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Judiciary Committee  
March 02, 2017

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[LB201 LB259 LB440 LB505 LB589]

The Committee on Judiciary met at 1:30 p.m. on Thursday, March 2, 2017, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB201, LB440, LB259, LB589, and LB505. Senators present: Laura Ebke, Chairperson; Patty Pansing Brooks, Vice Chairperson; Roy Baker; Ernie Chambers; Steve Halloran; Matt Hansen; Bob Krist; and Adam Morfeld. Senators absent: None.

SENATOR EBKE: Good afternoon. Welcome to the Judiciary Committee. My name is Laura Ebke. I am the Chair of this committee and I'm from District 32. And I'd like to start off by allowing my colleagues to introduce themselves, starting with Senator Baker.

SENATOR BAKER: Roy Baker, District 30, southern Lancaster County and Gage County.

SENATOR MORFELD: Adam Morfeld, District 46, north-northeast Lincoln.

SENATOR KRIST: Bob Krist, District 10.

SENATOR CHAMBERS: Ernie Chambers, District 11.

SENATOR PANSING BROOKS: Patty Pansing Brooks, District 28, right here in the heart of Lincoln where you're sitting.

SENATOR HANSEN: Matt Hansen, District 26, east-northeast Lincoln.

SENATOR HALLORAN: Steve Halloran, District 33, Adams County and southern and western Hall County.

SENATOR EBKE: Okay. And assisting the committee today are Laurie Vollertsen, our committee clerk; and Tim Hruza, one of our two legal counsels. And our committee pages are Kaylee and Toni. On the table over there you will find some yellow testifier sheets. If you're planning on testifying today please fill out one and hand it to the page when you come up to testify. This helps us to keep an accurate record of the hearing. There's also a white sheet on the table if you do not wish to testify but would like to record your position on a bill. We'll begin bill testimony with the introducer's opening statement. Following the opening, we will hear from proponents of the bill, then opponents, followed by those speaking in the neutral capacity. We will finish with the closing statement by the introducer if he or she wishes. We ask that you begin

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your testimony--this is very important--by giving us your first and last name and spell them for the record. If you're going to testify I ask that we keep the on-deck chair right there by Senator Lowe filled so that we can facilitate the movement from testifier to testifier. If you have any handouts, please bring up at least 12 copies. Give them to the page. If you don't have enough copies, the page can help you make more. We will be using...well, let me see. How many people are planning on testifying on LB201? Okay. We'll go with five minutes on LB201. For fair warning, because we expect more people testifying on some of these others, we will move to three-minute testimony. But for LB201, since it doesn't look like there's more than five or six of you, we'll go with five minutes. So we'll be using a three-minute light system. When you begin your testimony the light will turn green. The yellow light will come on when you have one minute remaining. And when the red light comes on we ask you wrap up your final thought and stop. If members of the committee have more questions they will ask them, but otherwise we need to keep things moving along. We want everybody to get a chance to testify in good order. As a matter of committee policy I'd like to remind everyone to turn off your cell phones or put them on vibrate so that they don't make a bunch of noise. If you need to take a phone call step out into the hallway, please. Don't talk while you're in the committee hearing room. One more thing, you will notice as we move along that some of our members will be leaving. Senator Krist I know has to leave. Are you going to go to...are you guys both going to JRICC? Okay, so I guess I'll be here. But several of our members will be leaving for another committee hearing. One more thing, we will...we may have people that come and go because of hearings that they have in other rooms. So with that, we'll begin today's hearings with LB201. Senator Lowe.  
[LB201]

SENATOR LOWE: Good afternoon, Chairwoman Laura Ebke and members of the Judiciary Committee. It's great to be here on 151 days on our first day, and also the first of the state girls' basketball. My name is Senator John Lowe; that's J-o-h-n L-o-w-e. I am the senator from District 37 which includes the city of Kearney. I'm here today to introduce LB201. LB201 is being introduced partially in response to the Supreme Court decision Birchfield v. North Dakota and partially in order to modernize the police work in Nebraska. Birchfield the court held that the search warrant is required to take blood samples for purposes of determining a driver's BAC. This decision has significant impact on the Nebraska law enforcement officers and the policies they use to address drunk driving due to the same sensitive nature of performing a blood test to determine the blood alcohol content. Requiring an officer to travel far out of the way to get a warrant and then to travel to a hospital to get a blood sample can create a situation where the individual is no longer over the legal limit when a test can finally be performed. This results in a waste of time, energy, and resources of our law enforcement and for our judiciary. LB201 would allow a law enforcement officer to make an unsworn declaration under the penalty of perjury. An unsworn declaration is a declaration, statement, certificate, or verification made by an individual and subscribed and dated. The individual would be required to sign the unsworn declaration. The signature could be performed by manual signature or by electronic signature. The use of an

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electronic signature would allow our law enforcement officials to use twenty-first century technology that is already being used by our judicial branch. This bill would better clarify and update language to allow for a better review of the law when it comes to the use of technology for issuances of a search warrant. Language would be changed from telephonic statement to oral statement given by telephone, videoconferencing, or similar method. This helps clarify language and allows for better use of technology. This bill will also allow law enforcement officers in one jurisdiction to request help in executing a warrant from another jurisdiction. This can be extremely beneficial to our law enforcement officers throughout Nebraska. If there was an accident in a county and the police suspected it could have been because of drunk driving but the suspected drunk driver was transported to a hospital in another county, currently law enforcement from the county where the accident occurred would have to travel to the county with the hospital to be present for the warrant. This is an unnecessary waste of time, money, and energy. LB201 attempts to modernize our law enforcement procedures to ensure that our law enforcement officers are able to best enforce our laws using the best use of time and money available to them. Please consider supporting LB201. And if there are any questions I will attempt to answer them for you. [LB201]

SENATOR EBKE: Thank you, Senator Lowe. Any questions? Senator Chambers. [LB201]

SENATOR CHAMBERS: Are there going to be some officers or lawyers on your side testifying after you? [LB201]

SENATOR LOWE: Yes. [LB201]

SENATOR CHAMBERS: I will wait until they come then. [LB201]

SENATOR LOWE: Thank you very much. [LB201]

SENATOR EBKE: Any other questions? Okay. Going to hang around for close? [LB201]

SENATOR LOWE: Yes. [LB201]

SENATOR EBKE: Okay. First proponent. [LB201]

PATRICK LEE: (Exhibits 2 and 3) Members of the committee, my name is Patrick Lee, P-a-t-r-i-c-k L-e-e. I'm a deputy county attorney in Buffalo County which is in Kearney, Nebraska. I'm here in support of LB201 on behalf of the Nebraska County Attorneys Association. A little background in terms of why LB201 is necessary. There's that old saying that necessity is the

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mother of invention. These laws have been on our books for a significant period of time as it relates to our traditional warrant process. In June of last year the U.S. Supreme Court handed down a decision, Birchfield v. North Dakota wherein it required a search warrant to obtain a sample of a potential DUI suspect's blood if they refused to consent to that search. In Buffalo County, we practice primarily in blood draws. With that issue, I had to figure out, along with the County Attorneys Association, the Attorney General's Office, and number of law enforcement agencies, how to continue our current process of prosecuting DUIs with three main criteria. First, how do I get a warrant done quickly without having the natural "metabolization" of the alcohol decrease the blood test results of the suspect because of a prolonged delay for a search warrant? Second, how do I obtain a search warrant without strapping a county who may not have additional law enforcement resources or law enforcement officers present to maintain the order and security necessary in the remainder of the county while a warrant is being obtained? And third, how do we go about that without bringing the suspect to the judge's house? That was primarily the issue of our judiciary, which if they're watching I'm sure they're cognizant of that issue. That's where we came into the issue of needing to have an electronic warrant. For almost 200 years of jurisprudence, the Fourth Amendment has created a scenario where a warrant is always preferred. The warrant is the way to go. In fact it's, per se, an unreasonable search if a warrant is not obtained prior to a search. There have been exceptions that have been carved out to make warrantless searches acceptable in the light of the court...in the eyes of the courts. But the default is always to obtain a search warrant. In last three years, the U.S. Supreme Court has shown that there's a need to update technologically how warrants are processed because not being able to utilize technology is not an excuse for not being able to get a warrant. In 1980, which was before I was born so I can't tell you if telephones were the new thing then in terms of how warrants were obtained; 29-814.02 to 29-814.06 was enacted by this Legislature which allowed for telephonic warrants on oral statement. And those are part of the bills...or part of the sections being revised by this statute. In 2006, in an attempt to modernize at that time, this Legislature enacted in 29-814.01 the language "other electronic means" as it relates to search warrants. So LB201 is really a housekeeping bill as it relates to the work of 2006 defining what "other electronic means" is. This bill does not change the burden necessary to obtain a search warrant in terms of probable cause and it does not change in any way the ability to challenge the search warrant, the legal challenges possible for the search warrant at a later time. This modernization fits in line with the Justice Department's...excuse me, the judiciary system's case management that's integrated, the e-filing system by the court. And I think, Senator Morfeld, LB57 is very similar in terms of the perjury provisions in the unsworn declarations that you have in that bill as it relates to this bill. There are three primary reasons this bill should be advanced to General File. The first is cost savings, the second is time savings, and the third is increased Fourth Amendment protections of the citizens and travelers throughout the state of Nebraska. As it relates to cost, the second handout, which is a process comparison in terms of the traditional standard of how a search warrant is obtained and what the process would look like under LB201, shows the amount of time the law enforcement officer would potentially have to spend to obtain

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the search warrant under the current system and what would be saved under LB201. That cost savings relates in areas like Senator Baker's district, Senator Ebke's district, Senator Halloran's district for the distances necessary to travel to find a judge. As it relates to time, we can clearly cut down on the time necessary to obtain the search warrant, which in turn increases the warrants that will be obtained and decreases the warrantless searches that will be conducted within the state of Nebraska. And that increases the Fourth Amendment protections of any person traveling through our state and any person who happens to be a citizen of our state when contacted with law enforcement. On the progression handout you will see that that shows how quickly an individual could be done. The second handout I have created is a memo showing other states who have similar bills. Specifically, Minnesota, North Dakota, and Indiana have legislation that is very similar to LB201 and could be used in your deliberations to show this written declaration that we're seeking is not out of line and is in fact in line with where the country is trending technologically. I would answer any questions you may have. [LB201]

SENATOR EBKE: Senator Chambers. [LB201]

SENATOR CHAMBERS: Do you have a copy of the bill with you? [LB201]

PATRICK LEE: Yes, sir. [LB201]

SENATOR CHAMBERS: Okay, would you turn to page 6. And the phraseology I'm going to mention is found in several locations, but I will just go to this one. What do the words "other similar method" mean? You say, telephone, videoconferencing, or by other similar method. What other method is similar? [LB201]

PATRICK LEE: Are you talking about lines 8 and 9? [LB201]

SENATOR CHAMBERS: Yes. [LB201]

PATRICK LEE: I think as it would relate to Section 6, "other similar method" would be some sort of face... "FaceTiming," things of that nature. I would suggest that would be (inaudible). [LB201]

SENATOR CHAMBERS: Where did you say it refers to? [LB201]

PATRICK LEE: It does not refer to that in the bill. You asked what "other similar method" would be. I would think a similar method to telephone or videoconferencing would a sort of FaceTime-like or Skype-like communication between the judge and the officer. I think that... [LB201]

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SENATOR CHAMBERS: But that's not said in this bill. [LB201]

PATRICK LEE: That is not said in this bill. That's correct. [LB201]

SENATOR CHAMBERS: And we're dealing with a criminal offense. [LB201]

PATRICK LEE: No, this is not dealing with a criminal offense. [LB201]

SENATOR CHAMBERS: What does it deal with? [LB201]

PATRICK LEE: This bill deals with the investigation into potential criminal activity and the assertion of a search warrant, not necessarily in a criminal offense. [LB201]

SENATOR CHAMBERS: What are they trying to establish? [LB201]

PATRICK LEE: Search warrants could establish... [LB201]

SENATOR CHAMBERS: Through this investigation though. You say this is a civil matter then? It's either civil or criminal. You say it's a civil matter? [LB201]

PATRICK LEE: Oh, no. It's not a civil matter. It's a criminal matter. [LB201]

SENATOR CHAMBERS: (Inaudible.) [LB201]

PATRICK LEE: But this does not relate to a specific criminal offense. It relates to the investigation that may lead to a criminal offense. But search warrants don't necessarily correlate to a charge being filed later. Sometimes the investigation ends with the search warrant. [LB201]

SENATOR CHAMBERS: I view this as a criminal statute because of what it's dealing with. Perjury is a crime. The offense you're trying to establish is a crime. And I don't think loose, broad language like "other similar" should be in a statute like this, just so you know what my view is on that. I'm not going to grill you on it. But if this bill is not passed, what happens? [LB201]

PATRICK LEE: If this bill is not passed, we would follow the left side of the progression chart that is handed out and it would increase the time spent with really no reason in terms of having

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to have an additional travel time for judicial districts outside of Omaha or Lincoln just to stand in front of the judge, for the officer to stand in front of the judge instead of being able to send it by electronic means with a digital signature. So what happens is the status quo remains, but we are no longer able to modernize in terms of cost and time savings and it would in turn continue to have a lengthy delay for citizens while a scene is secured or a vehicle is secured. They're not able to enter that scene or that vehicle while a warrant is obtained. As the progression chart shows, that could take half hour, an hour just to drive to the judge. [LB201]

SENATOR CHAMBERS: I don't even care about that. [LB201]

PATRICK LEE: Okay. [LB201]

SENATOR CHAMBERS: How does the judge know that the person on the other end of this conversation is the person he or she purports to be? [LB201]

PATRICK LEE: Well, that would be because the electronic document would be sent to the judge. And they're able then to take whatever steps are necessary in their view to be able to ascertain the identity. But the issue... [LB201]

SENATOR CHAMBERS: But the judge could order the cop to come before the judge, isn't that so? [LB201]

PATRICK LEE: I'm sorry, I didn't hear you. [LB201]

SENATOR CHAMBERS: Could the judge order the officer to come in person and appear before the judge? [LB201]

PATRICK LEE: Absolutely. [LB201]

SENATOR CHAMBERS: And that's the way it is now? [LB201]

PATRICK LEE: That is the way that it is handled today. That would be correct. [LB201]

SENATOR CHAMBERS: And the judge, whether this person is really the one he or she purports to be, the judge can see what that person looks like and will know at a future date whether this is the one who appeared before me or not. Is that reasonable? [LB201]

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PATRICK LEE: I don't know that it would be because there are a number of judges and that judge may not be the judge who's later called to decide whether or not that is the person who swore before him the current affidavit. If there was a community where there was just the one judge then I think that would be a reasonable statement because that same judge is going to deal with the potential challenge to the search warrant. But in a location like Buffalo County or Lancaster or Douglas I think there are too many judges to be able to make that...have that be a reasonable statement. [LB201]

SENATOR CHAMBERS: Somebody has requested that a bill like this be introduced and the county attorneys would agree with that. What county asked for this bill, Buffalo County? [LB201]

PATRICK LEE: We're in support of that bill, yes. [LB201]

SENATOR CHAMBERS: Say it again. Who asked for this bill? Do you know who initiated a bill like this being drafted? [LB201]

PATRICK LEE: I worked on the initial drafting of the bill along with the Attorney General's Office and the rest and the Nebraska County Attorneys Association on behalf of our law enforcement. [LB201]

SENATOR CHAMBERS: But it originated with Buffalo County, didn't it? [LB201]

PATRICK LEE: Well, I don't know that it originated with Buffalo County. It was a collaborative effort to bring many people to the table to try to streamline our current process, including law enforcement. [LB201]

SENATOR CHAMBERS: Well, streamlining is not anything that has any significant meaning to me. Now what about this part? Turn to page 9, if you will. In line 17, the current language says, "The warrant must be executed and returned within ten days after its date." Why is there a ten-day limit in the current law do you think? [LB201]

PATRICK LEE: I don't know why a ten-day limit was put in when that section was initially created. [LB201]

SENATOR CHAMBERS: Do you think they don't want warrants hanging out there for a long period of time without being served? [LB201]

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PATRICK LEE: I would suggest that the reason it was put in is that some of the issues of the present day would not have been able to be contemplated at that point. I can tell you the reasoning why a longer period is necessary, if you'd like. [LB201]

SENATOR CHAMBERS: Go ahead. [LB201]

PATRICK LEE: The reason a longer period is necessary is as technology has increased--so there's sites like Facebook, Google, Yahoo, and Snapchat, things of that nature--to send a warrant to that location, sometimes it takes 15, 20, 30 days just to get the acknowledgment that they've received that warrant. And then they send it back. [LB201]

SENATOR CHAMBERS: So the return could take up to 30 days. The warrant would be good for up to 30 days. [LB201]

PATRICK LEE: What Section 10 is, is once a warrant has been signed by the judge, a return has to be filed within that ten-day period. There are ways currently to prolong that period by seeking leave of the court to extend the deadline. This would just allow for that extended deadline already. But the reason is primarily because of these other electronic organizations. [LB201]

SENATOR CHAMBERS: How is it...how is the extension obtained now? [LB201]

PATRICK LEE: Now what we currently do is we go to the judge who signed the search warrant in an ex parte motion, since there's no case to attach it to, and request additional time because of the current delay, along with an affidavit from the law enforcement officer about why the ten days has not been complied with. [LB201]

SENATOR CHAMBERS: Well, if you can already do it why do you put it in the law like this if you can already get that extension? [LB201]

PATRICK LEE: I think you would agree with me, Senator, that having specific issues delineated by this body is better than having a judge have to interpret whether or not that's what this body meant. So I would think that would be why. [LB201]

SENATOR CHAMBERS: I'm going to ask you the question again. Then I'm going to be through because I don't want to ask you every question that I've got. I wanted to get an overview. Would you turn to page 11, line 15. And all of this is new language: "Electronic signature means an electronic identifier, symbol, or process attached to or logically associated with." What does "or logically associated with" mean and why is that language here? [LB201]

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PATRICK LEE: Okay. "Logically associated with" would relate to how a specific program may delineate a signature. For example, I have two examples, when a lawyer were to e-file or pro se litigant were to e-file a pleading with the court, the signature that's going to show up at that point when it's filed on the JUSTICE integrated computer system is a slash S slash, and the name. If you were to sign a warrant in a secure PDF, there is an Adobe Acrobat moniker that appears behind the signature as a security feature. And that's what appears, in addition to the name, e-mail address associated with that signature. And if I would direct your attention to the memorandum handout, this language is very similar to the language that's utilized in Minnesota and North Dakota as it relates to the electronic signatures. [LB201]

SENATOR CHAMBERS: They have laws that I think are insane and I think it's because they don't have people who are ask them questions about the laws they have. So I'm interested in Nebraska. I still don't know what "logically associated with." It's not on the document itself. It's apart from the document. Is that what this language means? [LB201]

PATRICK LEE: No, it's on the document itself. [LB201]

SENATOR CHAMBERS: Well, you said the signature...I'll use that word so we don't have to put all these others in but we know... [LB201]

PATRICK LEE: Okay. [LB201]

SENATOR CHAMBERS: Attached to a document or logically associated with, if you say "or logically associated with," it's obvious that it's not attached to it. [LB201]

PATRICK LEE: As it relates to documents that are conducted on the computer, there really is no item attached to the document until it's printed. So when the document is printed that's when the specific moniker or symbol associated with the signing of that specific program would attach. [LB201]

SENATOR CHAMBERS: And you want me to believe that with the glitches that can occur in computers and computer programs that this process ought to change the way things are done now where the signature is on the document. That's what you're asking for, isn't it? You're asking for a document without a signature, aren't you? [LB201]

PATRICK LEE: No, not at all. [LB201]

SENATOR CHAMBERS: Okay, that's all I'll ask you. But I have my opinion about it. [LB201]

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PATRICK LEE: Okay. [LB201]

SENATOR CHAMBERS: That's all I have. Thank you. [LB201]

SENATOR EBKE: Any other questions? Okay. Thank you. [LB201]

PATRICK LEE: Thank you. [LB201]

SENATOR EBKE: Next proponent. [LB201]

KALE BURDICK: Madam Chairwoman, members of the committee, my name is Kale Burdick; that's K-a-l-e B-u-r-d-i-c-k. I'm an assistant Attorney General appearing on behalf of Attorney General's Office in support of LB201. LB201 modernizes and brings into the twenty-first century Nebraska statutes which govern the application and issuance of search warrants. I would classify this as really a technical bill that does not change or alter in any way the legal standards that are applicable to the issuance of a search warrant. LB201 merely simplifies the process through which search warrants are applied for and issued. It is in keeping with other efforts made to make access to the administration of justice more streamlined by utilizing the technology that is currently available. There have been...has been a lot of work done by the Legislature, the Supreme Court, and the Court Administrator's Office to move away from the reliance on physical, hard copy documents and more towards electronic documents. This is reflected in the advancements made in the electronic filing of court documents and electronic service of those documents on parties to cases. LB201 seeks to continue that progress by applying the technology to the search warrant application and issuance process. Simply put, LB201 would authorize law enforcement officers to submit a search warrant application to a judge electronically without the need to physically appear before a judge or a notary public to swear to the contents of the warrant application. The bill would also authorize judges to issue search warrants electronically without requiring the applicant to physically appear. LB201 would allow signatures required as part of this process to be affixed to the documents electronically. Another update pertains to the current search warrant statute that authorizes the application for a search warrant to be made by telephone. LB201 would expand that telephone application statute to include videoconferencing. Videoconferencing technologies are already being utilized in courts across the state for appearances at hearings, and allowing this technology to be used to apply for a search warrant is a logical next step in this modernization effort. In order to accomplish some of these updates, LB201 would amend the perjury statute and provide for unsworn declarations to be made under the penalty of perjury. This is similar to Senator Morfeld's LB57 regarding the Uniform Unsworn Foreign Declarations Act. However, LB201 would only authorize unsworn declarations under the penalty of perjury for the search warrant application process. Finally, LB201 would allow law enforcement officers to seek assistance from officers in another jurisdiction in the execution

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of a search warrant. Again, LB201 streamlines Nebraska's warrant process. The bill is likely a time- and cost-saving measure. This is a logical step in light of other efforts to modernize the criminal justice system and it is limited to technical and procedural matters only. As I said, LB201 does not affect the legal standards pertaining to the issuance of a search warrant. Those standards are established by the constitution and case law and they will remain the same as they currently are now. The Attorney General's Office supports LB201 and would request your vote to send the bill to General File. I'd take any questions. [LB201]

SENATOR EBKE: Senator Chambers. [LB201]

KALE BURDICK: Yes. [LB201]

SENATOR CHAMBERS: And if this law had not passed, then what? [LB201]

KALE BURDICK: Well, if the law doesn't pass we'll be in the same boat we are today. [LB201]

SENATOR CHAMBERS: And what does that mean, same boat? [LB201]

KALE BURDICK: Well, we won't be utilizing unsworn declarations to get search warrants. A lot of this process won't be taking place electronically. It will be taking place the way it always has. [LB201]

SENATOR CHAMBERS: It will be taken how? [LB201]

KALE BURDICK: The way it always has. [LB201]

SENATOR CHAMBERS: And how is that? [LB201]

KALE BURDICK: Well, with the time and cost constraints of officers having to go track down a judge and appear before a judge and the judge having to take the time in the presence of the officer to review the contents of the warrant application and then sign off... [LB201]

SENATOR CHAMBERS: That's part of the judge's job, isn't it? [LB201]

KALE BURDICK: Yes, it is. [LB201]

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SENATOR CHAMBERS: So why should you be concerned about how much time the judge has to spend doing his or her job? It doesn't come out of the Attorney General's budget, does it? [LB201]

KALE BURDICK: You're correct, it does not. I think it just...it makes sense, in light of the technology that's available, to utilize that technology. [LB201]

SENATOR CHAMBERS: It make sense in the Attorney General's opinion and prosecutors' opinion. Does it make sense...are the judges in favor of this bill? [LB201]

KALE BURDICK: I can't speak on behalf of the judges. I know we've had some communication with the Court Administrator's Office. And this technology is available and they have it in place if we can go ahead and move forward with it. [LB201]

SENATOR CHAMBERS: Does the Court Administrator's Office support this bill? [LB201]

KALE BURDICK: I can't speak for them, Senator. [LB201]

SENATOR CHAMBERS: So then why did you mention them? [LB201]

KALE BURDICK: I just...I'm mentioning that the technology is available. The Court Administrator's Office has told us that the technology exists. They have it. If this should pass, then we can start using it. [LB201]

SENATOR CHAMBERS: You can see our numbers diminishing, can't you? [LB201]

KALE BURDICK: Yes. [LB201]

SENATOR CHAMBERS: You know how to clear a house, don't you? (Laughter) [LB201]

KALE BURDICK: I guess so. [LB201]

SENATOR CHAMBERS: No, as the Chairperson said, I don't know if you've been here all...there are bills that other senators do have to present in other committees. So they're not walking out on you, just so you know that. And the reason I'm asking you, you represent the Attorney General's Office and there are serious questions that I have about this legislation. Do you have any idea who originated this bill, because this is not like where several things in nature

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came together and this confluence of events created the first form of life. Some person in some county wanted this bill. What county was that? Was it Buffalo County? [LB201]

KALE BURDICK: I don't believe so, Senator. The impetus behind this came about with the Birchfield decision from the U.S. Supreme Court. And it was just...it came about through conversations with our office and various county attorneys. And somebody said, okay, we need do...we need to make some changes based on that. [LB201]

SENATOR CHAMBERS: So it originated then with the county attorney...with the Attorney General's Office? [LB201]

KALE BURDICK: It may have. I mean I helped write the bill. I don't know where it originated. [LB201]

SENATOR CHAMBERS: Okay, then if you don't know I won't ask you that further. Do you have a copy of the bill? [LB201]

KALE BURDICK: I do. [LB201]

SENATOR CHAMBERS: Okay. On page 11, beginning, in line 15,... [LB201]

KALE BURDICK: Yes. [LB201]

SENATOR CHAMBERS: ..."Electronic signature means an electronic identifier, symbol, or process attached to..." a document. What does that mean if it's attached to a document? Is it on the document? How would it be attached, with a stapler or how? [LB201]

KALE BURDICK: Well, this is all electronic so I mean there's no...it's all part of an electronic document. So I... [LB201]

SENATOR CHAMBERS: So then tell me what attached...in an electronic parlance, what attached to the document mean? Does that mean...? [LB201]

KALE BURDICK: I would say it was placed on the document or...that's what I would say. It's placed on the document somehow. [LB201]

SENATOR CHAMBERS: I agree with you, because that's what it says, doesn't it? [LB201]

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KALE BURDICK: Yes. [LB201]

SENATOR CHAMBERS: So if it's not placed on it but it's logically associated with, it obviously is not placed on the document. Would you agree with that, because it can't be on the document and not on it at the same time. So if "attached" means exactly the same as "logically associated with," why don't we just eliminate "logically associated with" and just leave "attached"? [LB201]

KALE BURDICK: And I don't think there probably would be a problem with doing that. [LB201]

SENATOR CHAMBERS: You said what? [LB201]

KALE BURDICK: I said I don't think there would probably be a problem with doing that. I think this language was taken from existing statute and... [LB201]

SENATOR CHAMBERS: Someplace else? [LB201]

KALE BURDICK: In Nebraska statute, yes. [LB201]

SENATOR CHAMBERS: The "logically associated with"? [LB201]

KALE BURDICK: I believe that language came from another statute in... [LB201]

SENATOR CHAMBERS: In what connection would that be, if you know? If you don't know, I'm not going to ask you what you don't know. [LB201]

KALE BURDICK: I'm not sure what you're asking. [LB201]

SENATOR CHAMBERS: Say it again? [LB201]

KALE BURDICK: What connection would what be? [LB201]

SENATOR CHAMBERS: This language, you said it's language from another statute. [LB201]

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KALE BURDICK: I think it's language from another statute that authorizes the electronic signatures on documents. [LB201]

SENATOR CHAMBERS: And it uses the language "logically associated with"? [LB201]

KALE BURDICK: I believe it does. I don't think that's...I mean that language there isn't a make-or-break part of this statute. [LB201]

SENATOR CHAMBERS: Well, we're back to the same question then except that it exists other than here. [LB201]

KALE BURDICK: Yes. [LB201]

SENATOR CHAMBERS: Either the signature is attached to it or it's not. If it's attached to it, then it's attached to it. [LB201]

KALE BURDICK: Right. [LB201]

SENATOR CHAMBERS: If it's not attached to it, it's not attached to it. So it's one or the other. It's either attached or it's not. If it's logically associated with, that can't mean that it's attached to it the way I would read it. [LB201]

KALE BURDICK: I understand your point and we're willing to work with members of the committee and you if we need to modify that language. [LB201]

SENATOR CHAMBERS: Who drafted it, if you know? [LB201]

KALE BURDICK: This particular portion... [LB201]

SENATOR CHAMBERS: The bill, who drafted the bill? [LB201]

KALE BURDICK: Well, there wasn't one person that drafted. I helped draft it with Mr. Lee, and there were some other county attorneys that had some involvement with it too. [LB201]

SENATOR CHAMBERS: Was each one assigned a certain area to draft, or did...? [LB201]

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KALE BURDICK: I don't recall. [LB201]

SENATOR CHAMBERS: Did you draft an entire bill and others went through it and modified it, or somebody else drafted it and you went through it and modified it? [LB201]

KALE BURDICK: I started the process and had others go through it and modify it. [LB201]

SENATOR CHAMBERS: So there is not one drafter of the bill. [LB201]

KALE BURDICK: No. It was, like Mr. Lee said, it was a collaboration. [LB201]

SENATOR CHAMBERS: When the county attorneys decide to speak in favor of a bill, you might not know how they do that so I'm not going to ask you their exact process. But would they have had, if you know, this copy of the bill, and this is what they voted to support, this version, do you know? [LB201]

KALE BURDICK: I don't think any decision to support or oppose any legislation is made until after the bill is introduced. [LB201]

SENATOR CHAMBERS: But you're not sure. [LB201]

KALE BURDICK: No, I'm not. [LB201]

SENATOR CHAMBERS: Okay. [LB201]

KALE BURDICK: But my guess would be that the decision to support it was made after this version was introduced. [LB201]

SENATOR CHAMBERS: Okay, and that's giving the others after you a chance to mull that over and help me learn what we're talking about here. My last question, on page 6, it's talking in lines 8 and 9 about different methods. They mention telephone, videoconferencing, or by other similar method. What other similar method is there that they would have in mind? [LB201]

KALE BURDICK: I would say that would be other audio/video method. So if there's...I mean it would be similar to videoconferencing. But like Mr. Lee said, FaceTime or Skype. [LB201]

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SENATOR CHAMBERS: But we don't really know what that refers to. [LB201]

KALE BURDICK: It is not specified, no. [LB201]

SENATOR CHAMBERS: And that could expand as different methodologies come into play. [LB201]

KALE BURDICK: It could, as technology develops. [LB201]

SENATOR CHAMBERS: And some may not be as reliable as others. [LB201]

KALE BURDICK: That's a possibility. [LB201]

SENATOR CHAMBERS: Do you think that's possible? But under this they could try to use any one they want to because it doesn't say it has to be reliable, just be similar. It doesn't have to be established as something that is reliable. And you don't have to answer that but somebody will answer after you because I don't want to keep you here too long. That's all I have, Madam Chair. [LB201]

SENATOR EBKE: Senator Baker. [LB201]

SENATOR BAKER: Thank you, Chairwoman Ebke. Piggybacking on Senator Chambers' question, would e-mail suffice as a method? [LB201]

KALE BURDICK: Well, not under that provision of the bill. I think e-mail would come into play when you're either e-mailing your affidavit to the judge, your sworn affidavit. I mean the e-mail would come into play in that regard, that you're e-mailing the sworn affidavit to the judge who then reviews that and e-mails you back a warrant. [LB201]

SENATOR BAKER: So is that a yes? [LB201]

KALE BURDICK: I...not in the category that...not in the context that Senator Chambers was talking about, I don't believe. I don't think that...e-mail is not going to be considered...that section that Senator Chambers is talking about is talking about an oral statement, not a written statement. [LB201]

SENATOR BAKER: Could you not attach a recording to an e-mail? [LB201]

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KALE BURDICK: I suppose you could. [LB201]

SENATOR BAKER: Thank you. [LB201]

SENATOR EBKE: Any other questions? I have one. [LB201]

KALE BURDICK: Yes. [LB201]

SENATOR EBKE: And maybe you're not the one to answer this, but what kinds of things do courts currently use that they are able to use electronically? I mean what kinds of orders can they issue, or is there anything? [LB201]

KALE BURDICK: Well, the e-filing system that's in place now allows judges to, you know, enter their orders on-line and then serve those orders on parties on-line. And that...it also allows attorneys to file documents with an electronic signature in a particular court case. [LB201]

SENATOR EBKE: So setting bail? Can they set bail on-line? [LB201]

KALE BURDICK: Well,... [LB201]

SENATOR EBKE: I mean through... [LB201]

KALE BURDICK: ...their orders are...can be generated and filed on-line. I would guess there's going to have to be a presence in court in order for the actual bail to be set and then the order would be electronic. [LB201]

SENATOR EBKE: Okay. I'm just seeing people nodding a lot behind you, so maybe I can ask somebody else for some clarification on that. I happened to be with a county judge one day who was taking calls and doing something via the on-line system. So I don't know exactly what that... [LB201]

KALE BURDICK: We do have a lot of telephonic hearings and then the exchange of documents is via electronic means. [LB201]

SENATOR EBKE: Okay. Thank you. Any other questions? Thank you, Mr. Burdick. Next proponent. [LB201]

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TIM NOERRLINGER: I am not a proponent. I am an opponent (inaudible). [LB201]

SENATOR EBKE: Okay. Are there any other proponents? Okay, well, you were nodding your head so I may ask you the question... [LB201]

SENATOR CHAMBERS: (Inaudible) escape. [LB201]

SENATOR EBKE: Okay. First opponent. [LB201]

TIM NOERRLINGER: Thank you. Timothy Noerrlinger on behalf of the Nebraska Criminal Defense Attorneys Association. I am here in opposition to the bill on behalf of the defense attorneys. Before I talk about the actual substantive reasons that we oppose the bill, I would inform the body that as a former county attorney I've had a fair amount of practice getting search warrants on weekends and at nights. The way that this works a lot of times is that you...with the current way that it works, you can have your officer sign a written affidavit, meaning an affidavit that's sworn out to by a notary who is someone that is allowed to take the oath of someone under penalties of perjury. And that's noted in subsection (sic--Section) 5, 29-814.01, lines 22-24: The written affidavit can be sworn to before a magistrate, by a judge, or other person authorized to administer oaths, which would be a notary. In my experience, I was a county attorney in Jefferson County which is in Fairbury, south, kind of, central Nebraska, and Otoe County which is Nebraska City, there is a dispatcher that has a notary there. It's one of the things that they have to do because officers have to sign affidavits for arrest as well as for search warrants. And so it's just one of the nuts-and-bolts things that most sheriff's office have those. [LB201]

SENATOR CHAMBERS: Could you speak just a little louder, please? [LB201]

TIM NOERRLINGER: I'm sorry. It's something nuts and bolts-wise that almost all sheriff's offices have because it's kind of the price of doing business. In addition to being able to get a warrant based on an affidavit from a judge out of county, the statutes do currently allow for a clerk magistrate, when there is a clerk magistrate, in every county in Nebraska to issue a warrant. That's in subsection (sic--Section) 3. It's 29-812, lines 25-27. The language is that a search warrant authorized by the sections may be issued, subject to 24-519, by any clerk magistrate within the county; 24-519 essentially says that if there is not a judge in the county, the clerk magistrate can issue the warrant. So again, I think that there are ways to deal with this without making substantive changes. In addition to that, we do have a method currently that provides warrants by phone. I've actually done one of these once in Fairbury. We had a situation; it was a child sexual assault. We needed to get into a house. Our judge was out of state. So it was...I had the numbers of the judges. The closest judge I had lived...well, he lived in Richardson County which is where Falls City is. That's a few hours away. We called him up. I said, Judge, this is

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Tim Noerrlinger. I've got a deputy so-and-so here. Would you please be willing to take a written...or a oral statement so that we can get a search warrant? Judge says that's fine. Is there a recording device on that end? If not, I have one on my end. And it was recorded and then that is transcribed and then made part of the record. So there are ways to do this at distance fairly quickly using telephonic means. Now if you want to change the statute to allow for other electronic means in terms of, you know, using Skype or other means where you can actually see individuals, from the perspective of the Defense Attorneys Association, then that's...I don't think that changes much substantively. We don't object to that portion of it. With regard to other sections of the bill, one of the main ones that is of concern to our association is subsection (sic--Section) 9 on page 9 of the bill. That talks about if the original recording of an oral statement is somehow lost then it is deemed to be sufficient probable cause, changing the language that it would be deemed invalid. I think that is pretty substantive, the reason being twofold. The way that you as a citizen accused of a crime after a search warrant has been issued can attack the search warrant, one, you can do so on the face of it, meaning within the four corners of the document by filing what's called a motion to suppress. That four-cornered document is essentially saying that we have...here's the probable cause and it's rendered in writing or, in this case, if it's by oral statement by transcription. If that is lost for some reason, then it compromises the ability of the individual who has had their liberties infringed by the issuance of a search warrant to fully litigate that issue. More importantly in addition to a four corners argument, there is also an argument that's called a Franks hearing. It's Delaware v. Franks. It's an old Supreme Court case. That essentially says that in addition to contesting whether or not there was probable cause on the face...I should stop. [LB201]

SENATOR EBKE: Can you go ahead and finish that? [LB201]

TIM NOERRLINGER: Sure. When there's not probable cause on the face...there's probable cause on the face of the warrant but there may have been some misrepresentation to the judge who doesn't know all the operative facts, you as the litigant could argue that there was either an omission or a knowing...changing of the facts to get the court to issue the warrant. And if you don't have, under subsection (sic--Section) 9, the transcribed statement then that deprives you of your ability as a citizen accused to fully litigate that issue. So I took up all my time. I apologize. [LB201]

SENATOR EBKE: Questions? Okay. [LB201]

TIM NOERRLINGER: All right. [LB201]

SENATOR EBKE: Thank you. [LB201]

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TIM NOERLLINGER: Thank you. [LB201]

SENATOR EBKE: Do we have any other opponents? Do we have anyone speaking in the neutral capacity on LB201? Okay. Do we have letters? Senator Lowe. (Exhibit 1) We have a letter of support from Colleen Sheehey-Church, Mothers Against Drunk Driving. Okay, Senator Lowe. [LB201]

SENATOR LOWE: Thank you, Chairwoman. LB201 is a bill designed to update our search warrant procedures to come in line with twenty-first century technology and to be updated to meet the requirements brought by the recent U.S. Supreme Court decision. This bill will allow our law enforcement officers to better protect our citizens and to allow for a cost savings to our communities. This bill updates language to address new technologies, such as electronic signatures and videoconferencing. These technology changes do not make major changes in our statutes. They simply update. This bill allows for unsworn declarations by law enforcement officials in order for a search warrant to be issued. Lying on an unsworn declaration would be a Class III felony. The intention is to keep our roads safe. Right now if a law enforcement officer pulls somebody over, he may have to travel a long way to get to that judge to get the signature and then back again, pulling him off our roads for quite a bit of time, especially in western Nebraska. Starting at York, our counties grow larger and our sheriffs' departments grow smaller. We need to keep our roads safe. Time and resources and distances. Judges do not come to the scene where a person has been pulled over. It's our law enforcement that must take this person a great distance to that judge to have him sign the warrant, to travel back to the medical facility to have his blood drawn. By this time, and as Patrick passed out where it has the page Process Comparisons, we're talking about hours of differences in time that something can be completed. We want to keep our roads safe to protect our families and that is the intent of this bill. And I believe where it says other similar methods, our technology is advancing so quickly that we really don't know what's coming even tomorrow. So it's hard to put that in a bill. I believe this is a good bill and that we need to pass it as it is, although we may be willing to work with you, Senator Chambers, on some of your comments. And I appreciate those comments. [LB201]

SENATOR EBKE: Thank you, Senator Lowe. Any questions? Senator Chambers. [LB201]

SENATOR CHAMBERS: Is this your priority bill? [LB201]

SENATOR LOWE: This is not my priority bill. [LB201]

SENATOR CHAMBERS: Okay. [LB201]

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SENATOR EBKE: Would you agree, Senator Lowe, that although your focus is on the DUI side of things, this is a much broader bill in terms of the change of procedures, right? [LB201]

SENATOR LOWE: Yes, yes. Yes. Well, also, if you pull somebody over and they have something in their vehicle that you need a search warrant for, the resources of sheriffs' departments, that's pulling another officer from somewhere else to come watch the vehicle while you go to the judge. So our roads are not safe then, too, because now you have two deputies for something that could be handled by one. [LB201]

SENATOR EBKE: Okay. Anything else? Okay. Thank you for being here today. [LB201]

SENATOR LOWE: Thank you. [LB201]

SENATOR EBKE: This closes the hearing on LB201. We will proceed with LB440 and Senator Wishart. I guess I should ask her, Wishart? Wishart, not "Wiseheart"? [LB201]

SENATOR WISHART: These days I go by either. [LB440]

SENATOR EBKE: You didn't know I was listening, did you, Senator Chambers? [LB440]

SENATOR WISHART: (Exhibit 1) Well, good afternoon, Chairwoman Ebke and members of the Judiciary Committee. My name is Anna Wishart, A-n-n-a W-i-s-h-a-r-t, and I represent the "Great" 27th District in west Lincoln. And before I get into the details of this legislation, I do want to give a shout-out to a supporter of this bill that couldn't be here today. When I started campaigning two years ago, knocked over 15,000 doors across the district, I brought my Border collie Finnegan to every door with me. And when people asked me what was the number one issue that I talked about with my constituents, by and far it was dogs. So I met a lot of dogs in the district. And so this bill I'm bringing on their behalf. So I'm here today to introduce LB440, a bill that would provide immunity from civil and criminal liability for individuals that enter vehicles by force to save an animal that is in danger due to heat. I have brought this bill on behalf of my constituents, especially my four-legged constituents. And I'm also reintroducing Senator Howard's LB916 from last session. Many Nebraskans value their pets as family members, yet some mistakenly believe an animal can be comfortable or safe left unattended in a vehicle, especially in warmer temperatures. Animals do not tolerate extreme temperatures and an animal's temperature is already higher than that of the human. Animals cool themselves mostly through panting, and unlike humans, they're not able to release their heat through sweat. A 35 percent humidity level can slow or shut down an animal's ability to evaporate moisture and control their body temperature. On a 75-degree day, the temperature inside a parked car can soar

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to over 100 degrees in just minutes. And on a 95-degree day, the interior temperature can reach 124 degrees in less than 20 minutes. Lowering the window has been shown to have little effect on a car's temperature. Unfortunately, the average response time for even the largest and most sophisticated Animal Control Agency, the Nebraska Humane Society, in this state is 24 minutes. Thus, a dog left in a car on an 80-degree day will most likely be dead by the time an animal control agent arrives. Protecting animals from prolonged suffering and death due to organ failure or heatstroke in a hot car is a problem that I think LB440 helps to prevent. Seven other states have introduced similar legislation that either passed last session or is currently pending, while 19 other states have laws that allow certain public officials to break into a vehicle to rescue an animal. LB440 provides immunity from civil and criminal liability for breaking an animal out of a vehicle when the animal is considered to be in imminent danger. LB440 does not allow for a citizen to just break into a car because they believe an animal is in danger. Rescuers must follow prescribed guidelines when assessing an animal in crisis in a hot car. The following conditions must exist and are outlined in this statute. The motor vehicle is locked or there is no otherwise reasonable method by which to extricate the animal by forcible entry. The person has a reasonable belief that forcible entry is necessary because the animal is in an imminent danger of suffering harm or death if not immediately removed, based upon the surrounding circumstances. The person has contacted either local law enforcement, an animal control agency, or emergency responders prior to the forcible entry of the vehicle; and the person places a written notice securely on the windshield or driver's side door of the vehicle, of the motor vehicle, with the rescuer's name, phone number, or other contact information with an explanation of why forcible entry was made, the location of the animal, and the fact that authorities have been notified; the person remains with the animal in a safe location and protected from the elements but reasonably close to the location of the motor vehicle until such a time as law enforcement, animal control, or emergency responders arrive; and no more force than reasonably necessary was used to enter the vehicle under the circumstances. This bill sends a clear message that leaving your pets in a hot car is not an accepted level of care and a rescuer will have the right to save a dying life of an animal...excuse me, the right to save a dying animal if they happen upon a vehicle with an animal trapped inside at unsafe temperatures. Thank you for your consideration of this important legislation and I'll be happy to answer any questions you may have. [LB440]

SENATOR EBKE: Thank you, Senator. Do we have any questions? Guess not. [LB440]

SENATOR WISHART: And I will be here to close. [LB440]

SENATOR EBKE: Okay, thank you. How many do we have testifying on this bill? Just a couple, okay. We'll stick with five minutes on this one. [LB440]

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JESSICA ELLIS: (Exhibit 2) Members of the committee, my name is Jessica Ellis, J-e-s-s-i-c-a E-l-l-i-s, and I am the president of the Nebraska Rescue Council here today supporting LB440. This is a great opportunity to create a community of informed citizens. We encourage all citizens to know their town's laws about pets in hot cars and to have their own local nonemergency numbers on hand to report a pet left in a hot car. However, as you heard earlier, the average response time is 24 minutes. Thus, a dog left in a hot car will likely be dead by the time an animal control agent arrives. Minutes really do matter when an animal is trapped in a hot car. Reporting deaths of this nature often when NHS and the ACO arrive, the animal and the vehicle are gone, it's extremely unlikely that the owner would report the heat-related deaths of the animal and face charges. Therefore, there is no way to accurately determine the in-state stats of this kind. Frankly, many dogs could have died before the ACO arrived. Before entering a vehicle to save the dog, we will always advocate that the rescuer attempt to locate the owner first. If an advocate sees a pet in distress in a hot car, we educate them to take down the car's make, model, and license plate number and to notify a manager or security guard in a nearby business asking them to make an announcement to find the car's owner. If that doesn't work, we tell them to call the authorities and wait by the car for them to arrive. However, waiting too long to intervene can result in death, which is why this bill is so important. A rescuer can save a life without facing criminal charges. Intervention is carefully defined and kept as a last resort only to be used when all other options have been exhausted and the animal is in visible distress. A law in Nebraska of this kind creates a discussion on the dangers of pets in hot cars and an opportunity to further engage with our community. When signed into law, targeted educational brochures will be distributed, like the ones we passed out, that offer a comprehensive list of ways to help when a rescuer encounters an animal left in a hot car, along with connecting in local businesses, shelters, law enforcement, and veterinarian clinics to post signs asking owners not to leave their pets unintended in vehicles. We will continue to encourage owners to leave their pets at home unless the business allows animals...companion animals in their store. While it may seem like a fun idea to take your pet with you while running errands on a hot summer day, unless you can take your pet inside with you, there is a real risk that your dog could die. First responders on the scene to rescue animals locked in hot cars have given firsthand accounts of the suffering that a dog left in hot car endures. They have described the claw marks left on the doors by trapped animals, the (inaudible) body shapes of those desperately trying to get out and what it looks like when they do not. They have described the look of horror on a person's face when they find out this happened to their dog because of their mistake and they have stressed how utterly unnecessary it all is. This bill gives animals the chance to live if someone finds them in time. Thank you for your time and consideration. Answer any questions. [LB440]

SENATOR EBKE: Thank you, Ms. Ellis. Any questions? I guess not. Thank you for being here. [LB440]

JESSICA ELLIS: Thank you. [LB440]

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SENATOR EBKE: Other proponents. Do we have any other proponents on LB440? Okay. [LB440]

MISTY CHRISTO: Hello. Thank you for this opportunity to testify in support of LB440. My name is Misty Christo; that's M-i-s-t-y C-h-r-i-s-t-o. I'm a Nebraska Rescue Council board member and a Nebraska attorney. LB440 protects animals. The bill will raise awareness of the dangers of leaving pets in parked cars to prevent needless suffering, sadness, and death. It's against Nebraska law to fail to provide any animal in one's care, whether as an owner or custodian, care as is reasonably necessary for the animal's health. Owners and dog sitters should know that they can receive a citation or have their car window broken to save a pet. They could even be prosecuted for cruel neglect. We will be using this law to teach owners that fines or criminal charges are a possibility for this type of neglect. I'd like to mention just a few cases in Nebraska. May 8, 2014, in Omaha the temperatures outside were 95 degrees. A five-year-old pit bull dog died after being left in a vehicle during record heat. The Nebraska Humane Society said the owner told them he was shopping for 35 minutes. When he came out he found the dog dead. Officials said the 23-year-old man left the windows up and parked directly in the sun. The temperature inside the car was 130 degrees and the owner was cited. August 2, 2015, here in Lincoln temperatures were 96 degrees. A boxer died after her owner, Aaron Rabba, (phonetic) forgot Mayshay (phonetic) in his car outside of his house. The family of Rabba contacted local rescuers to assist them in pursuing cruelty/neglect charges against Aaron. The necropsy results were turned over to Jeffrey Kirkpatrick's office and it was confirmed that the death...and confirmed the death with the responding officer, Cheryl Bomberger of the Lincoln Animal Control. While a citation was issued, a passerby could have saved Mayshay (phonetic) if this law had been in place. Statistics of this type of death are limited. It's very likely that other animals in Nebraska have died as a result of being left in an unintended hot vehicle but it was not reported. Nationally 11 police dogs have died of heat exhaustion, and in the summer of 2015, 9 were left in hot patrol cars. Unfortunately there's no agency collecting data on the number of animals who have died this way. Plenty of groups offer what-to-do instructions if you see an animal in distress and the facts surrounding how quickly temperatures rise in a closed vehicle. This bill sends a clear message that leaving your pets in a hot car is not an accepted level of care and an educated rescuer will have the right to save your dying animal if they happen upon your vehicle. Another unintended consequence of leaving a pet in a vehicle is the very real possibility that the pet will be stolen. Pets left in unintended parked cars are at much higher risk of theft, especially with an open window. Additionally, pets can become confused or scared and try to escape or be injured. We will use this bill as an opportunity to educate the public on the numerous risks associated with leaving your dog in a car. I'm happy to take any questions. [LB440]

SENATOR EBKE: Thank you, Ms. Christo. Any questions? Okay. Thank you for being here. [LB440]

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MISTY CHRISTO: Thank you. [LB440]

SENATOR EBKE: Are there any other proponents? Do we have any opponent testimony? Do we have anyone speaking in the neutral capacity? Okay, Senator Wishart. [LB440]

SENATOR WISHART: I'm happy to ask any follow-up questions. [LB440]

SENATOR EBKE: Any questions? [LB440]

SENATOR WISHART: Answer any. (Laugh) [LB440]

SENATOR EBKE: Okay. Do we have any letters? No letters on this bill, and that closes the hearing on LB440. Senator Hansen, are you ready to go ahead? Senator Crawford is delayed. [LB259]

SENATOR HANSEN: Yes, I could be ready. [LB259]

SENATOR EBKE: Are you ready? Okay. So we're going to go ahead and switch LB589, the number third and fourth bills. Senator Hansen will go with LB259. Senator Crawford has another bill in another committee and is still in the midst of it I guess. [LB259]

SENATOR HANSEN: All right. Good afternoon, Chairwoman Ebke, fellow members of the Judiciary Committee. My name is State Senator Matt Hansen, for the record, M-a-t-t H-a-n-s-e-n. I'm here representing District 26 which is northeast Lincoln. I'm here today to introduce LB259. A little background on how the process surrounding this bill works: During the prosecution of a criminal case, the state or defendant may file a motion to have a defendant evaluated for competency to stand trial. This does not happen in the vast majority of cases. But when a defendant's mental state is diminished or a defendant is mentally deficient in some way, a defendant or county attorney can request that the court order the defendant to be evaluated to determine whether he or she is competent to stand trial. Competency means the mental or cognitive ability of a defendant to understand the nature of the criminal case against him or her. A person who is competent to plea to a criminal charge or to have a trial if he or she has the capacity to understand the nature and object of the proceedings against him or her, to comprehend his or her own condition in reference to such proceedings, and to make a rational defense to the case. Competency to stand trial does not refer to the defendant's mental state at the time of the alleged crime. In other words, the issue of competency relates to the defendant's state of mind during trial and not during the commission of a crime. Under current law, motions to determine competency can only be filed with the district courts. This is in practice even if the

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defendant has a criminal case pending in the county court such as a misdemeanor filing or a felony case that has not been bound over to district court. So for example, with a county court criminal case under current law, if a criminal case is pending in a county court and a party files a motion to have a defendant evaluated for competency, a separate civil action is then filed in the district court. While the district court judge determines competency in question, the county court judge monitors the criminal case in county court and the county court case is effectively on hold awaiting the outcome of the district court competency case. In the civil competency case, the district court judge only addresses the issue of competency question. It has nothing to do with the underlying criminal case that's pending in county court. As opposed to now currently under a district court criminal case if the criminal case is proceeding there and competency is an issue, the district court judge can hear the competency motion as if it were any other motion filed before that judge in that criminal case and there are no other needs to be filed. I do not believe this is an efficient use of proceedings and is inconsistent with kind of the notion of judicial economy. LB259 provides that county courts with the concurrent ability to consider competency motions. That way if competency is an issue in a county court case, the county court judge consider that motion as he can with any other pretrial motion. This bill would further include city attorneys with the authority to file motions for competency as by statute currently only county attorneys have that authority. While I know that there are others behind me who will have a direct experience with this process works, professional experience, and be able to share their perspectives, with that I will close on LB259 and put myself up for questions. [LB259]

SENATOR EBKE: Okay. Thank you, Senator Hansen. Any questions for Senator Hansen? Lucked out. [LB259]

SENATOR HANSEN: Thank you. [LB259]

SENATOR EBKE: There you go. Okay. First proponent. How may are planning on speaking on this bill? Okay, we'll do five minutes. [LB259]

MATT KUHSE: Good afternoon, Chairman Ebke and members of the Judiciary Committee. My name is Matt Kuhse, that's M-a-t-t K-u-h-s-e, and I'm the city prosecutor for the city of Omaha. And I appreciate Senator Hansen and Senator Chambers for bringing forward LB259. For practicality's sake, Senator Hansen accurately summed up how the process works. If someone is charged with a misdemeanor offense and the defense attorney or the prosecutor or the court wants to have a competency review hearing, the case is put on hold. We then file what's called a miscellaneous action in the district court, and the district court then conducts the competency hearing before making a determination about it. One of the issues that I've had with this situation is that it is a burdensome and unnecessary process. And I believe I had a conversation with Senator Chambers when he had a question about this where it's my position that I think it should

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be the trial court judge determining someone's competency rather than some other court determining the competency. I did some checking with the clerk of the district court in Douglas County, and I just want to give a perspective to how many of these actually occur. In 2016, there were 4 miscellaneous filings filed to determine competency; in 2015 it was 14; and in 2014, it was 6. And already in 2017 we have had two cases where they have gone up there. I know there's been some concern from the courts and from the Department of Health and Human Services about some sort of burden that this will place in the Lincoln Regional Center and their system. What I think might be a misnomer is this is already occurring. The Regional Center and the courts are already dealing with these people because they're in there under a district court case rather than a county court case. In addition, in Douglas County where the city prosecutor has jurisdiction over state statutes and municipal ordinances, as it stands right now, as Senator Hansen put forward, I'm not able to make a competency request because I am not specifically designated as a county attorney. In addition, a problem that has never existed due to an understanding that I have with the defense bar and the public defender's office, the district court technically has no jurisdiction over city ordinance violations primarily that occur here in Lincoln and in Omaha; however, I've never opposed such a request on those grounds. But I do say that to point out a problem that exists with the current state of the statute. I think it's appropriate that the trial court judges who hear this case and who are citing this case in the county court be the ones to decide the defendant's competency rather than some higher court which has a very limited involvement with it other than this competency hearing. I appreciate the committee's consideration and ask that you move forward on LB259. [LB259]

SENATOR EBKE: Thank you. Any questions? Guess not. [LB259]

MATT KUHSE: Thank you. [LB259]

SENATOR EBKE: Thanks for being here. Next proponent. [LB259]

NOELLE OBERMEYER: Good afternoon, Chairwoman Ebke and members of the Judiciary Committee. My name is Noelle Obermeyer and I'm representing my office, the Douglas County Public Defender's Office, in support of LB259. First I'd like to thank Senator Hansen for introducing this legislation and also thank Senator Chambers for being a cosponsor. A little bit about my background, I was previously a city prosecutor and I've worked in the Douglas County Courthouse for the past four years, so I've had the opportunity to be exposed to both sides of justice and, having that experience, I feel very strongly about LB259. The heart of all competency issues is really whether the accused can properly aid their defense attorney. I, in representing my client, must make an inquiry into whether my client can understand the process, their rights, and also their decisions. The reason that LB259 is so important is that our current system of competency hearings is inefficient. In allowing only the district courts to have the

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authority to make a competency ruling, the county courts are left without the necessary tools to address mental health issues. Under the current system there are two scenarios that are taking place. First, we're making competency a district court issue. In that process, as City Prosecutor Matt Kuhse explained, there's an unnecessary delay in filing a miscellaneous docket in the district court before an evaluation can be ordered. If someone is found not competent, then that matter remains within the purview of the district court, which is inappropriate. Further, if there are city ordinances involved, the district courts might be taking jurisdiction over matters that are completely outside of their authority. For these reasons, I believe that our current system is highly inefficient. The second scenario that's occurring under the current system is that they're not making competency an issue at all. Many times prosecutors and defense attorneys make agreements to avoid the unnecessary delays that are caused by the current constraints of our system. Please understand that I feel very strongly that all sides are working to the best of their abilities under the current constraints of the law; however, this could be avoided entirely if we were to pass LB259 and give the county courts the authority to make those findings. I do believe that in allowing county courts to make competency findings, the number of requests will naturally be increased, but I think that this is a good thing. Further, I believe that the effects of getting mental health treatment for Nebraska's most vulnerable would produce lasting effects that are in the best interest of: (1) the accused who might have the mental health needs; (2) society as a whole as we are trying to make this person a better benefit to society in going back; and (3) the justice system as a whole. I think that we should see an impact in the rate of...recidivism rates of those benefiting from the mental health treatment and hoping that they're not going to be reintroduced into the criminal justice system in the future. In order to ensure that the accused is afforded the appropriate access to mental health treatment and to make sure that the county courts are given the appropriate tools to address mental health treatment, I would urge you to pass LB259 and further pass that, enact that after the floor debate. I appreciate your time and attention. I would be very happy to stand for any questions that you might have. [LB259]

SENATOR EBKE: Thank you, Ms. Obermeyer. Any questions? Guess not. Thank you. [LB259]

NOELLE OBERMEYER: Thank you. [LB259]

SENATOR EBKE: Do we have any other proponents? Do we have any opponent testimony on this bill? Do we have anybody testifying in the neutral capacity? [LB259]

COREY O'BRIEN: (Exhibit 2) Good afternoon, Chairwoman Ebke. Members of the Judiciary Committee, my name is Corey O'Brien, C-o-r-e-y O-'B-r-i-e-n. And today I'm representing the Nebraska Attorney General's Office, as well as the Nebraska County Attorneys Association. We are, in absolute, large part, in favor of LB259; however, the reason we find ourselves testifying in a neutral capacity today is because we do have one recommendation and that's, rather than the

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designation of it being a district or county court in terms of the wording, that it say the trial court, and you heard Mr. Kuhse refer to that during his testimony. The reason we say that is because, as most of you know, when we file a felony complaint, 99 percent of them start out in the county court. And so until the case is bound over to district court, the case is pending before the jurisdiction of the county court. We do not want to necessarily deprive someone from raising an issue before the preliminary hearing of competency, because we recognize more than anybody that anything that comes thereafter is circumspect in the case. However, we think the more efficient route is for the trial court itself to actually decide the issue of competency. So what we would like to pursue is a mechanism by which if an issue of competency does arise--either I bring it up or the defense brings it up or the judge himself recognizes there might be an issue of competency--that the case is what we call direct file. It's dismissed out of the county court and then direct filed in the district courts. And the ultimate trial judge that would preside over the trial actually gets to decide the issue of competency. I've had several cases in the past where multiple motions for competence have been filed and I don't have any reason to contest why those are being raised at various times; however, it's very inefficient if an issue of competency is being raised down at the county court level before a completely different judge that will ultimately preside over the trial. So we think for the efficiency of the courts and so that there's a history with the judge knowing what the particular issues are there, that the better course of action is to make it the trial, the ultimate trial judge making the decision about competency no matter how many times it's raised in the case. I did not bring ten copies but I have a proposed amendment that would address those concerns if the committee would entertain that. But aside from that, we are in large part in favor of the bill. We'd just like to see this be just a little bit more efficient so that the ultimate trial judge would be making the determination of competency. [LB259]

SENATOR EBKE: We'll have some copies made of that and (inaudible). Thank you. [LB259]

COREY O'BRIEN: I'd be happy to entertain any questions you have. [LB259]

SENATOR EBKE: Any questions for Mr. O'Brien? Guess not. Thank you. [LB259]

COREY O'BRIEN: Thank you. [LB259]

SENATOR EBKE: (Exhibit 1) Okay, we...are there any other neutral testifiers? We have one neutral letter from Sheri Dawson of the Division of Behavioral Health, Department of Health and Human Services. Senator Hansen. [LB259]

SENATOR HANSEN: Thank you, Chairwoman Ebke and members of the committee, for hearing this bill. I think this is pretty common sense to move forward and I'm more than happy to

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work with all stakeholders to make sure we have the most appropriate language. And only because I forgot to do it in my introduction, I'd like to thank Senator Chambers for adding his name to this. With that, I'd put myself up for questions. [LB259]

SENATOR EBKE: Any questions for Senator Hansen? Okay, thank you. [LB259]

SENATOR HANSEN: Thank you. [LB259]

SENATOR EBKE: This closes the hearing on LB259. Now we are going to switch and go back. Senator Crawford is here so we're going to go back to LB589. And then just for everybody's information, when we get done with LB589, we will take a five- to ten-minute break before moving to LB505. Welcome. [LB259]

SENATOR CRAWFORD: (Exhibit 17) Thank you. Good afternoon, Chairman Ebke and members of the Judiciary Committee, and thank you for your flexibility and patience. For the record, my name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d, and I represent the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. And I'm honored to be here today to introduce LB589 for your consideration. Children are not miniature adults; however, our laws have not always reflected this general wisdom. Situations that can be challenging for adults can be downright frightening or trauma inducing for children, particularly young or vulnerable children. We have a duty to be sensitive to the trauma caused by a child witness...a child victim or witness continually repeating or being questioned about the traumatic event. This is why our statutes encourage the use of forensic investigators and videotaped interviews to cut down on the number of times a child retells his or her story and to protect children from revictimization. Currently children can be interviewed by a neutral forensic interviewer at a child advocacy center and the interview is recorded. In these instances, the lawyers in the case have this videotape for discovery. When additional depositions are conducted in addition to the forensic interview, the child is much more susceptible to experiencing traumatic revictimization, especially since it is not uncommon for the deposition to occur several months after the victimization. Therefore, if the child is working with a therapist during this time, the deposition could present a significant setback. The recorded forensic interview allows the accused and his or her attorney to see and hear the child describe the alleged crime in question in their own words and can provide fact-finding information pertinent to the case so that the child does not need to retell this traumatizing story during the discovery phase of the trial. LB589 affords children protections from depositions if a videotaped forensic interview has been conducted by a child advocacy center. LB589 does recognize, however, that there are exceptions where a deposition may be appropriate. As such, the bill leaves discretion to the trial court to grant a deposition if the court finds the deposition will aid in the disclosure of evidence that's not reasonably attainable by other means and is essential in preparing the defendant for trial. In other

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words, LB589 seeks to protect children but still allows depositions when considered necessary. If a deposition is granted, LB589 creates a process for the court to consider specific protections for the child that may need to be included in a protective order during the deposition of a child witness or a child victim to shield the child from emotional harm or harassment, undue influence, or intimidation. Under LB589, the court, on its own motion or the motion of a party, shall make any protective order that justice requires to protect the child from the negative effects of victimization. Such protective orders may include specified items and conditions such as: the designation of the time and place of the deposition; limiting the scope of the deposition to certain matters; that a victim advocate, guardian ad litem, or other support person, not a witness to the proceedings, be present; or that the defendant be physically excluded from the deposition but may attend via electronic means. I'll note that we also have an amendment for your consideration that would also add court-appointed special advocates, also known as CASAs, and service animals to the list of possible companions the court could consider to accompany a child during deposition. In Sarpy County we have a beautiful dog who is there to help calm the children in court and so that would allow it perhaps to be used in depositions as well. LB589 also requires that the court consider factors such as the age, health, level of intellectual functioning, developmental level, and emotional condition of the child, as well as whether or not the child has knowledge material to the proof of or defense to any essential element of the crime, and whether or not the child has provided a full written, taped, or transcribed account of his or her proposed testimony when deciding what protections to be included in the order. Depositions are a tool that can be used in statutory discovery; they are not a constitutional right. The trial court has the discretion to grant or deny a deposition and this has been upheld in the Nebraska Supreme Court. Unfortunately, however, it is our understanding that in many cases judges grant depositions as a matter of course even though they have the discretion to deny them. What's more, as of 2010, only 13 states allow criminal discovery depositions at all. Confrontation, in contrast, is a constitutional right. This right applies at trial, not discovery, therefore, not deposing a child poses no risk to protections for confrontation. Actually, our existing statute already provides a mechanism that allows protective order exceptions to court testimony and confrontation for children in certain cases. So we already recognize that even this fundamental constitutional right to confront your accuser has to be balanced with the state interest in protecting the child. If we allow protections here, surely protections for depositions, which are not a constitutional right, are justified. In 2015, I introduced a similar bill, LB459, and since then I've been working with various stakeholders, including defense attorneys, to try to strengthen the bill and address some of their concerns. Some concerns about the language outlining when a deposition could be granted by the court was eliminated in order to eliminate ambiguous hurdles that could make it overly burdensome for a defense attorney to prove a deposition is necessary in a specific case. Under LB589, defense attorneys will still have the opportunity to cross-examine the child witness in court and the defendant will still have the right to face his or her accuser. LB589 does not change that. Instead...and LB589 does not eliminate depositions as a tool. Instead, LB589 seeks to create an environment that protects truth and accountability while also protecting our

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children. Some opponents have also expressed concern the bill will compromise the plea-bargaining process that often happens in these cases and, therefore, increase the overall number of cases that go to trial. In Vermont, no county reported an increase in the number of cases that went to trial after a similar change to the deposition process in their state. The study did, however, find a reduction in the amount of cases that were dismissed because the trauma to the child was too great and the child was unable to withstand the trial process. Additionally, the number of trials overall remained low. For example, in Chittenden County, which is Vermont's most populous county, less than 0.01 percent of cases were tried to verdict between 2009 and 2011. Colleagues, the current legal climate creates a disincentive for defense attorneys to avoid depositions out of concern for a child's well-being. Defense attorneys may feel compelled to request a deposition of a child because of client pressure or out of concerns of an appeal on the grounds of ineffective assistance of counsel, even if they do not really see the deposition as necessary or fear that the deposition may do harm to the child. Child victims and child witnesses have undergone horrific events and experienced extreme trauma. LB589 will ensure that these vulnerable children not only will not...excuse me...ensure that these vulnerable children will only be subject to depositions that will require them to retell their story and lead to possible revictimization if a video-recorded forensic interview is unavailable or if the court finds the deposition will aid in the disclosure of evidence that's not reasonably available by other means and is essential in preparing the defendant for trial. LB589 also ensures that if the deposition must take place, the emotional and mental well-being of these vulnerable children can be safeguarded as much as possible through protective orders. It is traumatizing for anyone to retell a story in which they are a victim or witness of a traumatizing crime, reliving that experience. LB589 will ensure that some of our most vulnerable children who have been victims of rape, human trafficking, molestation, and other unimaginable crimes are protected without affecting the integrity of our legal system. Following my testimony you'll hear from several testifiers, including testimony from a forensic interviewer, the Nebraska Alliance of Child Advocacy Centers, CASA Association of Nebraska, and a prosecution attorney. They can provide firsthand experiences dealing with this issue. I appreciate the committee's attention to this important issue and I am happy to try to answer any questions you may have now or at closing. [LB589]

SENATOR EBKE: Thank you, Senator Crawford. Any questions? Okay, thank you. Can I ask, how many people are planning on testifying on LB589 in any capacity? Four, five, six? Okay. We'll go ahead with five-minute maximum testimony on LB589. Just a reminder that when we get to LB505, we'll take a break after this bill and then when we get to LB505 we will go with three-minute testimony. Okay? Thank you. [LB589]

IVY SVOBODA: Thank you. Good afternoon, Chairperson Ebke and members of the Judiciary Committee. My name is Ivy Svoboda, I-v-y S-v-o-b-o-d-a. I'm the executive director of the Nebraska Alliance of Child Advocacy Centers. We support the work of the seven child advocacy centers across Nebraska and to enhance our response to child abuse and neglect. I'm here

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testifying in support of LB589 on behalf of the Nebraska Alliance, the seven child advocacy centers, and the ten satellite offices across the state. This bill offers an improvement to our criminal justice process for child victim witnesses. Picture a room with a county attorney, a defense attorney, a court reporter, and a child who visited one of our local child advocacy centers, a child who has been a victim of child sexual assault, who is involved in child sex trafficking, who has been beaten or has witnessed domestic violence between their parents, or who has seen a murder. The child is alone in this room with adults he or she does not know. The child is being asked questions of one of the most traumatic events in his or her short life. This is the current setting for a deposition in Nebraska. Child advocacy centers were created to offer an opportunity for the child to tell their story one time. Each center or satellite office provides a child-focused, friendly setting for the child. This setting is comfortable, private, and is physically safe and psychologically safe for diverse populations of children and their family members. We eliminate bias by providing a secure environment for our children to tell their story one time. All of the centers employ quality interview practices that involve an appropriate neutral setting and an effective communication among professionals. These centers employ legally sound interview techniques. The centers select, train, and supervise their forensic interviewers. The National Children's Alliance formalized our Nebraska centers' working relationship with the FBI through MOUs. The Nebraska Alliance led efforts for the youth response in the Attorney General's Nebraska Human Trafficking Task Force. Now that our child advocacy centers have become more exposed to federal statutes, our centers have learned that our state's response pales in comparison to federal statutes by having the child routinely deposed. You will hear in subsequent testimony how our forensic interviewers are well-equipped to uncover the unbiased truth in the interview process. I would encourage you to look at the recommendations from the Nebraska Crime Commission's strategic plan for victims of and survivors of crime that was conducted by the University of Nebraska at Omaha, specifically, the child abuse and neglect section. They identify that our criminal justice process as it is right now is retraumatizing children. Three of the solutions they bring forth is (1) to allow comfort items and advocates to attend with the child when they have to go to court-related functions; (2) to have a recorded forensic interview in lieu of the deposition; and (3) that the child advocacy centers should partner with the Nebraska Bar Association to ensure that attorneys are trained in evidence-based approaches to child testimony. I would be happy to send the committee the Web site address for your review. Now picture a child receives a forensic interview at a local child advocacy center in a safe, secure environment, from a nationally trained forensic interviewer. The DVD of the interview and any medical exam information from the child advocacy center is sent along with all the other collaborating (sic) evidence to the defense attorney through the discovery process. The child is referred to therapeutic services to help with healing. The child's guardian receives notification from the county attorney regarding the criminal justice case. The case will be going to trial or it will be resolved with a plea negotiation. LB589 will take one step closer by not retraumatizing our vulnerable children by making them tell their story another time in the deposition. This Legislature, all of you, have been supportive of the work of the Nebraska Alliance and the child

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advocacy centers to assist in protecting children throughout the criminal justice process. Together we've agreed one voice, one time, was the least traumatic for a child who has already suffered at the hands of an abusive adult. We feel that this improvement will extend the protections of the child victim witnesses of trauma. We urge you to support LB589 passing through this committee. Thank you for your time and consideration. I'd be happy to answer any questions you have for me. [LB589]

SENATOR EBKE: Thank you, Ms. Svoboda. Any questions? Okay. Thank you. [LB589]

COLLEEN BRAZIL: (Exhibit 18) Good afternoon, Chairperson Ebke and members of the Judiciary Committee. My name is Colleen Brazil, C-o-l-l-e-e-n B-r-a-z-i-l. I am a forensic interviewer with Project Harmony, an accredited child advocacy center in Omaha. The CAC movement evolved due to concerns in the investigation of several high-profile day-care cases in the 1980s. Children were interviewed multiple times, by professionals with little or no training, about child development and sexual abuse dynamics. This resulted in trauma for the children and questionable interview tactics by professionals involved. The National Children's Alliance provides criteria for accreditation of CACs. These standards address such areas as the forensic interview, advocacy, and medical evaluations our centers provide. I would like to talk about the National Standards for Forensic Interviewers at the seven accredited CACs across Nebraska. I have been a forensic interviewer for the last 19 years interviewing over 6,000 children. As part of the accreditation as a forensic interviewer, I was required to complete an initial 32-hour training through an approved NCA list of nationally recognized, evidence-based training programs. All interviewers then must participate in ongoing education in forensic interviewing as well as peer review to maintain their skills. Research supports the need for additional training and peer review as a critical component in providing high-quality interviews of child victims. Specific national training has been provided by the National Center for Missing and Exploited Children to forensic interviewers across our state to interview victims of child sex trafficking. We also work to ensure a safe, secure environment for the children we serve. My job as a forensic interviewer is to gather information from a child in a developmentally appropriate and legally sound manner. CAC interviewers provide neutral interviews as part of an investigation. The interviews are structured to create a research-based methodology for forensic interviewing techniques. These methods are based on extensive research showing the best ways to interview children to increase their accuracy and produce sound evidence. There is considerable agreement among experts about best practices. Our interviews are recorded and provided to the defense during the discovery phase by the county attorney. Recorded interviews are more accurate than notes taken by interviewers, who are focused on the interview itself and not on providing a complete summary. Recording makes the interview process transparent, so that all parties know exactly how the child was questioned. This process improves the system itself, creating higher standards, ensuring a true measure of justice. We would like to thank Senator Crawford in bringing forth this legislation that will help to support a process that is fair to a child--a process

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that ensures the truth is shared and one that prevents additional trauma to the child. We offer protection to our children and minimize the traumatic impact of a criminal proceeding as much as possible. We see this bill as extending those protections through the criminal justice process. Therefore, on behalf of Project Harmony and the other CAC forensic interviewers, I ask that you support the passage of LB589. Thank you for your time and consideration. I would be happy to answer any questions you have for me as a forensic interviewer. [LB589]

SENATOR EBKE: Thank you for your testimony today. Any questions? Don't see any. Thank you for being here. Next proponent. [LB589]

DAN SALVO-McGINN: Good afternoon. My name is Dan Salvo-McGinn. I'm an attorney in private practice in Council Bluffs, Iowa. [LB589]

SENATOR EBKE: Can you spell it, please. [LB589]

DAN SALVO-McGINN: Spell my name? [LB589]

SENATOR EBKE: Yeah. [LB589]

DAN SALVO-McGINN: It's Dan, D-a-n, Salvo, S-a-l-v-o dash McGinn, M-c-G-i-n-n. [LB589]

SENATOR EBKE: Thank you. [LB589]

DAN SALVO-McGINN: I was a prosecutor up until June of 2016, working in the Pottawattamie County Attorney's Office for 24 years, and for 20 of those years I prosecuted sex abuse crimes mostly involving young people and children as victims. And when I first started, the forensic interview process was being implemented because of the child advocacy center Project Harmony in Omaha which services southwest Iowa, including Pottawattamie County. So I've...my experience is what I'm here to share with you today in regards to seeing children being deposed by defense attorneys and watching forensic interviews, sometimes watching them while they're conducted, other times just watching the recordings. And that's the great thing about a forensic interview is you get to actually see the questions being asked, as opposed to an audiotape. You can see the expressions. They are just full of information that are very helpful in trying to figure out what's going on with the case. One of the bottom lines in our criminal justice system is to find out what happened, get accurate information. And the forensic interview does that very, very well. The interviewers do a terrific job. I've watched a lot of these and they get a lot of accurate information from the kids that they interview. On the other hand, with depositions, I was trying to estimate in my head how many different defense attorneys I've worked with over the years.

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My last about five years there at the county attorney's office there were probably 200 of these cases that I worked, and I estimate probably with 30 to 40 different defense attorneys. And the key in interviewing a child is to establish rapport with the child, make them comfortable so they...both sides can understand the questioner and the child, and that rarely happened in a deposition. I can think of 2 attorneys out of those 40 who consistently could establish rapport with a child. The rapport was always there in the forensic interview just because of the process which you've heard about. The child is in a comfortable room and, you know, they can freely give the information. But the deposition process, you know, usually have an adult who may have some experience talking with their own children, but a lot of times I've seen depositions where you see a defense attorney and a child and they're not even talking about the same things. So in that regard, I know the defense attorneys are often appreciative of the forensic interview because they recognize that there's a lot of information there that they can use in defending their client and it's the best way to get the information. And I would stress that, you know, preventing unnecessary depositions, as this legislation tries to do, I think would be very helpful for our criminal justice system. You know, the deposition when the young child has to go forward, it is traumatic for them. They experience symptoms and, boy, therapy has just taken over a lot in these cases. There's a lot of therapists that have to work with these kids to treat their symptoms so they can, you know, make the experience of trauma not so personal and be able to freely talk about it. So I think this bill is terrific and the testimony so far has been very helpful and I would encourage you folks to pass it on. Thank you. If there's any questions, let me know. [LB589]

SENATOR EBKE: Thank you. Any questions? Guess not. Thank you for being here today. [LB589]

DAN SALVO-McGINN: Thank you. [LB589]

SENATOR EBKE: Next proponent. [LB589]

CORRIE KIELTY: (Exhibit 19) Good afternoon, Chairperson Ebke and members of the committee. Thank you for your time today on this bill. I will be very brief. My name is Corrie Kielty; it's C-o-r-r-i-e K-i-e-l-t-y. I am the executive director of the Nebraska CASA Association, or court-appointed special advocates. Nebraska CASA represents 21 local CASA programs and we provide service to 45 county or juvenile courts. Under the Nebraska Court Appointed Special Advocate Act, our programs recruit, screen, train and support volunteers who are appointed as a friend of the court to serve in the best interest of abused and neglected children. Last year, 775 CASA volunteers served 1,960 children in Nebraska. We are supportive of this bill to protect vulnerable children who have been traumatized. It is essential that courts work to provide environments that are safe, and do everything possible in order not to retraumatize these child victims. For many years we have known that trauma can severely impact children's behavior. Into

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adulthood, effects may include health issues including increased chance of disease, mental illness, and addictions. The courts, our state, and our community must do everything possible to provide the assessments and treatment needed for children's trauma and to prevent further damage. We are supporting LB589 because we have seen children served by our volunteers who are profoundly affected by a deposition where they were reminded of traumatic events. This can cause a child to reexperience the intense feelings of that event. In the case where an accredited child advocacy center has conducted a forensic video-recorded interview, and a judge considers that and other evidence sufficient for the defense, there is no need to risk retraumatization of a minor victim through a deposition. Courts across the country are enacting measures to protect child victims. Nebraska should protect our most vulnerable children in the same manner. Thank you. [LB589]

SENATOR EBKE: Thank you for your testimony today. Are there any questions? Guess not. Thanks for being here. Next proponent. [LB589]

STEPHEN LAZORITZ: Good afternoon, Madam Chairman, members of the committee. My name is Stephen, S-t-e-p-h-e-n, Lazoritz, L-a-z-o-r-i-t-z, and I'm a medical doctor. I came to Nebraska 17 years ago leaving Milwaukee, Wisconsin, where I was, not to blow my horn, but I was the recognized expert on child abuse in Milwaukee. I was, in the state of Wisconsin, I was the medical director of the child protection center there. I've authored four books in the area of child abuse, authored 20 articles, and did research in the area of child abuse. I was at the top of my career there, so why did I leave to come to Nebraska, leaving the field of child abuse? Well, as part of my work in the field of child abuse and protecting children, I testified in court frequently. In fact, I testified as an expert witness in ten states over 200 times and gave countless scores of depositions. And in 1998, one day before testifying, I became physically ill. I had palpitations, sweating, nausea, and actually went in the men's room and had to vomit before I testified. That became the norm for me--before I testified, I got physically ill--and developed what people would call today posttraumatic stress disorder from the stress of testifying in court. Now the worst situation were depositions. Picture yourself in usually a small room. I'm sitting across from the "perp," alleged perpetrator, who is usually glaring at me. There is no judge to protect me. Most of the time I had no counsel to support me and I wasn't quite sure which questions I had to answer and which I didn't. Now imagine if you're a seven-year-old child sitting across from the perpetrator who is glaring at them and having to listen to arguing about which questions they ask with no judge to represent you. Way back in 1983, I walked into a Kmart and bought a camcorder. After seeing children interviewed many times, I decided I'm going to start videotaping their interviews. And my first interviews were awful. I asked leading questions and did all the mistakes that people make. Look at what's happened since then. We have forensic interviews, like God bless Colleen, 6,000 interviews. How many forensic interviews has the average defense attorney done? Even the average prosecutor, how many children have they talked to? Clearly, if our intent is justice and not just protecting children but justice for children,

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we need a good, honest interview of this child. We can't have them traumatized again. And I can't remember how many times, it was many times, where children would tell me, you know, that whole court thing was worse than the original abuse was. We can't allow the children of Nebraska to go through this. Having a safe place where they can tell their story once, on tape, for everyone to see, is the way to do it. We can't afford to have children traumatized by the process that is designed to help them. I'd like to thank you for giving this opportunity and see if anyone has any questions. [LB589]

SENATOR EBKE: Thank you for being here today, Doctor. Any questions? Guess not. Thank you. Are there any other proponents on LB589? Do we have any opponents to LB589? [LB589]

CHRISTOPHER LATHROP: I usually don't do this. I'm usually in court. Good afternoon, Chairwoman and committee members. My name is Christopher Lathrop, C-h-r-i-s-t-o-p-h-e-r L-a-t-h-r-o-p, and I'm here in opposition of this bill and I'm speaking on behalf of the Nebraska Criminal Defense Attorneys Association, as well as an officer of the court. When I became an attorney and I chose my profession to be specialized in criminal defense, one of the main reasons I did it is because of my concern for the integrity of the system. Without the integrity of the system, we lose confidence in the...by the public and innocent people end up going to jail. I believe that this bill is a direct assault on the integrity of this system. Specifically, the Nebraska Criminal Defense Attorneys Association has an objection to page 2 of this bill, line 23 through line 2 on page 3, as well as (i) and (ii) located on page 3, line 7 through line 11. And if I could for just a moment go back to what I do for a living, I work in the Sarpy County Public Defender's Office. My job is to handle all of the major cases in the public defender's office in Sarpy County. The vast majority of these cases are sexual assaults. Last year, I had 15 sexual assault cases. Of those, 12 of those involved children. In that time I had four depositions of children on those sexual assaults. The tool of the...the deposition tool that we use to interview these kids is incredibly important. One, the Project Harmony and CAC videos or interviews that are done talk about basically tell us what happened, they do not get into the background of the child. They do not get into the other information that the child may gain, such as being exposed to sexually explicit materials or seeing sexually explicit acts between adults in their home. This is critical in determining whether or not the child is recounting something that happened to them or if they are using the information they received by viewing this information, this material, or seeing these acts and personalizing them. And if the sole purpose of this bill is to allow the child to tell the story one time and then not have to tell the story again until they get to trial, then why is the county attorney having these children come in 10 to 15 times to go over their stories and prepare them for testimony at trial? If that...that has to be just as traumatizing as sitting with me for one deposition and asking or answering several questions. I have adopted and I appreciate the work that the forensic interviewers do. I have adopted their model in my depositions. I try to start with the rapport building and rule stage of my depositions. So by limiting me on what I can talk about, which is one of the terms and conditions that this bill suggests, you're eliminating my

ability to build that rapport with the child and make them more comfortable. One of the rules I have in every child deposition or every deposition that I take, I've taken hundreds if not thousands of depositions over my 22 years of practice, is that at any time that they feel that they need to take a break, they are allowed to. I will not prevent them from getting a drink of water, petting the dog, or doing whatever it is that they ask. The other problem that I see with this bill is there's no issue or no direction to the courts or to anybody else concerning who has the burden of proving these things, who has the burden of proving that there is potential mental strain on this particular child or those kinds of issues. A burden of proof would require the county attorney to do something other than just to make the objection to my deposition. The CAC videos and Project Harmony videos do provide us with a lot of information and we are in full support of those. But I believe that to handcuff us and not allow us to ask more questions would be tragic. I would also like to point out that as a member of the Nebraska Criminal Defense Attorneys Association, I have lectured on how to take depositions of children. We know that if you become confrontational with a child or the child is uncomfortable, the information you're getting is going to be minimal. I don't think I've ever had a child run out of a deposition crying. Sometimes during the acts that they're describing they may become emotional, but I allow them to stop. And that is what the Nebraska Criminal Defense Association is trying to get the other members to adopt. I see my red light is on. I would like to continue and I could but... [LB589]

SENATOR EBKE: (Inaudible). Okay. Senator Baker has a question. [LB589]

CHRISTOPHER LATHROP: Yes, sir. [LB589]

SENATOR EBKE: Maybe he'll facilitate. [LB589]

SENATOR BAKER: Thank you, Chairwoman Ebke. Mr. Lathrop, what's...you've deposed a lot of children. [LB589]

CHRISTOPHER LATHROP: Yes, sir. [LB589]

SENATOR BAKER: What's the longest period of time you ever deposed one individual? [LB589]

CHRISTOPHER LATHROP: I can't recall one going over an hour, hour and a half. And the way we have it set up in Sarpy County--and again, this is something else that we are trying to spread to the other counties in the state--is there is a camera in the room that is very nondescript. It's much...it's a little camcorder I bought at Best Buy. And that transmits a signal into another room where my client sits and watches the whole deposition on a television screen. If the child knows

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that my client is watching this, it's only because the county attorney has told them so. Otherwise, they would never know or have any idea that my client is sitting in another room watching this video. So the longest one I would say was probably an hour and a half, maybe two hours, but I can...the vast majority of them were an hour or less. [LB589]

SENATOR BAKER: Well, your position, as I understand it, you think you can do a better job of deposing than someone else? [LB589]

CHRISTOPHER LATHROP: Another attorney? [LB589]

SENATOR BAKER: As some of these other people who have come up and testified. [LB589]

CHRISTOPHER LATHROP: Oh, I think the forensic interviewers do a great job of finding out what the allegation is. The problem is that it's not with the allegation that we need to talk to the child about. What we need to talk to the child about is what kind of sexual material or sexual acts have you been exposed to in your life because a lot of times when you're dealing with a child under 12 or 13, you know, under 11 or 12 years old, the question for the jury is, if this didn't happen to the child, how would the child know what the sexual act is or what it looks like and be able to describe it? So in order for us to determine that and make an argument to the jury on how she has this knowledge or that person has knowledge, we need to know what kind of exposure the child has had. They don't talk about that in the forensic interviews. So it's incredibly important. It's not what's in the interview that we need to go back over as much it is as the things that are not asked in the interview. Now in order for us to comply with this bill, it sounds like we're going to have to write up a statement of everything that we want to ask the child. Well, when you go in there and you start talking to the child, I try and build rapport with them and we get into a conversation. I try and keep it a conversation, not really a back...a question-and-answer session. And the more conversational it is, the more information I get. I try and direct the conversation by moving them in certain directions, but I'm not trying to implant information or ask leading questions. Most of the time it's tell me about school, what's your favorite subject, to build that rapport. If I'm unable to do that and by my reading of this--and it can be argued by the county attorney's office--I would not be able to do that which puts the child at ease and reduces the trauma. Did I answer your question? [LB589]

SENATOR BAKER: Thank you. You did. [LB589]

CHRISTOPHER LATHROP: Okay. I'm sorry. I got...kind of wander off sometimes, Senator Baker. [LB589]

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SENATOR EBKE: Any other questions? Was there anything else that you needed to finish up or did you essentially get it? [LB589]

CHRISTOPHER LATHROP: Yes, two points: (1) If the whole point of this is to have the child only testify one time, then this has to be fair to everybody. And when the county attorney has unlimited access to the witness and is going over testimony and testimony and testimony, it is not fair to the defendant. The other thing I would like to point out is, if the county attorney is going to be allowed to do that, then they should be recorded because we don't know what information is being implanted. So I think that in order to be fair, this bill needs to be changed. The other one last point, the Project Harmony interviews, defense attorneys are not allowed to be in there, are not invited to be in there. Most of the time they don't...no one has been arrested so there's no attorney involved. The county attorney, as Mr. McGinn indicated in his testimony, is present and does request certain questions to be asked of the person, but it's not the questions that a defense attorney would be asked. That would be all I would have to make, all the comments that I have to make. If there's any other questions... [LB589]

SENATOR EBKE: Okay. Any other questions? Thank you for being here, Mr. Lathrop. [LB589]

CHRISTOPHER LATHROP: All right. And thank you for your time. [LB589]

SENATOR EBKE: (Exhibits 1-16) Thanks. Okay, do we have any other opponents on LB589? Do we have anyone in the neutral capacity? I saw movement out there. I guess not. I'm going to read the letters into the record. Senator Crawford, if you want to come up. We have letters of support from: Traci Bruckner of the Women's Fund of Omaha; Danielle Larson of the deputy sheriff of Scotts Bluff County; Juliet Summers of Voices for Children; Stephanie Huddle of the Nebraska Coalition to End Sexual and Domestic Violence; Sarah Hanify of the National Association of Social Workers, the Nebraska Chapter; Erica Hardessen; Douglas Johnson of the Separate Juvenile Court of Douglas County; Nicole Peterson; Jeffrey Davis of the Sarpy County Sheriff; Nicole Smith; Andrew Jashinske--is that right, did I get it anywhere close, do you know--Bellevue Police Department; Christine Timm; Paul Schaub of the Cheyenne County Attorney; Tricia Freeman, Nebraska County Attorneys Association; Douglas Weinberg of the Division of Children and Family Services of DHHS; and, in opposition, Amy Miller of the ACLU; none in the neutral capacity. Senator Crawford. [LB589]

SENATOR CRAWFORD: Thank you, Chairwoman Ebke. And I do want to call the committee's attention to the judge's letter. I thought the judge's letter was very telling and a judge with years of experience and we didn't have a judge testifying, so I think that's valuable to see that. And also there was a letter from the county attorney in terms of seeing that perspective. And I will follow up and learn more about the access of the county attorney and the claim made about practicing

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stories and talk to county attorneys from different jurisdictions and see what that practice looks like and report back to the committee so you'll have that information as you're considering the testimony that raised that concern. As you...it is also the case that I think in the conversation about what the...what is needed in the deposition that is not covered in the forensic interview has sounded like there is a very specific kind of information that was referred to that is their exposure to sexually explicit material to know knowledge. And if that is a very common need, I would think there could be conversations about whether or not there is appropriate way that that is in the forensic interview. I do not know. I will follow up on that question as well to see if that's an issue that is something that is...it is possible to resolve through further collaboration and discussion about how we continue to improve this process, because we definitely want to get to the truth, we want to get to justice, but we want to protect the children, as well, and that's what I hope that we are all after to do. It is the case that the bill itself does shift the burden of proof and it does shift the burden of proof to the defense attorney to demonstrate that a deposition would be necessary. Now, recall my earlier testimony--in some states it's not even allowed. And so we are shifting the burden of proof to say that it would be up to the defense attorney to make sure to show that the deposition is necessary and the judge then is required to determine whether there would be a protective order required and what kinds of protections to put in that protective order. So we are allowing depositions still but putting the burden of proof on the defense attorney to demonstrate that it's necessary and then putting protections on that deposition. And in this case it would be the judge determining what those protections would look like. So I want to note that, again, as I noted in my opening, in 2015, I introduced a similar bill, LB259, and we had lots of conversations. It did pass out of the Judiciary Committee at that time. Further conversations with defense attorneys and other people who were involved in the process at that time, I decided not to push that bill anymore and engage in further conversations and, when I was approached about moving forward with this bill this time, said only do so if we made sure that we built on those conversations. And we've had continuous conversations. And again, today we've heard a couple of new things that we will check on in that conversation. However, sometimes in public policy there is an important public interest, an important public policy that for which there is really no middle ground, and I think this is perhaps one of those instances. And I believe in some of our conversations we really came to the point of recognizing that there is no change in language to the material in the part of the bill that shifts the burden of proof to defense attorneys that would allow them to be supporters or probably even neutral. And that's fine because their job is to work for their client and this reduces their access to a tool. And so they're going to fight hard to maintain it and to maintain flexibility with that tool. And that's the case sometimes in public policy. I think you saw a whole coalition of other folks in other roles in this process who demonstrated the importance of moving forward in this area to protect the children and to try to protect justice and trying to get to the truth in the case. And in my mind what this brings, what this recalls in my mind, is the issue that we fought a few years ago in terms of nurse practitioners and changing their policy. It was a time where we decided there was a public policy interest. There was no way to move forward in that way where we would bring physicians on board, but it

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was important to move forward, so it's important to put the coalition together that thought it was good public policy and had that vigorous debate and see if we could move forward in any case. And I think that may be where we end up being in this policy. Definitely going to continue conversations with defense attorneys. The bill is stronger because of their vigorous opposition so far and we had great conversations and I will...am happy to continue to have conversations. But I suspect that they will continue to oppose the bill with committee members and on the floor. And it will be important for us I think to continue to move forward, have that vigorous debate. And I believe making a change, making the change in LB589 is important to do despite opposition because it's important in improving our justice system and protecting our kids. I appreciate your attention. Thank you. [LB589]

SENATOR EBKE: Thank you, Senator Crawford. Any questions? It looks like there are none, so thank you for being here. That closes... [LB589]

SENATOR CRAWFORD: Thank you. Thank you and thank you for your flexibility. [LB589]

SENATOR EBKE: That closes the hearing on LB589. As a reminder, we're going to take a little break here. We will return shortly after 3:45, so a little over five minutes. And then we will do three-minute testimony, so prepare accordingly. [LB589]

BREAK

SENATOR EBKE: Okay, we will proceed as soon as Senator Brewer catches his breath. You good? [LB505]

SENATOR BREWER: I'm good. [LB505]

SENATOR EBKE: Okay. We're going to proceed with the hearing on LB505. And the reason why we held this was because we felt that it was probably more appropriate for you to open than for your LA under the...since it's a fairly controversial bill. [LB505]

SENATOR BREWER: Well, and I appreciate it and I apologize. I apologize, everybody. We tried to push as hard as we could and it was just one of those days where it's a busy day, so. [LB505]

SENATOR EBKE: Believe me, we in Judiciary understand. [LB505]

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SENATOR BREWER: Thank you, Madam Chairman, and good afternoon, fellow Senators of Judiciary Committee. I am Senator Tom Brewer; it's T-o-m B-r-e-w-e-r. I represent the 43rd Legislative District of western Nebraska. I'm here to introduce LB505. This is a very straightforward bill that is just about information. It is not about whether or not we should have refugee resettlement in Nebraska. Specifically, the bill requires DHHS to provide information on its public Web site and to the Legislature and Congressional delegations twice a year in July and in December how many refugees the agency has received for resettlement during the reporting period; their nation of origin; their age, sex, and family status; nation of entry into the United States; and the reason they are designated refugee or asylum status; any state benefits obtained by these refugees with the assistance from this agency...or assistance; the amount of federal assistance the agency has received from the federal government during the period of reporting, any amount of federal assistance that were received by the refugees with the agency's assistance; and lastly the amount...the agency's projected refugee resettlement numbers by nation of origin for the next year. This information will be compiled and reported by DHHS twice a year. My staff has spoken to the legislative liaison from DHHS and they do not object to this bill. As I said with the start, this bill is about information, not about the merits of the refugee resettlement program. With that said, this is an issue that with considerable public interest. All the consideration points that I would like to make at this point revolve around some basic concepts. First is that it has been a request by voters of my district about how they would collect this kind information. And with attempts through DHHS to get this, we come to the determination that there is no central warehouse where this information is collected. The other part that I'd like to stress is that when it comes to the refugee issue there are few that probably have more interest and more concern than I do simply because with the eight tours of duty overseas it was many of those that are coming here now who were our interpreters, our drivers, that assisted us day in and day out, in many, many cases risking their own life to help us. And they put their life at risk every day as we did. So as I would get calls about procedures and processes and how they would do things, it become more and more painful to try and figure out that process and what was available. So I was hoping that this bill would also help to provide that information. So subject your questions. [LB505]

SENATOR EBKE: Okay. Any questions for Senator Brewer right now? Senator Hansen. [LB505]

SENATOR HANSEN: Thank you, Chairwoman Ebke, and thank you, Senator Brewer, for opening for us. I just am kind of curious what you...throughout the bill there's a definition. You talk about refugee resettlement agencies. Can you kind of give me an indication of what organizations you are thinking of when you use that term? [LB505]

SENATOR BREWER: Well, I think our biggest as far as volume of people that they handle would be both the Catholic and Lutheran services I think are our largest ones there. But that

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would be part of what we're trying to determine is how many are out there that work through that process of helping the refugees to process in to Nebraska. [LB505]

SENATOR HANSEN: Okay. So for a lot of this it would be private nonprofit groups that are currently doing this if that's my understanding of those groups, right? [LB505]

SENATOR BREWER: That would be correct. [LB505]

SENATOR HANSEN: Okay. And then the information you're asking for from them, is that...have you spoken to any of those groups? Is that information that they currently keep and track, or would this be putting...asking (inaudible)? [LB505]

SENATOR BREWER: Most of it is what they would available. We may have at least one of the categories that might be something that they would add. But most of that is just very general information, just the basics. [LB505]

SENATOR HANSEN: Okay. All right. Thank you, Senator. [LB505]

SENATOR EBKE: Other questions? Senator Morfeld. [LB505]

SENATOR MORFELD: Thank you for coming today, Senator Brewer. I guess I'm curious. I'm reading the intent of the legislation. There's a lot of intent language in here. What do you see as the purpose for the state collecting this information, because it's not just how many people are coming in but also state benefits obtained, federal assistance. I mean what do you see as the purpose of that information for us to know? [LB505]

SENATOR BREWER: Well, one of the very things that is a must for us to do here is to understand and forecast costs. And if we were to have a central clearinghouse where we knew how many were coming to and what services that they would need then we can assure that, you know, our budgets allow for enough funding so that we can support them. [LB505]

SENATOR MORFELD: And what do you think is the purpose of providing information such as age, family status, sex? [LB505]

SENATOR BREWER: I think that was just general information that you would normally collect... [LB505]

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SENATOR MORFELD: Just general demographic. [LB505]

SENATOR BREWER: ...just to have the database. [LB505]

SENATOR MORFELD: Okay. And maybe I didn't...again, like you, I've been kind of busy today and maybe it's in here. Is this information going to be subject to public records requests then, or is it going to be shielded, because some of this is pretty personal information? [LB505]

SENATOR BREWER: Yeah, that's a good question. The intent was that it would be collected by DHHS to provide information on requirements. So I don't know that if it was with DHHS that it would...I mean what would be public would be how many people, say, from a given country or maybe age range of those that are refugees coming in from a particular area or country. I don't...I wouldn't understand why there would be need by name or anything like that. That wouldn't really serve any purpose. [LB505]

SENATOR MORFELD: Okay, okay. Just concerned about some of the privacy concerns... [LB505]

SENATOR BREWER: No, that's... [LB505]

SENATOR MORFELD: ...particularly with small children, things like that. [LB505]

SENATOR BREWER: Sure. No, that's legitimate and that was never the intent. It was simply to make sure that whatever, you know, the resources are that they're going to need, that we have some ability to understand and forecast for that. [LB505]

SENATOR MORFELD: Okay. Thank you, Senator Brewer. And I may have questions later. I apologize to you and the rest of the people here. I have a work presentation at 5:30 so I'll be leaving a little bit early. But we can talk later. [LB505]

SENATOR BREWER: All right. Well, if worse comes to worse you can write them down and I'll do my best to answer them. [LB505]

SENATOR MORFELD: Excellent. Thank you. [LB505]

SENATOR EBKE: Any other questions? Okay. [LB505]

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SENATOR BREWER: I'll stay here to close. [LB505]

SENATOR EBKE: Okay. Go get some lunch or something. (Laugh) Okay, we'll start with proponents, and again, three minutes. I will probably, when the red light goes on, I will start coughing and clearing my throat and leaning forward. And then I'll tell you to stop, please. [LB505]

JUDY ZABEL: Senator, thank you for having me, and committee. I am Judy Zabel, J-u-d-y Z-a-b-e-l. I'm from Lincoln and I want to thank you for the opportunity to share my concerns regarding refugee resettlement. I don't want to make this just about one class of people. This bill, LB505, includes all refugees. You see, when a refugee comes in through a private, nonprofit organization, the taxpayers have no way of knowing how many, who they are, and where they came from, let alone what it's costing to take care of these people. Sometimes they come with large families and that logically makes the cost to the taxpayer go higher. I called the Office of Refugee Resettlement and asked for the R&P. The R&P is the resettlement and placement contract. I was told that the reception replacement contract on refugees is not available on the state level, only through the private organizations. But they do send those in to HHS on the state level. And I was also told that I could have any number I asked for off of that contract, but she could not share the contract with me. Now I don't understand that. I don't know why, but she said it's private, so that's okay. Then why could I get any number that I asked for off of the contract? I want to know how many refugees are coming into the state of Nebraska, where they're coming from, and how much they are depleting our resources, like schools, food stamps, and healthcare. A report like Senator Brewer is asking for in this bill would help answer that question. Please vote yes on LB505. Thank you. [LB505]

SENATOR EBKE: Thank you, Ms. Zabel. Any questions? Okay. Next proponent. [LB505]

DOUG KAGAN: Good afternoon. My name is Doug Kagan, that's D-o-u-g K-a-g-a-n, representing Nebraska Taxpayers for Freedom. The decision by the Obama Administration to allow thousands of unvetted Muslim refugees into the U.S. has alerted both state and local officials and taxpayers to question what they can do to stop the adverse impact of refugee resettlement in our communities. Though only the federal government can decide who can immigrate as a refugee, federal law requires cooperation among federal, state, and local governments in refugee resettlement. Our group believes that state and local officials are best suited to evaluate the potential impact of refugee placement. We believe that the state must determine how the influx of these refugees impacts area employment opportunities regarding the availability of jobs to our lawful citizens, affordable housing as we only have a finite number of affordable housing units currently at Nebraska, educational and healthcare resources, and likelihood that refugees will become self-sufficient and not dependent upon welfare. We must

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determine to what extent the influx of refugees would overwhelm community social services, healthcare agencies, decrease the availability of job opportunities, and strain local Nebraska school districts trying to meet the needs of current student populations. The Office of Refugee Resettlement 2013 Annual Survey of Refugees found that of the refugees who entered the U.S. within the previous five years, 75 percent receive food stamps, over 50 percent receive Medicaid or Refugee Medical Assistance, and almost 25 percent receive subsidized housing assistance. Robert Rector, Senior Research Fellow at the Heritage Foundation, estimates that President Obama's Syrian resettlement alone will cost U.S. taxpayers \$130 million annually. Therefore, we hold refugee resettlement organizations responsible for providing timely information about the backgrounds of immigrants, so that public officials and taxpayers can cooperate in reaching decisions regarding trends and possible security risks. Of particular need is line-item data of amounts of federal and state aid dispensed. Publication of this data on a public Web site would offer taxpayers easy access to analyze the fiscal impact of this subsidization. Taxpayers deserve to know the likelihood that these refugees will become self-sufficient and not dependent on welfare aid and a burden to taxpayers. Thank you. [LB505]

SENATOR EBKE: Any questions for Mr. Kagan? Guess not. Oh, Senator Hansen. Sorry. [LB505]

SENATOR HANSEN: Thank you. Thank you, Chair Ebke. Thank you for testifying, Mr. Kagan. I just felt the need to ask, so you talked about the decision by the Obama administration to allow thousands of Muslim refugees is what alarmed people or, to use your exact words, has alerted both state and local officials to question what they could do to stop the adverse impact of refugee resettlement in our communities. Why is the religion of the refugees important to alerting state and local officials? [LB505]

DOUG KAGAN: The religion isn't important. What's important is the unvetted portion of refugees. We've had officials from the FBI, Homeland Security say that a lot of refugees from these Muslim countries are not sufficiently vetted because they come from failed states. There's no background information. There's no organized police forces or internal security like FBI in these states that can verify who these people really are. You don't know if they have criminal records. You don't know if they have terrorist records. It doesn't have to do with their religion. It's a matter of they're vetted and they come from countries that are majority Muslim in nature. [LB505]

SENATOR HANSEN: Okay. Thank you. [LB505]

SENATOR EBKE: Any other questions? Thank you for being here, Mr. Kagan. [LB505]

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DOUG KAGAN: Okay, thank you. [LB505]

SENATOR EBKE: Next proponent. [LB505]

NANCY CARR: I come with my own chair. [LB505]

SENATOR EBKE: Okay. Great. [LB505]

NANCY CARR: (Exhibit 30) My name is Nancy Carr, N-a-n-c-y C-a-r-r, and I thank you for the opportunity to come and express my support for this bill today. I believe that LB505 is a very important and a very necessary bill because it involves every taxpayer in Nebraska and every senator who represents us and has to make decisions about where our tax dollars go. I believe it is important, first of all, to establish how the Refugee Resettlement Program works, especially the financing of it. The Refugee Resettlement Program is a separate program from immigration programs. The UN (sic--U.S.) State Department contracts with the UN to bring the refugees to our country and the individual states. The State Department then subcontracts with agencies to place the refugees in various cities. And if you'd look at the sheets at the back, I gave you the three sheets here. And this is the annual report to Congress from the Refugee Act people, of which it's about three different groups. This was a Refugee Act of 1980 and part of the Refugee Act said they had to report to Congress how the money was used and how much money was used. And it started out as a private-public partnership. In fact, I was even involved in it when it was mostly private and it was very successful but it soon became public. And now it's all our taxpayer public money. And if you'll look at the second page, this shows all the agencies involved. And in Nebraska, both the Lutheran Immigration and Refugee Service and the United States Conference of Catholic Bishops seem to be the main subcontractors. And if you'll look there on the page at the top, the Lutheran Immigration and Refugee Service received \$1,426,000 in the year 2015 for the refugees they brought. And the U.S. Conference of Catholic Bishops received \$22,483,924. And the government pays the agencies over \$2,000 per person to place these refugees in cities. And this money is our taxpayers' money. And then if you'll turn to page 3, the agencies also receive grant money, matching grant money. And if you'll look there, the Lutheran Immigration and Refugee Service received \$7 million, the United States Conference of Catholic Bishops received about \$19 million. And this matching grant money is also tax dollars. Now the monies received by the United States Conference of Catholic Bishops is a little different because they receive the money and then they disburse it to the Catholic Social Services in the individual states. [LB505]

SENATOR EBKE: Okay. Thank you. We're out of time. [LB505]

NANCY CARR: Oh, no. [LB505]

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SENATOR EBKE: Any questions? Okay. Thank you for coming today. [LB505]

NANCY CARR: All right. Well, you can read the rest of my testimony. [LB505]

SENATOR EBKE: We can read the rest of it. Next proponent. [LB505]

CHIP SMITH: (Exhibit 31) Hello. Good late afternoon. My name is Chip Smith, C-h-i-p S-m-i-t-h, 331 Village Pointe Plaza, Omaha, Nebraska. I'm a taxpayer. My family is a taxpayer. My relatives are taxpayers. I like what our President Trump said the other night in his speech to Congress, that we need to change our immigration system. When my ancestors immigrated to this great nation, they worked. They were self-sufficient. I support our President Trump's initiative for a merit system of immigration. People who can live self-sufficient, not a financial burden on our society, we should welcome. These who are a burden on our taxpayers, who take our entry-level jobs from lawful citizens, should not be welcomed. It is more economical to not settle destitute people in our midst, especially when our state suffers a \$900 million deficit. Please advance LB505. [LB505]

SENATOR EBKE: Thank you, Mr. Smith. Any questions? Okay, thank you. [LB505]

CHIP SMITH: Thank you, Senator Ebke. [LB505]

KATHY WILMOT: Senator Ebke and committee members, thank you for this opportunity to speak in support of LB505. Many refer to refugees as... [LB505]

SENATOR EBKE: Could you give your name, please, for the record. [LB505]

KATHY WILMOT: (Exhibit 32) Oh, I'm sorry. I just get in a hurry. I'm so excited. Kathy, K-a-t-h-y, Wilmot, W-i-l-m-o-t. Many refer to refugees as immigrants, but they are actually two distinctively different populations. Refugees have the most generous access to welfare programs of any population in our country. And unlike new legal immigrants, refugees are eligible for all welfare programs upon arrival. In 2016 fiscal year, Nebraska led the nation in the number of refugees settled per capita. The national average was 26 per 100,000; Nebraska went clear up to 76 per 100,000. On average, in their first five years in the United States each refugee from the Middle East costs taxpayers \$64,370 and that's actually 12 times what the United Nations estimates it would cost to care for one refugee in a neighboring Middle East country. These figures do not include welfare and food stamps, public school costs, Head Start, Earned Income Tax Credit, and more. While Middle Eastern refugees in the first five years must pay some taxes to offset a fraction of the costs they create, the published data from Office of Refugee

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Resettlement shows that more than 90 percent of the households have income levels below 130 percent of poverty, which means they pay virtually no income taxes. In 2014 alone, we also had 82 percent of the active TB cases in Nebraska were diagnosed in our foreign-born population, which only makes up 6 percent of our total population. In late November 2016, Benson High, where there's an 18.6 percent student body of foreign born, we had an active TB case diagnosed and then more testing showed seven latent cases. Direct costs of treatment average from \$18,000 to treat a drug-susceptible TB to \$494,000 to treat one case of the most drug-resistant form of the disease. We have VOLAGs--Lutheran Family Service, Catholic Social Service, Southern Sudan Community Association--and the feds repeatedly tout impressive percentages of refugees that they say reach economic self-sufficiency. But you have to look at the definition. They've redefined it as earning a total family income at a level that enables a family unit to support itself without the cash assistance grant. But they still receive all other taxpayer-funded handouts. The new definition of economic self-sufficiency paints a very different picture and obscures the economic impact. Recent media blitzes have reached a fever pitch telling of crucial, heartrending needs that exist. However, the Center for Immigration Studies' report reveals that's not necessarily the most vulnerable, urgent cases that are actually submitted for resettlement. In fact, the United Nations Refugee Agency acknowledges that almost all refugees submitted for resettlement are actually in circumstances "where there are no immediate medical, social, or security concerns but which would merit expedited processing." No matter which department you ask, you can't get an answer as to how much is expended in SNAP, TANF, subsidized housing, Medicaid, counseling, interpreters for schools and law enforcement, etcetera. To facilitate responsible spending of our resources and fiscal accountability, I ask you to advance LB505. And there was a question about why would you need age. And I think having been on the State Board of Education and a former public school teacher, that age group that's coming for early childhood, Head Start, our high schools, you talk to any school district, they're having budget problems. And many times it comes back to all of the different languages and things that they have to provide and it's just killing them. [LB505]

SENATOR EBKE: Okay. Thank you. Any questions for Ms. Wilmot? Guess not. Thank you. [LB505]

DEB ANDREWS: My name is Deb Andrews, D-e-b A-n-d-r-e-w-s. I support LB505 for timely and adequate reporting of refugee resettlement. July 24 in the Lincoln Journal Star, Ed Rogers, a Washington Post contributor and veteran of the Reagan and Bush administrations, wrote an article about the deep state. He described it as groups conspiring to actively work against the government. He further defined those groups as government unions, bureaucrats, established opposition forces such as MoveOn.org, hostile media, and civil servants. The deep state has an impact on how our government functions. This government within a government may impact all forms of immigration, including refugees. Refugees are desperate and vulnerable. Refugees are dependent on government cooperation. Refugees may be easily controlled or victimized by that

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same government. Better tracking and awareness of refugees in our state may provide as much for their well-being as ours. Recent experience colors my testimony. I attended the private luncheon at which Senator Fischer spoke at the Grand Manse. Protesters were outside, as expected, but they were allowed to enter the Grand Manse. I was surprised and frightened that they were right outside of our luncheon area banging on the walls, yelling, stomping, even banging on the windows. It sounded like they would be broken. The protesters were allowed by law enforcement that was present to enter the Grand Manse. They said they considered the space quasi-public-private. Not that long ago in Lincoln an elderly man was cited for handing out religious pamphlets outside in front of the Pinnacle Bank Arena. He was cited because that portion of the sidewalk was considered to not be public. What is driving these disparate government actions? We need better reporting. For their sake as well as ours, I urge you to support LB505. [LB505]

SENATOR EBKE: Thank you, Ms. Andrews. Any questions? Guess not. Thank you. Next proponent. [LB505]

CATHERINE COOK: (Exhibit 33) My name is Catherine Cook, C-a-t-h-e-r-i-n-e C-o-o-k. I do ask you to advance this bill. I'm going to give you some statistics on tuberculosis from the Department of Health and Human Services. Out of 1...the refugees are 1 percent of our state population. The tuberculosis cases are...comprise 15 percent of the total cases in our population. In 2014, 82 percent of active TB cases came from refugees. And also, as far as the latent TB cases, there are high rates of those. Over 1,200 were diagnosed between 2011 and 2015. And we don't have any data regarding the treatment of the latent cases because that only gets reported to the state program if medication is requested by a physician. The language and the cultural barriers of a foreign-born population increase the resources tremendously. These refugees come from countries, foreign countries--Iraq, Somalia, Sudan, Mexico. The refugees intermingle with the public. They go to our schools. There's a huge threat and our healthcare system is already a mess. So this just adds increasingly to the burden and to the cost. I am a Christian. I am a Lutheran. I am an active member of my Lutheran church. And Lutheran Family Services is a very sore spot with me. They are not getting any of my money while this is going on. I as a taxpayer, as a citizen have the right to know this information. It's my tax dollars that are providing for these people. It's the money I contribute that are providing for these people and we have the right to the information. Thank you. [LB505]

SENATOR EBKE: Thank you, Ms. Cook. Any questions? Okay. Thank you. [LB505]

JAMES SAZAMA: (Exhibit 34) Afternoon, Madam Chairman, Senators. I want to thank Senator Brewer for putting this here bill even on the table. It's a smart move. My name is Jim Sazama; that's spelled Jim, J-i-m, last name spelled S-a-z-a-m-a. That's Bohemian-American for of you

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those who don't know that. And the second A is silent. It's pronounced Sazama, okay? I reside at 9161 Charles Street in Omaha, Nebraska. That's located in Douglas County. I'm going to read a little deal here. You guys all have a copy of it. I have two concerns: number one, Muslim refugees coming to the U.S. with false names and IDs in order to reside in the U.S.; number two, Muslims born here to immigrants, radicalized, and returning to the Middle East to become terrorists. I believe that LB505 will help identify Muslim immigrants and keep Nebraska safe. Paragraph. Everybody with me here? Okay. Furthermore, I believe that it is the state's responsibility to find out if refugee resettlement has a negative impact on Nebraska residents. We have not done that job very good here. We need to know if local community service and healthcare agencies can handle the additional load, if there is enough affordable low-cost housing available, and the ability of local schools to accommodate foreign student populations, e.g., interpreters. It's a big impact on OPS. Having the statistics required in LB505 would help local communities see if they can absorb new workers without sacrificing jobs for native Americans. The Congressional Research Office found that Muslim refugees granted permanent residency are eligible--now this will really surprise you guys, pay attention here--are eligible for seven years of Supplemental Security Income, that's SSI; seven years of Medicaid coverage; five years of Temporary Assistance for Needy Families; and this is the real good one, unlimited access to food stamps. This is costing all of us money, folks, and that's why I'm hoping you advance this bill here. I would like to see increased oversight of refugee organizations that manage this resettlement. The regular reporting requirement is necessary and penalties necessary if such reporting does not occur. The state should revoke authority from refugee groups to operate if they fail to comply with these proposed state guidelines and fail to share information required. I further suggest withholding state public benefits from newly settled refugees, if resettlement happens without the LB505 requirements. Do you guys have any questions? Baker? Nothing. [LB505]

SENATOR EBKE: Any questions for Mr. Sazama? Did I say that right? Sazama? [LB505]

JAMES SAZAMA: Yeah, Sazama. [LB505]

SENATOR EBKE: Okay, just making sure. I guess not. Thank you. [LB505]

JAMES SAZAMA: Thank you very much. [LB505]

SENATOR EBKE: Next proponent. [LB505]

JENNIFER SCHUKAR: (Exhibit 35) Good afternoon. My name is Jennifer Schukar, J-e-n-n-i-f-e-r S-c-h-u-k-a-r. I am here in support of LB505. I'm a registered nurse with a bachelor's degree. I own a nursing company called Nurses, Inc. I am the president. I've been in healthcare 21 years.

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I am first and foremost a mother. I am an employer in the healthcare field of roughly 40 to 50 employees at any given time. I'm a taxpayer and I'm a concerned citizen. We have had a huge lack to this point regarding refugees that are coming here to resettle. I believe LB505 will be a great start to the public and legislators becoming educated so we can have community and state preparedness. Quite frankly, if I'm going to have Thanksgiving dinner, I'd like to have a headcount. I think that's only fair for the taxpayers. It's not just a matter of housing and food. It is a matter of public safety. These issues are widespread. Many coming here do not speak our language. We must hire and pay for appropriate linguists. Our police need education so they can appropriately maintain laws. We need to be sure of proper vetting for public safety. Our healthcare workers also need educated. Many come with latent TB infections, 20-30 percent according to the Refugee Health Coordinator in Lincoln, Kristin Gall. According to the CDC, 10 percent of latent TB carriers will develop active TB over the course of their lives. We must be aware and treat public health risks. Our children, who are our most precious resource, are in closed classrooms with persons we have no access to any information about. TB is a respiratory disease. It is spread through the air when someone with active TB coughs or sneezes. Treatment for latent TB is available, but because it is not infectious, it is not listed on the government Web sites as a number. Treatment is just optional; it's not required. And accorded to the Iowa TB controller, estimates range at 1-3 percent for people entering with foreign-born TB actually getting treated for latent TB. The Nebraska TB controller also did agreed with that number, although there are no statistics to specifically support that because no studies have been done. The cost to treat latent TB is approximately \$5,000. The cost to treat active TB, which is not listed on this paper, today I found was \$19,800 as a rough estimate. And the cost to treat multidrug-resistant TB was nearly \$500,000. So of course, early intervention would be very prudent. I think my time is up. [LB505]

SENATOR EBKE: Okay. Thank you. Any questions? Do you...is your business here in Nebraska? [LB505]

JENNIFER SCHUKAR: It is. [LB505]

SENATOR EBKE: Okay. Thank you. Okay. Any questions? Next proponent. [LB505]

LARRY STORER: (Exhibit 36) Afternoon, ladies and gentlemen, Senators. My name is Larry Storer, 5015 Lafayette Avenue, Omaha, Nebraska. [LB505]

SENATOR EBKE: Spell your name, please. [LB505]

LARRY STORER: S-t-o-r-e-r. [LB505]

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SENATOR EBKE: Thank you. [LB505]

LARRY STORER: First of all, I want to read a few sound bites. But, you know, we ran out of time last year. The Legislature ran out of time last year, maybe because of the filibusters. Let's try not to do that again this year. This is a serious matter. One of the enclosures that I'd like read into is from the World-Herald but it's in regards the Iowa legislature on the same topic. And we have lots of university professors that are so-called constitutional experts that say their proposals are redundant. The federal government controls it so why are we bothering with this? Well, one reason is there's an estimated 40,000 Iowa residents that were in the country without legal permission in 2014 according to Pew Research. Those are all national renowned experts. How many came in since then? There's been a big wave since 2014. Does anybody know how many are in Nebraska? Because you ran out of time last year, I want to quote the Tenth Amendment, a quote from Conservative Review: States must insist on their prerogatives under the Tenth Amendment. We cannot afford to timid state leadership, etcetera, etcetera. We're dealing with our sovereignty, your sovereignty as states. America's refugee program is a clear and present danger--this is from National Review--in regards to HR3314 on a national basis. It's the Resettlement Accountability National Security Act. We need to support that. It will be federal law. "Refugee Resettlement Watch" from the WordPress: Neither the Democrats or the Republicans want to limit it. And that's the refugees and the illegals. But because they don't, Congressional leaders have subverted the constitution to advance permanent ruling class control over us. And they're doing nothing. I'm just about done. This is in regards to these mostly globalists, including the past President that we elected, are never going to rein in the out-of-control spending for the U.S. Refugee Admissions program. Refer to the Refugee Council USA. They talk about it. These are all people getting our dollars. The UN is basically driving it. The State Department is helping. They do not tell us how many and where. And a lot of them are coming in secretly in the dead of night, and that's in many nationally recognized sources. Thank you. [LB505]

SENATOR EBKE: Thank you, Mr. Storer. I just want to clarify, you're talking about sort of the larger immigration issue. This bill just deals with refugees who are here legally. [LB505]

LARRY STORER: It's all part of mix, Laura. [LB505]

SENATOR EBKE: Okay. Thank you. [LB505]

LARRY STORER: Apparently Iowa, per the World-Herald does report on things better for Iowa than they do here. [LB505]

SENATOR EBKE: Okay. Thank you. Next proponent. [LB505]

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PAUL VON BEHREN: (Exhibit 36) Chairman Ebke, Senators, appreciate the opportunity. My name is Paul Von Behren, P-a-u-l V-o-n B-e-h-r-e-n. There are times, as I looked at this topic, I found myself getting way too deep into the weeds. There are times when I think it pays to have a simple mind, and maybe that's one of my great gifts of life, because this is an issue.

Fundamentally, if you think about why you're here, your fundamental job is to manage change and make it effective and orderly. That's basically the nature of the Legislature. Secondly, the second piece of that is you're to be skeptical of change, and it's very reasonable to have that skepticism regarding a bill like this. Probably thirdly, it's an art of balancing private rights and private information, privacy in general, against the welfare of the public. And so as I look at this bill, I think you're correct, Senator Ebke, that this is not about the broader issue. It doesn't have to be. This just simply says we have...the issue is here. We have refugees that are going to be resettled and, in many cases, I say rightfully so. But it's just making sure that that transition is orderly in a way that not only protects them but the broader responsibility is that it protects Nebraska. The information requested is entirely reasonable. For example, age, familial status, that gives us an indication of the cost of state support, the amount of aid and assistance that are going to be required. When you look at age, that relates directly to school funding. That represents teachers. That represents language support. And when you look at country of origin, that is not discriminatory because there are a number of issues that tie directly to that. One, of course, is law enforcement; the nature of the people coming here; security, which is a big issue. But more importantly there are two other issues you don't dare ignore. Number one are the health implications that have already been addressed, but secondly is the human trafficking. Take a look at the border in Customs and Immigration's Web site. Take a look at the various reporting agencies. Human trafficking is a huge problem. I believe that we owe it to these people not only in the interest of informing Nebraska, but we owe it to them for their security to understand where they're coming from, where they are, and we don't dare dismiss the general interest of the public in just name of compassion. Compassion looks out for both sides and strikes that balance. And I believe that LB505 effectively does that without harming their individual interests while protecting the general interests of Nebraska and I would very much ask that you support it. Thank you very much. [LB505]

SENATOR EBKE: Thank you, Mr. Von Behren. Any questions? Guess not. Thank you. [LB505]

PAUL VON BEHREN: Thanks. [LB505]

SENATOR EBKE: Next proponent. [LB505]

LEE TODD: (Exhibit 37) Senator Ebke, nice to see you today. My name is Lee Todd; last name is spelled T-o-d-d, first name is spelled L-e-e. I want to thank you for thank you for the

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opportunity to be here and present a brief synopsis as how I break down LB505 which I am a distinct proponent for. I believe there's nobody in the room, although Senator Brewer did leave, but other than Senator Brewer, who probably understands better the importance and the potential of refugees and immigrants. He's been in those environments and drilled down to the basic fundamental aspects of life-and-death struggles. I think he certainly understands what we have at risk here. I would have to say that as a citizen of the great state of Nebraska and the United States, I would not feel at all alarmed to subject myself to the same types of information and scrutiny that LB505 is asking for. That information I think is very fundamental to what we need to know. I think we should look at past, present, and future operations. We really are looking at as Senator Brewer needs intel in military operations, here in the state of Nebraska and managing our budgets we need to know financially what are the impacts past, present, and future? Unfortunately, we haven't had this bill in place so we are going to lose a lot of that past information that we could be garnering. I'm going to focus on probably on my handout points 5 and 6 and possibly 11. But as a person who crunches a lot of numbers and statistics, I need to know this information to make smart decisions as far as about how to allocate, how to allocate, limited resources. And with budget shortfalls, we certainly know we have limited resources. This bill in no way discriminates or has anything to do about the benefits or the aspects of bringing in refugees and immigrants. It simply asks for information and I think it's information that public citizens should be entitled to have. And I think it's smart that one of the senators asked is this information that should be available to everybody to see in a public forum? And I think, yes, it should be. Let it stand on its own merits, whatever that we are going to be talking about. So I think the other important thing is we need to know about where are we now? What are the costs if there are costs and what are the benefits as well? Let's see what the statistics say. And then the eleventh point that I make, let's look at the trends. But without that information, we have nowhere where the ship is going. We have nowhere we're headed down the highway, so to speak. So in summary I would like to say I would encourage the committee here to support LB505. I think it is a well-thought-out plan. I think it is something that we desperately need in the state of Nebraska to give us better financial information. Thank you. [LB505]

SENATOR EBKE: Thank you, Mr. Todd. Any questions? I have one or two. [LB505]

LEE TODD: Sure. [LB505]

SENATOR EBKE: First of all, how detailed would you see this information being? Would you see it as an aggregated...just aggregated that we have X number of refugees in the southeast corner of Nebraska, or that we have three from whatever country in Saline County, Nebraska? I mean how would you see that being posted or made public? [LB505]

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LEE TODD: I think that's a very good question. I think law enforcement people should have access to better information than I should have access to. I think...I like people that are watching my back and if they need that kind of information. Also, and maybe this doesn't directly answer your question, but I think health professionals need to know. If we've got an outbreak in a certain part of the state such as TB, and that was brought up, and I have a lot of respect for the healthcare professionals that have presented today, I think that they need that information, not statewide. We need to drill down where the threat is. Let's face the facts. Let's look at this with open eyes and see where the problems are if there are any. And also let's look at it with open eyes, where are the benefits if we're bringing...if this is a beneficial, symbiotic relationship for everybody? As I said at the beginning, I would scrutinize myself in the same way that this bill, LB505, is asking for. And you're going to hear opposition say, well, there are a sinister aspects to this bill. They're not. This is simply about information about vital statistics, statistics that should be reasonably asked for. And I will also point out, in calling DHHS, this information is not available. The only information that is available that I know of that I've been told is country of origin, which was revealing. It's an interesting research to go in and look at that. A lot of refugees are coming from places that I was not aware of. Okay, but some of the information that's requested here apparently nobody knows. If they do, I would like to see it. And so to the level that I can see it I'm perfectly willing to...and I understand confidentiality issues. And I don't know if I've addressed your question. [LB505]

SENATOR EBKE: Yeah, I mean I think that that's...I think that's one of the issues that we've got to deal with and in terms of confidentiality. You know, healthcare professionals may have one set of needs in terms of information,... [LB505]

LEE TODD: Amen. [LB505]

SENATOR EBKE: ...law enforcement may have another, schools may have yet another. But we also know when you would look at school, that we mask information so that you can't identify particular students out of the whole testing. Right, Senator Baker? Thank you for nodding. Because I mean it is a concern I think that, you know, if people are truly refugees and this is their opportunity to receive some level of support and a better life, whatever, then don't we want to give them the...as much opportunity to make good? And you don't want to have them unfairly targeted based on somebody in whatever town says, okay, there are five refugees from this country living in this community and they're this age so we're going to go look for them. [LB505]

LEE TODD: We face some interesting times, no doubt about it. And I use that word "interesting" in a...perhaps with multiple layers of definitions there. But we do face some interesting times. I think we need to go into the future, into the new age, so to speak, with our eyes open. We need to

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understand what's going on and the proper people who need the information should have access to the information. It needs to be there and I don't see it there now. [LB505]

SENATOR EBKE: Sure, but figuring out how to make it available to the right people at the right time and not opening detailed information up to the general public is the problem, or potential problem. [LB505]

LEE TODD: I understand your concern. [LB505]

SENATOR EBKE: And I want to talk to...and I'd like to hear from...is anybody here from DHHS? Okay. We'll have to find out, I'm sure, how they would address this issue. There's no fiscal note so they apparently think they can do it without costing anything. So, okay. Thank you, Mr. Todd. [LB505]

LEE TODD: Thank you for your time, Senator. [LB505]

SENATOR EBKE: Next proponent. Are there any other proponents? Going once. Going twice. Okay, opponents. [LB505]

TODD RECKLING: (Exhibit 38) Good afternoon, Chairwoman Ebke and members of the Judiciary Committee. My name is Todd Reckling, T-o-d-d R-e-c-k-l-i-n-g, and I'm the vice president of program at Lutheran Family Services of Nebraska. I am here today to testify in opposition to LB505. Lutheran Family Services is the largest refugee resettlement organization in Nebraska, and we've been resettling refugees in Nebraska beginning with the Vietnam War refugees back in the 1970s. LB505 is a bill Lutheran Family Services cannot support for many reasons, but let me focus on four main points. First, the reason for refugee or asylee status is confidential information and protected under federal law at 45 CFR, or Code of Federal Regulations, at 400.27 titled "Safeguarding and Sharing of Information." If passed, LFS would be put in a no-win situation, where in order to comply with this state law we would be in violation of other federal and state laws that protect a person's confidential information. Second, LFS believes this bill requires resettlement agencies to compile and report information that is already available to the Governor's Office. Each state governor has available a monthly report for the state issued on the fifth of the following month from the U.S. Department of State, Bureau of Population, Refugees, and Migration that provides the following information about refugees: number of arrivals the past month, age categories, gender, and nationality. Third, Section 4 of the proposed legislation requires information be provided about the nation of origin for arrivals for the next year. Information regarding nationalities for future arrivals is discussed at Refugee Task Force meetings that occur on a quarterly basis where community members, such as DHHS employees, local government officials, law enforcement, community providers, public school

officials, refugee resettlement agencies, and the Department of Health and Human Services' state refugee coordinator meet, discuss, and plan for the refugee populations arriving in the upcoming year. There is also a report from the U.S. Department of State's computer system called the WRAPS that is publicly available. It talks about arrivals and the number of arrivals in the country. Finally, LB505 requires state refugee agencies to provide duplicative information regarding state benefits. The Nebraska Department of Health and Human Services' staff, not the organizations that resettle refugees, are the staff that are responsible for determining eligibility for state benefits. And the state benefit information from DHHS is already on their statewide N-FOCUS system. So in summary, refugees in the United States are here legally and LB505 creates problems with the release of confidential information and administrative redundancy in reporting already available information regarding refugees. Reporting out on information about refugees accessing public benefits in no way correlates to safety or a reduction of risk to the general population any more than it would for reporting on nonrefugee persons who also access those same benefits. Thank you today for allowing me to testify in opposition to LB505 and I'd be happy to entertain any questions. [LB505]

SENATOR EBKE: Any questions for Mr. Reckling? Senator Hansen. [LB505]

SENATOR HANSEN: Thank you for testifying, Mr. Reckling. I appreciate your testimony because it addressed some of the things that I was processing in my mind as to Senator Brewer's introduction. So to me, summarizing your testimony, it sounds like a lot of this information is already possessed by the government, either state or federal, and if it's not possessed it's not necessarily information you have. Is that kind of a fair summary? [LB505]

TODD RECKLING: Correct, or it's not released because it's classified as confidential information under federal requirements. [LB505]

SENATOR HANSEN: Okay. So that's kind of my thing. That's something I maybe will have to have a longer discussion with the committee and Senator Brewer, because especially in the terms that you point out, the determining benefits, I mean we already have state, as you point out, the state agencies, state agencies that both determine and track those benefits. I'm not necessarily sure if you would always have...or you can respond to this. Do you always have knowledge of everything that a refugee family you assist does in terms of their interactions with the state? [LB505]

TODD RECKLING: That's part of the problem from our perspective as well, as you point out. The federal Refugee Settlement Program is only for 90 days. So once that 90 day concludes, my organization and the other refugee resettlement organizations don't have further information about access to public benefits. Department of Health and Human Services, as you indicate,

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maintains that information and always is responsible for determining the initial and ongoing eligibility for those programs. So I wouldn't have that information after that 90-day period but the state does. [LB505]

SENATOR HANSEN: Okay. Thank you. I think that was all my questions. [LB505]

SENATOR EBKE: Any other questions? Okay. Thank you for being here today. [LB505]

TODD RECKLING: Thank you. [LB505]

SENATOR EBKE: Next opponent. [LB505]

KATHY BIGSBY MOORE: (Exhibit 39) Service with a smile. Thank you, Senator Ebke. I'm Kathy Bigsby Moore, K-a-t-h-y B-i-g-s-b-y M-o-o-r-e. I'm the interim executive director of the Refugee Empowerment Center and we are here to oppose LB505. I've given you some information. I don't want to be repetitive because much of what Mr. Reckling conveyed we would echo. I think this bill is a combination of duplicative, breaches some confidentiality, and does ask for some information that we would not have. Additionally, I have been a longtime advocate. I've been here in many capacities through the years. And I would say to you...I've only been doing this four months. I've been in this interim position for four months. I believe that this area is the most regulated and provides the most reports and the most demographic information of anything I've ever worked in, ranging from child protective services to juvenile justice, domestic violence, etcetera. So I believe that this would provide a lot of busywork for our agencies. Currently, Refugee Empowerment Center receives refugees from the VOLAG that's called ECDC. To answer one of your questions, there are three in Omaha, three resettlement agencies in Omaha. And when we get those refugees we would not know a year out exactly who we were going to get. We have a contracted number. We resettled 383 last year. We've been resettling for 15 years and we resettled 3,014 in that amount of time. So we have lots of numbers. We tend to try to keep that on our Web site and can provide it elsewhere. But there also I think has been a lot of misinformation provided that I'd be happy to follow up with. There's a significant vetting process. There is a very intense medical screening and no one is allowed into our country if they have a contagious disease. We've gotten withdrawals of arrivals because they do need some medical treatment for certain conditions. And the amount of money that they receive, as Mr. Reckling indicated, only provides care for them for 90 days. Sometimes it's not even enough. And at the end of those 90 days they must be employed and self-sufficient. They do have some ability to continue to draw cash assistance but it's only for eight months and based on their income eligibility just like anyone else. I'd be happy answer any other questions that you might have. [LB505]

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SENATOR EBKE: Senator Hansen. [LB505]

SENATOR HANSEN: Thank you, Chairwoman Ebke. It's Ms. Bigsby, right? [LB505]

KATHY BIGSBY MOORE: Moore, Ms. Moore. [LB505]

SENATOR HANSEN: Moore, Bigsby Moore. [LB505]

KATHY BIGSBY MOORE: Yeah. Right. That's fine. [LB505]

SENATOR HANSEN: All right. Sorry. [LB505]

KATHY BIGSBY MOORE: That's all right. [LB505]

SENATOR HANSEN: I'll call you Kathy. (Laughter) [LB505]

KATHY BIGSBY MOORE: That's better, much better. [LB505]

SENATOR HANSEN: There we go. Thank you. Thank you. So talking about the various types of assistance that are available to them, you mentioned a cash assistance fund. [LB505]

KATHY BIGSBY MOORE: Well, it's ADC. They receive...we receive...I think someone referenced we receive \$2,000 per refugee; \$900 of that is for our case management work and the rest goes directly to them and it covers their housing, food, etcetera. [LB505]

SENATOR HANSEN: Sure. [LB505]

KATHY BIGSBY MOORE: And then they are eligible. They get a Social Security card immediately. They are eligible for food stamps, Medicaid. But the numbers in terms of the huge number of years is not accurate. It all falls into the same category that any of us would fall under in terms of income eligibility. There's very few. We actually have one refugee who arrived last fall who we've been trying to get on SSI and it's very difficult, as it is with any other citizen. [LB505]

SENATOR HANSEN: Okay. And then...thank you. And then obviously I think you said your goal is to have them employed and self-sufficient within 90 days. [LB505]

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KATHY BIGSBY MOORE: Yes. Our involvement with them ends at 90 days. We do have some other programs for employment and education, but it isn't case management. It's not the same level of assistance and we have no cash assistance for them after that period of time. [LB505]

SENATOR HANSEN: All right. Thank you. [LB505]

KATHY BIGSBY MOORE: Okay. Thank you. [LB505]

SENATOR EBKE: Thank you. [LB505]

KATHY BIGSBY MOORE: Any other questions? [LB505]

SENATOR EBKE: Any other questions here? Okay. Thank you. [LB505]

KATHY BIGSBY MOORE: Thank you. [LB505]

SENATOR EBKE: Next opponent. [LB505]

COURTNEY LAWTON: I will just wait for everybody to file out real quick. [LB505]

SENATOR EBKE: Thank you for waiting all day. [LB505]

COURTNEY LAWTON: You know, I'm putting off writing my dissertation so it's... [LB505]

SENATOR EBKE: Well, I understand that problem, so. [LB505]

COURTNEY LAWTON: Yeah, you know. You feel my pain. [LB505]

SENATOR EBKE: Yeah, I do. I do. [LB505]

COURTNEY LAWTON: Okay. My name is... [LB505]

SENATOR EBKE: I put it off for seven years. (Laughter) [LB505]

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COURTNEY LAWTON: My name is Courtney Lawton, C-o-u-r-t-n-e-y L-a-w-t-o-n, and I am here representing Nebraskans Against Gun Violence to voice our opposition to LB505. Last year, Senator Beau McCoy introduced LB30, a bill that would prohibit the disclosure of any information about people seeking or holding concealed handgun permits. Nearly 45,000 people were killed or injured with guns last year in the United States. Nebraskans deserve to know if the person living next to them has a concealed weapon permit, is stockpiling weapons, and represents a material threat to their safety. Guns kill people. Guns killed nine people in Lincoln last year alone. A concealed handgun permit holder shot to death three Muslim students attending the University of North Carolina at Chapel Hill. The gun industry would prefer that you not know this. The Nebraska Legislature should be declaring a firearm violence emergency and not a refugee emergency. Now let's turn to Senator Brewer's xenophobic, racist, nativist, and protectionist bill, LB505. LB505 would force refugee resettlement agencies to disclose details about people fleeing violence and persecution from places like Syria, Sudan, Somalia, Ukraine, Russia, and Afghanistan. It is very difficult to get refugee status and refugees are subjected to exhaustive interviews and extensive background checks. Further, some of these people have served in delicate capacities or in opposition party efforts against some of the most despotic and violent regimes on the planet. Bashar al-Assad would like nothing better than to kill off all opposition to his dictatorship. And Kim Jong-un and Vladimir Putin have had political opponents abroad assassinated. Why would Nebraska want to make it easier for dangerous regimes to find and eliminate dissenters in order to satisfy Senator Brewer's personal prejudices, frankly, false notions, and stereotype caricatures of refugees? Let me wrap up by telling a story. I'm a teaching assistant at UNL. Before coming to UNL, I was a teacher in a high school for 15 years. I taught kids whose parents escaped Cambodia's killing fields. I taught kids who fled death squads in Colombia, El Salvador, and Guatemala. At UNL I was proud to have taught, Helen (phonetic), a young woman who spent 13 years--13 years, Senator Ebke--in a refugee camp in Kenya fleeing the violence and terrorism in Somalia. Her mother, aunts, and sisters scraped together all the money that they had to send her to high school in Kenya. She was the only person in her family granted refugee status. And guess what, she's one of the reasons that UNL has water bottle refilling stations all over the campus, because of her passionate advocacy for safe, clean, free water. Helen (phonetic) will graduate soon from the nursing program at UNL, a proud Nebraskan and a refugee. The Nebraska Legislature should declare an emergency about gun violence, not refugee status, unless that emergency status welcomes the already thoroughly vetted refugees like Helen (phonetic) languishing in refugee camps and protects their domiciles and their identities. Thank you. [LB505]

SENATOR EBKE: Thank you, Ms. Lawton. Any questions? I guess not. Thank you. [LB505]

COURTNEY LAWTON: Thanks. [LB505]

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RON TODD-MEYER: (Exhibit 40) Chairman Ebke and members of the committee, my name is Ron Todd-Meyer, R-o-n T-o-d-d-M-e-y-e-r, and I'm here representing and as member of Nebraskans for Peace in opposition to LB505. Fear of other people is the reason this bill was introduced. It is a fear that is unnecessary and misplaced. The federal government already has a thorough process in place to vet refugees, a process that will probably be made more stringent under our current President. The agencies in Nebraska that help resettle refugees are very well aware of the situations that these human beings have endured. The act of having the Department of Health and Human Services or any other state agency monitor these displaced and traumatized people involves unnecessary costs and would be a harsh and draconian effort to stigmatize people as "the other" people whom this state assumes...or some people in this state assumes are here to do us harm. I am a Marine Corps veteran who spent a year in combat in Vietnam 50 years ago. Today's refugees are a result of a failed U.S. foreign policy similar to the failed policy that culminated in the 1975 defeat of U.S. aggression in southeast Asia and the ensuing refugees that fled. Lincoln is home to many of those refugees that fled Vietnam in 1975. And I've met some of them. While I was in Marine Corps boot camp we were taught about some Marine Corps history. And one of the persons we were told about was Smedley Butler. He was the most decorated Marine in its history. Well, 20 years after I got out of the Marine Corps I found out that Smedley Butler described himself as a gangster for American capitalism. And that's what these wars are...they're started by rich, white men sitting behind desks in plush offices who profit and exploit foreign nations and their people as well as their own troops who did the killing for them and are often wounded themselves. The war I fought in fits this description as well, as do the current wars that we are engaged in that cause these refugees fleeing these countries. Nebraskans pride themselves as being pro-life. In fact, they want us to issue a license plate. If we are...Nebraskans generally want a more just and livable world for our children, then we have a moral duty to welcome refugee families; men, women, and children who have been displaced and traumatized by war, disease, hunger, and the effects of man-made climate change. If the slogan "Nebraska Nice" has any real meaning, LB505 should die in this committee. And I would just add, I've heard a lot about taxpayer dollars. I think we all need to be asking, how many taxpayer dollars have we wasted on needless wars, wars that were started by lying and getting us into a war? That's all my testimony. [LB505]

SENATOR EBKE: Thank you, Mr. Todd-Meyer. Any questions? Guess not. Thank you. Next opponent. [LB505]

SETH MOCK: Hello, ladies and gentlemen of the Legislature. My name is Seth; it is S-e-t-h. I live here in Lincoln. I am originally from South Sudan. And through a long process I and my family chose to live here in Nebraska. I believe bills like this are really unnecessary because they truly lead to discrimination of specific groups of people who may already be fearful, like myself, and vulnerable, like myself, here already in the U.S. because of the situations that are going on here. Half of my life, six years of my life, I lived in a refugee camp in Kenya from South Sudan.

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Part of my family was blessed enough to move to a country like the U.S. which I truly love dearly with all my heart. The process of coming to the United States is extremely difficult. It's extremely strenuous and it takes years for you to actually be approved to come to a country like this. It involves many interviews with intense focus on details of my...basically it involved our family history, our background. It was not only extreme but it also became very stressful since we knew that our fellow refugees were unable to make it who were in the same situations that we were in. I remember the daily stress that my family faced living in a refugee camp, which one included already being a foreigner in a different country. We, personally me myself from South Sudan, I waited years with my family for a resettlement to get to any other country. We did not choose to come to the United States. It was any country that could accept us. We had limited resources already living in a refugee camp and we had to strive to adapt already to a new language that we were unfamiliar of. I actually come from a large Christian family. My father is actually a pastor. He pastored the two largest refugee churches in Africa, which in the refugee camp actually I realized that I was actually blessed to be a Christian. I am blessed to believe that without my own personal faith and not...that's what made me become a refugee. Life in Nebraska has been a great opportunity for me. God has really blessed my family. God has blessed us. I'm really passionate about seeing a united...seeing how cultures can be united and also how others can just open up their hearts and just have a heart of compassion for those who are already struggling and those who are really suffering. We do not do everything perfectly but we strive our best to actually protect this country because we know what freedom takes. Freedom is not free. Freedom, it cost your life. And that's why we're here as refugees. Nebraska is a really welcoming community and that's the main reason why I'm here. I believe in the good word that says the good life state. I have to say this is the great life state. I would really like to see many of you realize that the contribution that immigrants like us bring to this city: We bring our culture, we bring our history, we bring our art. I am so blessed enough to actually be one of the founding members of an art museum here in Lincoln where I have seen that actually art personally can actually be a unifying tool. We just had a great story that was featured on Lincoln Journal with the mayor here in Lincoln who was actually present. I work...we work here. We live here. We also strive to also pay our taxes here. I am raising my kids here and we are contributing to this great city of Nebraska. Other people who are here as refugees also deserve the opportunity to just be treated as normal human beings. Thank you so much. [LB505]

SENATOR EBKE: Okay, thank you very much. Any questions? Thank you for being here today and waiting all day. [LB505]

SETH MOCK: Thank you. [LB505]

SENATOR EBKE: Okay. [LB505]

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SHANE ELLISON: (Exhibit 41) Good afternoon, Senator Ebke and members of the committee. Going around is my written testimony and I've also been asked to provide a copy for my colleague who couldn't make it. I wanted to provide testimony on behalf of the American Immigration Lawyers Association. My name is Shane Ellison, that's S-h-a-n-e E-l-l-i-s-o-n, and I'm the legal director for Justice For Our Neighbors Nebraska. I'm also on the board of directors for the Refugee Empowerment Center, and I formerly served as a federal officer within the Department of Homeland Security where I screened refugees seeking protection inside the United States. I'm testifying today to express my opposition to LB505. In addition to being legally problematic, the bill is premised upon unsupported claims that refugees are a security threat. As applied, LB505 would be inconsistent with federal regulations related to the safeguarding of information. Specifically, Section 4 mandates the public disclosure of reports by individual resettlement agencies to include, among other things, a listing of individuals received for resettlement, broken down by month, nation of origin, age, sex, and most troubling, the basis for refugee or asylum status. Now, in light of the very low number of refugees left to be resettled in fiscal year 2017 because of the Trump Administration's reduction in refugees, it's not difficult to imagine a scenario in which these public reports could reveal very intimate details about an individual. Remember that sometimes refugees are victims of rape, female genital mutilation, and other terrible things, and that can be the basis of their claim which I would be afraid would be made public if this bill were to become law. Not only does it serve any justifiable public policy, but the unauthorized disclosure would be against the law. Secondly, we've been hearing testimony that refugees are not vetted, and that characterization is just simply not true. Refugees remain the most vetted of any class of immigrant to enter the United States. So of the more than 65 million people displaced worldwide, approximately 21 million meet the international definition of a refugee. However, less than 1 percent of that group will be fortunate enough to be referred by the UNHCR to the United States...to anywhere in the country and it's a fraction of that group that gets referred to the United States. So at that point you begin the process, an 18- to 24-month screening process, that involves the Department of Homeland Security, the Department of State, the FBI, the Department of Defense, the National Counterterrorism Center. And this comprehensive process includes medical screenings, repeated biometrics checks, health checks--so the point about tuberculosis, they do receive checks about that beforehand--as well as screenings by intelligence agencies and individual interviews by DHS officers. So this robust screening process is perhaps why there's not been a single fatal terrorist attack by a person accepted into the United States as a refugee since the Refugee Act of 1980 became law. Indeed, even the Cato Institute estimates that in a given year, the odds of being harmed by a refugee in a terrorist attack are 1 in 3.64 billion. So to put that in perspective, that means one is 3,493 times more likely to be struck by lightning in a given year than to be hurt by a refugee in a terrorist attack. Simply put, this bill is unnecessary, unhelpful, and legally problematic, and as such, I oppose the bill. [LB505]

SENATOR EBKE: Thank you, Mr. Ellison. Any questions? Senator Hansen. [LB505]

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SENATOR HANSEN: More of a question, more of a comment. Thank you for testifying and just to clarify, so you were part of the vetting process prior, in a prior career? [LB505]

SHANE ELLISON: That's right. Before my current position, I worked with the Department of Homeland Security where I was involved in that vetting process. [LB505]

SENATOR HANSEN: I appreciate that and appreciate you sharing your perspective. And just to summarize that, it's that they're very well vetted. [LB505]

SHANE ELLISON: It's extraordinarily extensive. And just for your reference, the third page of my testimony includes an infographic that involves the extremely thorough vetting process that already exists. [LB505]

SENATOR HANSEN: Thank you. [LB505]

SHANE ELLISON: Thank you. [LB505]

SENATOR EBKE: Thank you for being here. Next opponent. And just to clarify for everybody because our numbers have dwindled significantly, there are...there is a Justice Reinvestment Committee meeting that three of our members are at representing the committee. And then we've had some other folks who have to leave for one reason or another. So it has nothing to do with the bill; it has everything to do with other obligations. Okay. [LB505]

MARY McKEIGHAN: (Exhibit 42) My name is Mary McKeighan, spelled M-a-r-y M-c-K-e-i-g-h-a-n, and I'm a member of the Omaha Together One Community Immigration and Refugee Action Team. OTOC is a coalition of 30 congregations and community organizations in the Omaha metropolitan area. As a member of St. Gerald's Catholic Church, I have been privileged to help sponsor a refugee family who are Burmese. This has allowed me to get to know a wonderful family and walk beside them as they make the adjustment to living in our country and our state. Let me tell you about this family. The family consists of a mother and father and four children, three of whom attend Benson High School and one who attends Monroe Middle School. The father began working a job within three months of coming to Omaha. The children have great attendance records at their schools and are praised by their teachers for the respect they show and their behavior. Repeatedly I am told that they work hard to get good grades. Their hard work is shown in their grades, which are almost all A's and B's and no failing grades. These are kids that didn't know English when they came here in March. The oldest boy worries about how hard his dad has to work to care for them and is anxious to graduate and to get a job. Many local congregations all over our city act as sponsors for these families. All the people from these

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churches share similar stories of the families they have met. They are amazed at the resilience and strength and determination of these families. Think about the refugee family I have described and ask yourself if you want this family living and working in your community. Think about the gifts this family can bring to the state of Nebraska. One person who shares my view of the value of the Burmese family is a lady I spoke to where Pa, the father, recently acquired a new job. When I called to inquire about his training class, this woman in the human relations department praised the work ethic of the Burmese people. When I picked up Pa, I witnessed many Burmese coming and going to work. This company is one of the biggest distributors of beauty supplies in the United States. Do you want them to have a plant here in Nebraska? Do you want them to be satisfied with the labor force Nebraska can provide? We hear comments all the time from federal and state officials on how they want to attract new businesses. You cannot do that unless you can supply a good, hardworking labor force. In this bill, I see an almost entire page of rhetoric talking about terrorists. Where is the evidence that these people are terrorists and need to be under surveillance? When you propose a law, I think you should have a reason with supportive evidence of why you are proposing that that bill be passed into law. I see lots of assertions about refugees but I see no real evidence. And as a taxpayer in this state for 55 years, and you can see my tax returns as evidence, I strongly object to my tax dollars being used for this bill. [LB505]

SENATOR EBKE: Okay. Thank you, Ms. McKeighan. [LB505]

MARY McKEIGHAN: Any questions? [LB505]

SENATOR EBKE: Any questions? I guess there's nobody over there. Thank you for being here tonight. Next opponent. [LB505]

OMAID ZABIH: (Exhibit 44) Chairperson Ebke and committee members, my name is Omaid Zabih; that's spelled O-m-a-i-d, my last name is spelled Z-a-b-i-h. I'm the staff attorney for Nebraska Appleseed's Immigrants and Communities Program. Appleseed is a nonpartisan, nonprofit organization dedicated to justice and opportunity for all Nebraskans, and I'm here to testify in opposition to LB505. I don't want to repeat some of the previous testimony so I just wanted to highlight a few things. Nebraskans have shown overwhelming support for refugees in recent months and years. In January of this year, over 300 people came together for a candlelight vigil in downtown Lincoln. Later that month, thousands of Nebraskans gathered again to express unity with and support for refugees. And in Lincoln, a crowd of over 1,000 convened at the State Capitol, and over 1,000 more came together at an interfaith vigil in Omaha. And on the last page of my testimony, for the committee I've attached a picture of the vigil in downtown Lincoln. And in February again of this year, hundreds more lined the streets in Kearney, Lincoln, and Omaha to light the way for new neighbors. Similarly, 31 Nebraska community and faith organizations

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expressed strong support for resettlement of Syrian refugees in November 2015 and more than 700 people attended vigils in Lincoln and Omaha. The size, passion, and positivity of these crowds are reflective of our experience at the local community level in many towns across the state. We repeatedly hear about the positive contributions that refugees make to their communities. Nebraskans are working hard to create welcoming and inclusive communities, and the reality at the local level is simply a shared interest in creating a welcoming environment to produce positive outcomes for all residents. LB505, however, creates unnecessary and duplicative work for resettlement agencies, as you've heard from other testifiers, and could potentially...and would reveal confidential information about refugees and their families. Moreover, the bill frames refugee Nebraskans in a false and harsh light that stands in stark contrast to the numerous and positive contributions refugees have made to Nebraska, and to the uplifting events that thousands of Nebraskans have come together for this year and in past years. Despite this bill's language, federal vetting processes are stringent and have been effective for refugees seeking to enter the U.S. This bill is a detrimental proposal that does not represent Nebraska's history and values related to refugee resettlement. We should continue to recognize the great economic, social, and cultural contributions of refugee Nebraskans who have defied all odds in establishing a new life as our neighbors. We strongly urge the committee to reject LB505. I'd be happy to answer any questions. [LB505]

SENATOR EBKE: Thank you, Mr. Zabih, is that how you say it? [LB505]

OMAID ZABIH: Zabih, yep, you got it. [LB505]

SENATOR EBKE: Okay. Any questions? I don't know why I keep looking that way. (Laughter) Thank you. [LB505]

OMAID ZABIH: Thank you, Senator. [LB505]

SENATOR EBKE: Other opposition. [LB505]

ANNE DeVRIES: My name is Anne DeVries, A-n-n-e D-e-V-r-i-e-s. Thanks for letting me testify. I oppose this for a few reasons and I can summarize quickly. Money lost to the refugees has been mentioned. Why do we care so much about funds they use when they pay taxes to use those services just like any other Nebraskan? I see one reason is because many white people have an inherent fear of people of color. This fear is learned at a very early age and it's hard to unlearn. It would not be nice--and Nebraska Nice is our logo--to say the people that want this law are ignorant but the supporters do not have the facts to make an educated decision on this law. It sounds like those supporting this want to discriminate against people different than themselves. Fear is in our DNA, as scientists have shown in studies, and one is not able to

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change their DNA. So without changing our DNA, we need to break the fear and teach our children to be trusting of others first and fear last. We can trust the immigrants to Nebraska. And I welcome them. If the supporters think this will save money they only need to read the studies that prove that refugees work harder and give back to their community more than citizens that have been here for generations. Studies have shown that we will need more people in Nebraska to work as Nebraska's working population is shrinking. Please gather all the facts and oppose this bill. Thanks. [LB505]

SENATOR EBKE: Thank you, Ms. DeVries, right? Any questions? Okay, thanks. Next opponent. [LB505]

MARY BOSCHULT: (Exhibit 45) Good afternoon, Senator Ebke and members of the Judiciary Committee and staff. My name is Mary Boschult, M-a-r-y B-o-s-c-h-u-l-t, and I'm representing the League of Women Voters of Lincoln and Lancaster County. We are a member of the Nebraska Coalition for Immigration Reform and we oppose LB505. This bill would require private refugee resettlement agencies to report on the refugees resettled and any state or federal benefits they receive. Although the fiscal note indicates the Department of Health and Human Services could compile the information requested within existing appropriations, the bill increases the regulation and requirements for private, nonprofit agencies doing the work of receiving and resettling the refugees coming to our state. It raises a question of whether the private, nonprofit agencies should also report benefits received from their agencies or other donations from the communities or congregations assisting with the resettlement. It's not clear how the collection of data on refugee country of origin and any public or private benefits received as a refugee after entry would address the fear of potential terrorist goals described in Section 3. We also do not see any evidence or documentation that any refugees have committed terroristic acts after entering the United States. The refugees have endured unspeakable horrors and are fleeing terrorists. The two-year vetting process done by the federal agencies prior to admitting the person to the United States is adequate to ensure safety. The League of Women Voters thinks that immigration policies should promote reunification of immediate families; meet the economic, business, and employment needs of our country; and be responsive to those facing political persecution. This bill does not support those goals. We urge you to indefinitely postpone this bill. Thank you for your time today. [LB505]

SENATOR EBKE: Thank you for being here today. Questions? Senator Hansen. [LB505]

SENATOR HANSEN: Thank you. Thank you, Senator Ebke, and thank you for coming and testifying. I appreciate you mentioning the fiscal note. This is more of a statement but you're welcome to respond to it. I'm surprised that DHHS can...feels that they can do this without any additional cost because I've had other bills or seen other bills relating to reporting requirements

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and it almost always requires at least a part-time employee addition. So I thank you for making sure that gets noted in the record. [LB505]

MARY BOSCHULT: And I would add there, I would add two points maybe at that point. One is I worked with refugees from southeast Asia in the seventies and they were some of the most incredible people that I ever met--talented, kind, generous. And the program has become more and more regulated and more vetted. As to fiscal notes, that used to be one of my primary jobs when I worked at HHS, although it's been some years since I did that. But there is certainly various conversations that occur before a fiscal note leaves the agency. Is...does that address...? [LB505]

SENATOR HANSEN: Yeah. I was just more making a statement for the record, but I appreciate you taking the opportunity to respond. [LB505]

MARY BOSCHULT: Yeah, I don't...honestly, I don't expect that this would. Much of this data would be in the agency, having worked there that long: 30-some years. [LB505]

SENATOR HANSEN: Sure. [LB505]

SENATOR EBKE: Okay. Thank you. Okay, thanks. Next opponent. [LB505]

JEAN DURGIN-CLINCHARD: I don't have a handout... [LB505]

SENATOR EBKE: That's okay. [LB505]

JEAN DURGIN-CLINCHARD: ...because I didn't see this coming up today until I was in another location. [LB505]

SENATOR EBKE: Well, thanks for joining us. [LB505]

JEAN DURGIN-CLINCHARD: Yes. And I just do thank you for your time. My name is Jean, J-e-a-n, Durgin-Clinchard, D-u-r-g-i-n-C-l-i-n-c-h-a-r-d. I'm here representing myself. My notes...I'll go with this. I was really kind of horrified by the assumptions that I thought were inherent in some of the language in this bill, the state of emergency that needs to be declared in order for this to become effective immediately. What is the state of emergency? And it was supported, I think, or intended to be supported by the number of times that it was referred to, terrorist or terrorist infiltration, a number of things around that term, which is a term that we all

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are familiar with, too familiar with. For that reason...you know, when I think of a state of emergency I think of Whiteclay. I think of Flint, Michigan. I think of other places where there is real, real emergency situations going on. This does not rise to that. The kind of information that is being sought we've already heard is available and can be reported out. We've also heard in terms of people who are unhappy about taxpayers, we've also heard responses to that. As a retired person on a set income, if there is increased taxes because of refugees, immigrants coming to this country, I feel that is well worth the diversity that my children and grandchildren are going to be, what do I want to say, enhanced with by meeting other people, by being a part of the world. We have a mutual responsibility to one another. And I think that mutual responsibility includes being an inclusive city. A few years ago Lincoln, Nebraska, was named as, what, one of the top ten welcoming cities. And at that point Mayor Beutler said our city can take great pride in its longtime reputation as a place where everyone can feel welcome and enjoy a high quality of life. We celebrate the growing diversity of Lincoln and understand how it enhances our culture and our economy. I participated in a welcome rally, I guess it was, along O Street the other day. And the picture that I will send to all of you that I took at that point was a refugee family or an immigrant family, I don't know, standing beside me with their little kid with his American balloon. And to me, this is what we are all about. This is what Nebraska is. This is Nebraska good life--welcoming and mutual responsibility. Thank you. [LB505]

SENATOR EBKE: Thank you for being here today. Any questions? Nope. Okay. Thank you. [LB505]

JEAN DURGIN-CLINCHARD: Does that get printed somewhere or...? I don't have a print... [LB505]

SENATOR EBKE: What, the...? [LB505]

JEAN DURGIN-CLINCHARD: I mean do I need to write it to you again? [LB505]

SENATOR EBKE: No, it will all be transcribed. So anything that you say into the microphone here at the chair will be transcribed into the record. [LB505]

JEAN DURGIN-CLINCHARD: Okay. And I'll send you the picture. [LB505]

SENATOR EBKE: That would be great. Thank you. [LB505]

JEAN DURGIN-CLINCHARD: Thank you. [LB505]

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SENATOR EBKE: Are there any other opponents? Do we...I see a movement. Is that...no? Neutral? Do we have anybody in the neutral capacity? Okay. We've got two here, so. [LB505]

TOM VENZOR: My name is...Chairwoman Ebke and members of the Judiciary Committee, my name is Tom Venzor, that's T-o-m V-e-n-z-o-r. I'm the executive director of the Nebraska Catholic Conference. And the Nebraska Catholic Conference represents the mutual public policy interests of the three Catholic bishops. And I'm here in kind of...we do represent also within the Catholic universe here, Catholic Social Services out of the Diocese of Lincoln that does do refugee resettlement programming. And in 2016 they dealt with 194 refugees. Among 56 families, they placed during that time 49 of those individuals in those families in job placements. And those are refugees coming from Iraq and from Burma is who they were dealing with. And I guess our position kind of was neutrality in terms of the intention of what Senator Brewer was thinking in terms of public information and to that extent, you know, we understand his desire for that. I think you've heard a lot of concerns about what type of public information and how that gets disseminated and I think a lot of those were very valid concerns and I think those are concerns we had as well. But again, in terms of that general idea of public information, you know, kind of a more neutral stance sort of by making sure it doesn't violate things like confidentiality, as well you've heard things about the duplicative nature in terms that our agency is already providing a lot of that information already. So it seems the issue isn't about needing to mandate our agencies to provide that but more so it must...it is probably an issue within DHHS more so. One concern that was raised that I had, and again, my testimony was somewhere between neutral and some opposition, but our Catholic Social Services brought up the issue of, I kind of guess, having a broader snapshot of the economic impact that refugees have on the community. So going beyond the data that's asked for in the bill, but I mean there would be other things, you know, to highlight positive economic impact in terms of what refugees provide in terms of jobs and housing, employment, what they're contributing to the tax system, and just the various things they're doing to be community leaders and those types of things. And we think that, you know, gives a broader picture in terms of what they are contributing and bringing and then, too, realizing that you know refugees who are here for multiple generations, you're going to see them contributing in even greater ways as they have stability and those kind of things. But ultimately really our concern was that we're already providing this information really and it would be more so an issue of DHHS needing to find a way to disseminate it properly so people have access to it. And that's all I did have. Thank you. [LB505]

SENATOR EBKE: Thank you, Mr. Venzor. Senator Hansen. [LB505]

SENATOR HANSEN: Thank you, Chair Ebke, and thank you, Mr. Venzor. Since you can speak for Catholic Social Services, correct? [LB505]

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TOM VENZOR: Yeah, to a certain degree. I don't work...yeah, we represent them, yeah.  
[LB505]

SENATOR HANSEN: I just wanted to clarify. [LB505]

TOM VENZOR: Yeah. [LB505]

SENATOR HANSEN: I guess this has kind of not been...it's been touched a little bit upon today but I just kind of wanted to kind of reframe kind of this discussion on how refugees impact our communities. So I'm glad you brought up the point that if we do compile this data through whatever source, it might show a positive economic output. But I guess just to step back and reframe, why does the Catholic Conference, Catholic Social Services view it as part of their mission to help refugees? What's your kind of perspective and why do you choose to do that?  
[LB505]

TOM VENZOR: Yeah. No, thank you. That's a great question and I think ultimately we see it as part of, you know, the gospel mandate to welcome the stranger in. Obviously that has to be done prudently and reasonably through legal means and those types of things, but we really see it as being incumbent in terms of the mission that our Lord gave us to welcome the stranger and the immigrant and those types of things. Ultimately it comes from that basis. [LB505]

SENATOR HANSEN: Thank you. I just felt like we shouldn't go the whole day without having that at least brought up a little bit. [LB505]

SENATOR EBKE: Yeah. Thank you. [LB505]

TOM VENZOR: Thank you. [LB505]

SENATOR HANSEN: Thank you. [LB505]

SENATOR EBKE: Okay. There's no other questions? [LB505]

TOM VENZOR: Nobody else? Yeah, yeah. [LB505]

SENATOR EBKE: I keep looking. It's like, there's nobody else here. Okay. Thanks, Tom.  
[LB505]

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TOM VENZOR: Thank you. [LB505]

SENATOR EBKE: Thanks. Okay. Next neutral testifier. And if anybody else is going to testify in the neutral capacity, move on up, please. [LB505]

LONA FERGUSON: My name is Lona Ferguson, L-o-n-a F-e-r-g-u-s-o-n. [LB505]

SENATOR EBKE: Have a seat. [LB505]

LONA FERGUSON: Thank you for allowing me to come in with no notice because I had no plans on testifying. The only point that I'd like to make, and it's going to be quick, is this. I've heard everything from religious views to medical views. And I'm looking at that bill and I read that bill quite close because I have a great concern for the management of our money. I'm looking at a state that's \$900 million in debt. And if we go into our rainy day fund, my banker always tells me that if you're taking from your savings and you're throwing it along with that debt maybe you're not in too good of shape. I felt that when I read that bill it was simply a matter of business. It's like a cattleman. And I'm not saying the refugees are cattle or we're cattle or anything like that, so I don't want it misinterpreted. But from being a little village girl that had no animals and then marrying a man that was on a huge ranch of 400 hundred cows, I realized something. You, in order to know where you're at in a fiscal year, you've got to know where they're at, how healthy they are, and what they are costing you. And I think all this bill really came up and said, and I wasn't going to testify because of it, was this: Let's keep track of where they're at, who they are, and make it a responsibility that you don't have to go asking. I have a problem with this asking because we can say whatever we want about the money. But the monies that take care of our government business is tax dollars that we contribute to if we're working. We have many in this state, if we go out, that are not working. They were born here. They were raised here. They are not working. They're leaving our state. So that's all I wanted to say is this is a bookkeeping thing. You guys are managers. You're not philosophers. You're not ministers. You're managers and you're supposed to manage the state business for us, the residents. So I want to thank you for having me here. Thank you. [LB505]

SENATOR EBKE: Thank you, Ms. Ferguson. I just want to clarify something. The state, I don't believe, would be considered to be \$900 million in debt. We have a projected shortfall of \$900 million which we have to fix through the budgeting process. [LB505]

LONA FERGUSON: I've heard that and I appreciate that. But when I tell my banker that I have a \$900 shortfall, he looks at me kind of weird. [LB505]

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SENATOR EBKE: But that's for the next budget cycle. So we still can fix that. [LB505]

LONA FERGUSON: Right. I understand, Senator. And thank you. [LB505]

SENATOR EBKE: So there's a difference. Okay, thank you. Any other neutral testimony? Okay, I'm going to read our letters into the record and if Senator Brewer wants to make his way this way. (Exhibits 1-28, 43) We have letters in support from Vicki Hahn; Mary Palmer; S. Wayne Smith; Linda Von Behren; Craig and Karen Collins; Dean Kenkel; Nora Sandine; Barbara Entz; Zane, Pat, Jason, Cole, and Gina Gideon; Aldona Tanner; Larry Storer; Susan Gumm; Gayla Fili; Theresa Sievers; Gene Schultz; Darlene Harper; Kathleen Smith; Elaine Roschewski; and Mick Sandine. And then in opposition we have Lazaro Spindola of the Latino American Commission; Peg Harriott, Children and Family Coalition of Nebraska; Amy Miller of the ACLU; Beatty Brasch of the Center for People in Need; Janece Mollhoff; Roger Bergman; Brian Blackford of the Iowa-Nebraska Chapter of American Immigration Lawyers Association; Kelly Seacrest; Cecilia Rossiter; Jeanne Schuler. And that's it. Senator Brewer. [LB505]

SENATOR BREWER: Thank you. I guess I'm at a bit of a loss of where to even start. But for the sake of those who just got through coming up and talking about emergencies, racism, discrimination, unbelievable horrors, and the rest of it, let me share a little about my background so that you better understand where I'm coming from. Start off with I think it's rich to throw in the term "racist." I grew up beside an Indian reservation and dealt with all the issues that come with that. So maybe I'm a little bit short tempered on that one, but that's the way it's going to be. As far as unthinkable horrors, after 9/11, I deployed to Afghanistan. My mission was to build the Afghan National Army. So we went village to village and we recruited the men that we were going to train. And on October 12, 2003, in an ambush I was shot six times. I had the option to leave Afghanistan and come home. But I made the decision to stay in the country, heal up in that country, and continue to train the Afghan soldiers because I believed in the country and the mission. And that was the start of 1,500 days in that country. I was closer to those Afghans than I was to members of my family, and in some cases I'd spend more time with them than my family. So as I hear this unending refugee venting on the problems, I guess I am somewhat at a loss because I am welcoming them. I don't have a problem with them coming here. My only request was that we be able to collect data so that we can better care for them while they're here and to know what the cost is. So I guess to wrap it up I would ask that you look at the bill and the basic things we're asking for. If they have been vetted and screened, as has been said, then there are no issues and that's not part of what bill was ever designed to do anyway. And if reporting data is somehow wrong and that's racist then I would raise that question and ask to explain that. So again, I would just ask that you look at the bill and the simple facts of it. Read the bill. We don't ask for any individual information. And if it's wrong for the senators of this state to try and collect information for our budget at the request of the people who elected us then I guess I will

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be wrong in what I'm doing. So with that, I will close and thank everyone for their patience waiting on me earlier. [LB505]

SENATOR EBKE: Thank you, Senator Brewer. It sounds like they're vacuuming someplace. [LB505]

SENATOR BREWER: It's time to go. [LB505]

SENATOR EBKE: Senator Hansen. [LB505]

SENATOR HANSEN: Thank you, Chairwoman Ebke, and thank you, Senator Brewer, for bringing this bill and closing and discussing your position on it. I guess what I'm struggling with on this bill is obviously some of the information exists in various places that it is. And I appreciate your intent and your goal to kind of I guess solidify it into one central reporting system so we have it. But it's kind of been brought up a couple times in terms of cost, expense, and the budget. So let's say we get all this information, whether we can do it with this bill or without, we get all this information. We have it. What budgetary decisions do you think we as state or what program changes do you think we as a state would this impact? [LB505]

SENATOR BREWER: Well, the first thing would be so that the people who pay the taxes understand where their money is going and, second off, don't you think that if we knew that there was a rate, you know, figure out whatever that rate might be--\$2,000 a year or \$4,000 or whatever that is--and that 60 percent of them will be using the following services, that we could formulate some cost that we can project into the future because we'll be continuing to get refugees. But right now, we're living hand to mouth. We're waiting for it to happen and then trying to figure out how to pay it. And that's what our budget problem right now is anyway. [LB505]

SENATOR HANSEN: Okay. I guess just in terms like projecting future HHS budgets I get that. But can't we do that now? Why do we need the specific refugee breakdown? [LB505]

SENATOR BREWER: Well, the breakdown is telling us how many and what services. And that's part of the math formula that you have to do to come up with that total that it's going to cost us for the program. [LB505]

SENATOR HANSEN: Okay. I guess we could maybe have further discussions and try to figure out where this is going because I just keep coming back to we obviously have a budget. We

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know we spent. We know we spent, you know, kind of on the whole pie. You know, what extra benefit is this layer going to add, not to keep harping on it, but... [LB505]

SENATOR BREWER: All right. Who collects all of this information now? How would we know through the current process how many refugees are coming in and what services that they use? [LB505]

SENATOR HANSEN: Well, that's not necessarily my point. My point is if you're talking, name a service, SNAP benefits, TANF, all the ones we've heard. We have pretty accurate data, I presume, from Department of Health and Human Services on the statewide application of those programs. And I'm guessing what extra level of oversight outside of knowing that X-many dollars went to refugees, how would that? [LB505]

SENATOR BREWER: That would be part of it. But wouldn't we also be able to project what costs that we have to anticipate in the future by having oversight on how many refugees are coming in to the state? [LB505]

SENATOR HANSEN: Again, I get I don't necessarily see how that gives us a clearer picture than what we have now is the part I'm struggling with. [LB505]

SENATOR BREWER: All right. [LB505]

SENATOR HANSEN: But not to keep me and you debating all night. [LB505]

SENATOR EBKE: Oh, go ahead. It's fun to watch. (Laughter) Okay, anything else? I keep...nobody is there. (Laugh) This is what you do to us, Senator Brewer. Okay. Well, that concludes the hearing on LB505. Thank you to everybody for hanging around today, for waiting for us as we had our short delay earlier. So thank you. [LB505]