

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

## Testimony on Proposed Legislative Rule Changes 108<sup>th</sup> Legislature January 12, 2023

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Good afternoon Chairman Erdman and members of the committee. For the record my name is Brad B-R-A-D Meurrens M-E-U-R-R-E-N-S and I am the Public Policy Director at Disability Rights Nebraska. We are the designated Protection and Advocacy organization for people with disabilities in Nebraska. I am here in strong support of the proposed change to rule 5 to better accommodate people with disabilities who wish to provide input and testimony to the legislature.

People with disabilities in Nebraska comprise around 11% of our state's population<sup>1</sup> and there are Nebraskans with disabilities in every county<sup>2</sup>. That number is an undercount if we include people with functional needs that may not be considered disabling, but still significantly impacts their mobility or other activities of daily living. These are our family, friends, neighbors—our community; they have the right to be heard like anyone else. If the motto of the Unicameral, professing the importance of citizen watchfulness (participation) to the state's salvation, it is incumbent on the Unicameral to maximize a citizen's opportunity to provide that input.

Increasing testimony options, including remote testimony, will allow broader participation by those who are unable to get to the State Capitol to testify in person. Living with a disability is expensive and often people with disabilities live near or below the poverty line. Public transportation options continue to be extremely limited for people with disabilities both in the metro areas, and even more so in the rural areas. Expenses associated with private travel (assuming individuals have a vehicle and it is adequately equipped or able to make the multiple hour journey for 5 minutes of testimony) often make public hearings cost-prohibitive. COVID is still with us—Lancaster County continues to be in the elevated yellow range, which means COVID spread is moderate. People with disabilities are significantly more at-risk of contracting

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<sup>1</sup> Erickson, W., Lee, C., von Schrader, S. (2022). *Disability Statistics from the American Community Survey (ACS)*. Ithaca, NY: Cornell University Yang-Tan Institute (YTI). Retrieved from Cornell University Disability Statistics website: [www.disabilitystatistics.org](http://www.disabilitystatistics.org)

<sup>2</sup> Paul, S., Rafal, M., & Houtenville, A. (2020). *2019 State Report for Nebraska County-Level Data: Prevalence*. Durham, NH: University of New Hampshire, Institute on Disability. See <https://disabilitycompendium.org/>

and dying from COVID and other communicable diseases. Remote testimony would be a potential solution to many of these barriers for people with disabilities.

I also want to take this opportunity to thank Senators Brewer and Day (in particular) and others who allowed the hearing for LB 1104 last session to take live testimony over the phone. My impression was this alternative went smoothly and did not hold up the hearing. Thus, I firmly believe alternate testimony methods are possible, viable options. Other states are allowing for remote/virtual testimony and have developed policies and procedures that Nebraska should examine.

Disability Rights Nebraska supports the proposed rule change. We are willing to assist in any way we can.

## Some Recent State Activity for Remote or Virtual Testimony

**National Conference of State Legislatures, Sept. 26, 2022:** <https://www.ncsl.org/about-state-legislatures/covid-19-state-actions-related-to-legislative-operations>

**Colorado:** [CO H.B. 1413](#)

Status: **Enacted**

*Provides that the executive committee of the legislative council has specified powers and duties, including to consider, recommend, and establish policies allowing legislative committees to take remote testimony from government officials and employees as well as other members of the public, provides that funds appropriated to the legislative department for use by the General Assembly is decreased by specified amount.*

**Hawaii:** [Remote Testimony](#)

*The House and Senate standing committees will be accepting both written and remote testimony via Zoom.*

**Montana:** “Have Your Say Montana” [remote/virtual testimony](#)

- [2016 Draft Policies](#) and Sample for Remote Testimony

**Oregon:** [House Bill 2560](#)

*Passed by the Oregon Legislature in the 2021 session, took effect on Jan. 1; requiring governing bodies to make most public meetings remotely accessible when it’s “reasonably possible.”*

**Virginia:** [VA H 444](#)

Status: **Enacted**

*Amends existing provisions concerning electronic meetings of public bodies, including legislative bodies, by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing certain public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. The bill excepts specified entities from the provisions that allow public bodies to conduct all-virtual public meetings. ... Provides for definitions, procedural requirements, and limitations for all-virtual public meetings.*

**Washington**

[How to Testify in Committee](#) FAQ

*“For the 2023 session, House and Senate committees will meet using a format which allows for both in-person and remote participation. You have the opportunity to provide written testimony, state your position on a bill, or register to testify either in person or remotely by registering at Committee Sign In.*