

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 27, 2025

SANDERS: Welcome to the Government, Military, Veterans Affairs Committee. I'm Senator Rita Sanders, from Bellevue, representing the 45th Legislative District, and I serve as the chair of this committee. The committee will take up bills in order posted. The public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out the green sheet--testifier sheet that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward, give the testifier sheet to the page or the committee clerk. If you do not wish to testify but you would like to indicate your position on a bill, there are also yellow sheets in the back of the room. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone. Tell us your name, and spell your first and last name to ensure we get the accurate record. We will begin each bill hearing today with introducer's opening statement, followed by proponents of the bill, then opponents, and finally, by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer, if they wish to give one. We will be using a 3-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining, and the red light indicates your time has ended. Questions from the committee may follow. Also, committee members may come and go during the hearing process. This has nothing to do with the importance of the bills being heard. It's just part of the process, as senators have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or copies of your testimony, please bring up at least 12 copies and give them to the page. If you do not have enough copies, the page will make sufficient copies for you. Please silence or turn off your cell phones. You may see committee members using their electronics devices to access more information. Verbal outbursts or applaud-- applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Finally, committee procedures of all committees state that written comments on a bill being included in the record must be submitted by 8 a.m., the day of the hearing. The only acceptable method of submission is via the legislative website at nebraskalegislature.gov. Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. I will now have the committee members with us today introduce themselves, starting at my right.

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GUERECA: Good afternoon, everyone. Dunixi Guereca, I represent LD 7, that's downtown and south Omaha.

ANDERSEN: Good afternoon. I'm Bob Andersen. I'm from District 49, northwest Sarpy County and Omaha.

LONOWSKI: Hello. Dan Lonowski, District 33. That's Adams County, Kearney County, and rural Phelps County.

WORDEKEMPER: Welcome. Dave Wordekemper, District 15, Dodge County, western Douglas County.

SANDERS: Also assisting the committee today to my right is our legal counsel, Dick Clark, and to my far left, left is committee clerk, Julie Condon. We have 2 pages at the committee hearing today. Pages, if you could please stand and introduce yourselves.

RUBY KINZIE: Hello. I'm Ruby Kinzie. I'm a third-year political science major at UNL.

ARNAV RISHI: Hey. My name is Arnav. I'm also a junior political science and biology student at UNL.

SANDERS: Thank you. We will now begin with today's hearing, with LB244. And I'll pass the gavel.

ANDERSEN: Chairwoman Sanders, welcome to-- back to your committee. The floor is yours.

SANDERS: Thank you, Vice Chair Andersen, members of the committee. My name is Rita Sanders, R-i-t-a S-a-n-d-e-r-s. I'm here to introduce LB244. I introduced this bill as a second of a 2-shell bill in the government committee. We do not have any plans for it and-- at this time, and plan to keep it in committee for now. Thank you very much. Do you have any questions?

ANDERSEN: Thank you, Senator Sanders. Any questions for the good Senator? Seeing none, I assume you're going to stay for close?

SANDERS: Yeah.

ANDERSEN: Thank you, Senator. Are there-- anybody here to testify as proponents? Opponents? Other than Senator Hardin, any opponents? Those in the neutral capacity? Seeing none, Senator Sanders waives close. There-- online, there were 3 proponents, zero opponents, and zero in the neutral capacity. And that ends the hearing on LB244.

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SANDERS: We'll now open for-- on the hearing on LB629, Senator Hardin.

HARDIN: Thank you, Chairwoman Sanders. And good afternoon, fellow senators of the Government, Military and Veteran-- Veterans Affairs Committee. I'm Senator Brian Hardin. For the record, that's B-r-i-a-n H-a-r-d-i-n, and I represent the Banner, Kimball, and Scotts Bluff Counties of the 48th Legislative District in western Nebraska. I'm here to introduce LB629, the County Initiative and Referendum Act. We started this project a little late with the Revisor's Office, so the introduced version of LB629 was really just a placeholder. I requested a late hearing in this committee so that we would have time to really flesh out this idea in an amendment. Last week, I filed AM415 to the bill, and I've asked the pages to distribute that amendment to the committee. Before I dive into the details of the amendment, I wanted to explain a little history on this idea. First off, let's define what we're talking about. An initiative is voter-initiated legislation. That might take the form of a new or amended statute, or at the state level, it might take the form of a constitutional amendment. A referendum is a sort of voters veto on an action taken by the Legislature. Nebraska was a pioneer on the topic of initiative and referendum. In 1897, we became the first state to pass a bill allowing initiative and referendum at the municipal level. That change was not easily accomplished. Representative A.E. Sheldon of Dawes County called it one of the hardest fought battles of the session. Representative J.M. Snyder said that the chief motivation for enacting municipal I&R stemmed from the abuses of city rule under the government of city councils. William Jennings Bryan wrote in a 1909 letter, I know of nothing that will do more than initiative and referendum to restore government to the hands of the people and keep it within their control. Three years later, in 1912, Nebraska voters approved changes to our State Constitution to create an I&R process at the state level. It was a ballot initiative that made the Nebraska Legislature a Unicameral Legislature. It was a ballot initiative that ended the state property tax in 1966. So for more than 100 years, we've had legislative power in municipal governments and also in municipal voters. We've had legislative power in state government and also in state voters. But what about counties? Well, for most of Nebraska's existence as a state, counties were not places where legislate-- lating happened. That changed with the passage of Senator Scott Price's LB532, in 2009. That bill was passed into law and expressly conferred on counties the power to regulate certain things by ordinance. That law change gave counties the power to legislate. But we have not yet acted to give county voters a check on that power. That's the idea behind LB629. Any place in our government where

elected officials have a legislative power, the people ought to have that power, too. That takes us to AM415. As I mentioned, the introduced version of LB629 was a placeholder. This amendment fleshes out the idea in greater detail. My office's instruction to the Revisor was pretty simple. Let's not reinvent the wheel. Let's draft a county I&R act based on the municipal act. That's what they did. Staff met with the Revisor's Office and reviewed the municipal act section by section to adapt it for use at the county level. I understand that this proposal is a big idea. I understand that big ideas take work. They usually do not come together in final form on first attempt, but we have to start somewhere. I believe that county voters should have the ability to put questions on the ballot, just like state voters and municipal voters can. There is an expense associated with conducting special elections, and I'm sure that the committee is going to hear about that expense from some of the testifiers today. That expense issue was raised by legislators who objected to municipal I&R, and it was raised by legislators who objected to the state I&R. I expect no less here. I would submit to this committee that that expense is worth it if it gives Nebraskans an effective voice in the affairs of their county governments. With that said, I am open to the idea of these issues being presented to voters at the regular primary and general election ballots in years where that's an option, and to save taxpayer resources. AM415 is meant to advance this conversation, but I recognized it's not the end of the conversation, and I look forward to working with the committee on this idea. I'm happy to answer really easy questions.

SANDERS: Thank you, Senator Hardin, for introducing LB415-- AM415. Thank you. Questions? Senator Lonowski.

LONOWSKI: Thank you, Chair Sanders. Thank you, Senator Hardin, for bringing this, because I live out in the county. So I got a couple of questions. Does this change the role of county commissioners at all?

HARDIN: It doesn't change the role of the county commissioners, but it's essentially about giving the voters in that county a voice, in the same way that we have it at the smaller level at municipal, and at the higher level at the state.

LONOWSKI: OK. So within the county, then I assume if they come up with something for a ballot, I assume the city people within that county are still part of that, of that election. Correct?

HARDIN: They would be. They would be.

LONOWSKI: Yeah.

HARDIN: Give you maybe an, an example or two, as I've chatted through this with some folks out in my neck of the woods. There's a wonderful website called Nebraska Deeds Online. I think it's a dot-- it might be a dot com. Anyway, about two-thirds of our 93 counties participate in that. It's a fascinating place, as a public-facing sort of database, to allow you to query what's going on in a county-- things like designated wind projects, solar projects, what kinds of electrical things are going on? Out in Banner County, we've got-- someone's coming in saying they want to build a crypto thing. Well, we don't even have an ETJ out there in Banner County. The only thing that we have that looks municipal at all is the little village of Harrisburg. So they don't even have an extraterritorial jurisdiction that's 2 miles out, like Scottsbluff and Gering and other towns do. What happens in those county situations, like yourself. And can people from the county have a say in what goes on in their county, when it seems like things just kind of got handed to them? Do they have an opportunity at any point, to say, wait a minute, we would like to have some say in what happens in our jurisdiction, our district.

LONOWSKI: Thank you.

SANDERS: Senator Guereca.

GUERECA: Thank you, Madam Chair. Thank you, Senator, for bringing this. I'm a big supporter of the referendum process. It's certainly the-- anything that empowers the second house I am in favor of, but I do have a question. Counties, for the most part, are a-- kind of a regulatory agency when it comes to zoning. And then, we have their-- obviously, their budget and operations. Now this excludes anything that modifies zoning and prevents them from-- it doesn't allow getting involved in contractual obligations. So what, what do you envision, like, a situation where this would be used?

HARDIN: I would enjoy-- en-- envision picking everyone's pocket here, to try and put together the best possible ideas to determine this. I think really, what we're talking about is what happens-- is there any recourse for someone who lives outside of town to talk about things. Give you an example. Out in the-- our neck of the woods, in these smaller counties, in Banner County, we have 674 people-- many, many more cattle than people. And what, what happens there if decisions get made better than passing them? A lot of times, there's not even-- there-- there's not a zoning board--

GUERECA: Sure.

HARDIN: --out there. And so, like many rural counties, we kind of make it up as we go along. And so-- and I'll tell you that for most of them, their thought is we don't want zoning of any kind because that's going to lock us into something. But we're, we're now finding ourselves in a situation in, in our neck of the woods, as a for instance. We're not, not very far away from Cheyenne, a community of 60-some thousand. They're, they're putting in a significantly large amount of electrical usage. Google's coming in, Microsoft is coming in, and they're wanting to use lots and lots of electricity, as a for instance. And so, there's a whole lot of proposed solar, proposed wind, proposed gas turbine. So we've got folks who are saying, wait a minute. When you put in those big turbines, those foundations go 60 feet down. Well, there's pockets out there, where the, the aquifer isn't 60 feet down. There's places where it's much, much, much, much deeper. But they don't like the notion of let's go put concrete inside the water. It doesn't work for us. And yet, they feel like these decisions are made and there's no recourse at the county level, to be able to kind of raise a red flag and say, hang on a second, because there's no zoning--

GUERECA: Sure.

HARDIN: --so trying to give them a voice in these kinds of situations.

GUERECA: OK. Thank you.

SANDERS: Any other questions? Senator Wordekemper.

WORDEKEMPER: I think this is easy, maybe, to answer or just something to think about.

HARDIN: Great.

WORDEKEMPER: Around my town-- and, and I've heard this from citizens that live outside of the city limits. But yet, the extents of the building zoning goes 2 miles outside of the city limits. They don't have a voice on the city council that makes those decisions. So would this allow somebody from the county to be part of the city council that's making the rules, that's governing these people in the county? Do you understand? They--

HARDIN: Yes.

WORDEKEMPER: --have no representative.

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HARDIN: Wow. Yes. And we, we had a dispute regarding, it's that ETJ area, which usually goes out from most counties-- or I'm sorry, towns of the second class, for example, usually 2 miles.

WORDEKEMPER: Yeah.

HARDIN: And so, what happens in the ETJ? I'll be honest, I haven't thought about it within the context of this yet. But I think that is something that we do need to think about, because we had a significant dispute that arised-- that arose in Kimball County, related to that, in the last 12 months.

WORDEKEMPER: Yeah. And, and I guess that may be something to think about, because when it was brought to my attention, I said, well, you're right. I mean, they fall under the city zoning, but yet they have no representation on what happens at those meetings, basically. So--

HARDIN: Right.

WORDEKEMPER: Thank you.

HARDIN: I'm, I'm glad to talk with some stakeholders about is that a good thing to include? Is that yet something else that we need to address in, in a different bill? I'm not, I'm not sure, but we would definitely be glad to take a look at it for this.

WORDEKEMPER: Thank you.

SANDERS: Any other questions for Senator Hardin? See none. You'll be here for closing?

GUERECA: Sure.

SANDERS: Thank you. We'll take the first proponent for LB-- AM415. Good afternoon. Welcome.

DOUG KAGAN: Good afternoon. Doug Kagan, D-o-u-g K-a-g-a-n, Omaha, representing Nebraska Taxpayers for Freedom. We advocate offering Nebraska citizens the same petition privileges offered residents of several other states, the right to petition in Nebraska counties. California, Nevada, Washington, Oregon, and Colorado currently offer their residents this right. Nebraskans can use the initiative and referendum process at the state but not county level. Yet counties perform many of the same functions as the state, for instance, collecting taxes, providing services, keeping public records, issuing

licenses, and acting as agents of the state. Petitioning is a powerful tool for citizens to voice their concerns, seek change, and hold their public servants accountable. It is one of our greatest opportunities to engage in direct democracy: the ability to apply a check on the activities of government. Citizen ballot issues are an effective tool for citizens to tackle issues that local government fails to address or addresses in a way in which citizens disagree. Petitioning provides an opportunity for ordinary folks to make their voices heard on legislative matters. Most importantly, petitions get people involved to directly influence laws and policies to counter voter apathy and cynicism. Petitions offer citizens stronger control over political decisions and to counter elected officials who are not representing the best interests of their county constituents: the officials who are unresponsive. Also, petitioning determines policy directions on specific issues. Elsewhere in the country, the right to recall local elected officials is universal, applying to any elected official of a political subdivision or elected member of the governing bodies of cities, villages, counties, irrigation districts, natural resource districts, et cetera. Under Nebraska law, many cities, another local subdivision, have a recall process and ability for charter cities to amend their charters versus-- via an initiative and referendum. Sadly, in the U.S., currently, we see state legislatures moving in the wrong direction, to make it more difficult to use the petition process. In Nebraska, we have seen the number of required petition signatures increase, the paperwork burden increased. LB629 would gravitate Nebraska in the right direction, opening up our petition process at another government level. Thank you.

SANDERS: Thank you, Mr. Kagan, for your testimony. Let's see if there are any questions from the committee members. See none. Thank you for driving down from Omaha.

DOUG KAGAN: Thank you.

SANDERS: Any other proponents on LB629? Good afternoon. Welcome.

ALAN SEYBERT: Good afternoon. Alan Seybert, A-l-a-n S-e-y-b-e-r-t. I live in Omaha. George Washington said the power under the Constitution will always be in the people. Several amendments to the Constitution of the United States, like the Fifteenth, ratified in 1890, Nineteenth, ratified in 1920, Twenty-Fourth, ratified in 1964, and the Twenty-Sixth, ratified in '71, address our right to vote. The First Amendment of our Constitution is about our rights of religious freedom: free speech, free press, peaceful assembly, and the right to petition. The power in the people and their rights and freedoms were

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not to be abridged, or, like our Second Amendment rights, were not to be infringed. And yet, that is what is happening in Douglas County. A few years ago, a resident of Douglas County could appear before the County Board of Commissioners, and for 5 minutes, talk about anything the resident thought the commissioners should be aware of. I took advantage of that opportunity several times. The County Board has now, without input from county residents, reduced the time to 3 minutes and limited topics to those on the agenda. An item has to have board approval in advance to be on the agenda. So now the board decides what the board talks about and on what the board votes. Please advance LB629 out of committee. We, the people should be able to exercise our right to petition at the county level. Thank you.

SANDERS: Thank you, Mr. Seybert, for your testimony. Let's check to see if there are any questions from the members. See none. Thank you for coming down today.

ALAN SEYBERT: Thanks.

SANDERS: Any other proponents on LB629? Any opponents on LB629? Any in the neutral on LB629? Welcome. Good afternoon.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chair Sanders, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l, I'm with the Nebraska Association of County Officials. I'm testifying neutral on LB629. NACO is neutral today because we see the positives and the negatives of this amendment. The positives, of course, would be giving the public another avenue to provide input on what's going on in their counties. We are-- Senator Hardin, you said someone would talk about cost. And yes, that would be me. So we'll-- I'll mention that as well as one of the downsides to that. We often say that county government is closest to the people and that's most responsive to its citizens. County residents elect their neighbors, their friends, the people that they see at the grocery store to represent them on the county board. All decisions made by county boards are in public meetings and they're open for public comments at every meeting. This bill takes that farther, and it would allow citizens to enact measures through initiatives or to repeal or amend existing measures through referendums. Senator Hardin talked about the history of initiatives and referendums and counties' limited authority to enact ordinances, so I won't talk about that here. I will go right to the cost issue. You should have received a letter through the portal from county election commissioners, clerks and registers of deeds that talks about the cost of a countywide special election. A special election is, of

course, different than a primary or general election. And you've talked about that on the floor with the bill about school bonds. For a special election in a county, the costs are somewhat expensive. In Douglas County, they estimate that it would be about \$2 per voter, so about \$700,000. In Lancaster County, about \$500,000. In Buffalo County, \$56,000. In Hall County, about \$60,000. Those are just the costs for a special election countywide. The signature verification would be in addition to that. This-- the amendment as it's drafted would require 15 or 20% signatures to be verified or to be-- in order to get the, the issue on the ballot. And that is a higher number than what is in the Election Act. In Lancaster County, they estimate a special election with a 20% threshold, it would take about four weeks to verify the signatures and cost \$26,000, on top of the half million dollar cost. Now, the suggestion that we were going to propose was the one that Senator Hardin suggested about limiting this perhaps to special-- or limiting it to primary or general elections, not special elections. It's much less expensive to put an issue on the ballot at a primary or general election than it is to do a whole special election. A couple of technical issues I'd like to point out. The definition of residence on page 1, lines 19 and 20, refers to the street and number of the residents, but it allows the mailing address to be used if there's no street and number. That's inconsistent with the definition in current law in 32-116, which refers to where an individual is domiciled. The domicile definition is an important distinction for election integrity, and what keeps nonresidents from using commercial addresses to participate in elections they otherwise would not be eligible for. I see I'm out of time. I would be happy to answer questions.

SANDERS: Your thought is not complete, is it? So go ahead and finish your--

BETH BAZYN FERRELL: OK. Thank you. I appreciate that.

SANDERS: --thought. Thank you.

BETH BAZYN FERRELL: The other technical issue, we would suggest looking at wording. If a county board doesn't pass, repeal or amend a measure, the language says: the county clerk or election commissioner would cause the measure to be placed on the ballot. Under the election act, the clerk or election commissioner only places issues on the ballot when they're directed to do so. This would take their role from administering elections to decision-making about what goes on the ballot in an election. And that's a small but significant difference in the wording there. We do recognize that this wording was taken from

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the municipal act. And so it may be appropriate to go back and revisit that in the municipal act as well so. Thanks for the extra time. I'd be happy to take questions.

SANDERS: Thank you very much for your testimony. See if there are any questions from the committee. Senator Lonowski.

LONOWSKI: Thank you, Chair Sanders, and thank you for being here. Those seem like pretty easy fixes, aren't they? As far as just like amendments to-- or amend the language a little bit. Would you be willing to work with Senator Hardin to--

BETH BAZYN FERRELL: Mm-hmm. Absolutely.

LONOWSKI: --make those fixes? All right. Thank you.

BETH BAZYN FERRELL: Mm-hmm.

SANDERS: Thank you. Any other questions for the committee? Seeing none, have a great afternoon.

BETH BAZYN FERRELL: Thank you.

SANDERS: Thanks for your drive in.

BETH BAZYN FERRELL: Thanks.

SANDERS: Thank you. Any other in the neutral? Good afternoon. Welcome.

BILL HAWKINS: Good afternoon, Senator Sanders and members of the Government Committee. My name is Bill Hawkins, B-i-l-l H-a-w-k-i-n-s. I'm a lifelong Nebraskan and organic farmer, property owner, and become a watchful, educated citizen. And so this, I want to thank Senator Hardin and the staff, Mr. Clark, and everybody to work on this bill. I filed numerous petitions, worked on petitions for over a decade, and this was an idea that has turned into a bill. And that's how the process is, is supposed to work, that the people are part of this process. And so, this bill is just a commonsense bill to catch us up with we have a right to petition to recall a county official, but if they choose to pass or give a permit for something that we cannot address it. And so it's common sense. I appreciate the lady who just spoke, because it wouldn't have to be a special election. Because I look at the cost, but that cost that the county has is the people's money, and that is something that our Constitution gave is the power of the people to grant you and county officials, city officials, the ability to do your job. And so, I take this citizen thing very

important. And I mean, it's just part of it. It takes a lot of work, and not every citizen from Senator Harding's [SIC] district can come all the way by horse and wagon to get here to testify. They have to work to make a living. And so that --of the people. It was brought up, solar wind farms. The reason I did this is we had a county officials here in Lancaster who took-- approved a 2,000-acre solar panel farm in south Lancaster County, destroying people's livelihood, and hundreds of people testified at county meeting against it. Only the out-of-state corporate entities testified in favor, and yet the county board approved that. Come to find out, 3 of the county officials took campaign money from that energy company. So the citizen needs the right to challenge that. And, and so, here we are. And, and if it's a work in progress, good. You know, but it's a right we have on the state level, city level, it makes just common sense why aren't we doing it on the county level. And so any county official that isn't-- is not in favor of the citizen having that check on them, well, then too bad. So I want to thank you very much for your time, Senator Hardin, and everybody for your hard work in this great state. So thank you very much. I'll take any questions.

SANDERS: Thank you, Mr. Hawkins. Yep. Let's check to see if there are any questions from the committee. See none.

BILL HAWKINS: Thank you.

SANDERS: Thanks for coming out today.

BILL HAWKINS: I'm gonna go enjoy the good life outside in Nebraska. Thank you.

SANDERS: Thank you. Are there any other testifiers in the neutral? See none. Senator Hardin, would you like to close? Also, position comments for the hearing record: proponents, zero; opponents, 4; and 1 in the neutral.

HARDIN: If I, if I listen carefully, I can hear the faint sound of William Jennings Bryan in the background as I'm, as I'm closing. Thanks for listening today. I, I do think that the cost, believe it or not, could serve as a fascinating filter for the riff-raff ideas. We don't want to make it too easy for anyone to come along and say, hey, let's just protest and contest everything that happens at, you know, the county commissioner level. But, you know, to Mr. Hawkins' point as well, that's something that I've heard from a lot of really, the smaller counties. It gives me some relief to know that Lancaster County is struggling with it as well. But we definitely hear it in the

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western part of the state, because we, we feel a little pushed over sometimes by very big entities that come in. And so-- but happy to entertain any other questions. I'm glad to work in an, an amendment fashion with NACO and whomever else would like to bring ideas to this.

SANDERS: Thank you, Senator Hardin. Are there any questions for Senator Hardin? You got off easy. Go joy-- enjoy the outdoors. This ends the hearing on LB6-- LB629 and AM415. This also concludes our hearing for today.