

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee April 24, 2025

**ANDERSEN:** Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Andersen from Omaha representing the 49th Legislative District and I serve as the vice chair of this committee. The chair is unable to be here with us at this time. This committee will take up the bills in the order-- and appointments in the order posted. The public hearing is your opportunity to be part of the legislative process and express your position on proposed legislation or appointment before us. If you plan to testify today, please fill out one of the green testifier sheets on the table in the back of the room. Please be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give your testifier sheet to the page or the committee clerk. If you do not wish to testify but you want to indicate your position on a bill, there are also yellow sign-in sheets in the back of the table for each bill. 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 an accurate record. We will begin each bill hearing today with the introducer's opening for the one bill-- opening statement followed by the proponents of the bill, then opponents, and finally anyone speaking in a neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We'll 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 light turns yellow, you have 1 minute remaining. And when red, that means your time has ended. Questions from the committee may follow. Also, committee members may come and go during the hearing, this has nothing to do with the importance of the appointment or the bills being heard, it is simply part of the process as senators may 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 electronic devices to access more information. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Finally, the committee procedures for all committees state that written position comments on the bill to be 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 Legislature's website. Written position letters will also be included in the official hearing record, but only those testifying in person before the committee will

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be included on the committee statement. I will now have the committee members introduce themselves starting to my right.

**GUERECA:** Good afternoon, everyone. Senator Dunixi Guereca, representing District 7, downtown and south Omaha.

**J. CAVANAUGH:** Good afternoon. John Cavanaugh, District 9, midtown Omaha.

**LONOWSKI:** Hello, I'm Dan Lonowski, District 33, which is Adams County, Kearney County, and rural Phelps County.

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

**McKEON:** Dan McKeon, District 41, central Nebraska, 8 counties.

**ANDERSEN:** Also assisting the community today to my left is our legal counsel Benson Wallace, and to my far left is the committee clerk Julie Condon. We have one page for today's committee hearing. I would ask the page to please introduce themselves and where they're from, hometown, studying.

**JACOB JANSSEN:** Jacob Janssen from Holdrege, Nebraska. I'm studying business and law at UNL.

**ANDERSEN:** Thank you. And with that, we will begin today's hearing with the gubernatorial appointment of Debra Kelly. Ms. Kelly, welcome to the Government, Military and Veterans Affairs Committee.

**DEB KELLY:** Thank you. Thank you for the opportunity. Good afternoon, my name is Deb Kelly. I live in O'Neill, Nebraska, out in Holt County. I'm a lifelong Nebraska resident, a former registered nurse and nursing home administrator. About 20 years ago, I decided to join my husband, Mike, in partnering in our family company consisting of farming and custom farming. We grow market cattle. We operate a cow-calf operation and a trucking business. And across all of our entities, we have about 30 people employed full-time. I really appreciate the human resources and finance experience I've gained over those years. I've had the privilege of chairing or cochairing a number of successful community benefits and fundraisers over the years, whether it's a local family in crisis, our Meals on Wheels program, St. Mary's School red carpet gala, our St. Patrick's Parish Capital Campaign, our hospital campaign. I've volunteered for the last 10 years or more for the Team Jack Foundation. I serve on our local hospital board of directors as well as Catholic charities in Omaha. So

all those experiences have given me a lot of practice in developing new relationships, how to work as part of a team, and how to employ creativity to overcome hurdles. While I've enjoyed, I continue to want to serve my local community, I would welcome the opportunity to serve as a-- on the Tourism Board for the 12 counties of District 6. I would consider it a privilege to support the great state of Nebraska's third-largest revenue source in tourism. Hospitality is something that has always been important to me. I think it's a gift to be able to be welcoming to people. I think life is tough for families. I mean, just because they're busy, they're-- especially in places like Nebraska, people are involved in lots of things, everything. And so I think to be able to steal a few hours or a day or an afternoon of a weekend just to reconnect something close to home, something that's fun. It's a way to help people refill their buckets. And refilling our buckets is just good for, good for our mental health to get out, reconnect, get off the couch. So the nurse in me, the business owner in me, and the Nebraskan in me really values that. It's kind of the short snippet about me and what I think I can bring to the table. Do you have any questions for me?

**ANDERSEN:** Senator Lonowski.

**LONOWSKI:** Thank you, Ms. Kelly, for coming and, and testifying. You're on a lot of committees here. You've got a lot of different experiences. That's kind of neat. What-- how do you see yourself bringing something new or something different to the tourism in your part of the state?

**DEB KELLY:** Yeah, that's a, that's a good question. You know, I, I always-- it's not so much about, I think, the ability to, you know, build a great website or, or, or social media as much as it is to make sure that the psychology behind that makes people want to take the next move, to click on the next button, or to make the reservation for their family. That call to action. And I think with, you know, having to raise funds through Team Jack, I mean, or, or our, our school or our hospital, we're always trying to appeal to that person to get out their wallets or give some of their time, right? So I, I think being part of all those experiences, I think I've been able to help people find a way to touch people's hearts because people will give, number one, for relationships because they have a relationship or you've convinced them that whatever the need is could somehow apply to them directly or indirectly. And so if you-- you don't need me to, to build you a new website or something like that, got a lot of young people who are really good at that. But to be able to have people log on and really feel, in a sense, touched or have an emotional connection, that

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motivates me. And there are some great stories to be told in Nebraska. And the ability to tell those stories, I think, is important, and it's a gift. And I'm really proud and I hope that that, I hope that that comes through when people meet me about how I feel about Nebraska. I don't know if I answered your question, but--

**LONOWSKI:** Yeah, thank you very much.

**DEB KELLY:** --that's what I'm hoping to be a part of.

**ANDERSEN:** Thank you, Ms. Kelly. Yes, Senator Guereca.

**DEB KELLY:** Yes, sir.

**GUERECA:** Ms. Kelly, thank you for making the drive down. Thank you for willing to serve our great state. Now if I wanted to take a trip to the 6th District, what would you recommend?

**DEB KELLY:** Oh, gosh, well, it all kind of depends on what you want to, what you want to do. I mean, the nash-- our Ashfall fossils is-- I take my grandkids there every single year. Now, if I'm, if I'm going to entertain my more elderly aunts, well, then we're going to go to Atkinson to the new ice cream shop and Marilyn's store, which is a year-round Christmas store and people come from Denver to, to buy their things. You know, if I want to take someone who really likes the outdoors and maybe they want to go up to Niobrara State Park. You know, we can also go down south to our vineyards down there too. So there-- we have opportunities. We'll make sure you have fun.

**GUERECA:** I'll have to check some of those out. Thank you so much.

**ANDERSEN:** Any other questions? Ms. Kelly, thank you very much for your time.

**DEB KELLY:** I appreciate your time.

**ANDERSEN:** Are there any proponents for the appointment? Seeing none, any opponents? Any in the neutral capacity? OK. There were no, no letters and no comments for the record. And this concludes our appointment section of the hearing. We'll move onto LB243. Mr. Wallace will be introducing AM1038. Mr. Wallace, welcome to the Government, Military and Veterans Affairs Committee.

**BENSON WALLACE:** Thank you, Vice Chair Andersen and members of the committee. My name is Benson Wallace. It's B-e-n-s-o-n W-a-l-l-a-c-e, and I'm introducing this amendment today on behalf of Chairwoman Rita

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Sanders. LB243 was introduced by Senator Sanders as a shell bill. The amendment before you today, AM1038, proposes making use of that shell bill to provide two basic changes to the Open Meetings Act. As you are aware, public bodies in Nebraska must comply with the Open Meetings Act to ensure transparency and accountability to the public. An important part of the act is the requirement for public notice when a public body is going to hold a meeting. The two substantive changes in AM1038 address some omissions and an artful wording in the Open Meeting Act that resulted from the passage of LB287 last session. First, that bill inadvertently sunsetted language relating to the required publication methods and content requirements for public notices, like the meeting's agenda. This amendment replaces the missing language verbatim. Essentially, it would recodify our existing practices there. Second, this amendment addresses a scenario where a public body has submitted the required public notice to a newspaper, but where the newspaper just does not get its edition published in a timely manner. The law currently provides for this by allowing posting of the notice in conspicuous public places and by requiring that these notices be posted to a statewide website run by a press association. Unfortunately, the law, as currently written, says that it is the public body who should post this to that website. And, of course, government entities do not have access to the Nebraska Press Association website. AM1038 clarifies that it is the public body's responsibility to request that the posting-- not to request that there be a posting, not to directly change the contents of this privately operated website. Also earlier you received AM1145, that is everything that AM1038 does, with the addition of the availability language in reference to the statewide website. The idea being there could certainly be a time where this website is hacked or taken offline and there is no way to access it in order to publish in the required, in the required time. These fixes do not seem very exciting, but they are important if we want all of Nebraska's public bodies to be able to carry on the business that this Legislature has assigned them. Failure to comply with the Open Meetings Act can invalidate the actions taken by a public body, so making this law workable is absolutely essential for the conduct of government operations at all levels in Nebraska. The intention would be to include this language in the Government Committee's second committee priority package so that it can be taken up by the Legislature this session. I believe that representatives from NACO, the League of Nebraska Municipalities, and the school boards will follow me to speak to this amendment. Thank you.

**ANDERSEN:** Thank you, Mr. Wallace. Are you available for questions?

**BENSON WALLACE:** If they are any.

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**ANDERSEN:** Do we have any questions on AM1038 or AM1145?

**J. CAVANAUGH:** Don't usually ask the staff questions.

**ANDERSEN:** Yeah. Thank you, Mr. Wallace. Are there any proponents for either AM1038 or AM1145? Welcome to, welcome to the-- back to the committee.

**LYNN REX:** Thank you, Senator Andersen, members of the committee. My name is Lynn Rex, L-y-n-n, R-e-x, representing the League of Nebraska Municipalities. And I'd like you to look at AM1145 to LB243, and really appreciate the fact that committee counsel and the clerk and also the page handed this out, and so I just want to review with you pages 7 to 11 very quickly within the time that I have. And so, essentially, these are amendments to, to Section 84-1411. And, basically, clarifying amendments, some of them need to happen for sure. And we hope that you can advance this and put this in your second committee priority bill. So looking on page 7, starting on line 19, you'll see there's a lot of language being deleted. And, again, this is a handout that you have that has highlights on it. So page 7, you'll note that this was until January 1, 2025, so this language is antiquated. That's true all the way through page 8. But I do want to point out on page 8, lines 18 all the way through where you have (c), (d), and (e), that's the language that's being replicated here on page 11. So, again, this language that is being stricken is antiquated. Going onto page 9, this is beginning January 1, 2025. And just to underscore what committee counsel has already outlined for you, on page 9, line 19 of AM1145, you'll note that what's underscored is if available and, as noted, if available is being highlighted on page 9, lines 19 and 24, as well as on page 10, lines 6, 11, and also on line 26. And the reason for that, as stated, was that in case, we hope it never happens, but in case the statewide website would go down for some reason that a public body would still be able to give notice. So we're saying if available. And that's true in being replicated too. You'll note that they're supposed to put it on their own website if available, so we hope that doesn't happen. Unfortunately, we've had a few cities that have had their websites hacked and everything shuts down, so we just want to make sure that a public body and a public meeting could go ahead and proceed. With that, I would also like to point out a couple things which I think are important. So on page 10, and, again, as noted by committee counsel, this incorporates everything that AM1038 had. So if you look on page 10, looking on line 25 and also then lines 30, 31, this deals with the issue, as noted, that when you have a situation with a newspaper where there's a case of neglect, refusal, or inability to publish, this basically,

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basically says that the public body gives its-- submits to the newspaper who then will make sure that it gets on the website. That way by documenting that, that they have met their obligation to actually give notice as required under the Open Meetings Act. So we really appreciate the committee's work on this. We really appreciate the Nebraska Press Association for their understanding and their collaboration, as well as other stakeholders, so that there's no question that we can go ahead and provide adequate notice as required under Chapter 84, Article XIV. With that, I'm happy to answer any questions that you might have.

**ANDERSEN:** Thank you very much. Are there any questions? Thank you very much for your time.

**LYNN REX:** Thank you for your time. Thank you.

**ANDERSEN:** Are there any other proponents? Welcome to the Government, Military and Veterans Affairs Committee.

**ELAINE MENZEL:** Thank you, Vice Chair Andersen and members of the Government, Military and Veterans Affairs Committee. For the record, my name is Elaine Menzel, that's E-l-a-i-n-e M-e-n-z-e-l. I'm here on behalf of the Nebraska Association of County Officials in a supportive position of AM or LB243, AM1038 with the proposed amendment suggested by AM1145 and offered by the League of Municipalities. I won't get into the additional descriptions, but just concur with the analysis of both committee counsel and the League testifier. With that, if there's any questions. Well, I will also take this opportunity to thank the committee for reviewing this legislation at this time so we can, perhaps, try to correct and simplify some of the things that we have discovered with this legislation. Thank you.

**ANDERSEN:** Thank you very much for your time. Are there any questions? Seeing none, thank you very much for your time.

**ELAINE MENZEL:** Thank you very much.

**ANDERSEN:** Are there any other proponents? Welcome to the Military, Government and Veterans Affairs Committee [SIC].

**COLBY COASH:** Thank you, Vice Chair Andersen, members of the Government, Military and Veterans Affairs Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Nebraska Association of School Boards, and we are in support of this amendment. As was stated, it reinstates some language that probably shouldn't be stricken and will prevent a, a problem that, hopefully, we never see where a

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statewide website might be down but we still want to make sure that we're able to hold a public meeting. So we appreciate Senator Sanders and this committee working with us and the Press Association and look forward to supporting this as it gets, hopefully, onto the committee package and, and up to the floor and through the line at the governor's desk. I'll leave it at that.

**ANDERSEN:** Thank you, Mr. Coash. Are there any questions? Thank you very much for your time. Are there any other proponents? Seeing none, are there any opponents? Any of those in the neutral capacity? Seeing none, on the record, there was one proponent, zero opponents, and zero in the neutral capacity. That concludes our hearing on LB243. Thank you.