifically to help people with disabilities develop independent living skills and employability skills, employment services through which we place people in competitive employment in the community, and the Madonna workshop where we provide occasional rehabilitation for people who are not ready and may never be ready for competitive employment. And the law before the committee here is one that will create opportunities both for future graduates and for people who are currently in our workshop. This is an interesting time to be a provider for people with special needs because there is a great push at the state level and federally to get people out of situations like sheltered workshops. The term segregation is thrown about in terms of describing what is happening in a sheltered workshop environment. Just last week I had a meeting with the deputy director of disability services for the state and we were talking about the ways that we at Madonna need to adopt or adapt, I should say, our sheltered workshop in order to integrate people more into the

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community and adapt to this changing regulatory environment. And the law before you is one that provides a terrific opportunity. As the people who testified before me have described, to have people who will require some specialized supervision but have the capability of doing the kinds of jobs that we've described and can do so very well, do so at a competitive rate, and also remove people from public assistance and integrate them into the community. Again, that is the collective mission we share with organizations like Goodwill, VODEC, Mosaic, other organizations throughout the state that do terrific work with people with disabilities. So any questions I'd be happy to take them. But thank you, Senator. [LB16]

SENATOR MURANTE: Thank you very much. Are there any questions from the committee? Seeing none, thank you very much for your testimony. Appreciate it. Are there additional proponents wishing to speak on this bill? Welcome. [LB16]

MYLES GREFE: My name is Myles Grefe, M-y-l-e-s G-r-e-f-e. I'm also a custodian at the Robert Denney Federal Building here in Lincoln. I really like my job. I have a disability. It's a great program. I think more companies, more buildings in Lincoln should have Goodwill contracting with them so more people with disabilities can have a job. That way...because I know it's hard for people with disabilities sometimes to get jobs, and so they have to sometimes go through voc rehab. I think that's about it. [LB16]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down. Very much appreciate it. [LB16]

MYLES GREFE: You're welcome. [LB16]

SENATOR MURANTE: Thank you. Welcome. [LB16]

DEBBIE IGNATZ: Good afternoon. [LB16]

SENATOR MURANTE: Good afternoon. [LB16]

DEBBIE IGNATZ: My name is Debbie Ignatz, D-e-b-b-i-e I-g-n-a-t-z. I'm the senior manager of state relations at SourceAmerica, a national nonprofit agency located just outside of Washington, D.C. SourceAmerica is one of two central nonprofit agencies that administers the AbilityOne Program which is a federal program that puts individuals who are blind or disabled to work on contracts for federal government customers. I am also the former director of the Tennessee state use program and am a founder of the State Use Programs Association. I am pleased to be here today to speak in support of LB16, the Purchasing from Persons with Disabilities Act. This bill will create what is known as a state use program here in Nebraska. State use programs are modeled after the federal AbilityOne Program with the first program legislatively mandated in 1941 in

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the state of New York. Forty-six states currently have such legislation but only twenty-four states have a strong program currently in operation. I would very much like to see Nebraska join this group of states. I am a strong advocate for state use programs because, simply put, they work. They create meaningful employment opportunities for the most vulnerable segment of our population while continuing to provide them with the supports and services they need to succeed. Just last year, 17 state use programs employed 39,500 individuals with disabilities who worked almost 20 million hours and earned \$176 million in wages. Almost \$700 million of their products and services were sold to state government department and agencies, as well as to local county and city governments, school districts, and universities. They provide services from lawn care, custodial, and litter pickup to document imaging, recycling, and temporary services. If you happen to pass through the Baltimore-Washington International Airport, I urge you to look at the cleanliness of that facility. It is maintained by individuals with disabilities working on a state use contract in Maryland. And if you need to obtain a driver's license in Pennsylvania, your photograph and your license will be processed by an individual with a disability, again, working on a state use contract in that state. State use programs provide over 300 distinct products to their customers as well, everything from toilet tissue to toner cartridges to drug testing kits to plastic trash bags. And these products meet the requirement of their customer in quality, delivery, and price. State use programs are a win-win-win. The state customer wins because there is continuity of vendor, the elimination of the bid process and all of its associated costs, and they receive high-quality goods and services with on time delivery at a fair market price that is set by the state use council. The community rehabilitation agency that provides the labor wins by fulfilling its mission to provide employment opportunities to people with disabilities. And individuals with disabilities win because not only do they earn a paycheck but they reap the benefits of all that earning that paycheck entails. A recent study commissioned by the State Use Programs Association found that individuals working on these contracts save federal and state governments money because they use less entitlement dollars and become taxpayers because of their employment. But perhaps more importantly, the study found that 59 percent of the survey participants said they would not be working if it were not for the state use program in their state. LB16 is a strong bill that bodes well for the creation of a dynamic state use program. I urge this committee to support LB16 as a gateway toward improving the employment opportunities available to Nebraskans with disabilities. Thank you very much. [LB16]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thank you very much for coming down. Are there additional proponents wishing to testify on LB16? Is there any opposition testimony to LB16? Welcome. [LB16]

BO BOTELHO: (Exhibit 3) Thank you. Good morning, Senator Murante and members of the committee. My name is Bo Botelho, B-o B-o-t-e-l-h-o, general counsel and Materiel Administrator for Administrative Services. The Department of Administrative Services is appearing today in opposition to LB16 and to answer any questions regarding its fiscal

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notes or the procurement process in general. LB16 creates a mandatory exemption for goods and services produced by qualified and identified entities. Public bodies procuring goods and services will be required to purchase from these entities if they provide the required goods and services. Exceptions may be granted to the mandatory exemption by the Materiel Division. The volume of these exception requests is unknown, however, the bill seems to touch and concern all public entities in the state. Thus, my agency would prepare for a potentially high volume. Much procurement is time sensitive and mission critical, so we'll need to move those through as quickly as we can. Exceptions may be granted if a product or services does not meet reasonable requirements or the requested product or service cannot be reasonably complied with. That's probably the temporal issue. In addition to reviewing and deciding on each agency request, the Materiel Division will have to appear monthly before the new council and report on each purchasing exception granted, as well as to respond to any questions from the council. The positions noted in the agency's fiscal note are being requested to meet the obligations under this bill. My agency has never before provided services such as this to nonstate entities, so we are venturing into uncharted territory. I'm not sure...I have no concept of what that volume would be. The other positions requested by the entire department are for the programs that have their own procurement authority, to monitor and ensure compliance for this legislation, and to request exceptions from Materiel, if required. The state Accounting Division would have to create a new requisition process, which would allow for state agencies to procure goods and services through any exemptions that are authorized by this bill. The process will also allow Materiel to review and either grant or deny requests to be excepted from the exemption, similar to the current process used for bid deviations. If the request is granted, the procurement process will revert to the current standard procurement routes; if not, it will revert back to the new exemption route under LB16. Nonstate entities do not use the state's enterprisewide accounting system, thus, these public entities will have to submit exceptions via external documentation to be reviewed and considered. If granted, they would use their existing procurement procedures; if not, they would use the exemption under LB16. The mandatory exemption may simplify and expedite purchases, however, it removes purchases from the bidding process and will eliminate competition and force public entities to pay a fixed price for goods and services purchased. This is going to drive up the cost for goods and services purchased through this exemption. The state of Nebraska has historically worked very hard to both reduce the tax burden on its citizens while maintaining a high level of services to those same citizens. We cannot both reduce taxes and provide a level of services to our citizens have come to expect without finding ways to reduce cost. A competitive and open bidding process is one of the ways we have reduced costs. Competition, competitive bidding drives down the cost of goods and services, increases quality, and reduces the cost of government. By decreasing the flow of tax funds out to third-party vendors, we can increase the amount of tax funds that can be returned to Nebraska's citizens in the form of relief or services. In addition to Administrative Services' concerns, my colleagues at the Department of Corrections sent a letter which is attached to my

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written testimony. I would like to briefly discuss their primary concern. It would be an impact to Cornhusker State Industries, CSI. LB16 creates an exemption which would supersede the existing procurement requirement and compete with the public policy behind CSI. I'm out of time and I'll answer any questions. [LB16]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down. [LB16]

BO BOTELHO: You're welcome. [LB16]

SENATOR MURANTE: Appreciate it. Is there additional opposition testimony to LB16? Is there any neutral testimony to LB16? Seeing none, Senator Krist, you are recognized to close on LB16. [LB16]

SENATOR KRIST: A few brief comments. In this morning's state of the state, you heard the Governor, Governor Ricketts, point out that bureaucracy had prohibited or would prohibit someone from maintaining insurance by making a dollar more than they would have. We've discussed in the past several sessions that the disregard for bureaucracy in some ways or the regard of bureaucracy in some ways has hindered people getting jobs and keeping jobs. What you just heard is a great example of, first of all, the way I do business, if I have a bill in the hopper I would expect a department of this government, of this state of Nebraska, to at least discuss the issues with me so we can talk about it. No phone call. And once again they show up and throw mud on the subject. That's their choice. I would work with him or anybody else who wants to change...in any way amend this bill. But it's the right thing to do at the right time. If this isn't the right formula, then let's change the prescription. Thank you. [LB16]

SENATOR MURANTE: Thank you, Senator Krist. (Exhibit 4) Before we close the public hearing on LB16, I have a letter from the Arc of Nebraska to be read into the record as opposition testimony. So they have a letter in opposition to LB16. And that closes the hearing on LB16 and we will proceed to LB24, also by Senator Krist. [LB16]

SENATOR KRIST: Thank you, Senator Murante. And, again, my name is Bob Krist, B-o-b K-r-i-s-t, and I represent the 10th Legislative District, northwest Omaha, along with north-central portion of Douglas County, includes the city of Bennington. I appear before you today in introduction and support of LB24. And I'm going to apologize for the opening here but I think a little history and a narrative of what I'm attempting to bring to you is necessary. This was brought to me by a group of retired senators and some concerned citizens about the way that the Capitol Commission is currently structured and the care for this beautiful building that we all enjoy and live in at least six months out of the year. This bill amends and enhances provisions of the Nebraska State Capitol Preservation and Restoration Act. We preface with some history. In 2004, the Legislature passed and the Governor signed LB439, the Nebraska State Capitol and

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Preservation and Restoration Act. The bill, among other things, changes law to the following. It established the Nebraska Capitol Commission as the custodian of the State Capitol and Capitol grounds. It established the Office of Capitol Commission under the Nebraska Capitol Commission as its administrative arm. And it also created the position of State Capitol Administrator as the head of the Office of Capitol Commission. LB24 proposes the following changes. First, appointment qualification of the State Capitol Administrator. Under current law, the State Capitol Administrator is appointed by the Governor after a recommendation by the Nebraska State Capitol Commission. Now let me remind you. Capitol Commission is comprised of or consists of the Governor, the Speaker of the Legislature, the Chief Justice of the Supreme Court, the Dean of the College of Architecture at the University of Nebraska-Lincoln, the Director of the State Historical Society, and three other residents of Nebraska appointed by the Governor, one for each of the congressional districts for three-year terms. The Governor is the Chair and would continue to have a vote in the appointment of the State Capital Administrator. While the Capitol must be administered for the benefit of all three branches, the current structure allows the Governor to be a predominant voice and he or she can fire the Nebraska Capitol Administrator at any time. In addition, on any change of administration in the State Capitol he could ask to be resigned, which was the case in this election process. Continuity in this office should be the responsibility of the Capitol Commission, the members of the commission. The proposal also establishes qualification criteria for the State Capitol Administrator. Anyone appointed to the position must be an architect licensed to practice in the state of Nebraska, have five years experience with historical preservation projects. I would remind the committee also that a piece of legislation, LB439, passed by our predecessors Section 6 said that the Administrator shall have a bachelors degree or higher in architecture from an accredited college or university and at least five years of administrative experience in historic preservation and planning design and construction of major construction projects. Not too dissimilar, there are some refining language here that brings out a little bit of a different proposal. Anyone appointed to the position must be an architect, as it is today...as they are today. The Nebraska State Capitol Commission could adopt those criteria in the event of a vacancy, but placing them in law assures the criteria will be used. I would also remind this...my colleagues that in the six years...five and a half years that I've been here this is the first year that I know of, and I checked with the Chair of Appropriations, where the Governor has actually put money in his budget for the Capitol Commission. The way it normally works is the Legislature budgets money to the Capitol Commission in the appropriations process, so the past-Governor did not prioritize, and it could happen that way again. Secondly, regarding the naming of the rooms and other spaces in the Capitol, commission authority to develop a process to name the rooms and spaces in the Capitol will fill a void in the current status. Currently, Legislature as a matter of practice has named various rooms in the Capitol. And I could list the names but you've all seen them above the doors. Names for various rooms were established by a legislative resolution. The Nebraska Capitol Commission would be required to develop a naming process for criteria for future nominations and a process

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for consideration of those nominations would be applicable to all spaces. The names given to the rooms by the Legislature would be grandfathered. The Legislature has been able to act on its own behalf naming rooms after those who have served in the Legislature. Capitol, however, belongs to us all, all three branches of government. Finally, LB24 proposes changes of the funding of Nebraska State Capitol Commission for operation and maintenance of the State Capitol. Currently, the Nebraska State Commission relies entirely on General Fund appropriation for maintenance and operation of our State Capitol. Other buildings owned by the state are operated and maintained with rent charged by the tenants to the tenants. Tenants of the State Capitol do not pay rent. The proposal is to allow the Capitol Commission to charge rent based on costs for operation for office and storage space after July 1, 2017. The depreciation surcharge applicable to other state buildings would not be applied to rents in the Capitol. So it's different than the rent that is already assessed in other buildings. Rent would not be charged for public areas, such as the Legislative Chamber, the halls, the Rotunda, etcetera; Legislature, the Governor's Office, the Treasurer, the courts, etcetera, would begin to pay rent based on cost of operation, rely on the office and storage space they use. Rent would be placed in a revolving fund with the funds to be used for the operations and maintenance of the Capitol. Funding the Nebraska Capitol Commission with rents even partially would have several effects. The Capitol Building is the only state building that is used rent-free by its tenants. Payment for some of that could go for rehabilitation. Part of the cost of operating and maintaining the Capitol would be charged to the tenants and the result would be a better accounting for costs and stability and source of funds for the Nebraska Capitol Commission. I do know that there's a lot of opposition to a few of these suggestions. But I have to say that in my place as the Chair of the Exec Board, I'm amazed at the interface that we have and the amount of money that goes through in terms of maintenance and recurring maintenance. Cooperation with the current...with Mr. Ripley is great. It's fantastic. But I want to make sure that that relationship continues into the future. And I also think that if not rent, then we need to establish some kind of a funding mechanism that has an appropriate amount of money budgeted so that there's continual maintenance on this building. Deterioration would be a terrible thing. So that cash fund could come in many, many different ways. And I also publicly thank Governor Ricketts for actually putting it in his budget this year because there's some work that desperately needs to be done just in our offices but in public areas as well. With that, I would take any questions. [LB24]

SENATOR MURANTE: Thank you, Senator Krist. Are there questions? Senator Groene. [LB24]

SENATOR GROENE: Where are you getting the money now for Chuck and the things we fixed? And I'm sure there's a maintenance crew going around, if I call into the hole and the plaster falls off my wall, which could happen. [LB24]

SENATOR KRIST: You and I. [LB24]

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SENATOR GROENE: But where do you get the money then? [LB24]

SENATOR KRIST: We appropriate it out of General Funds. [LB24]

SENATOR GROENE: But you...do you do that every year that you have an operating budget? [LB24]

SENATOR KRIST: Every year the Legislature submits a budget and Exec Board into it every year. The Capitol...in coordination with the Capitol Commission we decide how many offices are going to be rehabbed. We load that money in through the appropriations process. But there's no recurring...there's no stable recurring money in the program to budget for those changes. [LB24]

SENATOR GROENE: There's no line item for that every year that the Appropriations Committee does? [LB24]

SENATOR KRIST: Yes. [LB24]

SENATOR GROENE: But what's...see, I'm naive about some of this. I'm a new senator. So I'm asking dumb questions maybe. What's that got to do with the senators...the Governor's budget because that isn't the budget...I mean, he recommends but we do, right? [LB24]

SENATOR KRIST: Correct. [LB24]

SENATOR GROENE: So there's always...even though Heineman never did it, the Legislature did? [LB24]

SENATOR KRIST: Right. [LB24]

SENATOR GROENE: All right. [LB24]

SENATOR KRIST: And the point I guess there in my time here I realized, if the Governor does not fund it in his budget and we have to fund it in our budget, then there may or may not be a logical priority put on things happening. So, again, I applaud Governor Ricketts for putting it in his budget because he's showing that he does want to reinvest in the building. [LB24]

SENATOR GROENE: Instead of starting at zero in this, we're starting at two numbers and it might be more reasonable is what you're saying. [LB24]

SENATOR KRIST: Yeah, I think I heard...I think Senator Mello told me there was about

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\$300,000, a little bit more in the Governor's budget, and we always put in \$150,000 to \$200,000 and that should take care of two offices a year going forward. [LB24]

SENATOR GROENE: New carpets, new plaster painting. [LB24]

SENATOR KRIST: Right. [LB24]

SENATOR GROENE: Windows that need to be replaced. [LB24]

SENATOR KRIST: Right. But it's been the Governor who directs that and who controls the purse strings and owns the Director. So I'm suggesting that it's the commission that owns the director and a line item budget for going forward. And that cash fund that we would use would be a preventive maintenance fund. [LB24]

SENATOR GROENE: What plan does the Executive Committee have in that? Then they would have something...they would put a budget to the commission? [LB24]

SENATOR KRIST: We would all put in money to the commission in order to maintain the building on a recurring basis. So the commission could look at... [LB24]

SENATOR GROENE: I don't want to drag it on, but where's the money for the fountains coming from? That's from the commission was done... [LB24]

SENATOR KRIST: That was a separate appropriations that was approved last year. [LB24]

SENATOR GROENE: Through the commission? [LB24]

SENATOR KRIST: No, through appropriations process. That same...this happened last year only it was Senator Nelson who came up and said this is what he'd like to do and we voted for a special appropriations to put the fountains back in. [LB24]

SENATOR MURANTE: Thank you, Senator Groene. Additional questions? [LB24]

SENATOR GROENE: Thank you for that. [LB24]

SENATOR KRIST: Thank you. Huh? [LB24]

SENATOR GROENE: Thank you for that tutorial. [LB24]

SENATOR MURANTE: Thank you, Senator Krist. Are there proponents wishing to speak on the matter? Governor Nelson, welcome back to the Government, Military and Veterans Affairs Committee. [LB24]

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JOHN NELSON: Thank you, Chairman Murante and other members. There's been some controversy about that and I think probably the correct thing is to revert to senator. I've been educated a little bit in that. Governor is a standalone position whereas there are quite a few senators around, past senators, so I'm...senator is fine, "Misterble," the "Honorable." (Laughter) It's a pleasure to appear for you today. Having been recently term limited, Senators, I'm now a member of the Nebraska Association of Former State Legislators, and I'm appearing here today not only with my own interests in mind but also on their behalf. And I should state that my name is spelled J-o-h-n E. N-e-l-s-o-n. Senator Krist covered things in pretty good detail. I just, I think to kind of get things together here you have to understand that back in 2004 under LB439 there was kind of major restructuring, and we had the Department of State Buildings and the Capitol Commission didn't exist at that time, it was part of that. But in 2004, the Capitol Commission was carved out. And it was the intent of the Legislature at that time, and I'll just read this. Because of the history and unique beauty of the State Capitol, it's the intent of the Legislature that the Office of Nebraska Capitol Commission, created pursuant to this act--which was the Preservation and Restoration Act--provide the highest quality preservation, restoration, and enhancement, and long-term planning for the State Capitol and Capitol grounds for the perpetual use of the state government and the enjoyment of all persons. That was a good move and it's been very successful. Probably the main contention is that there has never really been enough money to do what we needed to do with the Capitol. We've had as far as maintenance, two or three rooms at a time over an extended period. It's taken special appropriations such as we had this past year for HVAC, to the tune of I think over \$60 million, and appropriation for special projects. I think you'll probably hear testimony later that the current budget comes out of the General Fund for the Capitol Commission. It's about \$3.8 million. The thing that I am urging today is that the statute, the current statute, be amended to provide that the...get our terms right here, the State Capitol Administrator be elected by the Capitol Commission or selected, interviewed and selected by the Capitol Commission and not appointed by the Governor. This I think would help to stabilize the position. We haven't had a problem so far, but administrations can change, personalities can change, and right now it's at the behest of the Governor as to who shall serve as the Capitol Administrator. As you know, very recently all the department heads, administrators we asked to submit their resignation and, therefore, it comes under the purview of the Governor. I happen to be a member of the state historical board and there's a 15-member board, three of those are appointed by the Governor. The other 12 are elected, 4 from each of the congressional districts. They interview and select the director of the State Historical Society, and they also supervise the activities and there is an annual review. The positions are very similar. You have to have a great historical background. You have to have some architectural knowledge. And I support requiring that it be an architect rather than just having a bachelors degree. I think that's a good amendment. Another agency is Game and Parks. That's not appointed by the Governor. That commission there selects the person to add that, because all of these positions

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require a certain amount of expertise. So I would urge you to strongly consider doing that. The Governor still has representation because he chairs the board and he also appoints three members, that's the Capitol Commission. So that's four out of eight right there, still has a considerable measure of control. I won't speak to the other provisions because time is up, but I do appreciate your attention. And if I could answer any questions, especially along the appropriation area, I would be happy to do so. [LB24]

SENATOR MURANTE: Thank you very much. Are there any questions? Seeing none, thank you very much for coming back to the Government, Military and Veterans Affairs Committee. [LB24]

JOHN NELSON: Thank you very much. All right. [LB24]

SENATOR MURANTE: Is there additional proponent testimony? Is there any opposition testimony? Welcome. [LB24]

ROBERT RIPLEY: Thank you. Good afternoon, Chairman Murante and members of the Government Committee. My name is Bob Ripley, B-o-b, last name, R-i-p-l-e-y, and I am the Capitol Administrator for the Office of the Capitol Commission. I'm here today to testify in opposition to LB24. The general rule established by Article XIV Section 10 of the constitution is, and I quote, the Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the constitution or which may be created by laws, end quote. I believe one of the most important duties of a Governor is the selection of the leaders of his or her administration. The people expect the Governor to be responsible for the day-to-day operation of their government. Removing a Governor's authority to make appointments reduces his ability to govern. The Governor has just recently taken office and has appointed me to this position and trusting me with the responsibility to care for and maintain our Capitol. The second concern is the change of funding for the commission's operating budget from General Funds to revolving funds by charging rent to the occupants of the Capitol. I don't see the problem that is to be solved by this change. Currently, the Capitol Commission receives a General Fund appropriation to pay the operating cost and the occupants do not pay rent. This proposal seems to take the General Funds away from the commission and give it to the occupants so that they can pay it back to the commission to cover their rent, thereby paying for the operating costs out of a revolving fund. Respectfully to the individuals who brought this bill forward, I see the proposal as a solution to a problem that does not exist. I am, therefore, asking the committee not to advance this bill. Thank you for the opportunity to present these concerns and I will attempt to answer any questions you may have of me at this point. [LB24]

SENATOR MURANTE: Thank you, Mr. Ripley. Are there any questions? Seeing none...oh, excuse me. Senator Groene. [LB24]

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SENATOR GROENE: In your words could you describe your job description to me?  
[LB24]

ROBERT RIPLEY: Could I? [LB24]

SENATOR GROENE: Yeah, in your words. What do you do? [LB24]

ROBERT RIPLEY: I can give you kind of what my qualifications are and a little bit about what it is I do. I have a degree in architecture. I'm licensed to practice architecture. I have a national license in architecture as well. And I've been doing the work that I...about today for about a little over 31 years continuously. I have the good fortune since 2004 to oversee an agency of 27 people including me. I came on when I believe, I know it was Governor Johanns was the first to select the Capitol Administrator, and he chose me thankfully and I continued on through the remaining years of the Heineman administration. Our office has administrative staff, three or four of us. With me today sitting behind me is Mark Tonjes who's capitol manager. Mark, if you would, raise your hand. And he oversees essentially our shop operations and the ongoing utility and day-to-day kind of functions of the building. In addition, we have an architectural staff, two other architects along with me, and they do the predominant amount of architectural work. And we coordinate as closely as we can with all three branches of government through our quarterly meetings with the Capitol Commission. And we have what's called a Capitol master plan which defines all the projects we can possibly think of that need to be done on the Capitol. And the commission has approved that master plan. And as we get funding, whatever it may be, some years it's been zero, some years it's been as high as a million dollars, we choose the projects of greatest need first and apply what money we have as far as we can go down that list in priority order. And that's how we do the work. And we coordinate with the Legislature who's been kind enough to provide a portion of what we call our 901 funds, which is our kind of landlord's maintenance fund. And they've earmarked money to do renovation in legislative offices, and we have sometimes a portion of that fund if we have that appropriation to do work for other agencies beyond the Legislature. And so we work, coordinate very closely with them. In addition to that architectural renovation work which is the most visible aspect of what it is we do, we also have an archivist who takes care of really rather remarkable collection of material that was developed during the construction of this building. We have over 200,000 unique items in our collection, most of which is paper. All the drawings that were used to create the building, all the correspondence, bills of lading, specifications, you name it. We have a most remarkable collection of material and it is the Holy Grail for anyone who's involved in restoration of historic buildings. If you want to know what's accurate, you go to the drawings that were prescribed in 1920 that caused the building to be built. In addition, the tour staff and Roxanne Smith who's the coordinator of the tour program as well as the special events in the building, the displays and so on, is part of our charge and she also provides, develops a triannual newsletter as well as a...maintains our Capitol dot or Web site. So we promote the Capitol. We preserve the

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Capitol. We do all we can, and I have the very good fortune of also serving on what is known as the Nebraska Capitol Environs Commission. It would be helpful at some point if I could...I should present a document or something to members of the Legislature to know that since 1988 there has been a joint city-state body, five members appointed by the mayor, two by the Governor who oversee...we had a meeting just this morning, one of our monthly meetings, oversee a 60-square-block area that surrounds the Capitol and lines the four axial streets from the Capitol to provide a proper setting for the Capitol within the capital city. So that's probably more than you wanted to know, but it is at least kind of a thumbnail of what it is we do. [LB24]

SENATOR GROENE: Can I ask a simple question? If we need any carpet in this room, who makes that decision? [LB24]

BOB RIPLEY: We would work with...likely that request would go with Mr. Hubka through the Exec Board office and we get together with the Exec Board and work out the priorities. The Legislature, with the money they earmark, prioritizes where their money goes first. We work with them on the execution. They would say this is the priority. We would be the one who would likely hire the contractor who would execute that work and any other work we're doing for other branches of government as well. [LB24]

SENATOR GROENE: So the Chief Justice comes to you separately? [LB24]

ROBERT RIPLEY: The Capitol Commission gives them an opportunity for all three branches to meet with. In fact, we meet in this very room and I'm typically seated at this table, and they can express their concerns. They often do so through correspondence apart from the meeting and I can come to them with what we have prioritized to try to respond to their requests. So you're correct. Any of the three branches we do work for. [LB24]

SENATOR GROENE: But I was told in orientation, a novice here again, that the Legislature, Unicameral manages this building. Is that true or does everybody have their separate little rooms? [LB24]

ROBERT RIPLEY: I would say the portion of the building that is occupied by the Legislature is the Legislature's domain and we work with them on preserving it. In a similar fashion, the court oversees their space. But when it comes to renovating offices and providing facilities within those spaces, we provide that as well as we do coordinate with the Legislature and the same thing is true of the executive branch. So it's been a pretty peaceful and collaborative process to this point and I've enjoyed it very much. [LB24]

SENATOR GROENE: I'm just asking questions. [LB24]

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ROBERT RIPLEY: Absolutely. [LB24]

SENATOR GROENE: No judgment here. [LB24]

BOB RIPLEY: Appropriately so. [LB24]

SENATOR MURANTE: Thank you very much. [LB24]

BOB RIPLEY: Sure. [LB24]

SENATOR MURANTE: Are there additional questions? Seeing none, thank you very much for your testimony today. [LB24]

BOB RIPLEY: Thank you. [LB24]

SENATOR MURANTE: We are still on opponent testimony for LB24. Is there any additional opponent testimony? Is there any neutral testimony? Seeing none, Senator Krist, you are recognized to close. [LB24]

SENATOR KRIST: So when the Capitol Commission comes in with a request, the money is still appropriated by the Legislature no matter what that request comes from. That's the bottom line and I think you need to take that to heart when you decide if this is worth at least having a conversation. I believe that, again, I applaud Governor Ricketts for front loading some money into that budget because this building is really important to the people of the state of Nebraska. And as we fall behind in renovations or taking care of it, it certainly shows pretty quickly. And you can see some of the walls...this room is not bad but some of the walls in some of our common spaces really need to be paid attention to and I don't want that to be at the whim of or at the direction of one. One of the changes I suggested is to take the power away from naming by the Legislature and give it to the Capitol Commission by developing its own criteria. It makes sense. All three branches of government, we share the responsibility, we share it. I have to applaud Mr. Ripley for all that he has done in the short time that I have had to work with him. I know that on occasion he has been...the door has been shut to do some of the things that he needs to do, and that's also a criteria or a I think a reason that we should consider some of this kind of a funding mechanism. Finally I would say this. If the Legislature continues to appropriate, then the Legislature needs to relook at and redesignate an appropriate amount of space for the Legislature to be in. My one big concern is the number of shared offices that we have, and during the HVAC rehabilitation I think we should take a look at who has what space and the space allocation. Senator Garrett and I come from an environment where there's a study done by grade, by square footage, and nobody gets more square footage than they are allowed to do. And I believe the Governor and the 49 senators and the Chief Justice and a few of...and the judges themselves need some consideration overall in terms of

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office space. And I think Senator Groene probably would agree with that being in a shared office. But I'm not putting words in your mouth. [LB24]

SENATOR GROENE: I'd like to be able to see out my window. Little blurry and (inaudible). [LB24]

SENATOR KRIST: Yes. Thank you. [LB24]

SENATOR MURANTE: Thank you, Senator Krist, for your testimony. And that closes the hearing on LB24, which brings us to our final bill of the day. I see Senator Scheer is here. And LB55. Senator Scheer, welcome back to the Government, Military... [LB24]

SENATOR SCHEER: Truly a pleasure, Chairman Murante. Hopefully this will not be a long hearing for you. Background on LB55 is my previous life to this year, I was a member of your esteemed committee and we held hearings over the summer in relationship to disasters. Trying to figure out some ways that would try to minimize the effect of those disasters and how we respond, it was a suggestion of mine via this bill from listening that it was either last year or the year before. Senator Davis had a bill and it was passed that provided an additional \$25,000 of essentially emergency money that was available to buy fuel for his...for the planes that we had bought for fire suppression via air, which makes sense and I'm not trying to dilute that amount. But it also came to my thought pattern that you had the \$25,000 sitting there. There may be years that we don't need the fuel but we may need additional manpower in that office. For example, if there's a couple of different tornados or floods in two different areas, we still only have the same amount of employees and adjutant general's office, and to give him the flexibility that he might be able to pick up some additional part-time help because it's all a matter of moving paper. And the faster we can move the paper the faster people can get reimbursed and municipalities can be reimbursed. So the bill is somewhat simple. It just simply gives the adjutant general more leeway in the use of those \$25,000 if an emergency exists. And without having to have an emergency declared by the Governor, he has those funds available immediately to start providing those services. I had met with adjutant general and his...the concern that was relayed to me was he would like the verbiage to reiterate those functions that it would be permissible or...and he'll testify after me I'm sure, in relationship to his comfort. I don't think it was opposition to having the flexibility there. He just wanted to make the verbiage per his request. Truly I don't care how we term it, whatever amendment you would like to come up as a committee. I'm just trying to find a way that would free some already allocated funds that would be sitting in a reserve, and if we do not have to have it for fuel for suppression of fires, that would be available for the adjutant general and other emergency times. That's about it. I would be glad to answer whatever questions you might have. [LB55]

SENATOR MURANTE: Thank you, Senator Scheer. Are there questions? Seeing none, thank you very much. [LB55]

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SENATOR SCHEER: I'm liking this. (Laughter) [LB55]

SENATOR MURANTE: Are there any proponents wishing to testify on LB55? Seeing none, are there any opponents wishing to testify on LB55? Is there neutral testimony on LB55? Welcome back. [LB55]

DARYL BOHAC: (Exhibit 1) Good afternoon again. Senator Murante and members of the committee, I am Major General Daryl Bohac, D-a-r-y-l, last name, B-o-h-a-c, Adjutant General for the Nebraska Military Department and Director of the Nebraska Emergency Management Agency. I'm offering neutral testimony today with respect to LB55 which proposes to modify specific language in the state statutes, otherwise known as the Nebraska Emergency Management Act. The act outlines the authority of the adjutant general to manage the expenditure of funds from the Governor's Emergency (Cash) Fund which exists for the purpose of providing financial assistance to political subdivisions when disaster or emergency costs exceed ordinary capacity. LB55 clearly broadens the scope of those situations in which the adjutant general may choose to apply funds for urgent or exigent circumstances. For this reason, I recommend the language in Section 6 of the act make reference to state statutes that essentially precede it in paragraphs 1 through 5, which clarify the criteria by which the money may be evaluated or the use of the money may be evaluated. The proposed revision to the statutory language would provide the necessary framework to effectively manage expenses associated with the emergency management activities, provide funding to local jurisdictions when appropriate to do so, and be responsive to the needs of local emergency management officials and their jurisdictions. Senator, I'd be glad to answer any questions. [LB55]

SENATOR MURANTE: Thank you very much. If your recommended language is included in the bill, would you be supportive of it? [LB55]

DARYL BOHAC: Yes, sir. It's...the statute is currently constructed, names two circumstances for which I have authority without a Governor's declaration of emergency. That's the aerial suppression for wildfire and hazardous materials response in the state. Originally, when that legislation went into effect, it was at a \$10,000 threshold. Last year, it was raised to \$25,000 for authority. And this says, you know, Senator Scheer's draft legislation becomes nonspecific to what we're responding to. So I'm just saying if we refer back to the criteria in the current legislation it would provide a framework for us to respond with. [LB55]

SENATOR MURANTE: Well, then I might suggest and, Senator Scheer, I know you're listening right now, that perhaps we get together with committee counsel, come up with language, hopefully in short order so we can get this accomplished as quickly as possible. So that would be my suggestion to the extent that we can be useful on our

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office, just let us know how we can do that. Thank you very...any additional questions?  
Thank you very much for coming down. [LB55]

DARYL BOHAC: Thank you. [LB55]

SENATOR MURANTE: Any additional neutral testimony? Senator Scheer, would you like to close? [LB55]

SENATOR SCHEER: I think we're done. [LB55]

SENATOR MURANTE: (See also Exhibit 2) All right. Thank you very much. And that closes the hearing on LB55 and ends our hearings for the day. Thank you very much, members. [LB55]