

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 5, 2020

BREWER: Good afternoon, ladies and gentlemen, and welcome to the Government, Military and Veterans Affairs Committee. My name is Tom Brewer. I represent the 43rd Legislative District, which is 13 counties of western Nebraska. I'm the Chair of this committee. I would like to start by introducing our committee members, starting on my right with Senator Blood.

BLOOD: Good afternoon. My name is Senator Carol Blood. I represent western Bellevue and southeastern Papillion, Nebraska.

LOWE: John Lowe, District 37: Kearney, Gibbon, and Shelton.

LA GRONE: Andrew La Grone, District 49: Gretna and northwest Sarpy County.

KOLOWSKI: Rick Kolowski, District 31 in southwest Omaha.

HUNT: I'm Megan Hunt and I represent District 8 in midtown Omaha.

M. HANSEN: Matt Hansen, District 26, northeast Lincoln.

BREWER: And Senator Hilgers is presenting in Revenue, where I will be going here, directly. To my right is Dick Clark, who is the legal counsel. To my left, the committee clerk, Julie Condon. Senator La Grone is the Vice Chair and will be taking over here momentarily. Today, our page is Michaela, back behind-- there you are. And we will have public hearings on LB1047, LB1057, LB1211, LB1055; four on the docket today. Some administrative things real quick; please mute your cell phones or electronic devices. Again, senators will be working on either their laptops or their, their phones. They'll also get messages if they need to be in another committee hearing. If you wish to record your attendance in the hearing, you may fill out the white sheet on the back of the table there. If you wish to testify, please fill out one of the green sheets, have it available. As you come up, hand that to the committee clerk that way they can record it. If you're handing out materials, please bring 12 copies. If you don't have 12 copies, let the page know and we'll get copies made. Remember, all letters must be submitted to the committee by 5:00 p.m. the day prior to the hearing. Each letter must indicate your name, address, bill number, and your position for, against, or neutral. The letters that are considered mass mailing will not be included. And we would ask that those who are going to present come to the front of the room. The testifier will be asked to spell, state their name, and please speak

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clearly into the microphone so it is properly recorded. We will begin by the introducing senator's opening comments followed by proponents, opponents, and those in the neutral capacity. Lastly, the introducer will be given a chance to close. Today, because we're anticipating not having a huge number, we're going to go with the five-minute light system. So four minutes green, one minute amber, and then the red will come. We, again, are fortunate to have an audible device on the computer that also will let us know when the five minutes are up. With that said, Senator Friesen, welcome to the Government, Military and Veterans Affairs Committee.

FRIESEN: Thank you, Mr. Chairman. Chairman Brewer, members of the Government, Military and Veterans Affairs Committee, my name is Curt Friesen, C-u-r-t F-r-i-e-s-e-n. I represent District 34 in the Nebraska Legislature and I'm here today to present LB1047, a really simple bill and we'll be able to move through this quickly. LB1047 allows county treasurers an additional method to publish semiannual statements under certain conditions. Currently, treasurers must publish, in January and in July, statements of the affairs of the county treasurer's office in a legal newspaper published in the county or a paper of general circulation within the county if there is no paper published in such county. One change to LB1047 makes it-- makes this a semiannual statement that shall be published in a paper that is printed instead of published in the county or in a paper of general circulation in the county if a paper is not printed there and counties would be required to pay reasonable compensation to the printer for the publication. This bill also allows the county treasurer the option of publishing the statement on the county's website. And should the newspaper not be able to publish the statement in a timely manner, the website of notice shall be considered in compliance with publication requirement. There have been some instances where county treasurers have sent notices to the paper and only for the notice to not appear in the paper by the time the law requires that. So the publication on the county website seems to be a reasonable manner for treasurers to comply with the law. That said, there are testifiers here today who can provide more details on that aspect of LB1047. I also have an amendment that is the result of negotiations between the Nebraska Association of County Officials and the Nebraska Press Association. Since many Nebraska newspapers are physically printed in other locations, sometimes in other states, but are published at the newspaper's location, there could be some technical issues with the original copy of this bill. And so AM2192 seeks to correct those

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issues by substituting the words "printed" with "published." Thank you for your time and I'm glad to answer any questions.

BREWER: All right. Well, thank you for your opening. Questions for Senator Friesen? Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you, Senator Friesen. I just have a quick question. I'm confused by the language in the amendment; can you walk me through that again, what you just said? I was having trouble hearing you.

FRIESEN: All it does is, is change a, a couple of words. It strikes the word "printed" and it inserts the word "published."

BLOOD: And, and so explain that difference to me about, about--

FRIESEN: Well--

BLOOD: --why they have the word "published."

FRIESEN: Sometimes newspapers are printed in another county or even could be in another state, but where it's published is where the location-- I believe it is.

BLOOD: So that would then justify it was, like, up online as opposed to a printed hard copy, is that why?

FRIESEN: Not necessarily, it's just a different definition and I think the Press Association people can clarify that.

BLOOD: Fair enough, thank you.

BREWER: All right, additional questions? Seeing none, thank you. You'll stick around for closing?

FRIESEN: Yes.

BREWER: Thank you. All right, first proponent. Welcome to the Government, Military and Veterans Affairs Committee.

JON CANNON: Thank you. Chairman Brewer and distinguished members of the Government, Military and Veterans Affairs Committee, my name is Jon Cannon, J-o-n C-a-n-n-o-n. I am the deputy director of the Nebraska Association of County Officials here to testify today in support of LB1047 and its amendment, AM2192. First, we want to thank Senator Friesen for having brought this bill. We think it's, it's an

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important thing that provides a little bit of certainty and provides some assurance for our county treasurers. I want to be very clear that we're not interested in upsetting the status quo. We have publications that we send to our, our newspapers around the state. We've fostered a very good relationship with them throughout the years. We don't want to upset that relationship at all. I just want to briefly describe the aftermath of a phone call that I received in the summer of this year. And Ms. Scavo behind me, the York County Treasurer, can probably speak a little bit more to that. But she had sent her semiannual publication off to the, the paper to be published and for whatever reason, it did not get published in a timely manner. And so she was very concerned about, you know, going to treasurer jail--

[LAUGHTER]

JON CANNON: And I said, well, there is no treasurer jail.

[LAUGHTER]

JON CANNON: She didn't actually use those terms, but she was very concerned about what that meant, what the, what the consequences would be. And, you know, we, we talked it through and I said well, you know, there is, there is not a consequence per se, you've done what-- you've discharged your duty, you've done what you had to do. And she said, but I have an auditor that makes a report every year about what I do and whether I fulfill my statutory obligations. I don't want this to be in there, even though I did everything I was supposed to do. And so we started working on this bill. We want to make it very, very clear that, you know, the publication costs are still intended to be paid if published. This just covers the case of-- in case that, that publication is not made in a timely manner. And again, you know, there are many things that happen through no fault of, necessarily, anyone. But sometimes things don't get done in the time that we ask them to be-- to get done. So with that, I'd be happy to take any questions. I urge your advancement of LB1047. Thank you.

BREWER: All right, thanks for your testimony. Questions? All right, you're going to get off easy.

JON CANNON: Very well, thank you.

BREWER: Treasurer jail. [LAUGHTER]

BRENDA SCAVO: Treasurer jail. [LAUGHTER]

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BREWER: Welcome to the Government, Military and Veterans Affairs Committee.

BRENDA SCAVO: Thank you. Good afternoon, everyone. My name is Brenda Scavo, B-r-e-n-d-a S-c-a-v-o. I'm the county treasurer in York County, Nebraska. I'm testifying in support of LB1047. There are very few things that I do as a county treasurer that is not directed by statute. It is these laws that allow me to gage that I'm doing my job as is, as is expected of me. Oftentimes in carrying out these tasks, I have to rely on others to help me stay in compliance with Nebraska laws. Recently, I had this experience. I am required, twice a year, in January and July, to publish in the local newspaper approved by the county board, a statement of counts of my office. This document contains how much I started with, how much I have collected, and how much I have disbursed for each fund. Before I publish this document, a couple of things have to happen. First, I have to have my month-end balanced. And then with my balancing information, the county clerk and I must agree with those final balances. While in most instances this is an easy task, sometimes, like in July, we also have to make sure that the fiscal year is balanced. I sent my semiannual to the newspaper on July 26, 2019, requesting that this be published on Wednesday, July 31, 2019. I know these dates because I had one of my staff, who normally leaves at 4:30 in the afternoon, leave early on that Friday to drop the publication off at the newspaper. On August 5, I had not received my proof of publication, which I usually get shortly after publication. So I went to the clerk's office to look at the newspaper from the 31st and there was no publication. I called the newspaper and after a bit of searching, they discovered that it was laying on someone's desk and had not been published. I emailed the publisher and asked, how does something like this happen? She said, herself, that most legals have a turnaround time of a couple of days. So the 30th of July would be the soonest that it could be published. My request was for the 31st. She assured me that it would be published the next day, August 6, 2019. Now all I can think is that I'm not in compliance or treasurer's jail. I immediately called Deann at the State Auditor's Office and she said to get it published, write up what happened, and get a statement from the newspaper. Again, I'm not in compliance. I did my job. I was timely, but I had no control over this publication once it left my office. All I can think about now is being written up by the auditor. I agree that at this time, publication in the newspaper is very necessary. It's how we get our information out to taxpayers and they see how their tax dollars are being spent. And I accept that when I make a mistake, I can be written up by the auditor.

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But when the mistake is made outside of my office, I would like to know that I have a backup plan so that I know that I'm providing timely notification to the taxpayers and so I would like to ask for your support of LB1047. I'd be happy to answer any questions.

BREWER: All right. Thank you for your testimony. Questions? All right, another easy one.

BRENDA SCAVO: All right, thank you.

BREWER: No, no, treasurer jail for you. Secretary Beermann, welcome to the Government, Military and Veterans Affairs Committee. It is good to see you.

ALLEN BEERMANN: Thank you, Mr. Chairman, members of this committee. My name is Allen Beermann, B-e-e-r-m-a-n-n. I represent the Nebraska Press Association and we are here to testify in favor of LB1047, as amended. We agree with the amendments and if I could address Senator Blood's question, we made the changes from "printer" to "publisher" for the reason that some papers are printed in another state or in another county and the payment goes to the publisher, not to the printer. For example, there's a printer from-- in northwest Iowa that prints maybe 30 papers in northeastern Nebraska. Well, he doesn't get paid for the legal notice, the publisher does. And the statute would seem to indicate that the printers should be paid when it should be the publisher and that's why that amendment was offered. Does that help clear it up for you?

BREWER: Yes, please.

BLOOD: I'm not allowed to answer questions.

BREWER: Yes, please.

BLOOD: --giving me permission because I'm looking at him. Well, it says "publish," though, and not "publisher."

ALLEN BEERMANN: Yeah, but it's the publisher that publishes a document. The printer merely presents the product and that's why--

BLOOD: I think-- it's a grammar thing that's stuck in my head because the published is past tense--

ALLEN BEERMANN: Yeah.

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BLOOD: --and the way the sentence reads, to me, doesn't refer to that-- the person who's doing the act. So--

ALLEN BEERMANN: I see.

BLOOD: -- but I, I completely understand. Thank you very much.

ALLEN BEERMANN: OK. So we do support this bill as amended for the purpose of answering the people from York County. And I'm not sure I'm in a position to apologize for the publisher in York, but I'll try. What happened, in this situation, is the person in charge of that legal notice, and it's the first time we've ever had an indication this has happened, his wife passed away suddenly during the night and he became involved, for the next several days, in a funeral situation. And that legal notice was still laying on his desk and so that's what happened. And that-- this is just a human thing. So we do support the bill as amended and we think it would be helpful. We also want to make it clear that it still needs, in addition to going on the website, it still needs, under the statute, to be published in the newspaper so that those other folks have a chance to read the legal notice. And on another, I would be happy to answer any questions on the bill or the amendments.

BREWER: Questions for Secretary Beermann? Seeing none, yes, sir.

ALLEN BEERMANN: Chairman, I would like to have a point of personal privilege, if I may.

BREWER: You may.

ALLEN BEERMANN: Thank you. I want to just take a couple of moments to thank the senators present today for the very kind gesture on the occasion of my birthday, my 80th birthday, when you honored me with a resolution that's touched my heart deeply and I'm very grateful to you for doing that, for having me as a guest in the Chamber, for reading the resolution, and presenting it to me in person. That was a very nice thing for you to do and I wanted to say thank you, personally, to you for doing that. And I thank you for the point of personal privilege. Fifty-five years ago, when I was the Assistant Secretary of State, I testified for my first time in the Government and Military Affairs Committee. I think today is probably the last time, 55 years later in front of this committee, that I will testify in a Government hearing. And so I've had a good run. I found some old records; 55 years ago, when I closed my argument on a testimony on a bill, I had

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written this quote and I want to share it with you and leave it with you today. An informed public has never been a threat to democracy or a good government. And I think that's still true today. So thank you for the courtesy of this committee over the years and I'm so proud of the way that the Nebraska Legislature operates, the way they carry on business. We are, we are the envy of the country and thanks for all you do and that's the end of my testimony.

BREWER: Well, thank you, Secretary Beermann, and understand that I think I speak for everyone when I tell you that anybody, over the last 55-plus years, who has interacted with you are richer and, and better for the experience so thank you.

ALLEN BEERMANN: Thank you, sir. Any other questions?

BREWER: All right, any more proponents? Anybody in opposition? You would kind of ruin the moment if you did.

[LAUGHTER]

BREWER: Anybody in the neutral capacity? Senator Friesen is waiving closure. With that said, we do have three letters: one from the Platte Institute, one from LIBA, and one from the Nebraska Press Association. We have none in opposition and none in the neutral capacity. With that, we will transition to LB1057 next. With that, I am probably just about late to present, so I will hand the gavel, now, off and I probably should take my speech with me.

LA GRONE: All right, we will open our hearing on LB1057. Senator Lowe, welcome to your Government, Military and Veterans Affairs Committee.

LOWE: Thank you, Vice Chairman La Grone and members of the Government, Military and Veterans Affairs Committee. LB1057 would require all appeals of zoning decisions on special permits be made pursuant to the petition in error process. In 2008, the Nebraska Supreme Court ruled that there are two procedures under which an appeal can be made to the District Court from the decision rendered by a county board on a zoning request for a special or conditional permit. A petition in error, under Section 25-1901 or an appeal pursuant to 25-1937-- when reviewing a decision under a petition in error, the district court determines whether the county board acted within its jurisdiction and whether a decision rendered is supported by sufficient, "revelant" evidence. The record is limited to what was presented to and considered by the county board. In contrast, in an appeal under

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25-1937, the district court decides the appeal de novo, which requires the district court to conduct the trial to produce a new record on the appeal. The parties can submit new facts and evidence and then the district court rules independently, based on that record. Under this procedure, the district court may be required to conduct a new public hearing to create a record. This could place additional burden on the district court of appeals. LB1057 would require all appeals to be made pursuant to the petition in error process. This bill was brought to me by NACO. Jon Cannon, NACO deputy director, and Kerry Eagan, chief administrative officer for Lancaster County, will follow me. I would suggest you move all your questions to the people that follow.

LA GRONE: Thank you for that opening. Are there any questions? Seeing none, thank you for opening. We'll now move to proponents. Welcome back to the Government Committee.

JON CANNON: Thank you, Chairman La Grone, distinguished members of the Government, Military and Veterans Affairs Committee. My name is Jon Cannon, J-o-n C-a-n-n-o-n. I'm the deputy director of the Nebraska Association of County Officials, here to testify, today, in support of LB1057. Senator Lowe introduced this, this better than I could have, frankly. I mean, he kind of described a situation that we have when you've got an appeal from a county board, county board of commissioners or county board of supervisors that involves planning and zoning. Right now, it's recognized that there are two avenues for your appeal. You can either file an appeal with district court, in which case, as Senator Lowe indicated, you have a trial de novo. You bring in brand new evidence, you bring whatever witnesses you want-- you know, essentially retry what you had in front of the, the county board. You can also go with the petition in error process, where we don't recreate the wheel. We use the witnesses that were presented in front of the county board and we consider the record that had been made in front of that county board. The question, I guess, is, is what sort of policy do we want to favor as far as how, how we incentivize people to present their cases? If we truly want these decisions to be made at the local level, in front of these local boards, it seems obvious that-- or it seems natural, then, that we would want to have that record that was made in front of the local board be the one that's considered on appeal and whether or not there is an abuse of discretion and whether or not there is sufficient jurisdiction. You know, otherwise, what we did was we can incentivize-- saying that we're just going to wait to really bring out our big guns and really bring out the evidence that we, we really want to have presented. We

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can wait until we get to district court. It seems that the one, more than the other, it's going to incentivize one of those actions by the parties that are, that are subject to the appeal. In the Olmer case, In Re Olmer, which is-- will be cited by Mr. Eagan following me, invites the alleged-- I'm sorry, the Supreme Court invites the Legislature to fix this issue. In fact, we've got two different avenues of appeal and they really do cry out for that sort of fix. And so whichever way that the Legislature decides to fix this, again, I would ask you, what sorts of behaviors are we trying to incentivize from our parties? Do we want to make them-- do we want them-- to have them make their case in front of the local board or do we want them to keep their powder dry and maybe save that stuff for the, the appeal? The other thing is that when you have a trial de novo, there's going to be a lack of deference that's going to be given to the county board of supervisors, the county board of commissioners. Again, if our premise is that we want to have these decisions made locally and we, we value local control, it seems that something that has a more deferential standard is something that would be appropriate. That said, I understand that the bar association is, is probably going to be in opposition to this. I'm a member of the bar, so I, I try not to aggravate them too much when I, I don't have to. To the extent that there's anything that needs to be worked out between us and the bar, we're certainly welcome to have, have that conversation with them. But again, we think, as a policy matter, that the advancement of LB1057 is the best way to resolve the, the knot that's been presented to us over the years. So with that, I'd be happy to take any questions you might have. Thank you.

LA GRONE: Thank you for your testimony. Are there any questions? I have just a couple. And normally I'd be able to look these up, but the Internet appears to not be working right now so I can't pull up the cross references. So there's two issues here, obviously, on, on whether we using the record and what, what deferences-- the conclusions that the county board are being given. And so you kind of talked about those in, in one. And so my question is-- well, I'll back up a little bit. Do you know what, what, what level of deference is given to administrative agencies if those decisions are appealed, appealed to a court? I don't want to-- normally, I would be able to look that up.

JON CANNON: Under the Administrative Procedures Act, I, I believe the level of deference is that, that the courts are going to defer to an

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administrative agency in the interpretation of the statutes and has statutes and regulations that it is charged with enforcing.

LA GRONE: So we have this chevron-type thing in, in state court in Nebraska?

JON CANNON: Yep.

LA GRONE: OK. So then the question would just be, do you think there's a difference between what-- on the questions of fact and questions of law, whether that should be the same amount of deference given to a county board, given that it may or-- my question is getting to the legal questions, basically. Should the county board be given deference in its legal conclusions? And if so, why?

JON CANNON: As far as legal conclusion, I, I am not sure that, that I'd have a really good, solid answer. I could, I could-- actually, I would talk myself in circles, Senator, so I'll just avoid that. As far as deference toward the factual determinations, again, you know, to me the question becomes, do we want to encourage decisions we made at the local level? And if that's what we want to do, then certainly we should allow those, those boards that we've, that we've instituted at the local level to have the kind of deference, which ensures that, that their decisions are, are going to be given a certain level of deference.

LA GRONE: Thank you.

JON CANNON: Yes, sir.

LA GRONE: Any additional questions? Seeing none, thanks for coming down.

JON CANNON: Thank you, Senator.

LA GRONE: Next proponent. Welcome back to the Government Committee.

KERRY EAGAN: Thank you, Senator. Good afternoon, Chairman La Grone and members of the Government, Military and Veterans Affairs Committee. My name is Kerry Eagan, spelled K-e-r-r-y E-a-g-a-n. I am the chief administrative officer for the Lancaster County Board of Commissioners and I am here on behalf of the county board in support of LB1057. I'm handing out two documents; one is a more at-length explanation of how we arrived at this point and the second one is a, a summary of that called "Points of Law." I will center my testimony on that. It does

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show just a brief roadmap of, of how we're, we're getting to the, the point where we are asking this-- the Legislature to pass LB1057. The traditional review process for any judgments rendered by a tribunal, a board, or officer exercising judicial functions and inferior jurisdiction to the district court is the petition in our process under 25-1901. If there is not a standard of review that is set in the statute governing those positions, then the Supreme Court has ruled that the proceedings under 25-1901 would apply. The standard of review is that the appellate court determines whether the inferior tribunal acted within its jurisdiction and whether the decision rendered is, is supported by sufficient evidence in the record. This was the case, pretty much, when I was practicing law with the county attorneys in the early '90s and everybody just assumed that was the, the process. However, in the case of Mogensen v. Board of Supervisors of Antelope County in 2004, the Supreme Court threw a curveball. Both parties in that case assumed that it was a petition in error process that they were proceeding under. However, the Supreme Court raised the jurisdictional issue, which it is allowed to do, and indicated that another statute, 23-168.03, which governs to the board of adjustment, was the statute that governed appeals. There was a specific provision in there that provided for appeals from all boards and other agencies on zoning issues. And the Supreme Court, looking at the legislative history and everything, decided, well, that's a very specific statute that governs in this place. And since there was no standard of review in the, the 23-114.01, which governs decisions on appeals from special circumstances, special exemptions, or conditional use permits, that that process would govern, that, that standard would govern. The Legislature reacted immediately in the same year, in 2004, by introducing LB973. That was enacted in response to the Mogensen decision and basically, it added the language that an appeal from a planning commission or a county board regarding conditional use or a special exception shall be made to the district court. The language also amended the 23-168 to provide that appeals from special exceptions or conditional use permits would not go to the board of adjustment. However, that brought into play another statute, which is 25-1937. That statute provides that "when the Legislature enacts a law providing for an appeal without providing for the procedure, therefore, the procedure for appeal to the district court shall be the same as the appeal from a county court to the district court in civil actions." And in that situation, the trial in district court is de novo; brand new trial, brand new record. The judge makes a decision based on the pleadings and the evidence, totally independent of the county board. And so this brought on-- they set the stage for the In

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Re Olmer Opinion, which was issued in 2008, that has been referred to by Jon. In, in that case, the, the court ruled that a, a person appealing a decision made under 23-114.01 has the option of either filing a petition in error under 25-1901 or an appeal under 25-1937. So it's very unusual that you would give a dual process for appeals. In that same opinion-- the, the Supreme Court ends the opinion with if more efficient and effective procedures for review are to be implemented, the Legislature is the body that must make that policy determination. In making that determination, of course, the court realized that this could create a real burden on the district court trying to reproduce a public hearing. Lancaster County has had three in the last several months that have had hundreds of people testifying. If the standard of review is de novo in the district court and people that have testified at these public hearings essentially lose their voice because, you know, they may or may not be called to testify because the lawyers are then in charge. It also gives a second bite at the apple for the attorneys who-- of the aggrieved party. So I see my time is up. I'd be happy to answer any questions.

LA GRONE: Thank you for your testimony. Are there any questions?
Senator Hilgers.

HILGERS: Thank you, Vice Chair La Grone. Thank you for coming down. I, I wasn't intending to ask a question, but I did-- one thing you said at the end I wanted to unpack, which is that the people who testified would lose their voice if it was de novo; is what you said?

KERRY EAGAN: It's possible. Now--

HILGERS: Walk me through the arguments.

KERRY EAGAN: With the In Re Olmer, the court was very appreciative that the parties stipulated to the record at the county board level. So all that testimony was made part of the record. They based the decision on a stipulated record. If there isn't a stipulated record, then you might have hundreds of people that testified in front of the county board that have a direct interest, perhaps, in the action or will be directly affected by the zoning action that probably won't be called by the aggrieved party, certainly. And it's unlikely that the, the county or the-- would parade, you know, hundreds of witnesses in front of the court. So they had their voice in front of the county board. They made their, their position known. If it becomes a trial de novo, then essentially, the lawyers are in charge and they may or may

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not have the opportunity to provide their testimony to the district court.

HILGERS: So I, I appreciate that explanation and it helps get me closer to what I think the answer might be. But you, you use the word "trial de novo," and that is, that is actually, like, a concept I'm not totally familiar with. I'm, I'm familiar with the de novo appellate review, which is the court takes a fresh look on its own--

KERRY EAGAN: Right.

HILGERS: --to determine whether the, whether the-- what the answer should be and then it's based on that, whether the court was right.

KERRY EAGAN: Yeah.

HILGERS: You said "trial de novo," which strikes me-- is this a brand new trial at district court level?

KERRY EAGAN: Yes, exactly. And that's the issue that we have with the, the Supreme Court dilemma that was created in In Re Olmer. You can have a de novo review on the record so the review would come up, the district court would make its own decision based on a record that's already been created in front of the county board. With a trial de novo, the record is made anew at the district court. It's a new trial with-- based on the pleadings and the evidence produced at the new trial. So it may or may not include the people who have previously testified at a public hearing.

HILGERS: So what if you had the record-- what if the record was set from the, the underlying proceeding, but it was a de novo review on the, on the, on the law--

KERRY EAGAN: Well--

HILGERS: --at the district court level?

KERRY EAGAN: Well, the, the courts, I think, are always going to make the run. That was Senator La Grone's question. Ultimately, the courts are in charge of making decisions on law. The petition in error process refers to did the, the tribunal exceed its jurisdiction or was there sufficient evidence in the record? So there's a lot of deference paid to it. But the county board, generally, in these types of hearings, you know, there's, there's not a lot of law decisions that

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the county board is going to make. But if there's an incorrect determination of law, I think that can-- ultimately will be reviewed.

HILGERS: Under what standard?

KERRY EAGAN: Well, that's, that's interesting. I don't know. I think maybe that it-- the court could possibly interpret that the jurisdictional standard that they have would be broad enough to include an obviously incorrect application of the law by the county board, would deprive them of jurisdiction to make the, the decision. The-- there's literally hundreds of cases under the petition in error annotation and--

HILGERS: What would be the standard if this bill were-- what would be the standard if this bill passed?

KERRY EAGAN: It would--

HILGERS: What would be the standard?

KERRY EAGAN: It's the petition in error standard under-- and that's determined by the Supreme Court. That was a judicial standard that's been developed over decades and it is not in statute itself, it's a-- that's a court determination.

HILGERS: Thank you.

LA GRONE: Thank you, Senator Hilgers. Are there any additional questions? Seeing none, thanks for coming down.

KERRY EAGAN: Thank you.

LA GRONE: We'll take the next proponents. And additional proponents? Seeing none, we'll move to opposition testimony. Welcome back to the Government Committee.

DAVID LEVY: Thank you. Excuse me. Good afternoon, Mr. Vice Chairman and members of the committee. David Levy, D-a-v-i-d L-e-v-y, Baird Holm law firm, testifying today in opposition to LB1057 on behalf of the Nebraska State Bar Association. The state bar is opposed to this bill because-- not because it's a bad idea or it's a bad concept or it addresses something that doesn't need to be addressed. But in a sense, it goes too far and it doesn't go far enough. And when I say it goes too far; by eliminating, completely, the appeal option. And really, what we're talking about is evidence, not so much the standard of

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review. It's the evidence. Are you limited to the record before the county board or can you conduct discovery after the fact to augment that record, essentially? And by eliminating the ability to augment that record, you set up a situation where, let's say, you have a, a county board that is not made up of lawyers. You have applicants and opponents who are not represented by counsel and they don't know how to make a, a record like, like an attorney would in a, in a court proceeding. You get to a, a, a district court proceeding and you lack adequate information for the district court to make an appropriate decision on that application. The petition in error proceeding limits that district court proceeding to the record before the county board eliminates the opportunity for discovery. I would submit that there is-- there should be a middle ground there because there can be an abuse of that discovery process also. We're involved, my firm, in a situation where we represent a client who got a conditional use permit. There is a challenge to it and there's all kinds of discovery coming from the plaintiffs in that challenge that's really outside the scope of trying to determine the appropriateness of the county board issuing that conditional use permit. So cutting off discovery entirely, as LB1057 would do, goes too far. But there certainly is, is, I think, some value in coming up with some limitations on the other standard or if there is going to be one standard, to have it be a little bit of a, a mix of the two. One other point I would make in terms of this bill not going too far; there is a subsection under 23-114, 23-114.05, which has to do with enforcing conditional use permits after the fact. But it's not-- there, there is an argument out there that that allows, also-- that's also an avenue for challenges to the initial issuance of the conditional use permit. Both the petition in error proceeding and the appeal proceeding carry with them a 30-day statute of limitations; very short statute of limitations, typically, compared to many others. But the policy behind that is that people go out and they immediately rely on a conditional use permit and they go invest money and spend money and go and build things. Thirty-day statute of limitations make sense in that situation-- has a very strong basis in public policy; 23-114.05 does not carry that same statute of limitations. So if there is a bill to work on 23-114 and the processes for litigation around conditional use permits issued by counties, which this bill is, I would also submit that it should look at 23-114.05 and clarify and confirm that that has to do with after-the-fact enforcement of the standards of the conditional use permit or, or the zoning regulations and not a challenge to the initial issuance of the conditional use permit. If you play that situation out to its extreme, a conditional use permit is subject to

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challenge, sort of, forever. And that's a lot of risk and a lot of uncertainty under which to go out and invest sometimes tens or even hundreds of millions of dollars in reliance on a conditional use permit. So again, the bar is officially opposed to LB1057, but not because it's entirely about idea or that there's a concept or an issue here that doesn't need addressing. Olmer created a lot of uncertainty. I think Mr. Eagan quoted the end of the Olmer decision where Judge Gerrard, when he was on the Supreme Court, said, we've got a confusing item here and we're going to need the Legislature to look at this. But this needs, I think, and the bar submits, a more comprehensive look and, and more fine-tuning before it would move forward. With that, thank you for your time and I'm happy to answer any questions.

LA GRONE: Thank you for your testimony. And so, into the current process, let's say we have a, a record mandated at the county level in summary of appeals. I'm assuming-- well, this is-- the question is, does this curve? Would that be brought in the, the appeal to the district court as evidence?

DAVID LEVY: The record?

LA GRONE: Yes.

DAVID LEVY: Yes.

LA GRONE: OK. Any additional questions? Senator Blood.

BLOOD: Thank you, Senator La Grone. Thank you for your testimony. I have a general question for you. So knowing that you felt the changes need to be made, did you contact Senator Lowe's office or NACO or anybody prior to today?

DAVID LEVY: I did talk to Mr. Cannon and I believe the lobbyists for the state bar also talked to Mr. Cannon and I believe Senator Lowe.

BLOOD: And was there an opportunity to find that middle ground or was there resistance?

DAVID LEVY: I don't think-- well, I didn't get that far in the discussion other than there are additional issues here that we need to try and work on.

BLOOD: So in your personal opinion, you don't feel this bill is ready for primetime access?

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DAVID LEVY: I think that's a fair way to say it. And I will say I certainly am personally willing-- I know the bar is willing to work with the committee and Senator Lowe and NACO to try and do that fine-tuning or get it, get it ready for primetime. I, I don't know whether there's openness-- you know, this, this bill is pretty black and white. I don't know whether there's openness to go back or not. But again, as I said, this is an issue that needs resolution and there should be further discussion, no question.

BLOOD: Thank you.

DAVID LEVY: Thank you.

LA GRONE: Thank you, Senator Blood. Any additional questions? Senator Hilgers.

HILGERS: Thank you Vice Chair La Grone and thank you for your testimony today. What-- can you tell me a little bit about the uniformity of procedure? To the extent there is anything for these local bodies making the decision, is there any uniformity in the procedure?

DAVID LEVY: In terms of the county board itself?

HILGERS: Yeah.

DAVID LEVY: Yes and no. I mean, a, a county board hearing is kind of a county board hearing, but you have a situation where you're at the Lancaster County Board, for example. They swear in witnesses. They videotape it. It's very regularized and, and formal. You have counties, and especially in the rural parts of the state, where it's much less formal and conducted in a much-- sort of less-defined manner. And I think that those are, in particular, the situations that the state bar is worried about; where if that's the record made in that kind of a proceeding and that's all you get when you go to district court, the district court is going to be left without much to go on.

HILGERS: Yeah, I understand the rationale. It makes sense to me. But from a Lancaster-- take Lancaster County, for instance, is there a discovery process of any kind?

DAVID LEVY: At the county board?

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HILGERS: Yeah, at the county, at the county board level.

DAVID LEVY: I wouldn't say there's a discovery process, per se. I mean, the proponents provide evidence, submit evidence, and the opponents can submit evidence. But there's not a back and forth between the proponents and the opponents typically.

HILGERS: Yeah and that's-- that makes sense. So if this bill were to be limited to just large counties that have this type of more robust process and procedure at the county board level, what would, what would the bar say to that?

DAVID LEVY: I don't know. I think it's a fair question and, and it would address part of the fundamental concern that the bar has. But even in those situations, there may be a need for limited additional evidence.

HILGERS: OK, thank you.

DAVID LEVY: Sure.

LA GRONE: Thank you, Senator Hilgers. Any additional questions? Seeing none, thanks for coming down.

DAVID LEVY: Thank you.

LA GRONE: We'll take the next opponent. Welcome back to the Government Committee.

ANSLEY FELLERS: Thank you. Thank you, Vice Chair La Grone and members of the Government, Military and Veterans Affairs Committee. My name is Ansley Fellers, A-n-s-l-e-y F-e-l-l-e-r-s, and I'm here on behalf of Nebraska Farm Bureau testifying in strong opposition to LB1057, Senator Lowe's bill, which would change provisions regarding appeals of certain, certain zoning decisions by county boards. From Farm Bureau's perspective, LB1057 would, in many ways, undo a decade of work and progress on county zoning, specifically as it relates to livestock citing. By changing the existing appeal process from a trial de novo to a petition in error, the district court would simply be determining if the county had jurisdiction over the decision and whether there is any evidence in the existing record supporting the decision. Consequently, LB1057 would limit the amount of evidence a permit applicant could provide the court and in some cases, make it virtually impossible to overturn a county's denial of a conditional use permit. While local zoning may be good and useful for land use

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planning, Nebraska Farm Bureau and other stakeholders have had long-standing concerns with implementation of conditional use permits, including uncertainty as to the conditions which might be required to obtain a permit, inconsistency and lack of uniformity across the state, the subjective nature of conditions or regulations, and emotional and political pressure put on local officials based on preconceived notions about agriculture, especially animal agriculture. Producers and others attempting to obtain a conditional use permit already face a variety of inconsistent rules and barriers to development. We ask you oppose LB1057, which would eliminate, for many intents and purposes, their ability to justly appeal decisions. Thank you for your time. I'd be happy to answer any questions.

LA GRONE: Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down.

ANSLEY FELLERS: Thank you.

LA GRONE: Any additional opponents? Seeing none, any neutral testimony? Seeing none, Senator Lowe, you're welcome to close. He waives closing. We do have one letter in opposition from Mark Hunzeker of Baylor Evnen. And with that, that closes our hearing on LB1057. We'll now move to our hearing on LB1211. Senator Hansen, welcome to the Government Committee.

B. HANSEN: Thank you. Good afternoon, Vice Chair La Grone and the members of the Government, Military and Veterans Affairs Committee. My name is Ben Hansen, B-e-n H-a-n-s-e-n. I'm the senator from Legislative District 16, representing Burt, Cuming, and Washington Counties and I'm here to introduce LB1211. LB1211 intends to change the philosophical approach to political subdivision budgeting. In all areas other than government, decision makers work within the constraints of a defined budget without the ability to arbitrarily raise revenue to fully fund that budget. LB1211 ensures the intentional prioritization of spending and operation within defined budget constraints and requires that the first step in the budget process is determining how much revenue will be generated by the current levy rate. Then decision makers can begin to build a budget according to those spending projections. In tandem with another bill I've introduced, LB1212, I believe this bill will result in increased transparency from government, increased accountability for elected officials, and in the end, more money in the taxpayers' pockets. Any good business budgets according to, any good business budgets according to its means. Business leaders project how much money they

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anticipate making over the fiscal year and budget according to those projections. As the year goes on, adjustments in spending are made based on the actual realization of revenue generation. Any business that consistently spends outside of its means then borrows to make up the gap in revenue is likely to not be in business for long. Families in Nebraska buy, buy these sound budgeting practices everyday also. Whether the family operates on a weekly, monthly, or annual budget is up to them, but most families operate according to some sort of spending plan. What families and businesses have in common is that they both understand that they are constrained by their earnings for that year. Workers making up-- workers making an annual salary plan their spending within the confines of that salary. Businesses plan their spending within the confines of their anticipated revenue. Nowhere but in government is anyone able to create a budget and then go out and raise whatever revenue is needed to fully fund that budget. The people are meant to act as a check on irresponsible spending, but with the drastic increases in property valuations over the years, local units of governments have been able to increase spending on secondary functions of government, underfund primary functions of government, and get away with it because they do not raise taxes. Our goal is not to disparage counties or cities; some do a great job of trying to control spending and cut government to meet its current conditions. This bill is just meant to make sure sound budgeting principles are withheld and aligned with current statute. The people of Nebraska deserve that governments view spending with the same approach as the people do in their businesses or personal lives. With LB1211 and other bills I've introduced this session, the people will have more clarity and be better able to understand how governments prioritize, budget, and spend their hard-earned money. Then the people will be equipped to do what they are intended to do; to check irresponsible spending. And I think-- to go off this little bit, I think, kind of, the conversation-- we're trying to start a conversation, I think, here with this bill, about approaches to budgeting that we can take to improve the process with the taxpayers in mind and also understand that if this bill does move forward, that some amendments will likely be needed to added [SIC] to change and realign some dates for the Nebraska Budget Act. So with that, I do look forward to the conversation and opinions with testimony behind me. Thank you.

LA GRONE: Thank you, Senator Hansen, for your opening. Are there any questions? Senator Blood.

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BLOOD: Thank you, Senator La Grone, and welcome to our committee, Senator.

B. HANSEN: Thank you.

BLOOD: So can you give me examples of this abuse or potential abuse or people that you don't feel are doing this accurately, some examples across Nebraska; the problem that you're trying to solve as opposed to just having it be more of a-- in my opinion, I think we believe-- or in my opinion, I think we need-- can you give me solid examples of why we need this if you've got a community or--

B. HANSEN: Sure, I'd say-- first of all, I don't think there's any abuse being done. I mean, that's kind of intentional either neglect or abuse on the taxpayer. I think what happens is that we tend to have-- we tend to set our budget, I think, in cities and counties and then without the-- I think the intention, first, of finding how much money we're going to get.

BLOOD: OK, I'm going to stop you right there.

B. HANSEN: Um-hum.

BLOOD: So have you served in that capacity--

B. HANSEN: Yes.

BLOOD: --before? So county or municipal?

B. HANSEN: A city council.

BLOOD: City council and so your city planned without estimating what budget would be--

B. HANSEN: They do, but this then kind of requires that they find out how much money they're going to get first and then budget accordingly second. And if the assessments-- or they happen to have-- find more money that they're going to get, then they can budget accordingly and, kind of, increase their budget or lower it, but they have to make that conscious decision on whether they're going to take the taxpayer money or they have to give it back to them.

BLOOD: How big was that city council you served on, that community? What size was this--

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B. HANSEN: Blair.

BLOOD: What is the population of Blair?

B. HANSEN: 30,000.

BLOOD: So hearing this-- and I am going to keep listening. I'm sure you have other testifiers that are probably in favor, but this does not sound like anything that I've experienced in the third-largest city in Nebraska. So you're saying that Blair did-- Blair was one of the, the communities that did have an issue and that's what gave you this idea?

B. HANSEN: No, no. I'm just looking for some different kind of approaches to the budgeting process to see if we can do things in a more fiscally-conservative approach. I'm just trying to get this conversation started and I'm curious to see what the testimony is going to be like behind me. So that's kind of the purpose behind this bill.

BLOOD: So you feel it's our job to tell each municipality-- and I'm not-- I'm really just trying to clarify this in my head. Because the way it's written, I'm really having a hard time wrapping my head around it. So are you saying that you feel that we know best how municipalities and counties should do their budget so we should let them know that, in our opinion, we want it done a particular way?

B. HANSEN: I think in some sense, we kind of already do that. We set dates on when they're supposed to have levies set, when they're supposed to have their budget-making process done--

BLOOD: Right, for recording purposes.

B. HANSEN: --and I think in current statutes, they even kind of mention this and that's kind of what we're changing right now-- is that it already currently says they're supposed to get their, their budgets set first and then their income second. So we're just trying to switch that around so that it can be more of a fiscally-responsible approach.

BLOOD: I, I hope you have really good testifiers because I just find it hard to believe that the vast majority of the communities-- governing bodies in Nebraska aren't fiscally responsible.

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B. HANSEN: I'm not saying they're not, I'm just saying maybe this is a better approach.

BLOOD: And so, as I've heard you say on the floor several times already this year, are we trying to solve a problem that doesn't exist? Is this a solution for a nonexistent problem? So that's what-- I'm, I'm going to wait to hear some actual evidence.

B. HANSEN: Sure.

BLOOD: So thank you very much.

B. HANSEN: Yep, thank you.

LA GRONE: Thank you, Senator Blood. Senator Hilgers.

HILGERS: Thank you, Vice Chair La Grone. Thank you, Senator Ben Hansen, for being here. It just seems to me that you're trying to improve a process to try to lead to better outcomes, is that right?

B. HANSEN: Yeah, in essence, yes.

HILGERS: OK, thank you.

LA GRONE: Thank you, Senator Hilgers. Any additional questions? Seeing none, will you be remaining for closing?

B. HANSEN: Yes.

LaGRONE: Great. We'll now move to proponents. We'll take the first proponent. Seeing none, we'll move to-- oh.

JOE MURRAY: Sorry, I didn't realize I was the only one.

LA GRONE: Welcome back to the Government Committee.

JOE MURRAY: My name is Joe Murray. That's J-o-e M-u-r-r-a-y. I'm just here as a citizen. I wasn't even planning to originally testify today so I don't have a lot of information directly. But in my personal budget and the businesses I've operated and things over the years, we find out how much money we have before we decide how much we can spend. I think it's practical, common sense. I also am active-- I live in southern Lancaster County, in between southern Lancaster and Gage County. I've attended the last few years on a semi-regular basis, more than 20 village boards; the Lincoln City Council, the Lancaster County Board, the Gage County Board, Beatrice City Council, Wymore City

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Council, Hickman City Council, and the Lincoln City Council. And I observe, regularly, that they plan their budgets and how much they want to spend and then they try to find out how much money-- how they can get that and if they don't get it, then they either-- they want to keep the valuation increases that come up with bond issues or if that doesn't work, then they complain that they don't have enough money and so they need more money. Now if I would have had more time, I would have probably-- could have documented some of that, but I don't have that. I just think this is a commonsense approach to be more fiscally responsible. And as most of us know, property taxes are a big problem in this state and I think this is one of-- a small part and one of the parts of how we-- they keep increasing and that's all I have to say. If anybody had any questions or comments for me--

LA GRONE: Thank you.

JOE MURRAY: --I'm happy to answer.

LA GRONE: Thank you, Mr. Murray. Are there any questions? Seeing none, thanks for coming down. Any additional proponents? Seeing none, we'll move to opposition. Welcome back to the Government Committee.

JON CANNON: Thank you, Chairman La Grone, distinguished members of the Government, Military and Veterans Affairs Committee. My name is Jon Cannon, J-o-n C-a-n-n-o-n. I am the deputy-- pardon me. I don't know where that came from. I'm the deputy director of the Nebraska Association of County Officials here testifying today in opposition to LB1211. First, I want to thank Senator Hansen for bringing this bill. We appreciate having the conversation. And certainly, any time that we have the opportunity to think about how we do the processes that we undertake, it's probably a good thing. No one should, should ever say we will-- we're doing it this way, this way because that's the way we've always done it. That said, I guess where the counties take exception is the fact that we do not spend money on items that we're not unauthorized or permitted by law to do. We're not out funding movie studios. We're not out selling concessions. We're spending things on, on those items that the Legislature has authorized us to spend, spend money on. And so the Legislature obviously thought that these were things that we should be spending tax dollars on. I have attended many budget conversations when, when county, county boards get together to discuss the budget. And in every instance, the question is, is what does the community need and how can we do this at the lowest cost? There is-- there has never been a sense that I've gotten from county boards of how can we get as much as we can and, and

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that's, that's not to say that that's what Senator Hansen is presenting here. I think he took pains to, to say that he believes that, that municipalities and, and county governments are fiscally responsible, but I, I do want to clarify that that is, in fact, the case. County governments simply are, are not out there looking to spend as much money as they can get. They're, they're looking to spend money that they're required to spend on the items the Legislature is directing them to spend money on. But I also want to bring up a, a question I have about the technical part of, of the bill and that is I'm not sure how we find out how much they would be able to get. For instance, Lancaster County, where we are all sitting, their levy rate, I believe, is about 28 and a half cents. And so my, my first question would be-- is-- are we figuring how much they can get based on them going to 50, based on them going to their, their max of 2.5 percent? I would, would want to try and figure out the particulars of that before we said, you know, here's how we're going to start the budgeting process because I don't think that's, that's adequately addressed in this bill. Those are all the comments that I have for now. I'd be happy to take any questions you have and I would urge your opposition to LB1211. Thank you.

LA GRONE: Thank you for your testimony. Senator Blood.

BLOOD: Thank you, Senator Groene [SIC]. Thank you for your testimony. I, I am having a hard time getting my head wrapped around this, coming from a municipal background. And when I read this-- I mean, for people who are suspected government, I could read this and be just as suspect because say that my municipality only needed \$3 million, but we found out that we had \$5 million to spend. Then you had that extra several million dollar cushion. To me, it almost seems human nature that people would be better at counting their pennies the way it's done now, as opposed to, hey, look, we have all this money to spend. I just-- I'm really having a hard time getting my head wrapped around this. So what I have-- the question I have for you is are you aware that this has been an issue in any county, that anybody has been disciplined for this or been audited and said, hey, knock it off?

JON CANNON: Senator Blood, I'm not aware of, of any county where that's occurred. Again, now obviously, I represent the counties and I will, I will tell you that, that I do find them to be pretty-- just, you know, sound stewards of, of the fiscal trust that's been put to them.

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BLOOD: I agree.

JON CANNON: Every county board meeting that I've ever attended where they discussed the budget, any of the other budgetary meetings for, you know, political subdivisions that I've, I've happened to be around for, the question is what does our community need? And, and when they do determine what that need is, they're not saying, well, let's go buy the Cadillac of road graders, they're usually saying, OK, well, what, what can we get the Yugo for?

BLOOD: Right. Well, and isn't Sarpy County building a jail without raising taxes right now, I mean, if I remember correctly?

JON CANNON: I do believe that's correct, ma'am.

BLOOD: I can name multiple counties who are doing more with less because that's what they've been asked to do. And they've done that ever since the recession, the last recession, in anticipation of the next recession. So I just-- I question trying to solve a problem that I don't see exists.

JON CANNON: Right and, and in addition to that, I mean, I'll just reiterate, reiterate what I said earlier, that, that the state places a lot of mandates on, on county--

BLOOD: Absolutely.

JON CANNON: --and municipal governments. And so, you know, and it's, it's not a question of, of how much we can spend, it's a question of what do we have to spend it on.

BLOOD: Thank you.

JON CANNON: Yes, ma'am, thank you.

LA GRONE: Thank you, Senator Blood. Any additional questions? Senator Hilgers.

HILGERS: Thank you, Vice Chair La Grone. Thank you for your testimony.

JON CANNON: Yes, sir.

HILGERS: If I understood the nature of your objection-- I heard two so just correct me if there's three or if I'm mistaken. And the first is that hey, look, counties are-- we're not-- we're spending our money.

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We're very fiscally responsible. We're doing our best. We're only spending money on the things that you're mandating us for so therefore, this isn't needed. That was the objection of one that I heard. Then objection two was, sort of, this-- I don't know how it's going to work. There are some technical issues. Are those-- is that an accurate characterization of the opposition?

JON CANNON: I would characterize them as observations rather than objections, Senator.

HILGERS: Well, on that-- I think that's why-- so-- but you're, you're opposed-- so I'm trying to find the, the reasons of opposition that I heard in your testimony. So on the first one, couldn't you say-- I didn't hear the premise of Senator Hansen's bill to be oh my gosh, these political subdivisions are just running amok and they're buying the Cadillac and they're doing all these things and they're doing-- they're spending money on things we don't mandate. What I heard him saying was, hey, this is a process change that, that could just make it a little bit better and make it a little bit more thoughtful. And so the first objection you made, I didn't-- well, observation that you made doesn't strike me as a fatal objection to his bill because he's just trying to make whatever, wherever we are a little bit better. How would you respond to that?

JON CANNON: Well, Senator, and at the outset of my testimony, I thanked Senator Hansen. I said that it's good for us to have these conversations. If there are new ways of thinking about how we budget for the necessary expenditures, you know, of the counties and municipalities, I'm all for it. I, I just don't think that this bill is, is what gets us there.

HILGERS: An on, on the second objection, I hear your mechanical point. I think I just want to talk to Senator Hansen in terms of how do you set the-- what it is-- what pot of money that you have, what are the-- what variables kind of flow into that calculation?

JON CANNON: Right and are, are we automatically-- I would be curious. I mean, you know, does it mean that we're all automatically calculating on, on a 50 cent levy, which, you know-- by the way, if I'm in Cedar County, where, where they're in, I think, the low teens, the-- you know, they're jumping for joy, whereas if I'm out in Deuel County it is at 48 and a half, that they think, well, we don't have that much room to go anyway. So if, if that's where we start, that's an interesting-- that's a different conversation from oh, by the way,

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everyone's locked into the levy rates that they've got right now, which-- that, that brings a whole bunch of other issues in, but I mean, either way that we go through conversation, I, I would have a lot of questions.

HILGERS: Thank you.

JON CANNON: Yes, sir.

LA GRONE: Thank you, Senator Hilgers. Senator Blood.

BLOOD: Thank you, Senator La Grone. And I'm sorry, I have another question. That always happens when Senator Hilgers speaks so remember that. So we're talking about improving a process so the question I have a for you and I'm going to put you on the spot on this one; if a process isn't broken and there's nothing that seems to be wrong with the process, why do we need to improve our process?

JON CANNON: That does put me on the spot, Senator. But in, in the interest of, of fair play, if I have a 2011 Corolla and I'd, I'd love to buy a 2020 because they've got some cooler tech on it-- if, if there are things that we can do to improve the process, I'm all for having the conversation. If, however, the process is working fine and any addition or subtraction could mar what is a fairly elegant construction that we've made over time, then I think I would-- we would have opposition to that.

BLOOD: So if I hear you correctly, the process is working. So when something is working, is that something that necessarily or will necessarily need to be improved? But yet, by having a conversation and talking about the dynamics, we have the opportunity to maybe find that middle ground and see if maybe there's some particular tweaks as opposed to the entire process being changed?

JON CANNON: I, I think that's a fair characterization and thank you.

BLOOD: Thank you.

LA GRONE: Thank you, Senator Blood. Any additional questions? Seeing none, thanks for coming down.

JON CANNON: Thank you, Senator, I appreciate it.

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LA GRONE: Any additional opponents? Welcome back to the Government Committee.

CHRISTY ABRAHAM: Thank you so much, Senator La Grone and members of the Government, Military and Veterans Affairs Committee. My name is Christy Abraham. That's C-h-r-i-s-t-y A-b-r-a-h-a-m, here representing the League of Nebraska Municipalities. And I just want to join Mr. Cannon in saying thanks to Senator Hansen for his opening. That was very helpful for me to hear and I'm sure for, for all political subdivisions that are here, it was very helpful to hear about what his intent was and what his thoughts were. When this bill first got dropped, we did have several communities contact us and many of them were seeking clarity. They weren't quite sure what the bill did and had some questions. Others expressed some concerns that they had. I think you have all received a letter from the city of Stromsburg and Ms. Bryan is much more articulate than I am so I encourage you to read that letter. I think it provides a pretty good framework on how municipalities go about creating their budget. For first class, second class, and villages, they are on the same fiscal year so they usually start their process in the summer and they're starting their discussions by getting their recommendations from their various-- I know, Senator Hilgers, this is like sexy, exciting stuff--

HILGERS: [LAUGHTER]

CHRISTY ABRAHAM: --I know-- but they are getting, they are getting their requests from their various departments. They're hearing from the planning people. They're hearing from their library about what their needs are. On August 1, which is an important date, that's when the political subdivisions that are actually under the municipal levy have to tell them what they're going to ask for. So those folks are-- these are just examples; the airport authority, the community development authority, transit authority, and off-street parking. So they're actually under the 45 cents of the municipal levy. So their levies have to be considered within that 45-cent parameter that cities have. On August 20, that's when municipalities are going to learn what the property tax valuation is so it's on that date that they're going to know if their valuations went up or down from last year. So these are all factors that are going to go into what their budget is going to look like for the next fiscal year. Another factor that I think Ms. Bryan points out very well in her letter is the municipal equalization funds, which as this committee knows, those are state funds that are used for streets and roads. Stromsburg apparently had a huge increase

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in their MEF funds so at the end of their budget, they actually reduced their property tax asking because their MEF funds were so much more. And I think what Ms. Bryan is indicating is if we had to set that amount at the beginning, we would have over asked for property taxes when they, in fact, got to ask for a lot more-- a lot less, I apologize. So I just-- I really appreciate, again, what Senator Hansen is saying. And certainly, we are open to that discussion and want to make things better. It is, I think, a much broader topic just because there are so many dates set in statute, not only in the Budget Act, but also for the property tax asking that happens in October. So there are lots of dates in statutes that municipalities are trying to juggle to get their budget done on time. And so it's just a larger conversation that needs to be had. So again, thank you so much for your time.

LA GRONE: And thank you for your testimony. Are there any questions? Seeing none, thanks for coming down. Oh, I'm sorry, I missed, I missed Senator Hunt.

HUNT: I'll waive.

[LAUGHTER]

HUNT: I have so many questions, but--

BLOOD: Did you just call her Ms. Senator Hunt?

LA GRONE: No, I said I missed Senator Hunt.

HUNT: I'll waive, thank you.

CHRISTY ABRAHAM: Poor Senator Hunt sees me every day of the week; it's hard. But thank you, I appreciate it.

LA GRONE: Any additional opposition testimony? Welcome back to the Government Committee.

COLBY COASH: Thank you, Senator La Grone, members of the Government, Military and Veterans Affairs Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h, and I'm here representing the Nebraska Association of School Boards in opposition to this bill. I won't belabor the points that were brought up by our peers in the other two political subdivisions that testified before you, but I will-- Senator-- we do appreciate what Senator Hansen mentioned in his opening. We appreciate that clarity, knowing where he comes from, but

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wanted to go on record in opposition because this bill does affect schools. School boards would have the same concerns that were brought forward, particularly with regard to the timing. This bill is, is a little bit unclear and doesn't take into consideration some of the already statutorily-mandated timing with regard to budget submission and, and things of that nature. School boards just can't make decisions about property taxes until they have more information for the next year's budget. School boards just don't know what the Legislature, for example, might do with regard to unfunded mandates that they now have to do in, in time to be able to adjust their tax asking at the front end, as this bill, bill would mandate. Finally, what we, what we would say is that we, we believe that the ballot obviously provides the check on the spending and that if constituents feel that the spending is, is out of control or out of whack with regard to their budget asking, that they have an opportunity to always address that in a very quick election following that. So we would remain opposed, but certainly remain open to work with Senator Hansen if, if he wants to look at some of those dates and, and make this at least workable from a timing standpoint. I'll close there. Thank you.

LA GRONE: Thank you for your testimony. Are there any questions?
Senator Hunt.

HUNT: Thank you, Vice Chair La Grone. Hello, Mr. Coash--

COLBY COASH: Hello.

HUNT: --nice to see you. I have a question; have you ever been elected to public office?

COLBY COASH: I have.

HUNT: Do you think that it would be easy to get elected to public office in Nebraska if you were a big spender--

COLBY COASH: No.

HUNT: --if you were irresponsible with budgeting?

COLBY COASH: Not to get elected, it certainly would be difficult to stay elected.

HUNT: To get reelected, perhaps, yeah.

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COLBY COASH: [LAUGHTER] Yeah.

HUNT: Um.

COLBY COASH: Because the-- you have a record and you've, you've passed budgets and, and so the, the voters who sent you there will be able to see, very transparently, what you've done and decide if they agree with it or not.

HUNT: Do you think that Nebraska has a culture of big spending and fiscal irresponsibility?

COLBY COASH: I don't; I didn't see it when I was in this body. I don't see it with the school board members that I work with every day because they come from the citizens, right? They're from within-- from among the people they come and their decisions reflect the will of the people who have sent them there. And if all the sudden they don't, they're gone. I've seen that happen as well.

HUNT: Thank you.

LA GRONE: Thank you, Senator Hunt. Any additional questions? Seeing none, thanks for coming down.

COLBY COASH: Thanks.

LA GRONE: Any additional opposition testimony. Seeing none, any neutral testimony? Seeing none, Senator Hansen, you're welcome to close.

B. HANSEN: Thank you. Well, that was kind of where I want to go with this. I think that this helps us get some clarity from, I think, where other people are standing; whether this might be a good idea, whether it might not be a good idea. And so, so I appreciate all the questions and all the comments by the testifiers. And then, like I said, sometimes it's just a way for us to kind of get a conversation started. And like I mentioned before, if this does happen to move forward, we do understand that there will be some amendments that would have to be drawn up and brought forward to, you know, talk about some of those dates when it comes to budgeting with all the taxable subdivisions. With that, I'll take any questions.

LA GRONE: Thank you, Senator Hansen. Are there questions? Seeing none, we do have one proponent letter from Nebraska Newspaper Association [SIC]; one opponent letter from Nancy Bryan, the city clerk/treasurer

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of the City of Stromsburg; and no neutral letters. That will close our hearing on LB1211.

B. HANSEN: Thank you.

LA GRONE: We'll now open our hearing and LB1055. Since Senator Brewer is still in the Revenue Committee, the bill will be introduced by Tony Baker, Senator Brewer's LA. Mr. Baker, welcome to the Government, Military and Veterans Affairs Committee.

TONY BAKER: Thank you, Vice Chairman La Grone.

LA GRONE: Just remind-- real quickly, I'd just remind senators, since I think this is the first time we've had staff open on a bill in this committee this year, that in general, when staff testify, we don't ask them questions. With that--

TONY BAKER: Nor will I have a closing, correct?

LA GRONE: Correct. With that, you're welcome to open on LB1055.

TONY BAKER: OK. Thank you, Mr. Vice Chair, fellow members of the Government Committee. My name is Tony Baker. That's T-o-n-y B-a-k-e-r. I'm Senator Tom Brewer's legislative aide and I'm here to introduce LB1055 on behalf of Senator Brewer who, as Senator La Grone said, is in Revenue introducing a bill right now. This bill would clarify some issues for small counties. When I say small counties, what I mean to say is sparsely-populated counties who have made the decision to vote all by mail. And this bill deals with the section of law that authorizes sparsely-populated counties to switch to, if they so choose, an all-mail election. Under the current law, counties under 10,000 in population can submit a plan for an all-mail election to the Secretary of State for approval. It could be for one or two precincts in the county or it could be countywide. Last year, Senator Hunt's proposal, LB163, allowed counties to move to all-mail elections, not just the small or sparsely-populated counties. Senator Brewer indicated in, in his notes here that he didn't support this idea, but it did get him thinking about this bill. He understands the efficiency argument made by that bill because in these sparsely-populated counties, it would make it easier to do elections if it were all by mail. He understands the safety argument because in some of the smaller, rural counties in Nebraska, weather can be treacherous and it's often a long distance for people to travel to the polling place so it would make sense from a safety perspective. However, having a

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physical polling place where you can still show up and vote in person on Election Day is something that Senator Brewer considers to be very important. This bill would make sure that you can still cast your vote in person if you want to, even if your county has moved to a 100 percent vote by mail. Another issue Senator Brewer was concerned about was what happens if you get to the county clerk's office to drop off your ballot and you're not there during office hours? Is there a way for you to do that? And again, oftentimes, I mean, in the Sandhills, in Senator Brewer's district, it's 60 miles to anything. And so if you drive all that way and there's no place to drop off your ballot, what do you do? That's where an element of this bill comes into play, in that the bill would require counties to maintain a secure drop box to put ballots in if people should choose to show up and drop them off in person. From the research we did on this bill, it looks like right now, today, that most counties who have gone to vote by mail are already doing these two things. They've already got a place to drop off the ballot and you can vote in person at the clerk's office. The problem is-- the reason behind, actually, why Senator Brewer brought this bill is if you read Chapter 32, Section 960 in the statute, what the counties are currently doing, in some cases, and what's in the statute aren't the same. And so what this bill does is it brings the statute up to date to reflect what the counties are actually doing. In other words, you can vote in person at the county clerk's office in an all-mail election county and/or drop off a ballot there. And counties are doing that, but that-- those provisions are not currently in statute. The law is worded in a way that seems to say you can have both vote by mail and polling places in the same precinct in this bill. Let me reread that: the law is worded in a way that seems to say that you cannot, not can, have both all vote by mail and polling places at the same time. So if you've got a county that's all by mail and you show up at the clerk's office and they let you fill out a ballot or they let you drop off a ballot there, that's not in the law. But you're-- but there's counties doing it anyway. Current law doesn't authorize secure drop boxes, even though we know the counties already have them. Finally, this bill would put a list of the voting options in these affected counties all in one place in the law. That makes it easier for the average voter to know what their choices are. In summary, let me recap a few points here. The bill does not interfere with current or future plans to conduct elections by mail in the 66 less-populated counties that are under 10,000 in population that are already eligible. The bill does not change which counties are eligible to submit a plan for an all-mail election. And the bill gives our county election officials, in these particular counties, the legal

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authority they need to serve the voters. I believe someone from the counties will be testifying after me today. They can answer technical questions about their local operations better than I can. With that said, that concludes my remarks.

LA GRONE: Thank you, Mr. Baker. We'll now move to proponent testimony. We'll take the first proponent. Welcome to the Government Committee.

SHERI ST. CLAIR: Thank you. I am Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r, it's actually two words. I'm here representing the League of Women Voters of Nebraska and we are in support of LB1055. You should know the league works to fight barriers to voter participation. Having an in-person ballot option is essential for those voters who may need to use ADA-compliant voting machines. They may need help reading their ballot or they simply wish to vote in person, as some people do. This proposed legislation helps to guarantee Nebraskans in all counties would have that option to vote in person should they so choose. Thank you.

LA GRONE: Thank you for your testimony. Hold up real quick, we'll see if there are any questions.

SHERI ST. CLAIR: Sorry, it's my first time.

LA GRONE: No, you're fine.

SHERI ST. CLAIR: I don't know how the process runs. [LAUGHTER]

LA GRONE: Are there, are there any questions? Seeing none, thank you so much for coming down.

SHERI ST. CLAIR: Thank you.

LA GRONE: Any additional proponents? Welcome back to the Government Committee.

WESTIN MILLER: Thank you, Vice Chair La Grone, members of the committee. My name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I'm the director of public policy at Civic Nebraska. I want to thank Senator Brewer and Mr. Baker for introducing LB1055 today. This is a simple, but I think important fix to avoid some confusion we did encounter last year in discussing vote-by-mail precincts. Something that I don't think I communicated very well last year in discussions of Senator Hunt's bill is that although Civic Nebraska is a big fan of voting by mail, we never, ever want to see voting by mail result in the full

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elimination of in-person voting and this bill clarifies that really well. Like Sheri just touched on, having an in-person option is essential for voters for a couple of reasons; if they need to use ADA-compliant voting machines, if they need help reading a ballot, and also just for voters who have the time and really treasure the practice of voting in person, that's important to respect too. So this is a small, but important fix. It codifies current good practice into statute and it guarantees that Nebraskans in every county will always have the option to vote in person. So thanks again to Senator Brewer and his office and if the committee has any questions, I would be happy to answer them.

LA GRONE: Thank you for your testimony. Are there any questions?
Senator Blood.

BLOOD: Thank you, Senator La Grone. Thank you, Westin. So Westin, you were here last year--

WESTIN MILLER: Yes.

BLOOD: --when we had LB163?

WESTIN MILLER: Um-hum.

BLOOD: So I thought that it sounded familiar and remembered that we had LB163 last year. And there's some things I'm confused about and since we can't ask the Senator questions and can't ask his staff questions, I'm hoping you can help me clarify them--

WESTIN MILLER: I'll do my best.

BLOOD: --OK?

WESTIN MILLER: Sure.

BLOOD: So I'm sorry to put you in that spot.

WESTIN MILLER: That's fine, that's why I'm here.

BLOOD: You're the warm body in that chair. All right. So last year, a bill that actually did less, but the same, the vote by mail and, and then it's been expanded a little bit by--

WESTIN MILLER: Was it by LB163?

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BLOOD: Right.

WESTIN MILLER: OK.

BLOOD: LB163 versus LB1055.

WESTIN MILLER: Um-hum.

BLOOD: It had a fiscal note of \$66,450--

WESTIN MILLER: Sure.

BLOOD: --in the Secretary of State's Office.

WESTIN MILLER: Yeah.

BLOOD: So how do we go from expanding-- and we are expanding a little bit, right? We're putting in a statute that they, they can and should have the boxes?

WESTIN MILLER: Yeah, this, this is-- this one--

BLOOD: There's a cost.

WESTIN MILLER: It's just to clarify what they're already doing. Yeah, every county already has one.

BLOOD: OK. So it's really not changing anything then because they can, they can already vote by mail, right? We don't need to codify that, they--

WESTIN MILLER: Sure.

BLOOD: --can already do that, which we decided, I think, in the last hearing, in LB163. But the Secretary of State thought that he would need at least one new employee--

WESTIN MILLER: Sure.

BLOOD: --in order to make that happen. So I, I am confused. Can you-- do you remember why we needed \$66,000 for the fiscal note on LB163, but not this bill?

WESTIN MILLER: I do and I remember, I remember being very delicate with how I addressed that fiscal note because I thought it was very inaccurate, but I really respected where it was coming from so I

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wanted to be clear about both of those points. So the Secretary of State's policy, last year, was anything that would create more work for his office would get at least one FTE fiscal note, which again, as someone who's worked for understaffed service industry companies, much respect for that policy. The justification was, I think, less than sound. It was that any-- after LB163 passed, the fear was that every single eligible county would submit an application on the same day. And if that happened, that would require a lot of work.

BLOOD: They'd get an application of something that they could already do?

WESTIN MILLER: Most of them could, yeah--

BLOOD: OK, then I just want to clarify--

WESTIN MILLER: --66 counties are already eligible. Yep, you got it.

BLOOD: OK.

WESTIN MILLER: So that's where the fiscal note came from for LB163. This does not require any new administrative work from the Secretary of State so that's why that fiscal note would be--

BLOOD: But did LB163?

WESTIN MILLER: In that worst-case scenario, where every new county and the currently-eligible counties all just conspired to apply on the same day.

BLOOD: To do something they already could do?

WESTIN MILLER: Most of them could, yeah.

BLOOD: All right. I just, I just wanted to clarify this.

WESTIN MILLER: But no, I think, I think it's correct--

BLOOD: I just find it very confusing and very-- and did-- do you remember if the Secretary of State came in and testified against that bill last year?

WESTIN MILLER: He submitted a letter of opposition to LB163.

BLOOD: To a bill that does, basically, the same thing as this bill?

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WESTIN MILLER: No, I think, I think this covered pretty different-- same issue, but very different--

BLOOD: No, I'm seeing this codifying-- I'm not really seeing change.

WESTIN MILLER: Right, so-- yes, LB1055 just codifies exactly what's already happening, which is that when you-- when a county under 10,000 converts to all vote by mail, current practice is there are no official polling places that are established, but you can, including on Election Day, go vote at the county clerk's office. That, like Mr. Baker mentioned--

BLOOD: Which you can do already--

WESTIN MILLER: You can, but that's not actually written anywhere in statute. I think the discrepancy is whether or not the county clerk's office counts as a polling place. That's what got confusing. So that "in lieu of" language, I think, was to the detriment of everyone trying to have the, the conversation. So this clears up-- there has to be at least one option and at least one drop box, which I think is really good.

BLOOD: But the language, in reference to the vote by mail, is the same as what was in LB163?

WESTIN MILLER: No, so LB163 would have raised-- or would have removed the population requirement to make certain counties eligible. So LB1055, the bill before us today, only affects counties that are already eligible to convert to all vote-by-mail elections. And that is only the 66 counties with a population of 10,000 or fewer. Last year's bill was about getting rid of that population cap so that all 93 counties had equal access to that tool.

BLOOD: Which they already had?

WESTIN MILLER: No, counties over 10,000, right now, don't have the ability--

BLOOD: No, but--

WESTIN MILLER: --to apply.

BLOOD: But we're talking about the 66 counties with populations under 10,000.

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WESTIN MILLER: 66 already have it; yes, correct.

BLOOD: OK because we have-- I mean, we have seven election commissioners and 60-- I can't add-- 86 clerks.

WESTIN MILLER: Yep, you got it.

BLOOD: All right. I just find this very confusing and so I appreciate-- I'm sorry to put you in the hot seat--

WESTIN MILLER: No, it's fine.

BLOOD: --but I just-- it's hard for me to wrap my brain around a really simple bill--

WESTIN MILLER: Um-hum.

BLOOD: --that was a good bill last year--

WESTIN MILLER: Sure.

BLOOD: --that has this quite large fiscal note and opposition.

WESTIN MILLER: Um-hum.

BLOOD: And then we're basically trying to do the same things-- really, just codifying-- no fiscal note, no opposition so I find that confusing.

WESTIN MILLER: No, I, I appreciate the questions. And I-- obviously, I supported both of them and I think that--

BLOOD: No and I know I put you in an uncomfortable position and you have to be very friendly to everybody--

WESTIN MILLER: No, that's fine.

BLOOD: --and I get that so--

WESTIN MILLER: I do think that--

BLOOD: I do appreciate the clarification because there's no other way I could have asked that question.

WESTIN MILLER: No, my pleasure. I'm happy to and I think that's one of the values of LB1055 is that regardless of how you feel about the

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expansion of vote by mail, this cleans up the current practice. So it's a, it's a good move either way.

BLOOD: Thank you.

WESTIN MILLER: Sure, thank you.

LA GRONE: Thank you, Senator Blood. Any additional questions? Senator Kolowski.

KOLOWSKI: Just a very small question; let's say this passes--

WESTIN MILLER: Um-hum.

KOLOWSKI: --and you want to commit voter fraud--

WESTIN MILLER: Sure.

KOLOWSKI: How would you go about doing it?

WESTIN MILLER: Oh, my gosh. How would I commit voter fraud? [LAUGHTER] I'd have to be really smart and have a pretty well-established criminal network.

KOLOWSKI: [LAUGHTER]

WESTIN MILLER: In order to pull off voter fraud with a vote-by-mail ballot, you would have to find someone who-- let's see, you'd have to seal up it in an envelope, you'd have to forge a signature, hope that trained staff didn't notice that, seal the envelope shut, mail it back in the right timeline, and hope to God that person doesn't actually try to vote on their own. And if any of the other things go wrong, you would go to jail. It would-- it's-- it has never happened in Nebraska. It would be remarkably difficult to perpetrate. Statistically speaking, you're more likely to be struck by lightning twice in your life than successfully commit voter fraud. It's a, it's a hard thing to pull off.

KOLOWSKI: I understand, but it happens. I'm just kind of curious if we have all our bases covered.

WESTIN MILLER: Yeah, I-- this-- the stories of fraud that are proven and relevant are usually about campaigns that are paying people to, you know-- I know there was some terrifying stories in North Carolina about people that were collecting ballots en masse and then dumping

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them in the garbage. Like, that's a huge problem. That's why we have laws in Nebraska that you can only collect ballots for two people, total, in an election. So there are a lot of moving pieces, but I think Nebraska statute is remarkably well equipped to handle all of those possibilities right now.

KOLOWSKI: Thank you.

WESTIN MILLER: Yeah, thank you.

LA GRONE: Thank you, Senator Kolowski. Any additional questions? Seeing none, thanks for coming down.

WESTIN MILLER: Thank you.

LA GRONE: Any additional proponents? Welcome back to the Government Committee.

JON CANNON: Thank you. Chairman La Grone, distinguished members of the Government, Military and Veterans Affairs Committee, my name is Jon Cannon, J-o-n C-a-n-n-o-n. I'm the deputy director of the Nebraska Association of County Officials, otherwise known as NACO, here to testify in support of LB1055. First, we would like to thank Senator Brewer for bringing this, this bill. We think it's a necessary clarification. We think that it's good government and solid practice and frankly, it codifies the best practices that are already going on in the counties. Just from a personal note, I've, I've been at NACO for a year and a half. Anytime I see that the counties "shall" do something, I think, aha, this must be something that, that people are going to take notice of. And we asked our election commissioners, they all said, well, yeah, we're pretty much already doing this anyway. So it was a good learning experience for me. And with that, I'd be happy to take any questions.

LA GRONE: Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down.

JON CANNON: Thank you.

LA GRONE: Any additional proponents? Welcome back to the Government Committee.

EDISON McDONALD: Hi. Hello, my name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I represent the Arc of Nebraska. We represent individuals with intellectual and developmental disabilities across

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the state of Nebraska. We come today in support of this bill and we're very thankful to Senator Brewer for bringing this forward. I think as we've had conversations around some of these opportunities, this has been one piece that we haven't quite gotten right. And so I'm excited to see us moving forward and ensuring that there is an in-person option. Just kind of giving a little bit of history; previously, we have supported any tools that we can use to go and ensure the increased accessibility of our elections. Last year in particular, we went and brought LB733 that then got amended into LB411, dealing with election accessibility and increasing some of those pieces, reflecting data that we collected on Nebraska polling locations. And what we found out of that data was a tremendous amount of polling locations that have significant barriers, ADA violations, and have the Help America Vote Act violations that prevent people from being able to vote. So as we're shifting towards opening up vote-by-mail opportunities, making sure to always have an in-person option is important. We've talked about several options in the past, including voting by email, but ultimately, that's going to be probably a ways down the line before we talk about that. But ensuring that we have some sort of in-person option where we can go and have an individual drop off a ballot or vote in person or get help in person during that time is important. With that, any questions?

LA GRONE: Thank you for your testimony. Are there any questions? Seeing none, thanks for coming down. Any additional proponents? Seeing none, any opposition testimony? Seeing none, any neutral testimony? Seeing none, we do have a few letters. We have three proponent letters from Nebraska Appleseed, AARP Nebraska, ACLU of Nebraska and four opponent letters from Ron and Lynette Nash, Don and Judith Williamson, Mark Bonkiewicz, and Kathy Wilmot. With that, we will close our hearing on LB1055 and our hearings for the day.