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Government, Military and Veterans Affairs Committee
February 03, 2017

[LB152 LB624]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Friday, February 3, 2017, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB152 and LB624. Senators present: John Murante, Chairperson; Tom Brewer, Vice Chairperson; Carol Blood; Tom Briese; Joni Craighead; Mike Hilgers; and John Lowe. Senators absent: Justin Wayne.

SENATOR MURANTE: (Recorder malfunction)...for District 49, which includes Gretna and northwest Sarpy County, and I'm the Chairman of this committee. We are here today for the purposes of conducting two public hearings. We'll be taking those bills up in the order in which they appear on the agenda outside of this room. If you wish to testify on either of the matters before us, we ask that you fill out one of these green sheets of paper. The green sheets are located on either side of the room. If you are here and wish to demonstrate support or opposition for either of the matters before us but do not wish to testify, we ask that you fill in one of the sign-in sheets. Again, those are located on either side of the room. If you do testify, we ask that you begin your testimony by stating and spelling your name for the record, which is very important for our Transcribers Office. The order of proceedings is that the introducer of legislation will be provided an opportunity to open. Then we will listen to proponent testimony, followed by opponent testimony, and then neutral testimony, and the introducer will be given an opportunity to close. We ask that you listen carefully and try not to be repetitive. If someone has already articulated a point which you wish to second, we again ask that you fill in the sign-in sheet and demonstrate your support or opposition for the matters before us. I can assure you that filling out the sign-in sheet, you'll be given just as much weight as if you had testified. In the Government Committee we do use the light system. Each testifier is permitted four minutes to testify. When the yellow light comes on, you have one minute remaining and we ask that you begin concluding your remarks. When the red light comes on, your time has expired and we'll open the committee up to any questions they may have of you. At this time, I would ask for everyone to turn off or silence any cell phones, electronic devices, or anything else that makes any noise. If you do have a prepared statement and exhibit or anything you would like distributed to the committee, we'd ask that you give 12 copies to the page, who will be here momentarily. If you don't have 12 copies, that's fine, just provide what you have to the page and he will make copies for us. Joe Gruber is our page for the day and I expect him here shortly. So with that being dispensed with, let's begin with the introduction of members. To the far right, a gentleman who just left us, Senator John Lowe from Kearney, Nebraska; to his left, Senator Tom Briese from Albion, Nebraska; to his left, Senator Mike Hilgers from Lincoln; to his left, Senator Tom Brewer from Gordon, Nebraska. Senator Brewer is the Vice Chairman of this committee. To my immediate right is Andrew La Grone. Andrew is the Government Committee's legal counsel. To my left is Justin Wayne. Senator Wayne represents Omaha. Senator Wayne will not be with us today. To his left, Senator Joni Craighead. Senator Craighead also represents Omaha. To her left,

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Senator Carol Blood, who is in Judiciary. We anticipate her being here sooner rather than later. Senator Blood represents Bellevue. And on the far left is Sherry Shaffer who is the committee clerk for the Government Committee. And with that having been dispensed with, Senator Craighead. Welcome.

SENATOR CRAIGHEAD: (Exhibit 1) Thank you. Good afternoon, Chairman Murante and fellow committee members. My name is Joni Craighead, J-o-n-i C-r-a-i-g-h-e-a-d. I represent Legislative District 6 of Omaha in Douglas County. I come before you today to introduce LB152, a bill that relates to the register of deeds documents and recording fees, and strikes a January 1, 2018 termination date enacted by LB14 in 2012 that provided funding for preserving, maintaining, and modernizing public records in the county register of deeds offices. LB14 was introduced in 2012 to provide much needed funding for the preservation and modernization of records filed in the register of deeds offices. County officials, the Realtors Association, and Secretary of State supported the bill. It was categorized as a user fee paid by filers rather than property taxpayers subsidizing technology and preservation of records. LB14 also increased the fees paid to the Secretary of State for recording documents under the Federal Lien Registration Act and Uniform State Tax Lien Registration Act. The fees are collected when instruments such as deeds, wills, and other instruments are filed with the register of deeds. The cost for filing is \$10 for the first page and \$6 for each additional page. Of that fee, \$2.50 for the first page and \$.50 of the \$6 fee for the remaining pages is earmarked for the preservation and modernization fund. These filing fees are separate and distinct from the documentary stamp tax. The fees cannot be substituted for expenditures from the county general funds, so counties continue to support existing records, preservation and maintenance measures. As mentioned earlier, LB152 would strike a January 1, 2018 termination date on the fees. The sunset was included in LB14 in 2012 to provide a point to evaluate the uses and continued need for the funds. There will be some registers of deeds following me here today that will present information showing the amounts collected, how the funds have been used, and the wish list for future funds. If the sunset date is not removed, the funds will return to the pre-2012 levels of \$5 per page fee for recording a document, plus \$.50 for indexing each lot and single block without lots in platted areas, and \$.50 for each section in unplatted areas. Needless to say, the \$.50 calculation was confusing to filers. Register of deeds are often needed to follow up and collect more money or to return overpayments after it was paid. I urge your favorable consideration of LB152 and would be happy to answer any questions. [LB152]

SENATOR MURANTE: Thank you very much, Senator Craighead. Are there any questions? Seeing none, thank you very much for your opening. Appreciate it. We'll proceed to proponent testimony on LB152, supporters. Welcome. [LB152]

JEAN BAUER: Good afternoon, Chairman Murante, and Senators. My name is Jean Bauer, J-e-a-n B-a-u-e-r, and I'm the register of deeds for Scotts Bluff County. I'm here today to offer my

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testimony in support of LB152. LB152 is to lift the sunset clause previously in LB14. Prior to the passage of LB14, the users of our office calculated filing fees on a per page per legal formula that was implemented in 1983. The per legal portion of the formula was calculated incorrectly nearly 75 percent of the time, thereby inconveniencing the public users of our office and risking documents not being filed on time. It was not uncommon to hold the document awaiting an additional \$.50 or a dollar or conversely issuing refunds for \$.50 or \$1. Our goal as a government agency is to provide the best possible services to the users of our office. We've benefited personally from LB14. We've been able to undertake many records preservation projects and provide an active on-line presence for Scotts Bluff County. We have...the funds have allowed us to integrate our office with the assessor's and the treasurer's office to streamline how we deliver information to our constituents of our county. LB14 has allowed us to proceed with records preservation projects which would have been impossible without its passage. In the event of a national disaster, Scotts Bluff County would not have been able to have recreated their records. We scanned and microfilmed records dating back prior to...over 20 years ago. Scotts Bluff County is a medium-sized county, but LB14 benefited even the smaller counties. Smaller counties have been able to purchase computers to enable them to do e-recording, to provide on-line presence of their documents for their constituents, and by preserving their records by way of microfilm. Additionally, the LB14 fee structure is similar to nearly every other state in the U.S. and most of those states also have records preservation funds realizing that the need for records preservation is very real and very expensive. Prior to the passage of LB14, filing fees had remained the same for 30 years. By moving LB152 out of committee to the full Legislature, you would be keeping an easy-to-use filing fee structure in place which has added benefits for the public that you serve. Any of the clerks or register of deeds across the state would tell you that the fee structure created by LB14 has been beneficial to our constituents. We can preserve the public records, upgrade how we input and keep the data, and provide the public with an on-line data to search and print at the public's convenience instead of just when we're open. LB14 was passed with the sunset clause. The purpose of the sunset clause was to make sure counties were spending the records preservation and modernization funds appropriately. Since January of 2013, we have taken a proactive approach to compiling information as to what was collected and what the funds were spent on to prove that the funds were being used as intended. We want to be transparent in our handling of the funds so the public can rest assured that we are committed to the guidelines set out in LB14. We respectfully request that the legislative committee now lift the sunset clause by moving LB152 out of committee into a vote of the full Legislature. Thank you. Will take any questions you might have. [LB152]

SENATOR MURANTE: Thank you. Are there any questions? Senator Briese. [LB152]

SENATOR BRIESE: Thank you, Senator, and thank you for being here. A failure to pass this and remove the sunset clause would have what type of a fiscal impact on your county, any answer on that or...? [LB152]

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JEAN BAUER: Oh, I ran the numbers and we are actually contributing about \$150,000 to our county general fund and that is...does not include what's going into the LB14 fund. And so it would have a huge impact on our county because all counties are trying to stay under those budget lids. [LB152]

SENATOR BRIESE: Be very substantial. [LB152]

JEAN BAUER: Yes, and we're a medium-sized county, so. [LB152]

SENATOR BRIESE: Okay. Thank you. [LB152]

SENATOR MURANTE: Thank you. Senator Lowe. [LB152]

SENATOR LOWE: Thank you, Jean, for traveling all this way. I really appreciate it. This is a wonderful deal. I've talked with our register of deeds, Kellie John, about it and she shares your opinion on this. And it's a good way because it's a user fee, it's not a tax on people, and everybody that's paying it now has agreed pretty much to go along with it. So I think it's a wonderful deal. [LB152]

JEAN BAUER: Yes, yes, I would agree. Flat fees, I can't tell you how many checks we've written for a dollar over the years. It was ridiculous, so this has made it so much easier. [LB152]

SENATOR MURANTE: Thank you very much. [LB152]

JEAN BAUER: (Exhibit 2) I also have a letter of support from my county commissioners, with copies that I'd like to introduce. [LB152]

SENATOR MURANTE: Great. Please do. Thank you very much. Additional proponent testimony to LB152. Ms. Battiato, welcome back to the Government Committee. [LB152]

DIANE BATTIATO: (Exhibit 3) Thank you. Good afternoon, Senators. I'm Diane Battiato, the Douglas County Assessor/Register of Deeds, and I'm here today to speak in support of the passage of LB152, the modernization, preservation and technology fund. The register of deeds office are charged with preserving property ownership records that date as far back as 1854. It's critical that we keep these records intact. We now have more options to combat records deterioration, however, most of them are quite costly. Because of budget constraints, nearly all counties in Nebraska have difficulty allocating funds to preserve those records efficiently.

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Records preservation and maintenance technology, it's an ever-evolving field that many register of deeds have tried to embrace through the years and especially over the last few years. One important reason for that is because of the technologically sophisticated public that demands on-line access to records in order to do their business. Businesses know that on-line access can save them time, saves them money, and enable more efficient use of their staff. Although we have wanted to provide better technological service to our users, it was always difficult to do with limited budgets. However, that changed with the passage of LB14. It provided a "win-win" solution for all of us. The general fund of each county, which receives 50 percent of our tech-fund dollars, the registers of deeds, who uses their share of the funds for technology and, of course, our customers, your and my constituents, who have greatly benefited from that increase and efficient use of technology. Since LB14 became law, counties throughout our state have benefited from these dollars. Let me give you a few examples of how that's been. Sarpy County has used some of its fund to convert their aperture cards. Boone County has done book restoration, microfilming, and even the purchase of a public use computer. Douglas, an on-line index book and historical document search application, and the purchase of a land-records management system which will make our entire records system accessible online. And Lancaster, they've purchased computer hardware and software, technical support and training. Other counties' projects have run the gamut from scanning of books to placing deeds on-line, to repairing old books. And I can assure you that most of these projects, if not all of these projects, would not have been able to be undertaken without the availability of these tech-fund dollars. Most notable, however, of all the technological achievements is that all these improvements were at no cost to their respective county. Now, that's the good news, but here's the bad news. If LB152 is not passed out of committee and on to General File into public law, our technological advancements will cease, unless we increase our budgets to fill those needs and that void that's left from the nonpassage of LB152, for which for many of us would be difficult if not impossible. All systems have been put into place to accommodate LB14 would have to be removed from accounting to administration. The entire fee structure that our users, throughout the country, have put into place who record in our counties would have to be revamped. Eventually, we would arrive at a standstill, or even worse, revert back to the pre-LB14 days with all of our fees. Our customers, your constituents, my constituents, would wonder why we are no longer embracing technology, why we've chosen not to continue to provide such an effective and efficient service through the wise use of technology, and why we changed an obviously "win-win" situation to a "lose-lose" one. The tech fund's hundreds of thousands of dollars each year have enabled all of us to make significant progress in providing needed state-of-the-art services to our users. It's helped us continue to meet our needs and we're reaching out to you to do the same. Continue to help us with our needs, comply with our state mandate to preserve our so very critical property-ownership records. Please pass LB152 out of committee so it can go on to General File and be passed by the full Legislature. Thank you, and I'll take any questions.

[LB152]

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SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Much appreciate it. [LB152]

DIANE BATTIATO: Thank you. [LB152]

SENATOR MURANTE: Ms. Gilbertson, welcome back to the Government Committee. [LB152]

KORBY GILBERTSON: Hello. Chairman Murante, members of the committee, for the record my name is Korby Gilbertson. It's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n. I'm appearing today as a registered lobbyist on behalf of the Nebraska Realtors Association. I first want to thank Senator Craighead for introducing LB152 and thank NACO and members like Diane Battiato for working with us on this for years and I think this is an example of something that has really worked and the reason why you put sunsets in so you can go back and make sure what you have done with those fees is doing what their intended purposes. And this is clearly something that has and we've always affectionately referred to this as the Diane Battiato bill. So, I'm glad that she was before me so that we can hopefully get this done this year and get rid of the sunset. With that I'd be happy to answer any questions. [LB152]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you. [LB152]

KORBY GILBERTSON: Thank you. [LB152]

SENATOR MURANTE: Welcome back. [LB152]

LARRY DIX: It's good to be back. It's good to be here for another day. [LB152]

SENATOR MURANTE: It's in support of something, so that's exciting. [LB152]

LARRY DIX: There you go. Senator Murante, members of the committee, my name is Larry Dix. I'm the executive director of the Nebraska Association of County Officials appearing today in support of LB152. I think our register of deeds did a tremendous job of laying out the history going back to LB14 covering all those. Typically, I sat back there and trying to think, okay, what was not covered. What didn't we cover? What question is out there? I think they covered it beginning to end. We certainly thank Senator Craighead for bringing this. We know Senator Lowe has a bill, this is very, very similar to it. But at the end of the day, we would just encourage the committee and I would ask you to move this as fast as we can as we're sort of going through this session, we're not being noted for how fast we move things through, but this bill carries a

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little higher level in the situation we're in with the sunset date. So, we do need to move it through or we will step backwards. The Secretary of State will lose some revenue actually. We will cost our taxpayers some revenue because we will have to go back and reprogram computers. So it's a little bit different and I appreciate when Ms. Gilbertson was up here. We have worked together with all the players on this. We believe, and I don't know that that's a fact, but we believe the only thing that you're going to hear is support today for this. So, with that, I would address any questions anybody may have. [LB152]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much. Additional proponent testimony to LB152. Are there any additional proponents? Is there any opposition testimony to LB152? Is there any neutral testimony? Seeing none, Senator Craighead waives closing. (Exhibits 4-8) And before we close the public hearing, I have letters of support of LB152 from Casper Corfield, the Garden County Clerk; Deborah Karnatz, the County Clerk from Clay Center, Clay County; Joann Fischer, Knox County Clerk; David Dowling, Cedar County Clerk; and John Gale, Secretary of State. And that closes the hearing on LB152. We'll proceed to the next item on the agenda, LB624, Senator Wishart. Welcome to your first committee...your first meeting of the Government, Military and Veterans Affairs Committee as a State Senator. It's good to have you here. [LB152]

SENATOR WISHART: Yes, this is my first day of committee hearings, too, as a State Senator. [LB152]

SENATOR MURANTE: Is that right? Congratulations. [LB152]

SENATOR WISHART: Yeah. Well, good afternoon, Chairman Murante and members of the Government, Military and Veterans Affairs Committee. My name is Anna Wishart, A-n-n-a W-i-s-h-a-r-t, and I represent the 27th Legislative District in west Lincoln. I am here today to introduce LB624, a bill that would direct county assessors and register of deeds to withhold the address of law enforcement officers unless requested in writing. This idea was brought to me by Lincoln City Councilman, Roy Christensen, but as the wife of someone who has served with the Lincoln Police Department for five years, this issue is important to me personally as well. Law enforcement officers provide a great service to our communities around Nebraska. They come face to face with danger every day and have taken an oath to protect the public. While law enforcement's main priority is to protect the public, unfortunately the nature of law enforcement officer's work sometimes puts them and their family's safety at risk. LB624 would direct county assessors and the register of deeds to withhold the address of law enforcement officers unless requested in writing. This means that someone looking for a law enforcement officer's address wouldn't be able to simply go to the county assessors Web site and find the address. This added

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step of having to request the address in writing will hopefully make a person with bad intentions stop and think twice about what they're doing. A request made in writing would also take away the anonymity that the Internet provides. Law enforcement officers who would like their address withheld would apply through the county assessor by providing their law enforcement certification number and paying a fee of \$25. Through these steps, they would have their address withheld for five years. Every five years the officer would have to reapply and pay the \$25 fee. We have law enforcement officers here today and I want to thank them for taking time out of their day to come. They will be sharing with you their personal experiences and speak to the importance of this legislation. My goal with LB624 is not to withhold any information from the public. It is simply to provide an added barrier of protection to law enforcement officers and their families. I would be happy to address any questions with the committee, and thank you. [LB624]

SENATOR MURANTE: Thank you very much for your opening. A question I have is, what motivated you to attach a fee to keeping the information confidential? I mean there seems to be good public policy to keep it withheld, but what was the motivation to charge law enforcement a fee to do it? [LB624]

SENATOR WISHART: Just so that we don't pass on sort of an unfunded mandate to the county because there will likely be some data changes that may need to happen with their system, just added paperwork. And when we spoke with many of the law enforcement agencies, this was something they were happy to do. [LB624]

SENATOR MURANTE: Okay. Thank you. Senator Blood. [LB624]

SENATOR BLOOD: Thank you, Senator Murante. Senator Wishart, do they currently do this in any counties in Nebraska? [LB624]

SENATOR WISHART: I know Douglas County does. [LB624]

SENATOR BLOOD: And how long have they been doing that? [LB624]

SENATOR WISHART: I don't know that. There will be somebody here to speak to that. [LB624]

SENATOR BLOOD: So the only...first of all, I want to say that anything that protects people who protect us, I'm all for. And I love that you're not handing down an unfunded mandate because that's one of my peeves. But one of the concerns I have and I'm guessing you probably spoke with the Attorney General, is that where do we draw the line and how do we draw the line,

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so, for instance, do we pass a law that domestic violence victims can do it, which indeed I think is probably a good idea. What is...how are we protected? What's to prevent us from having special interest groups or special entities say, well, if police can do it, why can't we do it? How do you feel about that and what does the Attorney General say about that? [LB624]

SENATOR WISHART: Well, when we spoke with the Attorney General, it was mainly to get an opinion as to whether counties can already do this now or not. But we did not hear from their office in regards to any concerns in that matter. I'm happy to follow up more on that. For me, the need is very obvious with law enforcement in particular, which is why I brought this bill and was very specific to keep it just to law enforcement. [LB624]

SENATOR BLOOD: Would you be open to expanding it to other entities? [LB624]

SENATOR WISHART: I think that's something that the Legislature should definitely look at doing. [LB624]

SENATOR BLOOD: Thank you. [LB624]

SENATOR MURANTE: Senator Briese, and then Senator Brewer. [LB624]

SENATOR BRIESE: Thank you, Senator. Thanks for being here, Senator. Why the exception for a written request? [LB624]

SENATOR WISHART: Well, because we want to make sure that we're not violating the Public Records Act. So, I mean, if somebody needs to get a public record in terms of who lives in a location, they can submit that through a written request to the counties and be able to get that information. It's just they won't be able to easily look on-line on the county assessor's Web site and find where a law enforcement officer's family lives. [LB624]

SENATOR MURANTE: Senator Brewer. [LB624]

SENATOR BREWER: Thank you, Chairman. Senator, I thought I would share with you. After the bin Laden raid, we had a number of situations where both homes and vehicles were vandalized because of accessibility to SOF special operations addresses. So, I think it's a great idea. [LB624]

SENATOR WISHART: Thank you. [LB624]

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SENATOR MURANTE: Good question, Senator Brewer. (Laughter) [LB624]

SENATOR WISHART: Keep those questions coming, please. [LB624]

SENATOR MURANTE: A real hardball there. (Laughter) Are there any additional questions? Seeing none, thank you very much for your opening. Much appreciate it. [LB624]

SENATOR WISHART: Thank you. I will be here for closing. [LB624]

SENATOR MURANTE: Okay. Great. Proponent testimony. Councilman, welcome to the Government Committee. [LB624]

ROY CHRISTENSEN: (Exhibit 1) Thank you. Chairman Murante and committee members, my name is Roy Christensen, R-o-y C-h-r-i-s-t-e-n-s-e-n. I'm a member of the Lincoln City Council. I'm not here representing the city of Lincoln officially, or the council officially, but I am here in my role as a city councilman and I want to tell you the story of what brought me to here this moment today. About a year ago I was in a committee, a Citizen's Advisory Police Committee, and a disturbing piece of information came my way in that 25 percent of the law enforcement...police officers of the Lincoln Police Department do not live in the city of Lincoln. That disturbed me. I think...I want them to be my neighbors. I think I'm safer when they live nearby. And so I asked the question, why is this? And the answer I got was even more alarming to me, is because our families don't feel safe living in Lincoln. And so I proceeded to ask more questions. What was going on here? Why...what's going on? It turns out bad actors, when they get an attitude about a certain police officer, can go to the assessor's Web site, find out where that officer lives, and then take action against that officer at their home, and against their families. Now, these men and women stand between us every day in the dark underside of our culture, and I think we owe it to them to make it so that that darkness doesn't follow them home at the end of their shift. So, I went and did all the research I could find, talked to all sorts of people, what's going on. I found out that it's done in other counties in the state of Nebraska, but that our assessor was unwilling to do this. And then I proceeded to go to the State Attorney General and asked him questions, and he said, well, you can't ask me. You've got to ask a senator. So, but he says, but I'll go talk to the head of the Nebraska State Patrol and he did. And they got back to me with the answer, says, well, the law is really ambiguous. Basically it says, that the local elected officials can do this at their discretion. Well, to me that's not good enough if I have an assessor who is unwilling to go that way. And so, I started looking for things to do to fix this issue and talked to the police union and went that direction. Tried to get some traction and then I met with, now Senator Wishart, during her campaign, brought this up. She was happy to bring this forward to you and I'm just thrilled that we got here to this point. And I know this is going to have smooth sailing because you don't have a fiscal note for this, okay. So at this time I also have been

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asked to present a letter in support of LB624 from the Lincoln Chamber of Commerce. Also I'd like to acknowledge the officers behind us...or behind me. Could you folks stand, please? All these law enforcement officers are here representing...they're a small percentage of the law enforcement officers in this county and they are here fully in support of what we're doing. Thank you. And so I think I'll be followed by Matt Barrall from the Fraternal Order of Police, unless you have any questions of me. [LB624]

SENATOR MURANTE: Thank you very much for your testimony. Senator Craighead. [LB624]

SENATOR CRAIGHEAD: Thank you, Mr. Christensen, for being here today. Obviously, if a law enforcement official owns a home, someone can find it on the assessor's Web site. What if there is a family living in a rental home and all you can find is the owner of the house? How do we protect those officers? [LB624]

ROY CHRISTENSEN: Well, I think this is the first step. It's not the only step that we need to take. And frankly, I think we're all very fortunate that bad actors in our society tend to be lazy, and I don't think we can count...I think we can probably assume that they're not going to go to a lot of effort to try to find our officers if it's not really easy. So, again, this is a first step. And we want to see how it works out. And to your question about who is next, who do we add to this, and where is the stopping point? I would also say that we've got to see how this works first. And who is to stop...you know, who is to draw the line? Well, guess what, you are. You're here to draw the line but...of who should be able to have their records blocked from on-line access. But I'm really a proponent of the police officers and all law enforcement officers in our state have this in place for their protection. [LB624]

SENATOR MURANTE: Thank you, Senator Craighead. Any additional questions? Seeing none, thank you very much for coming down here today. [LB624]

ROY CHRISTENSEN: Thank you. [LB624]

SENATOR MURANTE: Additional proponent testimony to LB624. [LB624]

MATT BARRALL: Chairman Murante, Senators of the committee, my name is Matt Barrall. It's B-a-r-r-a-l-l. I am the vice president of the Nebraska State Fraternal Order of Police. I am here to represent the over 3,000 members in law enforcement and their families and ask for your assistance in keeping us safe. I, myself, have been a target early in my career. A violent felon came after me. I ended up having to get a protection order. My family was protected. That law...at the time there was a law where I worked that kept my records confidential. When I

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learned last year that a member of the Sarpy County Sheriff's Office, which I'm an investigator there as well, a deputy was also a victim of stalking, I looked to keep...see if I could keep him protected. There is a law on the books that says a county official may keep the records of address, personal information, confidential. From what I understand, we had a county official that did not want to keep that confidential. In fact, was very adamant that the current records stated that anyone could have access to that information. In Sarpy County we have complete anonymity as to Internet searches, nothing is recorded. I can search anyone for any reason by name. When it comes to law enforcement, I think there needs to be one extra added layer of protection. I don't dispute that there may be other people that also may need to be protected, but my focus has to be for my brothers and sisters and their families. Officers have been targeted at their homes in Texas, Indiana, North Carolina, California, South Dakota, Illinois, New York, and Louisiana all just within the last year. Attacks are up on law enforcement over 250 percent. Sixty-one deaths by gunfire last year were specifically officers were targeted just for being an officer, for the uniform they wore and the badge that they carried. We have a confidentiality law, if Senator Blood had still been here, for victims of crime in the state of Nebraska. It's a confidentiality program that's throughout the United States. There are 31 states that participate in this. What we don't have is something that keeps the public record safe for law enforcement in any...just name, search by name. So I would please plead with you to look at the levels of protection we have and how we need to keep us safe. Thank you. [LB624]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none...oh, Senator Lowe. [LB624]

SENATOR LOWE: Sorry, didn't mean to (inaudible) that. Number one, thank you for being here today and thank you and each and every one of you for your service. Do you know where white pages on the Internet gets their data for... [LB624]

MATT BARRALL: Often some...it's a good question that you've raised. I could pull out this phone right here and within two Web sites I could tell you all where you live. A lot of those public information Web sites just cull their information from an open records search like a GIS survey at the assessors or the register of deeds level. It doesn't take anything to find. It's just a simple search of a program. They take a name and an address and then they sell that information. There are entities that choose to publish those addresses out specifically towards law enforcement just to incite violence. [LB624]

SENATOR LOWE: Would this bill stop that...stop places like white pages from finding that information? [LB624]

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MATT BARRALL: For law enforcement it would certainly help to reduce it. Could it stop it completely, unfortunately, probably not, but it will make it harder. [LB624]

SENATOR LOWE: Okay. As long as it helps. [LB624]

SENATOR MURANTE: Thank you. Senator Briese. [LB624]

SENATOR BRIESE: Thank you, and thank you for being here. Are you comfortable with the exception for written requests, or would you prefer that not be in there? [LB624]

MATT BARRALL: Personally, I would prefer it not to be in there. However, I understand that there is a need at times for public information to be released and if someone needs to file a Freedom of Information Act, I would not want to restrict a certain person's right to have that information. However, a written request is reviewed, a name is attached to it. So, unfortunately, if violence were then to befall that person, at least we would have a paper trail and some record to go after versus just me typing a name with no record kept. [LB624]

SENATOR BRIESE: Okay. Thank you. [LB624]

SENATOR MURANTE: Thank you. Any additional questions? Seeing none, thanks for coming down today. Appreciate it. [LB624]

MATT BARRALL: Thank you. [LB624]

SENATOR MURANTE: Still on proponent testimony to LB624. Welcome. [LB624]

MAX HUBKA: Good afternoon. Mr. Chairman, committee members, thank you for having me. My name is Max Hubka, M-a-x H-u-b-k-a. I'm a third generation Lincoln Police officer. I'm currently in my eighth year as a police officer. During my time, I've served in a number of specialized units, positions, I guess, and I'm currently assigned as a gang investigator for the Lincoln Police Gang Unit. I have a number of incidents that I want to share just to kind of give everyone an idea of why this bill came to be. This bill is a focus of mine that I've kind of been working on for the last five years. It initially started when I had an incident at my home and as I did hours of research and phone calls and e-mails, I learned that our Lancaster County assessor is unwilling to remove law enforcement officers information from the Web site and ultimately it culminated in contacting Mr. Christensen and Senator Wishart to have this bill pushed forward. As far as the incidents that have occurred, the original incident that I spoke about was in 2011, my partner and I were working third shift. We ended up arresting two brothers for driving under

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the influence. These brothers were very antipolice and very uncooperative when we arrested them. Very shortly after we arrested the second brother, I began finding dead animals left on my property. There was approximately 10 to 15 dead animals left over the course of a year. These would be, sometimes like a squirrel or a rabbit and all the way up to like raccoons and possums. Some of them were beheaded, some of them were left on my front driveway. Some were left in my backyard which I had a privacy fence around, but they were all badly mangled and it was evident that they didn't die of natural causes. This, I was never able to prove who was leaving these on my property. It happened overnight while I was working, but I would arrive home and find a dead animal thrown against my garage door, that type of thing, and I just assumed that it was these two brothers that were likely the culprits as it started the day after the second arrest. At the time, that was my first home. I had moved into it roughly one month before and the only place that I could find my records available was on the county assessor's Web site. I did, you know, Google searches and all those things which lead me to believe that the person or people that had left these animals would likely find my information off of the Web site and that I believed it was related to my law enforcement work. I have a couple additional incidents. Last year, during my work with the...as a gang unit investigator, we had a felon that was indicted federally for weapons and drugs violation and during the course of our investigation with him, he posted comments on line threatening to sexually assault family members of the gang unit investigators that he was being investigated by, and he also threatened to video record those incidents and post them on line. Also last year, we had an individual that was arrested for drug-related violations. He was a multi-state offender and a convicted felon out of multiple states as well. He had a history of weapons, assault, and drug arrests and he had with him a handwritten list of officers' names, including many narcotic officers and my name as well was on that list. So, there's a number of personal reasons I have to believe this bill is worthwhile. I also have two officers that wish to have me share their stories real briefly. They weren't able to make it today. The first is a Butler County Sheriff's Deputy who had a bullet fired through his house. This bullet was fired into his 18-month-old son's bedroom. It went through the bedroom and embedded in an interior wall. No arrests were initially made, but two year's later an individual came forward and said that he knew about it and that it was two individuals that had fired the gun from a moving vehicle, fired it into this officer's house because of the fact he was a law enforcement officer and he had arrested these two suspects. I also had an incident forwarded to me by a Gage County Sheriff's Sergeant. He had a note left on his vehicle. He has a take-home, marked, patrol vehicle and he found a note one morning left on his vehicle referring to him as a Nazi and a fascist pig and told him that he was being watched by an unknown party. Obviously, that's concerning as he has children. So in conclusion, I'll be brief here, but I believe that these concerns are increased by the light...or in light of the recent national events including intentional and violent targeting of law enforcement officers. I know that numerous states already have this legislation in place to protect their law enforcement officers and I hope that Nebraska will follow their lead to protect our law enforcement community and my brothers and sisters behind me because I know that we do a lot to protect the state. And I guess that's it, if anybody has any questions. [LB624]

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SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for your service and thanks for coming down today. Appreciate it. [LB624]

MAX HUBKA: Thank you. [LB624]

SENATOR MURANTE: Additional proponent testimony to LB624. Welcome. [LB624]

ANTHONY GRATZ: Hi, Chairperson and Senators. My name is Anthony Gratz, A-n-t-h-o-n-y, Gratz, G-r-a-t-z. My reason for being here today is much like Officer Hubka, in that throughout my eight years, or slightly over that, with the Lincoln Police Department, I've experienced several things that touched my life and my family's life because my address was public information. Specifically, just in this last year, there was a streak of time that my house and my family was threatened repeatedly, and it was during a period of time when my wife was seven months pregnant, so that brought much concern to myself and I think my coworkers as well. So a couple of examples that I'd like to share with you. In March of 2016, I was contacted by several officers that I work with that are currently assigned to the Narcotics Task Force and they had received information from various sources that a party that was involved in numerous investigations that I had helped with, and investigations that they were currently a part of, that he knew where I lived and that he had shown these individuals my address. What made this more concerning is this individual was telling people that he had pictures of my kid, and that became concerning. But as this individual was arrested on unrelated charges and those accusations were addressed with him, although he denied those accusations and he was asked if those photographs would be on his phone, he denied that they would be there. Moments after he was incarcerated, he immediately made a jail phone call requesting that an associate of his remotely access his phone and delete everything on that phone. It was my opinion at that time that the reason he made that phone call was because there were likely photographs on that phone of either my house or my child. The Lincoln Police Department did a great job of increasing patrols at my residence and addressing this concern, but it continued. The 25th of April, again...I guess the 1st of April was the next example. Again, I have several, but I'll just touch a couple of them. A party was arrested on numerous felony charges. She was already a convicted felon for having assaulted a police officer and that was myself, years prior. She was known to be involved with weapons, specifically guns, and known to be involved in selling methamphetamine in Lincoln. When she was arrested on this case, the concern was that she began also making recorded jail phone calls where she was attributing her arrest and all of her life shortcomings towards myself, even though this specific case that she was incarcerated for had nothing to do with me. This individual then called her boyfriend, who is also known to be a multi-state offender, also involved with weapons, and by his own admissions involved in selling large amounts of drugs in Lincoln, and she instructs him that he might need to go by my residence and shoot it. This was again very concerning because I knew these individuals had access to guns and that they had a reason to

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dislike me and my family. Later on an interview was conducted regarding this case and she admitted to providing the person she told to shoot my house with guns. Both of those individuals are currently in prison, but I think it's obvious why that would be concerning that so easily our addresses are accessible by these individuals that we've taken off the streets. So it's my hope that you'll support this bill because it's my opinion that it's not a matter of "if", but "when" something happens, if this bill is not passed. [LB624]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down and thank you for your service. [LB624]

ANTHONY GRATZ: Thanks. [LB624]

SENATOR MURANTE: Welcome. [LB624]

ADAM VAIL: Senator Murante and committee members, my name is Deputy Adam Vail with Sarpy County Sheriff's Office. I'm here today to take a few minutes of your time to explain a story that happened to me last August 19th. I was with my 4-month-old child and my wife at the time and driving around a parking lot. I dropped my wife off at a store. It was raining and my child was sleeping, so I didn't go in the store with them. I drove around the parking lot to keep him asleep, because obviously everybody knows how hard it is to keep a 4-month-old asleep, I immediately observed somebody following me. The pickup made multiple turns following me. It continued to follow me after I took evasive maneuvers even going behind a building where nobody would drive. At a high rate of speed the pickup caught up to me. It jumped curbs to catch up to me, it lost control, almost hit a car. I immediately contacted my wife, told her to stay in the store. For an unknown reason this car was following me. I contacted our 911 communications, advised them what was going on, and requested officers meet me at the Bellevue Police Department. I live in the city of Bellevue. I live actually not far from the Bellevue Police Department. The individual followed me all the way there, every lane change I made, he made. We got into the parking lot. I pulled right up by the front door. He stopped at the entrance of the parking lot. He pulled ten feet forward, stopped again. He noticed an officer run to his cruiser, he took off at a high rate of speed. Was later contacted, stopped, got his information. He identified himself and stated that the reason he was following me originally was because he thought it was over a neighbor dispute, which he lives nowhere near me. But later came out that he has pending litigation against law enforcement officers and that he has a personal basically vendetta against law enforcement officers. The only way he could identify me as a law enforcement officer was a thin blue line sticker on the back window of my car. I'm a canine handler, I had a paw print with a thin little line. The sticker was literally about that big. He had gotten close enough and had seen it. That was the only possible way he could identify me, some symbol sticker. That male lives about two miles from my house. He was arrested and convicted with stalking, first degree

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misdeemeanor, and disturbing the peace. He's pending sentencing on February 9th. In court, the reason some of this stuff had come out, it's on...it appears that he was denied a handgun permit and that was what his argument against law enforcement was. Now, my address on all the reporting, all the reports and everything was the sheriff's office to prevent him finding my address. And this bill would prevent him being able to search for my address to the register of deeds office. Right now, he could pull it up. He literally lives two miles from me. Now, we didn't seek a protection order because I didn't want to give him my address and I've done everything to prevent giving him my address. And that's why I'm in support of this bill and I appreciate your time here today and hope that we can move this bill forward as it is a necessity to prevent any further action or any...and basically protect law enforcement officers because we are being targeted on a daily basis, and it's not fair to our families because of a simple job that I do to put food on the table for my family. That's all I have. If you have any questions. [LB624]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much. [LB624]

ADAM VAIL: Thank you. [LB624]

SENATOR MURANTE: Additional proponent testimony to LB624. Are there any additional proponents? Opposition testimony to LB624. Neutral testimony. [LB624]

LARRY DIX: Senator Murante, members of the committee, my name is Larry Dix, L-a-r-r-y D-i-x. I'm executive director of the Nebraska Association of County Officials appearing today in a neutral capacity on LB624. First of all, I want to thank Senator Wishart for bringing this forward and our law enforcement people that as county officials we represent the sheriffs and we know the situation going on here. I want to try to get back and address Senator Craighead's question, but first I want to sort of go through some of the components of the bill just so that I think the committee understands how it will work within the computer system, and some things that might be suggestions. I just want to make sure that the bill is written so that when we turn this over to the software folks that they get it right and that everybody has the same expectations. In the bill it talks about...well, on page 2, or on the only page, but on line 6, 7, and 8, when the application comes forward we're going to have the name, the address, the certified law enforcement identification number, and the parcel identification number for his or her residential address. And in my understanding, I believe that is for the address in which they reside and live because, as you know, like anything else, somebody could have multiple parcels, multiple pieces of property. And my belief is, here we are going for the address in which that person resides and that's why the request for the parcel identification number is. It goes on to say the county assessor and the register of deeds shall withhold the address of the law enforcement officer who complies with this section. I just want to make sure that we're clear because when a deed is filed in the register

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of deeds office, at that point in time there isn't necessarily a parcel identifier immediately addressed to that. And there are many things that are filed in the register of deeds office that have information. So, in the issuance where somebody owns multiple parcels, they, of course, could get that address, I'm afraid, on some of the other documents. And I think as long as we have an understanding, what we're trying to do is certainly slow down the process of people just going to the assessor's Web site and grabbing that data. I'm not here to defend what any county specifically is doing, but I would tell you the systems that are designed typically are designed to provide information to people and when these tax systems were designed, they were never designed with the point that we're going to try to take some data and not display it. So there will be a change, certainly, in those systems. When we've looked at it we think it's relatively minor within the confines of this bill and we think it's very doable. And I know there will be a fiscal note and we appreciate Senator Wishart looking at that from a fee. That's helpful. That's very helpful in this process. So, we think that from a software point of view, when I met with a number of programmers, we think we have a pretty good grasp on it. And we understand that when somebody goes to that Web site, searches that person's name, if it meets this criteria, the address does not pop up on that record. We will still see the name. We'll still see other pertinent information, valuation, things like that with the parcel. Just will not have the address. Senator Lowe had a question. I can see I'm running out of time, but I'll try to make that. My belief, Senator Lowe, with the white pages, if the way the bill is written, if they...I'll stop and then. [LB624]

SENATOR MURANTE: Continue to ask, as if he had asked the question. How about that? [LB624]

LARRY DIX: My belief is if the white pages, whoever that company is, if they were to make a Freedom of Information Act request under this bill, then the county would provide them all the information, address included, is the way I'm reading this. And I'm certainly...I want to make sure the committee and once we get to the floor of the Legislature that we have that clear, but I believe that they would submit, if they submit a written request of Freedom of Information, then the county would provide all of the information, address included. My belief is if somebody would go to the Web site and just go parcel by parcel or name by name, then those when they would hit that name for that primary residence, address would not appear. [LB624]

SENATOR MURANTE: I've got a couple of questions for you, Mr. Dix. First of all, it's been suggested that there are some counties who already do not disclose. Is that your understanding? [LB624]

LARRY DIX: My understanding is Douglas County does not. Okay. And I think we heard that Lancaster County does. I would tell you since we're somewhat in the software business, any of

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the counties that would have our software, they would display the name because there is nothing in that software today to trigger this, to not display it. So that would be then a majority of the counties, although they would be less populated, but I would tell you, population doesn't really mean anything. I don't care if it's urban or rural, we have sheriffs' deputies in all of these counties and they all have families there. We need to protect them regardless of it's rural or urban, small or large, and so...but I would tell you most of those systems do not have this provision in it. [LB624]

SENATOR MURANTE: So if Douglas County does it, are you aware of what the fiscal impact Douglas County was to remove that information from their Web site? [LB624]

LARRY DIX: I truly am not. I do not know and I would point out in the bill, the very last Section 2, is the act become operative January of 2018, which we want to thank Senator Wishart for too, because I think that also gives us time to develop the software and get it ready to go. [LB624]

SENATOR MURANTE: So do you need to develop new software or do you just need to go into the software that you have and remove information? [LB624]

LARRY DIX: Yeah, Senator Murante, here's the belief. And here's how, when we've talked to our programmers, how we'll lay it out. The information here will become a database of, here is the address and name, the parcel number, and law enforcement number. We're also going to have the date of application, because as you can see, it expires after five years, because we had talked about when someone leaves law enforcement, how do we know to take them off of the database. And that was a trigger so that every five years, that name remains on and if someone leaves in the middle of it, so be it. So that database will be there and anytime someone does a search on a parcel and they put in John Murante's name, that would meet that requirement, it will immediately read and compare those two parcel IDs. The parcel ID that they're searching for and the parcel ID in this database. If it's in this database, it will come back to the software and say, do not display the address. So there has to be an additional new database created and a read, and then you have to go into all the records that potential...or all the pieces of software that have the potential to show that information. [LB624]

SENATOR MURANTE: Okay. And how many law enforcement officials are we talking about? How many records are we going to have to change? [LB624]

LARRY DIX: Oh, I don't think it's a matter of how many records we're going to have to change. I think when you set it up as a database, it's however many apply, but the software change would be the same if one person applies or if 10,000 apply. I mean, the software would be designed so

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that once that information was put in on that one file, it is that way. So to go into the software change, it doesn't make any difference how many records because we're not going to go in and flag the individual records, we're going to create a new database that holds this information. [LB624]

SENATOR MURANTE: Okay. And we've heard instances of people using...going on-line and finding officers' information to use for the nefarious purposes. Is there a legitimate purpose why someone would legitimately want to find out the address of a law enforcement officer? [LB624]

LARRY DIX: I'm trying to think if there's a legitimate reason. I would assume you're going to have to have the address in the database. I don't think we can...and I don't know if this is the direction you're going down. We wouldn't be able to remove the address from the database because at that point in time we would lose all aspect of where do we mail the tax statement. There are certain triggers that require that address to be on that parcel. [LB624]

SENATOR MURANTE: I guess where I'm going with it is, if we're going to withhold public records we have to identify compelling state interest. The compelling state interest is officers are being shot at. So we have the interest. So the flip side of that is, how do we do it so narrowly that we aren't impacting what we're not going after, the issue that we're not targeting? And what I'm trying to identify is, is there anything else that we're missing here? Is it really just law enforcement is endangered and we should protect them, because if so let's just exempt them from the Public Records Act and call it a day. [LB624]

LARRY DIX: So we would still collect the same information so we could exempt them. And so, yeah, and I see where you're going. I would want to give that some thought, but I mean, we're in agreement. I want to make sure everybody is aware of, we're in agreement that we think we need to protect this information. We just want to make sure that we get it right and when we set it up right, so it works across the whole state. And I, now I see where you're going. I'll give that a little more thought. [LB624]

SENATOR MURANTE: Senator Lowe. [LB624]

SENATOR LOWE: Just curious that some of these people that the officers put away, they may put them away for five or ten years. The officer may retire in that time period, but this person still has a grudge. Now, if we're going to limit it to five years afterwards, would there be a chance, do you think, that maybe they could go for another five years after that even though they're not a police officer or law enforcement officer? [LB624]

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LARRY DIX: Senator Lowe, my understanding is when they...they can reapply for five years. I want to make sure I get your question right. Right now, the way the bill is written they can reapply and as long as they have their certified law enforcement identification number, then that gains them another five years. But I think what I'm hearing you say is, if they apply and then they leave law enforcement and then the crazies, or whoever that were locked up, get released and in that time then the law enforcement person no longer is in law enforcement, what you're asking is, can we grant them another five years. And I think from the legislative perspective you can and I think that's sort of what we're asking today. As long as we get the rules right so the software works right, I think you grant them, however you want to grant them that. If you want to grant that with an additional fee and that...because I believe the certified law enforcement identification number, I would assume that has a date that is kept, I believe, at the Crime Commission. I'm not sure. I think there's a state agency somewhere that keeps that. The law enforcement folks would be able to answer that, but I think we would have a date certain and we could trigger off of that just like you're asking. [LB624]

SENATOR LOWE: I just wanted that in the record just so that we can review that again. [LB624]

LARRY DIX: Right. Yeah, I think you're exactly right and I think everybody is aware that when we're talking about displaying the address, we're talking about displaying the address when it pops up on a Web search. I don't think we're talking about redacting a whole lot of records that are behind the scenes that are scanned records. I think we're trying to stop the people from just blatantly going out there, putting in a search, and getting it. And I haven't answered Senator Craighead's question on rental, but if she wishes to ask it I'll answer it, otherwise I will not. You do. So if a law enforcement officer has a rental piece of property, under this scenario, under the bill, they would have a parcel identification number, but of course the search would only bring back who owned the rental property. So I think if we had a law enforcement person in a piece of rental property, I don't think this search would bring their name forward. I think they would be covered and protected. [LB624]

SENATOR MURANTE: Additional questions? Seeing none, thank you very much. [LB624]

LARRY DIX: Thanks. [LB624]

SENATOR MURANTE: Welcome. [LB624]

MICHAEL GOODWILLIE: (Exhibit 2) Thank you. Good afternoon, Senator Murante and members of the committee. My name is Michael, M-i-c-h-a-e-l, Goodwillie, G-o-o-d-w-i-l-l-i-e, and I work for the Douglas County Assessor/Register of Deeds Office. I am here to testify on

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LB624 in a neutral capacity and we certainly understand the motivation behind the bill. One of the unhappy side effects or by-products of the information age is that information gets into the hands of people who want to do bad things with it. We certainly understand the desire to protect our law enforcement officers from people of that nature. We do want to address a couple of technical aspects of the bill that we'd like to have you consider. First, since people have talked about us, what we do is we disable the name search function on our Web site. If you go to our Web site, there are a number of ways to search for property including by the owner's name. If we get a written request, either through e-mail or through more traditional means from a law enforcement officer, we will disable the ability to search for that officer's property using the name search feature. We don't change the public record and this dates back to...we also don't charge a fee and we don't have a five-year limit. This dates back to a conversation our office had a number of police chiefs ago where the discussion was sort of our guys are a little nervous about people going to your site. Our site is very popular. I've had people stop in the middle of cursing me out to say, we think your office really stinks but we really like your Web site. I mean, we get lots of hits so the idea was to disable the name search function and then we told the police chief that, look, if they know the parcel number or if they know the address and they search that way, they're still going to get the police officer's name. And what he said to us was, hey, if they know the parcel number and the address, our guy is in a bad way to begin with. So, the discussion has always been just about disabling the name search. Now in terms of the bill itself, let's understand what we're talking about. We leave so many tracks out on the Internet, there's so many avenues for people to find us. At best, I think LB624 only makes it a little bit more difficult. And if that's the goal, that's fine. The thing I wonder about is the universe...one of the things I wonder about is the universe of people we want to look out for in this way. Currently, the bill limits to law enforcement officers, but certainly we can think of other people who are put in the path of the same kind of people that might threaten law enforcement officers--prosecutors or judges, and what about appointed officials, even local celebrities, like the television anchorwoman or the football coach, or private individuals with angry former tenants or angry former employees? This is sort of the tip of scratching that sort of privacy of dealing with that kind of privacy issue. The application requirement is probably not unreasonable to ask people to have their names suppressed in that way, but the five-year term has some potential for administrative difficulty. My own view is that lots of people won't remember to reapply. The program...we administer programs like the Homestead Exemption program where people can get all or some of the value of their home exempted from tax. That's an annual application and every year we have to send reminders out to them. I do think that you apply for something and the passage of time and you get busy with your life, are you going to remember that five-year window? I don't know. Currently, the bill does not discuss for example, any kind of a requirement to notify people that their five-year window is coming up. That may be an interesting computer programming issue. And finally what I think this really does is it opens the discussion for the parameters of our public records statutes. I think one of the testifiers talked about the ability to withhold public records for public employees. If I can, can I just finish? For public employees, currently there's

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an exception of the public record statutes for personal information for public employees except for routine directory information. Routine directory information has never really been litigated here in Nebraska. I think other jurisdictions look at it as things like name and address and so forth. So I'm not sure that that exception is a vehicle to actually withhold public records. They have law enforcement people's names on them. What I would say is, there are other jurisdictions that have specific exceptions to the Public Records Act that say the names and addresses of law enforcement officers or other types of public officials may be withheld under certain circumstances. Perhaps, this is a bridge to discussing that at some point down the road. With that, I'd be happy to take any questions that you happen to have. [LB624]

SENATOR MURANTE: All right. Thank you very much for your testimony. [LB624]

MICHAEL GOODWILLIE: Thank you. [LB624]

SENATOR MURANTE: (Inaudible) So Douglas County does withhold this information today, is that accurate? [LB624]

MICHAEL GOODWILLIE: We do. Now, understand, we view the public record as...for each piece of property is what we keep and maintain in the office through our computer system. What we put on-line is simply a...simply a courtesy that we do to the public. We do not believe it is in any way, shape or form the actual public record. If people come to us with a public records request and they say, we want the property record files for everybody that lives on the 1200 block of Main Street kind of thing, we would generate those records as a public...to provide for the public records. And the ownership records would be in there. So what we're disabling, quite frankly, is simply when you go to our Web site and you go to the section that enables you to search for property, over on the left-hand margin there's a variety of ways to search, including owner name. So if you typed Ben Smith, you know, the police officer you had a grudge against, or the judge you were mad at, you could type Ben Smith in there and his house would not come up in response to that name search. [LB624]

SENATOR MURANTE: And how much did that cost the county? [LB624]

MICHAEL GOODWILLIE: You know, we get these things piecemeal. We might get one request this week and have a couple of weeks go by with no requests. Then another week where we get a couple of requests, and so because it comes in piecemeal, we're able to do that with additional staff and no real extra cost. Now, if you had, you know, 500 people ask all at once, that might become a more expensive proposition. [LB624]

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SENATOR MURANTE: Okay. Thank you. Seeing no additional questions, thank you very much. Still on neutral testimony to LB624. Mr. Schaefer, welcome back to the Government Committee. [LB624]

MATT SCHAEFER: Thank you. Good afternoon, Chairman Murante and members of the committee. I was not intending to testify today until I heard where some of the discussion was going. My name is Matt Schaefer, M-a-t-t S-c-h-a-e-f-e-r, appearing today on behalf of the Nebraska Land Title Association. I thought I heard discussion during this hearing of potentially removing the request...removing the language that allows a request in writing and discussion of what a legitimate reason would be to have access to an address of an officer. Certainly in the industry that our association is involved in routinely needs access to address information in public records related to their customers which can include police officers or law enforcement officers. So, I just wanted to convey that they are an industry that does need access to these public records, so whatever version the bill looks like at the end, we hope you would keep the access, if there is a request in writing. [LB624]

SENATOR MURANTE: Sure. So as I understand...thank you for your testimony. So your concern is not so much...your concern is with the property itself not necessarily that you need to know who lives there or that person is a law enforcement officer, is that correct? [LB624]

MATT SCHAEFER: I don't think the fact that their law enforcement is relevant at all to our industry, but if a law enforcement officer was trying to sell that land, our industry is the one that is ensuring that they own what they say they own and so they need access to these public records to ensure that. [LB624]

SENATOR MURANTE: Okay. We'll explore that a little bit more then. Senator Lowe. [LB624]

SENATOR LOWE: Just to clarify. So you'd be willing to go along with this as long as the request is being made like it says in the bill. [LB624]

MATT SCHAEFER: To be clear, we are just fine with the language as introduced. [LB624]

SENATOR LOWE: Okay. [LB624]

MATT SCHAEFER: I heard discussion amongst the committee of potentially removing the ability for someone to request in writing these public records. And that's what, I guess, I'm testifying and saying that there are legitimate reasons to request these records, for instance, when

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a law enforcement officer wants to buy or sell property or obtain a mortgage for their property. [LB624]

SENATOR MURANTE: Seeing no additional questions, thank you very much for your testimony. [LB624]

MATT SCHAEFER: Thank you. [LB624]

SENATOR MURANTE: Is there additional neutral testimony on LB624? Seeing none, Senator, you're recognized to close. [LB624]

SENATOR WISHART: Well, thank you, again. I think everybody was...I mean, I think the testimony was sufficient. If you guys have any questions for me, any follow-up questions, happy to answer them. [LB624]

SENATOR MURANTE: (Exhibits 3-4) Any final questions? Seeing none, before we close the hearing, I do have letters of support from Christy Abraham of the League of Municipalities, and Jeffrey Bliemeister, the Chief of Police for the city of Lincoln. And that closes the hearing on LB624 and ends our public hearings for the day. Thank you, everyone. [LB624]