

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Appropriations Committee February 17, 2026  
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**CLEMENTS:** Good afternoon. Welcome to the Appropriations Committee. My name is Rob Clements. I'm from Elmwood and represent Legislative District 2, which is Cass County and eastern Lancaster County. I serve as Chair of this committee. We'll start off by having the members do self-introductions, starting with my far right.

**PROKOP:** Good afternoon, everyone. Jason Prokop, Legislative District 27, which covers west Lincoln and Lancaster County.

**M. CAVANAUGH:** Machaela Cavanaugh, District 6, west central Omaha, Douglas County.

**ARMENDARIZ:** Christy Armendariz, District 18, northwest Omaha and Bennington.

**DORN:** I'm Myron Dorn, District 30, which is Gage County and part of Lancaster.

**STROMMEN:** Paul Strommen, District 47, nine counties, and the Panhandle.

**CLEMENTS:** Assisting the committee today is Cori Bierbaum, our committee clerk; to my left is our fiscal analyst Clint Verner; our pages-- page today is Joel Henson and Luke Perry. If you're planning on testifying, please fill out a green testifier sheet located at the entrances for each bill you wish to testify on and hand it to the page when you come up to testify. Online position comments must have been submitted on the Legislature's website by 8 a.m. the day of the hearing to be included in the record. If you have submitted a comment online, we ask that you not testify in person today. If you will not be testifying, but want to go on the record as having a position on a bill being heard today, there are yellow sign-in sheets at the entrance to my left. These sign-in sheets will become exhibits in the permanent record after today's hearing. Committee members may come and go during the hearing, this has nothing to do with the importance of what is being heard as senators may have bills to introduce in other committees. To better facilitate today's hearing, I ask that you abide by the following procedures. Please silence your cell phones. When hearing bills, the order of testimony will be introducer, proponents, opponents, neutral, and closing. When we hear testimony regarding agencies, we will first hear from a representative of the agency, then we will hear testimony from anyone who wishes to speak on the agency's budget. When you come up to testify, please say and spell your first

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and last name to ensure we get an accurate record. We request that you limit your testimony to 5 minutes or less. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have 1 minute remaining. When the red light comes on, it indicates you need to stop. Questions from the committee may follow. Verbal outbursts or applause are not permitted in the hearing room and may be cause for you to be asked to leave. Written material may be distributed to the committee members as exhibits only while testimony is being offered. Hand them to the page for distribution when you come up to testify. We cannot accept oversized exhibits, CDs, or electronic exhibits. If you have written testimony but do not have 12 copies, please let the pages know now so they can make copies for you. With that, we begin today's hearing with LB1248. Welcome, Senator Dover.

**DOVER:** Thank you, Chairman Clements, and good afternoon committee members. For the record, my name is Robert Dover, R-o-b-e-r-t D-o-v-e-r. I represent District 19, which consists of Madison County and the south half of Pierce County. LB1248 is a contingent A bill. I want to be very clear at the onset. This appropriation is sought if and only if federal funds awarded through the United States Environmental Protection Agency's Climate Pollution Reduction Grant may be used for the purposes outlined in this bill. If those federal funds are not available, no state funds may be awarded under this bill. Additionally, the amendment before you, before you clarifies that the grant shall not exceed 50% of the total project cost and that the city must provide a 50% match. This ensures a true partnership between federal, state, and local stakeholders and guarantees that the community has a substantial financial stake investment in the project success. LB1248 addresses very specific wastewater infrastructure constraints facing cities of the first class in Nebraska. As industries expand into smaller communities, they place greater strain on infrastructure systems shared with residential users. It is the intent of this bill to provide resources to communities experiencing documented industrial loading increases so they can support responsible expansion and economic growth while continuing to meet the citizens' wastewater treatment needs and remain in regulatory compliance. By addressing this infrastructure bottleneck, LB1248 enables facilities that produce calcium caseinate to expand production, which, in turn, supports additional dairy herd expansion, on-farm investment, and related agricultural activity. That growth has downstream impacts, increased demand for milk, additional trucking and logistics activity, higher employment at the processing facility, and secondary job growth in supporting industries and businesses

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throughout the region. This bill reflects a partnership approach, leveraging federal dollars, requiring a local match, and encouraging private capital investment to remove a documented infrastructure constraint that is currently limiting agriculture production and job growth in Nebraska. Members of the committee will hear testimony today from local officials and technical experts who can address wastewater capacity challenges, as well as broader economic implications for the dairy industry and workforce if those challenges are addressed. Thank you for your time and consideration. I'd be happy to answer any questions.

**CLEMENTS:** Are there questions? Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thank you, Senator Dover. I-- did I miss, you said there were no general funds in your bill?

**DOVER:** Correct.

**M. CAVANAUGH:** But the underlying bill has-- the, the fiscal note has general funds in it, \$38 million?

**DOVER:** That is-- that, that is from-- so during the, during the end of the Biden administration, there was-- the bill was put out and we, we were able to get a grant of \$307 million to the DED from EPA. And so of that \$307 million, I believe the first half of that has been paid out. We haven't received the second half. The first half was paid for precision agriculture in Nebraska. And so there's roughly about half of that-- those funds remaining. So that \$38 million will come if and only if we receive the grant from the federal government and if, and if that use would be approved.

**M. CAVANAUGH:** OK. All right.

**DOVER:** Sorry.

**M. CAVANAUGH:** No, that-- thank you.

**DOVER:** Yeah. Thank you.

**CLEMENTS:** Other questions? Seeing none, thank you.

**DOVER:** Thank you.

**CLEMENTS:** Will you stay to close?

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**DOVER:** Unless another one of my bills-- I have five hearings today, so.

**CLEMENTS:** All right.

**DOVER:** If I can-- I'll be here if I can. Thank you.

**CLEMENTS:** All right. Are there proponents for LB1248? Please come forward.

**SHANE CLAUSEN:** There you go.

**CLEMENTS:** Good afternoon.

**SHANE CLAUSEN:** Good afternoon, Chairman, members of the committee. My name is Shane Clausen, S-h-a-n-e C-l-a-u-s-e-n. I serve as the Mayor of Norfolk. I come before you here today as a representative of an entire region's economic survival. In Norfolk, we are a hub to 22 county trade area. We understand that Norfolk does not exist totally on an island, but when our city grows, it creates a rising tide for the farmer in Madison County, a small business owner in Pierce, the families in Battle Creek. Right now, that regional growth has hit a ceiling because our infrastructure can't keep pace with the 21st century industry. We are home to Actus Nutrition, a dairy plant, a lifeline for northeast Nebraska. Their expansion was promised to every local dairy farmer that there would be a reliable market for their milk. However, that plan is currently forced to run under its potential-- full potential because our municipal sewer system is at its limit. Growing up in rural Nebraska, we've all heard the scent coming off the farm is the smell of money. We believe that in Norfolk. But if we don't expand our capacity, that smell of money is going to back up. This is a regional bottleneck. Our dairy cow-- a dairy cow can generate up to 5,000 in local economic activity annually. When Norfolk, when Norfolk can expand its capacity to 40,000 additional cows, the benefit will ripple far beyond our city limits. If we create a value-added cycle, our neighboring farms save in transportation costs, our local cooperatives see increased grain demand, the property tax base stays right here funding rural schools and emergency services. If Norfolk cannot grow, the region stagnates. But if we expand, we provide a specialized health care. We're a retail hub in the high-tech processing jobs that keep young people from moving out of state. Through the, through the six regions of Norfolk, Nebraska initiative, we have shown we are ready to lead, but we cannot bridge this final infrastructural gap alone. By expanding Norfolk's capacity,

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we are securing the market for 1,000 of family farms and protecting the health, the health of the Elkhorn River. Governor Pillen challenged us to work, to work as one Nebraska. We have built the engine, we now need the state to help clear the path for the fuel. Let's invest in the infrastructure that allows northeast Nebraska to feed the world and keep the next generation here. Any questions for me at this time?

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you for being here.

**SHANE CLAUSEN:** Yes.

**ARMENDARIZ:** And I might have missed this in Senator-- in the senator's opening. So you have those large industries also--

**SHANE CLAUSEN:** Right.

**ARMENDARIZ:** --paying in to do the match, the state dollar match.

**SHANE CLAUSEN:** We haven't worked that-- we can consult here, but obviously we have not worked all those details out on how that would all work out, how we fund the match. But that would be our-- we would work that through probably some sort of within, within their rates that they're paying currently to us, but we'd have to work through that process. Correct. Yeah.

**ARMENDARIZ:** Yeah. We, we do get things like this where a large industry comes to a town and pretty much takes as much water as the whole town uses and I would ask how much are they contributing to this infrastructure build as well?

**SHANE CLAUSEN:** Correct. They're here today, so.

**ARMENDARIZ:** OK.

**SHANE CLAUSEN:** Yeah, what an opportunity.

**CLEMENTS:** Other questions? Senator Dorn.

**DORN:** Thank you, Senator Clements. And thank you for being here very much. Oh, they're here today to ask maybe?

**SHANE CLAUSEN:** Actually, you helped me out a little bit with that question, so.

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**DORN:** OK, maybe that might-- so you haven't-- you don't have notice yet that you've received a grant or anything like that?

**SHANE CLAUSEN:** No.

**DORN:** This bill has brought-- so more-- if, if that would happen, then it could, it could flow through the state and going to be--

**SHANE CLAUSEN:** Right.

**DORN:** OK.

**SHANE CLAUSEN:** That's why we're here today or that's why I'm here today.

**CLEMENTS:** Other questions? Seeing none, thank you for your testimony.

**SHANE CLAUSEN:** Thank you.

**CLEMENTS:** Next proponent for LB1248. Good afternoon.

**STEVEN RAMES:** Good afternoon, Chairman. Do I need to push anything up here?

**CLEMENTS:** No.

**STEVEN RAMES:** It's all on?

**CLEMENTS:** You may proceed.

**STEVEN RAMES:** Good afternoon, Chairman Clements and members of the Appropriations Committee. My name is Steven Rames, spelled S-t-e-v-e-n R-a-m-e-s. I'm the Public Works Director and City Engineer for the city of Norfolk, Nebraska. I am here today to represent the need and impact of LB1248 and Norfolk's wastewater treatment infrastructure in support of our dairy industries. Improvements to Norfolk's wastewater treatment plant, WPC, are required in order for Norfolk to meet the current industrial treatment demand and remain in compliance with our permitted environmental discharge limits. Improvements to the WPC will primarily consist of industrial pretreatment systems upstream of the city's primary treatment facility. Norfolk's current organic treatment capacity is 30,000 to 35,000 pounds of what we call Biological Oxygen Demand per day, or BOD. Our two dairy industries currently consume 16,000 pounds of BOD per day and desire to have 32,000 pounds per day allocated to them to be fully operational. Other-- all our other

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industries in Norfolk combined consume another 2,000 pounds of our BOD treatment capacity per day. In total, that equates to an industrial need of 100% of our existing city wastewater treatment facility. Over the past 5 years, industrial loading has increased 100% and industrial flow has increased 70%. Domestic loading over that same period remains steady. Our residential and commercial loading on a daily basis averages about 12,000 pounds. The benefits of adding an industrial pretreatment system to the Norfolk wastewater treatment facility include creating a consistency of the inflow, in terms of gallons per hour and organic loading, thus allowing for greater treatment efficiency at the main plant. It reduces or eliminates the industrial on-site pretreatment systems, their cost of operation, and mitigates on-site odors due to those. It also allows the industries to focus on producing their product. They don't have to worry about managing wastewater on their own site. Finally, it establishes-- this project would establish a phased plan and cost estimates for future industrial pretreatment expansion either of current industries or new industries that would seek Norfolk. The highlights of the proposed pretreatment system would-- includes a 20-acre industrial site-- industrial pretreatment site directly upstream of our current wastewater treatment plant. Initially, that would be two lagoons to take the current one million gallon a day flow. Planned future lagoons for industrial expansion and new, and new industries. A plan for floatable lagoon covers and gas, gas recovery system when the lagoons have enough food to, to charge a digester. A four-cell sequencing battery reactor, plan for a can digester and gas handling system, and evaluation for potential biogas generation in Class A biosolids. The schedule, we would start the, we would start the project as soon as funding was-- is identified. And we would phase this-- intend to phase this over two phases, with the first phase being operational third quarter 2028, second phase being operational fourth quarter 2029. In summary, LB1248 will help ensure Norfolk's wastewater treatment facility remains in compliance with its discharge permit and enables Norfolk to meet the demands of current agricultural-based industry loadings while creating a framework to support future expansion of these industries in northeast Nebraska. That completes my comments. I'd open it up for any questions.

**CLEMENTS:** Are there questions? Seeing none, thank you for your testimony. Next proponent. Good afternoon.

**ZORAN BREBAC:** Good afternoon, Chairperson and Appropriations Committee. My name is Zoran Brebac, Z-o-r-a-n B-r-e-b-a-c. I'm the Actus Nutrition Vice President of Operations. I can answer some of

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those questions when we get to that. I'm here to speak strongly about the LB1248. It's extremely important for us to expand the infrastructure of the wastewater treatment plant of the city of Norfolk. It helps us grow. We wanted to-- we expanded in 2023 to a section of \$80 million. We added 165 jobs to the economy. We are taking over 70 milk loads per day out of farms across Nebraska and we want to grow even more. We want to put another section of the plant and wastewater is a real struggle. And we want to be able to have a sustainable waste water plant with the city of Norfolk. Doubling the capacity of the plant comes with some challenges, and as Steve mentioned earlier, we really want to be focused in what we're good at and that's producing quality milk products for the state. We're not in a wastewater treatment plant and we, we don't have to worry about it, we don't want to be there, and that's why we want to partner with the city of Norfolk to expand that. That's why I think it's extremely important for us to support a LB1248 bill [INAUDIBLE]. Can I answer any questions?

**CLEMENTS:** Question?

**ARMENDARIZ:** Thank you. Thanks for being here--

**ZORAN BREBAC:** Yes, of course.

**ARMENDARIZ:** --and thanks for offering to answer those questions. So doubling the capacity for the wastewater plant, how much is then the industry contributing to that expansion?

**ZORAN BREBAC:** So we are currently working with the city of Norfolk. We did a preliminary study on-- to see actually what the loading is and how much we would have to grow and what is it going to take? And currently, right now, the city of Norfolk has a contractor that's calculating all that. We are prepared to cover our costs. But we also think that it's important for us that we partner with the city and don't do this on our own because we want to grow the industry all around. I think if we can do it on a city level, we can bring other industries in there that bring other qualified jobs to the area. One of our biggest opportunities as well is to bring more economy into the city of Norfolk. That way we can get more pool of people that we can pull from and that we could employ. I think it's extremely important. We are prepared to cover the portion of the Actus Nutrition part and we're partnering in that. Like Mr. Mayor said earlier we don't have the exact number yet, but we're working through that.

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**ARMENDARIZ:** OK. Yeah. I mean, it's-- whether it's power, wastewater, we've had other wastewaters, we have data centers that are going to exponentially the power infrastructure, build their own power plants to support that. This falls in that same category. So thank you for answering that.

**ZORAN BREBAC:** Of course.

**ARMENDARIZ:** You would be contributing to that [INAUDIBLE].

**ZORAN BREBAC:** Yes, we definitely would be, and we, we want to be a part of it for sure. And we want to grow with the city but we think it's important to do it at the city level. We don't necessarily want to do it in our level because we don't want to have to deal with wastewater, we don't want it on a site that's pretty close to the city. If we can do it in a city-side level then we can help everybody grow in the area from farmers to different industries to everybody else. Everybody would contribute from it, not just us.

**CLEMENTS:** Other questions? I have a question.

**ZORAN BREBAC:** Yes.

**CLEMENTS:** This expansion may qualify under the Imagine Nebraska Act with Department of Economic Development. Have you applied for Imagine Nebraska?

**ZORAN BREBAC:** We have not.

**CLEMENTS:** All right, just wanted to let you know it--

**ZORAN BREBAC:** It's available.

**CLEMENTS:** --it might be a possibility if this project gets going.

**ZORAN BREBAC:** I appreciate it, Senator.

**CLEMENTS:** All right. Thank you for your testimony.

**ZORAN BREBAC:** Thank you so much. Appreciate it.

**CLEMENTS:** Next proponent. Good afternoon.

**WALTER ASCHOFF:** Good afternoon. Good afternoon, Chairman and members of this committee. My name is Walter Aschoff, W-a-l-t-e-r A-s-c-h-o-f-f, and I am a dairy farmer from Osmond, Nebraska. I'm here

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today to express my strong support for LB1248 and explain why this bill matters not only to my family but to the rural communities across our great state. Over the past several years I've expanded my dairy operation because of the growth and stability created by dairy processing in Norfolk. On the flip of that, had the Actus Nutrition not expanded in Norfolk, there's a good chance we would have went out of the dairy business. Having a reliable milk plant nearby has given me the confidence to invest, grow, and plan for the future. The growth has allowed me to bring my son back home to the farm, creating another generation of Nebraska agriculture and keeping our family rooted in our community. For my son and for many young producers like him to be successful long term, we need strong infrastructure. A dependable milk plant and modern wastewater infrastructure in Norfolk are not optional. They're essential. Dairy processing places significant demand on wastewater systems and without the necessary upgrades, future growth will be limited. LB1248 directly addresses that challenge and helps ensure that existing and future dairy producers have the infrastructure they need to succeed. While this bill may support Norfolk directly, its benefits extend far beyond one city. Dairy farmers in rural communities from Hartington to Jansen, from Pender to Miller, all depend on strong processing capacity and infrastructure provided by Norfolk. When dairy processing grows, it creates jobs, strengthens local tax bases, supports feed suppliers and trucking companies, and keeps young families in our rural communities. LB1248 is a smart investment in Nebraska's future. It supports agriculture, strengthens rural economies, and helps ensure that family farms like mine can continue to grow and pass opportunities onto the next generation. This is a great project for Nebraska and an outstanding project for the dairy industry. Thank you for your time and consideration of this bill.

**CLEMENTS:** Are there questions? Senator Dorn.

**DORN:** Thank you, Senator Clements. And thank you for being here. And I don't-- maybe mine is too early of a question. So these dairy processors, they have announced already or they are planning on or looking at expanding in the area or you said you had a son that came back because of it?

**WALTER ASCHOFF:** A short, short little history on, on Actus, used to be called Milk Specialties. They expanded, I believe, in '23, which allowed expanded milk market. Before that, there was no place but with the co-op you were in. We formed a new co-op in Nebraska, Nebraska Milk, which then supplies that plant. And that allowed us to expand. I

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believe their intention is to expand further. And, actually, their current expansion that they did, they are limited on-- they're not using their full expansion because of the wastewater limitations. So that's-- it's not even just the future, it's actually the current, too. And we were lucky enough to be able to expand and still have that market there, but there's others that would like to. But they're kind of at the top ceiling of what they can produce or allow to the city sewer. Not that I'm an expert on what they're doing, but I, I do know that.

**DORN:** Yeah, but you kind of answered one of my questions, too. I, I call it, it's planning for the future also.

**WALTER ASCHOFF:** Yep, it is. It's not just really for the future. It's actually today. They face the problem every day, today, and need this for the future as well.

**DORN:** Without this expansion, it would very much limit the ability to [INAUDIBLE].

**WALTER ASCHOFF:** We, we would not, we would not-- I have a new facility, 5 years old, and we would not have made it to the fifth year to be truthful with the co-op we were at. Actus has been a lifeline to us. I shouldn't tell them that, but they have.

**DORN:** Thank you.

**CLEMENTS:** Other questions? Seeing none, thank you for your testimony.

**WALTER ASCHOFF:** Thank you, all.

**CLEMENTS:** Next proponent. Good afternoon.

**KRIS BOUSQUET:** Good afternoon, sir. Chairman Clements, members of the Appropriations Committee, my name is Kris Bousquet, spelled K-r-i-s B-o-u-s-q-u-e-t. I serve as the Executive Director for the Nebraska State Dairy Association and have the privilege to work for farmers like Walter. I think-- you know, I could, I could come up here and regurgitate a lot of the same talking points, but I don't think that'd be helpful for everybody and so there's a lot of great points in the, in the document that I wrote but I think the thing that's really important to recognize is that this project is needed now. For-- I think Actus, they're not running their plant at full capacity and that really is a barrier to profitability for our farmers. So our farmers, their pay price is predicated off the productivity of the plant and

the product that they can get out the door. And if they can't run their plant at peak efficiency and get the volume of product out the door that we need them to, then that's a barrier to our farmers and their pay. And albeit it's been a very welcome change for a lot of producers in a, in a region where market diversity is very scarce. This has been definitely a lifeline for, for productivity and, and profitability, but there's more left on the table and I think, you know, Actus would, would, obviously, would second that too. You know, I think you guys have thought a lot about future growth and, and we have-- I have definitely been focused on that as my tenure as the Executive Director, every cow that we add cost \$10,000 to add. So if we build, you know-- let's, for example, build a 10,000-cow dairy, which is a very large dairy and, and abnormal. We don't have a 10,000-cow dairy. I'm just using that as a reference. It'd be a \$100 million investment in the rural communities. Norfolk is a hub for dairy processing and has been. Northeast Nebraska is, you know, there's quite a few dairies around in that area and the support services are there. And so, naturally, companies like Hiland, companies like Actus, lean on the city of Norfolk for their wastewater treatment. And, you know, we have farmers, like, like Walter mentioned, from Jansen, Nebraska, way south, that send their milk to Norfolk. And, you know, as far as, as far west as Miller, Nebraska that, you know, every once in a while their milk ends up in Hiland and Norfolk as well for ice cream. And so, you know, both of those companies between Hiland and Actus want to continue to grow. And that would mean significant opportunities for the rural communities across Nebraska. When you think about the overall investment, you know, we did an economic impact study in 2021 that if large dairy processing were to be developed in the state, it'd be a \$1.7 billion economic return to the state and local communities. And that's direct and indirect economic impact. And so dairy brings a lot of resource-intensive support. So the, the companies and the businesses around the area are very thoroughly invested in dairy, whether it's animal husbandry or equipment maintenance, they need all the support they can get and rural communities are the ones that are going to win from this. It's not just a Norfolk bill, this is a, this is a Nebraska bill. And so with that, happy to elaborate on any questions, but I strongly encourage the, the passage of, of this bill. So thank you.

**CLEMENTS:** Are there questions? Seeing none, thank you for your testimony.

**KRIS BOUSQUET:** Thank you, sir.

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**CLEMENTS:** Are there additional proponents? Seeing none, anyone here in opposition? Seeing none, anyone here in the neutral capacity. Senator, are you able to close?

**DOVER:** Yes. I'd like to just answer-- I guess address a couple of things before I go into my closing. I was born on a dairy farm. And anybody that's been in the dairy business, I mean, that would have been 67 years ago. Senator Clements, anyone who's been involved in dairy realizes we've seen a lot of dairy farms come and go because it was just a tough industry because they're selling milk. This gives an opportunity to value-added ag. And whether it's cheese or sodium caseinate or ice cream, this helps. And so I think it's very, I think it's very important we, we support value-added ag. One thing I'll say, too, is-- so there was a co-op that bought milk, right, from Nebraska, and they would ship it by truck, a ways. And so that's an added cost. And when there isn't that much of a profit margin in milk, shipping is a, is a, is a, I think, a divisive expense. Right? And so what they're-- what we're realizing in Nebraska and other states is that if we can have a dairy farm close to Hiland or Actus, right, and they can just truck it right to there and not very far away, we can save a, a significant amount of money. And that's why it's important that we develop this in Nebraska. To address Senator Armendariz's, there's some preliminary numbers that have been run, and, basically, Hiland and Actus both would contribute millions and millions of dollars toward this, so definitely it's a fair share proposal, and again they're working on loads and all those kinds of things. And I'll say this too, it makes a really good point, is there a snowpack right now? I see Senator Dorn shaking his head no, and for anybody that farms, that's a water issue. And it isn't just-- it isn't-- and it's the Rocky Mountains and it's, and it's California. When we're experiencing less and less snowpack, there's no water. And dairy is a water-intensive industry. And so what we're going to see is if we can be welcoming and have the wastewater treatment that dairy needs, we will see more and more dairies locate to Nebraska, employ people, grow the schools, grow the surrounding small communities around this-- in northeastern Nebraska, because I think it's really a win-win for everyone. But, I mean, just look at snowpack right now. There will be more dairies moving to Nebraska. We just have to be ready for them. So members of the committee, LB1248 is a narrowly tailored contingent appropriation designed to leverage federal dollars, local commitment, and private investment to address a documented wastewater infrastructure constraint. If the EPA grant is not awarded, this bill has no effect. But if those federal funds do come through, this

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legislation allows Nebraska to match them in a responsible partnership that protects public health, supports regulatory compliance, and removes a barrier to continue growth in our dairy industry. This is about ensuring that critical infrastructure keeps pace with economic expansion and Nebraska's position to follow and support the Governor's plan to grow Nebraska's economy through value-added agriculture. For those reasons, I respectfully ask for your favorable consideration of LB1248. Thank you.

**CLEMENTS:** Are there questions? Seeing none, thank you, Senator.

**DOVER:** Thank you.

**CLEMENTS:** We have position comments for the record: proponents zero, opponents four, neutral zero That concludes the hearing for LB1248. We'll just wait a minute for the room to clear. All right, we'll now open a hearing for Agency 28, Department of Veterans' Affairs. Welcome.

[AGENCY HEARINGS]

**CLEMENTS:** Next, we will move to a bill hearing for LB989. Welcome, Senator Sanders.

**SANDERS:** Thank you, Chair Clements and members of the Appropriations Committee. My name is Senator Rita Sanders, R-i-t-a S-a-n-d-e-r-s, and I represent Legislative District 45, which is most of the Bellevue-Offutt community in eastern Sarpy County. Today, I am presenting LB989. This bill would restore the funding for the Nebraska Nonprofit Security Grant Program administered by the Nebraska Emergency Management Agency, or NEMA. First, I will refresh your memory on the procedural history, then I will share how the program worked in its one year of funding. Finally, I will explain why this funding is so important. My main point is this: despite a challenging fiscal year, this program is absolutely vital and it should be funded. In 2024, the Legislature unanimously passed the content of Senator Tom Brewer's LB887 through LB1300. Congressman Don Bacon and other community organizations testified in support. The bill appropriated \$500,000 from General Fund annually for 5 years. However, last session, this Legislature took a last in, first out approach towards balancing the budget. We kept the program but struck the funding. Today, I ask this committee to restore that funding. Allow me to refresh you on how the program operates. The program provides reimbursement-based grants to eligible nonprofits that are targeted in

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acts of violence or vandalism because of their beliefs or their mission. There is a similar federal program. However, 15 states have chosen to adopt their own program. This is because the federal program requires an upfront investment followed by a long wait for reimbursement. This is in addition to frequent risk of government shutdown, makes the federal program unmanageable for smaller entities. In 2024, only 25 of 72 Nebraska organizations were approved. This program gave a more reliable alternative for Nebraska nonprofits. Before the Legislature defunded the program, it operated for one year. Entities could be awarded a maximum of \$50,000. A NEMA committee with a background in security would review and recommend approval. Any nonprofit receiving the federal grant would be ineligible. In the one year of operation, 10 of 13 applicants were approved. This included parochial elementary schools, churches, daycare, historic sites, and religious foundation. I cannot stress enough the importance of this program. Part of the reason is because the federal program allows too many of our smaller organizations to fall between the cracks. But both the federal and state program are incredibly timely. Political violence continues to increase. Anti-Semitism continues to spread-- acts and escalating at an all-time rate. These grants can help mission-driven organizations protect their members and continue using their right of free speech. Following me, you will hear testimony from impacted organizations and security experts. Thank you for your time.

**CLEMENTS:** Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thank you for being here. For the record, I opposed taking that money away very vehemently.

**SANDERS:** Thank you, Senator Cavanaugh.

**M. CAVANAUGH:** I'm looking at the fiscal note. So what we're looking for is \$500,000 a year.

**SANDERS:** That would be great.

**M. CAVANAUGH:** Is that what-- so the one year of awards that you shared with us, was that how much was awarded that year?

**SANDERS:** No, not all grants were awarded. Someone following me can tell you exactly the dollar amount.

**M. CAVANAUGH:** And I see that it, it was predominantly religious institutions that were awarded, so to your comments about heightened

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political dissidence seems like an important conversation to have. So thank you.

**SANDERS:** Thank you.

**CLEMENTS:** Other questions? Seeing none, thank you, Senator. Will you stay to close?

**SANDERS:** Yes. Thank you.

**CLEMENTS:** We welcome proponents for LB989. Good afternoon.

**TOM VENZOR:** Good afternoon, Chairman Clements and members of the Appropriations Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the Executive Director of the Nebraska Catholic Conference. In 2024, the Nebraska Catholic Conference supported Senator Tom Brewer's LB887, which created the Nonprofit Security Grant Program Act. This legislation created both the statutory framework and the funding to ensure that Nebraska has a state-based program to provide grant funding. For nonprofits to be, to be used, not sued, that's a typo in my, in my testimony, to be used for target hardening and other safety and security projects that mitigate vulnerabilities in the nonprofit's vulnerability assessment. While the funding for this program has only occurred for one grant cycle since the passage of this law, those grant funding-- those grant funds are meaningful to nonprofit organizations, including those belonging to the Catholic Church. Since May 2020, the United States Conference of Catholic Bishops began tracking arson, vandalism, and other destruction of Catholic churches across the United States. Since that time, at least 410 incidences have occurred across 43 states and the District of Columbia. These tragic acts of violence include arson, statues beheaded, limbs cut, smashed, and painted, gravestones defaced with swastikas and anti-Catholic language and American flags next to them burned, and other destruction and vandalism. In the last several years, there have been a couple of incidences of Catholic churches in Nebraska. One occurred in 2023 at St. Paulinus in Syracuse, where their altar was overturned in addition to statues and other religious objects broken. This took place during Holy Week. Another occurred in 2022 at the University of Nebraska Omaha Catholic Newman Center, which is a place where college students reside and join together in community for fellowship, worship, and study. At the Newman Center-- at the Newman Center, they experienced a death threat because of its pro-life witness for babies and mothers in need. As stated by one Catholic Bishop: these are not mere property crimes, this is a degradation of

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visible, visible representations of our Catholic faith, and these are acts of hate. Sadly, these types of attacks are not reserved to Christian communities, but extend to other religious communities, including Jewish, Muslim, and Sikh communities, in addition to any number of nonreligious secular organizations. While we recognize this is a difficult fiscal year to be making a request for renewed funding, the funding requested in LB989 would be meaningful to the nonprofit community. Catholic schools, parishes, and other nonprofits operate on budgets that are not necessarily built to fund security risk and concerns. With increased security concerns, nonprofits will need to better take these types of liabilities into consideration as they develop their own budgets and execute on fundraising. As I engage in these efforts, state security grant funds can help supplement this need for a nonprofit community that provides numerous public benefits to the state. For these reasons, we encourage your adoption of nonprofit security grant funding in this year's budget adjustment proposal. And I thank you for your time and consideration and happy to take any questions.

**CLEMENTS:** Are there questions? I see on the federal grant program, several Catholic entities received money. It was described to be difficult to get a federal grant. Is that-- have you experienced that?

**TOM VENZOR:** Yeah, so I think there's a couple difficulties, one that Senator Sanders had already discussed, which is, right, putting the money forward for those items to begin with and waiting for federal reimbursement to occur, which can take significant periods of time. So that requires that you have a cash flow on hand to obviously be able to do that and not all parishes may have that cash flow available to them. The second thing is, too, is that sometimes with these federal programs, depending on presidential administrations, sometimes those programs get bogged down and a lot of strings attached that could undermine actually mission and identity of the, of the faith-based entity itself. So there are oftentimes situations where parishes in schools are advised to basically not seek those federal grants because of federal strings that are attached that can be problematic for them carrying out their mission and identity.

**CLEMENTS:** All right. Thank you. Any other questions? Senator Cavanaugh.

**M. CAVANAUGH:** It's more a plug. I saw Holy Name is on here, and tomorrow starts Lent season, and Holy Name just has the best fish

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fries in, in the state. It's not even in my district, but we should all go to Holy Name fish fry.

**TOM VENZOR:** Well, so, yeah, visit your local parish for a good fish fry starting this Friday, but--

**M. CAVANAUGH:** And it's Omaha because Lincoln doesn't appear to do it.

**TOM VENZOR:** We have very good fish fries here, too, so. But I will say on a more serious note, yeah, All Saints and Holy Name, two schools in the north Omaha area, part of the CUES consortium of schools, they both received grants. Last time around, around \$20,000 a piece and they were able to use that for, for basically security doors and the entrance ways as well as be able to put in, like, mag locks and card readers to basically ensure that they have safe premises in case there's ever an intruder, they can ensure that those facilities are locked down properly so that those are secure places for our kids to learn. And so they're very thankful for those grants because those were a big help for them and they just were able to finish off those construction projects on those couple grants. So, yeah, thank you for that in the past.

**M. CAVANAUGH:** Thank you.

**CLEMENTS:** All right. Seeing no other questions, thank you for your testimony.

**TOM VENZOR:** Thank you for your time.

**CLEMENTS:** Are there other proponents for LB989? Good afternoon.

**SHARON BRODKEY:** Good afternoon, Chairman Clements and members of the committee. My name is Sharon Brodkey, S-h-a-r-o-n B-r-o-d-k-e-y. I'm the Executive Director of the Jewish Community Relations Council, which is the voice of the Jewish Federation of Omaha. We are the state's largest organized Jewish community that serves not only Omaha, but Jews across the state who need us. I'm here today to urge you to restore state funding for the Nebraska Nonprofit Security Grant Program created in 2024 and administered by the-- by NEMA. I'm grateful to Senator Sanders for bringing LB989 forward this session. I am also including in my handout materials a list of states that have similar programs and a letter from our Jewish Community Security Director, James Donahue. A state-based NSGP is core public safety need in today's threat environment. Synagogues, churches, mosques, parochial schools, and other community nonprofits that are open,

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welcoming, and predictable in schedule are all possible and vulnerable targets. DHS and CISA have repeatedly emphasized that houses of worship and other crowded spaces remain attractive targets for violent extremists, and they provide specific guidelines on target hardening for these sites. For the Jewish community specifically, the data is unambiguous. The Anti-Defamation League recorded 9,354 anti-Semitic incidents in 2024, the highest number on record. We don't have numbers for '25 yet. It's manifested in targeted murders of people attending events in public spaces, not exclusively Jewish spaces, like the cold-blooded assassinations of Yaron Lischinsky and Sarah Milgrim in Washington, D.C. last year, the firebombing attack in Boulder that killed a Holocaust survivor and injured 12 others, the recent arson attacks on the historic Beth Israel Congregation in Jackson, Mississippi, the city's only synagogue, and on Pennsylvania Governor Josh Shapiro's home during the celebration of Passover last spring, and recently a car bombing-- a car ramming attack on the World Headquarters of Chabad in Brooklyn. And these are just the high-profile attacks that make the news. Bomb threats, swatting, harassment, vandalism, and security incidents force nonprofits to spend scarce dollars on protection instead of mission. Our own JCC campus in Omaha has BOLOs out on several credible threat actors that even the best intelligence in law enforcement can't know or predict every threat. Nor are these threats exclusive to the Jewish community. Think of the shootings at Annunciation Catholic Church in Minneapolis, and the attack on the Mormon Church in Grand Blanc Township in Michigan. The same vulnerabilities apply to Sikh, Muslim, and other faith communities, as well as cultural centers and community-serving nonprofits, especially those that are visible and values-driven and publicly accessible, like pregnancy counseling centers. Nebraska's Nonprofit Security Grant Program was designed for exactly this. It is modest, accountable, and Nebraska-run. NEMA described the 5-year program's first-year award capacity at roughly \$411,000, with a per-applicant organization cap at 50, making this a time-bound and controlled investment. Federal NSGP support for Nebraska has become less reliable, and Nebraska's allocation has dropped significantly. Federal NSGP is important, but it's not guaranteed at the level Nebraska needs. In FY 2025, Nebraska's NSGP state allocation was only \$2.1 million. In '24, NSGP allocations totaling over \$6 million, illustrating how from year to year the swings can be significant. Total federal NSGP appropriations nationally have fluctuated from approximately \$450 million in FY '24 to \$274 million in FY '25. This volatility demonstrates why a state-level backup appropriation is necessary to ensure consistent, predictable security funding for

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Nebraska's nonprofits and faith-based organizations. When federal allocations tighten or shift, the Nebras-- the projects that get delayed are the basics: cameras, access control, reinforced entry points, alarms, security lighting, and training. Measures that prevent tragedy and reduce strain on local law enforcement. That's why restoring the appropriation under LB989 matters. I respectfully ask the committee to restore the state funding for the Nebraska NSGP program so that NEMA can run a consistent, predictable grant cycle that helps at-risk nonprofits harden facilities before an incident occurs, complements and backstops the federal program when federal allocations drop, and improves coordination with local law enforcement through standardized security planning. Security is not a luxury line item for faith communities and other at-risk nonprofits, it's the cost of keeping our doors open. Thank you for your time, and I'm happy to answer any questions. We're pros with the NSGP grant.

**CLEMENTS:** Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thanks for being here, Ms. Brodkey.

**SHARON BRODKEY:** Thank you.

**M. CAVANAUGH:** I-- first of all, looking at the federal '24 numbers, over \$350,000 going to three synagogues that's terrifying so I'm sorry that they aren't dealing with that. I, however, did not see any in the state list. Was there a reason-- did they not apply because they were getting the federal funds or, or did they not-- were they not awarded?

**SHARON BRODKEY:** We are very lucky the Jewish community by and large can fund these projects. I will tell you on behalf of the JFO that we had applied for \$200,000 last year or 2025 that went to facial recognition and other types of things that I can't disclose that would further secure our campus. We did not get that money. So it's a hit for us, right? But when we spoke with Senator Brewer about this in 2024, it was really for the smaller institutions that just don't have the bandwidth that we have to apply for federal funding, nor do they have the capital resources to put out.

**M. CAVANAUGH:** Well, I do think that the Legislature is acknowledging the heightened political violence and the fact that we've seen legislation here around just securing this building, so thank you for being here.

**SHARON BRODKEY:** Thank you. Any other questions?

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**CLEMENTS:** Other questions? Seeing none, thank you for your testimony.

**SHARON BRODKEY:** Thank you.

**CLEMENTS:** Are there additional proponents of LB989? Anyone here in opposition? Anyone here in the neutral capacity? Seeing none, Senator, you're welcome to close.

**SANDERS:** I'm trying to keep it short and sweet for you, so you're not here all night. Thank you, Chair Clements and members of the committee and to everyone who came out today to testify. I can think of no higher calling of government than protecting its people. This is one small thing we give to-- this is one small thing we can do to promote that goal. I hope the committee gives serious consideration to what you've heard here today and finds its way to include this in your budget this year. Thank you very much. And to add to Senator Cavanaugh, the best fish fry for the fish is at St. Mary's in Bellevue, and for the coleslaw at St. Matthew in Bellevue. Thank you very much. Any questions?

**M. CAVANAUGH:** We'll have to take a tour. Let's tour the area.

**SANDERS:** We'll do that.

**CLEMENTS:** Are there questions?

**SANDERS:** Thank you very much.

**CLEMENTS:** Seeing none, thank you, Senator.

**SANDERS:** Thank you, Senator Clements.

**CLEMENTS:** We have position comments for the record: proponents one, opponent one, neutral zero. That concludes the hearing for LB989. And, excuse me, next we'll open a hearing for LB968. Welcome Senator Prokop.

**PROKOP:** Well, thank you, Chairman Clements and my friends on the Appropriations Committee. For the record, my name is Jason Prokop, spelled J-a-s-o-n P-r-o-k-o-p, and I have the privilege of representing Legislative District 27, which covers west Lincoln and Lancaster County. Here today-- I'm here today to discuss LB968 and ask for the committee's support to consider this as we continue our budget deliberations. So LB968 seeks to appropriate \$4 million to the State Military Department. This money would fund a grant for equipment to be

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used by a political subdivision that is capable of providing a statewide response in emergency rescue and disaster event. More directly, we have Nebraska Task Force 1 here in Lincoln that is certified as an Urban Search and Rescue Task Force. They provide emergency and disaster response across the state and also respond to emergencies in other states when nationwide deployment is necessary, as we have seen recently. As some background information on Nebraska Task Force 1 and the Urban Search and Rescue framework, FEMA established the Urban Search and Rescue system following the 1995 Oklahoma City federal building bombing, recognizing the need for highly specialized teams capable of responding to large-scale disasters beyond local capacity. Since its creation, the Urban Search and Rescue Task Force has been deployed to major natural disasters, structural collapses, floods, tornadoes, hurricanes, and terrorist incidents, both domestically and internationally. There are 28 FEMA-certified search and rescue task forces nationwide strategically positioned to provide rapid response to catastrophic events. Nebraska's Task Force 1 is Nebraska's only designated search and rescue team and one of the 28 national task forces. The task force is composed of approximately 210 highly trained members from various parts of Nebraska and eastern Iowa. The team members are a combination of firefighters and rescue specialists, physicians, paramedics and medical special-- paramedics and medical specialists, structural and civil engineers, hazardous material experts, canine teams, and communication and logistic specialists. The level and training-- the level of training and readiness is well beyond what most local fire department-- fire and rescue agencies can sustain due to cost, equipment requirements, and the infrequency of such incidents. LB968 would propose to allocate \$4 million in state funding to enhance Nebraska's in-state disaster response capability through targeted equipment investment. The funding would focus on equipment for water rescue and flood response, wide area search and technical search operations during tornadoes, structural collapse and flooding, structural collapse, rescue, hazardous materials response, which is present nearly all major-- which is present in nearly all major disaster scenarios. Eligible equipment includes response and support vehicles, rescue boats and watercrafts, specialized trailers and technical rescue systems, and equipment necessary to safely operate in contaminated or unstable environments. So after saying all that, so why is state funding necessary when there are some existing FEMA funding related to Urban Search and Rescue teams? The reason is this: FEMA-owned equipment assigned to Nebraska Task Force 1 is federally funded, federally controlled, and prioritized for national deployment.

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As a result, FEMA equipment may be, may be deployed out of state when a disaster occurs in Nebraska. Federal deployment restrictions may delay or limit the use of FEMA assets for in-state incidents. While Nebraska Task Force 1 personnel may be available locally, equipment gaps can prevent a full response when FEMA resources are unavailable. State-owned equipment, which would be provided for with this bill, or funded with this bill, would ensure immediate response capability within Nebraska and allow the task force to operate independently of federal deployment cycles. In conclusion, Nebraska already has a trained personnel and organizational structure in place, and LB968 would ensure that personnel also have the necessary equipment to act immediately regardless of the federal deployment status. There's going to be some testifiers behind me that can speak-- that, that serve on the task force and can speak most directly to this, but I-- and I just use a real-world example of, for example, if, if the taskforce had the equipment deployed somewhere else, when the Fremont building collapse took place, those assets wouldn't have been available to us here in Nebraska. So those would have been out of state. We might have had the personnel, but we might not have had the equipment. So really this is to make sure that we are well prepared in any of those instances to, to be able to respond as a state to anything that comes up like that, so. Thank you very much for your time and happy to answer any questions.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you. Just one question. So what happens if there are-- so what other states do it, duplicate the equipment like this?

**PROKOP:** Well, there's 28 different, there's 28 different task force placed all across the, placed all across the country. I don't know if I have the full list of all the different states of where they're at, but I know where, where we're located in Lincoln. It's strategically placed. So they make decisions on those kind of all across the designated agencies.

**ARMENDARIZ:** So they're not in every state.

**PROKOP:** No.

**ARMENDARIZ:** They're not in every state.

**PROKOP:** No.

**ARMENDARIZ:** So does every state have their own equipment?

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**PROKOP:** I don't know the answer to that question. It might vary, but I, I don't know that specifically, so. And I would say the-- you know, I mentioned that the task force or Urban Search and Rescue team is, is based out of Lincoln. Lincoln is like the lead agency, but includes participating fire and rescue agencies and departments from Omaha, Grand Island, Council Bluffs, Columbus, and Papillion, as well as some civilian specialists. So it's, it's-- it, it taps into kind of those agencies all, all across the state to help to respond in those types of scenarios.

**CLEMENTS:** Other questions? I had a question.

**PROKOP:** Yes.

**CLEMENTS:** Who's going to be the owner of this equipment?

**PROKOP:** So the state would be, the state would be the owner of this equipment under this scenario. So it would be under the Military Department, State Military Department.

**CLEMENTS:** All right. Thank you.

**PROKOP:** So-- and then, thus, we would have access to that equipment when we, when we so need it.

**CLEMENTS:** Other questions? Seeing none, will you stay to close?

**PROKOP:** I will.

**CLEMENTS:** Very good. We welcome proponents for LB968. Good afternoon, and thank you for your patience.

**DAVID ENGLER:** Good evening.

**CLEMENTS:** Yes.

**DAVID ENGLER:** Good evening, Senator-- Chairman Clements and members of the Appropriations Committee. My name is David Engler, that's spelled D-a-v-i-d E-n-g-l-e-r, and I'm the Fire Chief for Lincoln Fire and Rescue and the sponsoring agency chief for Nebraska Task Force 1. I'm here in support of LB968 and thank Senator Prokop for introducing this bill. Nebraska Task Force 1 is one of 28 elite Urban Search and Rescue teams nationwide funded by FEMA. Like the other 27 teams, our teams consist of members who specialize in structural collapse, water rescue, technical search, canine, weapons of mass destruction,

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hazardous materials response, medical, and several other areas. Our members are highly trained and maintain training in these specialized areas. These teams are equipped and ready to deploy to environments where local responders lack the training or equipment to handle. The Nebraska Emergency Management Agency, or NEMA, has a memorandum of understanding with Nebraska Task Force 1 for response to disasters and catastrophic events throughout our state. Our current situation presents two concerns for me as our team is being deployed with more frequency throughout the United States. My first concern is that during those deployments, we do have personnel that could respond to the emergency in our state, but we don't have the equipment. Additionally, upon return from deployments the equipment may have to be fixed or may not be ready for another response until repaired. The second concern is, that in our current form, our ability to respond comes with some restrictions from FEMA that can prevent us from either utilizing some of the equipment or limit our ability as to where we can respond. Other states have addressed this issue by allocating funding to purchase dedicated resources for state-requested responses. LB968 would allow one-time funding for this very purpose. We already have the trained personnel. We're just seeking the funds that would allow us to get the equipment such as vehicles, trailers, boats, to ensure resources are available when requested by the state. I understand this is a very difficult time for the budget, but I also believe it's important that we draw attention to this issue and find a solution before we have an incident, and we have to wait for assistance from jurisdictions hours away. Nebraska is very fortunate to have the full capabilities of a FEMA Urban Search and Rescue team. This one-time funding will ensure that we always have the resources to respond to emergencies throughout Nebraska. Thank you, and I'd be happy to answer any questions you have.

**CLEMENTS:** Thank you.

**DAVID ENGLER:** Yes.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you. Just a follow-up, so, so in agreement with being a FEMA location, one of the 28, was there some kind of an agreement that our disaster, FEMA-recognized disaster, would take precedence over, say, the southeast when the hurricanes went through the southeast, and so many of those were probably directed to North Carolina, Tennessee, and all of that?

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**DAVID ENGLER:** Right.

**ARMENDARIZ:** What if we had a tornado at the same time? Would you be able to stay here and take precedence since you're already located here, instead of being shipped over there?

**DAVID ENGLER:** Typically, before storms happen, they, they predict them and they deploy the teams. So if that were-- if that situation were to occur, there's a high likelihood that our team would already be en route. So what they try to do is, understanding that there's a travel distance and everything, they pre-stage teams closer to the incident. So not in the incident, but closer. So after everything's done, there's a quicker response. So with that, we're seeing more pre-deployments, we're seeing more deployments. There's, there's more teams deploying to disasters because they're widespread. And so the, the ability to have that team, our team in Lincoln all the time is becoming-- is decreasing significantly. And that's really our desire to ensure that we've got that response capability specifically designed for the state.

**ARMENDARIZ:** But is there a precedent since you're located here, should even if you've been pre-deployed and we have a disaster would they pull you back?

**DAVID ENGLER:** No, they would not pull us back.

**ARMENDARIZ:** They'd just leave us hanging?

**DAVID ENGLER:** I wouldn't say leave hanging, but because those, those resources would already be across the country ready to go for that disaster.

**CLEMENTS:** Senator Spivey.

**SPIVEY:** Thank you, Chair. Thank you so much for being here. Has there been a disaster like in the last 5 years or 10 years where you haven't had the equipment that you needed because of this situation and that's why you want the appropriation to purchase it or is this kind of your disaster planning that you want to make sure that you have what you need?

**DAVID ENGLER:** Right, we have not experienced that, but as, as a fire chief, I'm always, I'm always looking ahead at, at how we provide better service. And as you heard from Mr. Prokop earlier, the, the reliance on FEMA can be less and less. And so what we're trying to do

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is we're trying to make sure that we are prepared and we have the resources available throughout the state if something were to occur. So, really, this is, this is just forward-thinking.

**SPIVEY:** Like your normal preparedness planning that you do within your industry?

**DAVID ENGLER:** Correct.

**SPIVEY:** OK. Thank you.

**CLEMENTS:** Other questions? Senator Dorn.

**DORN:** Thank you, Senator Clements. Thank you for being here. Who calls you out? Is it FEMA, or is it the federal government, or the Governor, or who calls you out?

**DAVID ENGLER:** Yeah, so typically if it's a, if it's a FEMA response, it'll, it'll go through the proper jurisdictions like the, the emergency manager, to the Governor, to the White House, who, who calls them out. In the state of Nebraska, it goes from an emergency manager through the NEMA, and then to the Governor for, for that type of an incident.

**DORN:** So in the, in the state of Nebraska, the Governor would most likely call you out.

**DAVID ENGLER:** Correct.

**DORN:** That would be the process. About how many times-- because we-- unfortunately, we see you guys on TV and they show you getting ready to leave and stuff. How many, how many events have you been to in the last 2 years or 5 years or about how often do you go every year, I guess?

**DAVID ENGLER:** I would say just, just an estimate, two to three, the, the team deploys on about two to three incidents per year.

**DORN:** Yeah. OK. Thank you.

**CLEMENTS:** All right. Other questions? Seeing none,--

**DAVID ENGLER:** Thank you.

**CLEMENTS:** --thank you for your testimony. Next proponent for LB968. Good afternoon.

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**ASHLEY ENGLER:** Good, good afternoon, good evening.

**CLEMENTS:** Good evening.

**ASHLEY ENGLER:** Chairman Clements and the members of the Appropriation Committee, thank you for the opportunity to be here today. For the record, my name is Fire Captain Ashley Engler, A-s-h-l-e-y E-n-g-l-e-r, and I serve as the Program Manager for Nebraska Task Force 1, Nebraska Task Force-- Nebraska's Urban Search and Rescue team. I'm here today to request your support for LB968, which would provide a targeted investment in state equipment for Nebraska Task Force 1. I want to speak to you from lived experience. As the Program Manager, I am responsible for readiness and response, ensuring that when Nebraska communities face their worst day, our team can deploy immediately and operate safely. I've been on these deployments firsthand. I've stood on scenes where access was limited, structures were unstable, and families were awaiting answers. In those moments, equipment, equipment isn't abstract, it determines whether we can act. Nebraska understands disasters. The 2019 floods weren't just high water, they were unprecedented statewide and life-changing. In fact, NEMA added a long-term recovery section in 2019 specifically to address the needs following what is described as the largest disaster in Nebraska's history, driven by extensive flooding across the state. Those floods taught us a lesson: You cannot build a capability during a disaster. You either have it or you don't. More recently, Nebraska saw this lesson again during the explosion at the Horizon Biofuels in Fremont. Nebraska Task Force 1 was activated to support the response, and Chief Todd Bernt will speak about this incident and the realities responders faced on scene. During that operation, I spoke publicly about structural instability and ongoing hazards, limiting immediate access that we were using all available search and rescue resources, including structural expertise to reach victims as safely as possible. That's what US&R is, high-risk environments where specialized equipment, elite trained personnel, and technically capable-- and technical capability are the difference between we're here and we can act. Nebraska Task Force 1 is one of the only 28 FEMA-recognized Urban Search and Rescue task forces in the national disaster response system. That status means Nebraska already has the hardest and most expensive parts in place: the training pipeline, the readiness standards, and the program structure supported through FEMA system and our sponsoring agency, Lincoln Fire and Rescue. So the most responsible thing Nebraska can do is not create the capability independently, which would be far more expensive and far less efficient, but make targeted investment where the state can make the

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biggest difference, state-specific equipment that keeps this nationally credentialed capability ready for Nebraska missions. Urban Search and Rescue equipment is driven by design: specialized rescue tools, structural shoring, rope and rigging systems, communication gear, medical and safety supplies, and flooding, and wide search--wide-area search capability. When that equipment is lacking or is unavailable, response slows and risk increases for victims and the responders. This request delivers clear benefits to Nebraska. So faster lifesaving operations when incidents exceed local capability, safer, more controlled rescues in unstable, high-hazard environments by specialized trained personnel, and relief for local EMS, fire, and law enforcement so they can manage the broader community response. I also want to address EMAC, the Emergency Management Assistance Compact, because this is where Nebraska's investment multiplies. Disaster response in this country is built on state's first model, as you heard earlier. Before the federal government deploys federal resources, the system states to use their own capabilities and mutual aid state-to-state first. EMAC is the nation's legal and operational framework that enables states to share resources rapidly with protections and reimbursement structures. When Nebraska deploys, when Nebraska deploys Nebraska Task Force 1 through EMAC, we are not only helping other states, we are investing in Nebraska's own resilience. Each deployment builds the operational relationship, familiarity, and trust that ensures rapid assistance comes back to Nebraska when our communities face large-scale disaster. That mutual aid muscle memory is critical because Nebraska will not always be able to respond to every disaster with in-state resources alone. Participation today helps resources tomorrow. Finally, a stewardship point: Nebraska Task Force 1 already has full-time staff who monitor and maintain federal-supported equipment. Those same accountability systems, inventory control, maintenance schedules, readiness checks will also be applied to state-owned equipment. This is not a request to build a new bureaucracy, it's a request to equip an existing proven program that already operates to national disasters. So I'll close with two statements: Capability is expensive to build, but affordable to sustain. And equipment is readiness you can touch. Members of the committee, Nebraska already has an elite rescue capability, built, trained, and structured. A target investment in state equipment ensures that when Nebraska communities call, we can respond immediately. I respectfully ask for your support. Thank you, and I'm happy to answer any questions.

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**CLEMENTS:** Thank you. Are there questions? Seeing none, thank you for your testimony. Next proponent. Good afternoon.

**TODD BERNT:** Good evening.

**CLEMENTS:** Good evening.

**TODD BERNT:** Todd Bernt, T-o-d-d B-e-r-n-t, Fire Chief with the Fremont Fire Department, city of Fremont. I'm here in support of LB968. July 29 of last year, we had the Horizon Biofuels explosion. With that we had three lost lives and also we had a very large mutual aid support. We have approximately about 28 other agencies supporting our operations. Two of those agencies was Nebraska Task Force 1 and Lincoln Fire and Rescue. Early-- as we responded to this incident, we had reports of three people trapped. On our arrival, we attempted to do some search and rescue, but due to the amount of structural collapse and amount of debris and the fear of actually furthermore collapse, made a decision to reach out to Lincoln Fire and Rescue Chief. Dave Engler contacted him, told him what we had. He goes to me and he goes, I'll make a quick call. We'll be in touch. Less than 3 minutes, Task Force 1 Manager, Ashley Engler, was on the phone with me asking me what we got. She's going, we're getting the team ready. We're going to be en route within 10 minutes. And really within 2 hours, they were in Fremont with their boots on the ground. At that point, we had a briefing with them. We let their team start assessing the situation, see if there was any type of rescue that we can do. They had some structural engineers. We had some concerns with the tower that was still standing. Is that going to collapse? After further analysis by them, it was determined that really there-- no one was going to survive this explosion due to the amount of collapse and stuff like that. We actually went into a recovery mode. We went into a recovery plan with Task Force 1, trying to get all our equipment, what we need for them to do a safe recovery. The next morning, Task Force 1 responded. With that, they responded with a couple semi-trailers full of equipment, other support vehicles, and the personnel. They started their recovery. They were successful in recovering the three bodies. And, and they did it safely. And one of the things I really want to stress about Task Force 1 is their level of professionalism that they bring. Not only that, the teamwork that they bring-- not only the teamwork among themselves, but also with all the other supporting agencies. Because once they started their recovery, we had to give some of the supporting agencies to them to help support their operations. And I was really impressed with the expertise that they actually brought to, to this incident and to really successfully

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recover the bodies. If we didn't have Task Force 1, I don't know what we would have done. We may have to reach out, out to resources outside the state possibly. It's just really thankful that Task Force 1 is in the state of Nebraska and used as a resource.

**CLEMENTS:** Are there questions? Could you give an update to the status of that building?

**TODD BERNT:** I know on the place on the news OSHA issued a fine. I believe there's some investigators still looking into the investigation of it, that tower will probably be standing for a few years before-- I'm sure this will go into litigation and it'll probably be years before that's actually torn down.

**CLEMENTS:** Oh, OK, but the fire is out?

**TODD BERNT:** What's that?

**CLEMENTS:** It's no longer burning or smoldering?

**TODD BERNT:** No, no. I know that for the first month afterwards it was smoldering and, and we just had to go out there and just spray more water on it, but it was, it was going to smolder forever.

**CLEMENTS:** Very good. All right. Thank you for your testimony and for your service. Are there other proponents for LB968? Welcome and good evening.

**ERIC ERNEST:** Good evening. Senator Clements and members of the Appropriations Committee, thank you for your time and allowing me to testify today. My name is Dr. Eric Ernest, spelled E-r-i-c E-r-n-e-s-t. To clarify, I'm testifying in my own personal capacity today. My views expressed are solely my own and do not represent official positions of the Nebraska Department of Health and Human Services, University of Nebraska Medical Center, or Nebraska Task Force 1, or any other agency or organization for which I'm affiliated. So getting that out of the way. By background, I currently serve as an EMS physician and division chief of pre-hospital emergency medical services at the University of Nebraska Medical Center. I also serve as a state EMS medical director under DHHS and also a medical manager for Nebraska Task Force 1. I'm here today in support of LB968. I want to begin by just stressing that the local and fire EMS responses are the backbone of emergency response here in Nebraska. When an emergency does occur, that initial response from local fire, EMS, law enforcement, and emergency management is absolutely crucial. These

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professionals know their communities and systems well, and their expertise leads to successful outcomes in most cases. Typically, they have the resources needed to handle these incidents and provide effective patient care. However, skill can present significant challenges as has already been alluded to. There are circumstances where the issue stems not from effort or competence, but from a scope and complexity of the incident. This includes scenarios involving multiple patients, difficult access, unstable structures, unique rescue hazards, and extended operations that may result in crew fatigue and resource depletion. In major incidents, local fire and EMS can be overwhelmed, not due to a lack of excellence, but because no community can independently staff, equip, and sustain everywhere, worst case scenario. This is where Nebraska Task Force 1 comes in with a team that has the ability to provide search capacity and enhanced medical capabilities. It supplements, but does not replace local responders. It offers a trained, organized system that integrates seamlessly when the situation exceeds routine operations. From an EMS physician perspective, Nebraska Task Force 1's principal medical benefit is, is its ability to reach patients who are often trapped or inaccessible, deliver care during prolonged extrication, support triage, treatment packaging, and transport of multiple patients, and to uphold rescue or safety to, to prevent further casualties. In disasters and large-scale events, time is critical. When access is limited or conditions are hazardous, having specialized training and equipment to safely reach patients can determine survival outcomes. LB968 focuses on preparedness and making sure that we-- that the capability exists ahead of its need. This is why I advocate for LB968. It enhances Nebraska's readiness. US&R and disaster medical capacity must be established prior to the events, and equipment must be maintained and teams must train with operational resources. Nebraska Task Force 1 as has already been mentioned, has been deployed for actual incidents within our state and through emergency management assistant compact deployments, confirming the practical necessity of this capability. LB968 aims to ensure Nebraska retains skilled, equipped, and ready-to-serve resources to support local responders during large-scale incidents. In summary, local fire and EMS will always remain the backbone of Nebraska's emergency response. LB968 fortifies that very next layer, the search capacity that complements local resources in very extraordinary circumstances. For these reasons, I respectfully request your support for advancing LB968. Thank you for your attention. I welcome any questions.

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**CLEMENTS:** Thank you. Seeing no questions, thank you for your testimony.

**ERIC ERNEST:** Thank you.

**CLEMENTS:** Next proponent.

**EDWARD MLINEK:** Well, we definitely saved the most seasoned for last, I guess, today.

**CLEMENTS:** Good evening.

**EDWARD MLINEK:** I'm Dr. Ed Mlinek. It would be Edward, E-d-w-a-r-d M-l-i-n-e-k. I've been an emergency medicine physician in the state for 34 years. I was at the Med Center for a decade, and I've been at Bryan East and West for the last 2.5 decades. I became a member of Task Force 1 in 1999. I went to the Trade Center, and most recently went to the Texas Camp Mystic floods, which was probably one of the hardest I've been on. And, Senator, I apologize, I don't know how to pronounce your last name.

**ARMENDARIZ:** Armendariz.

**EDWARD MLINEK:** Armendariz. Well, after I heard your question earlier, I actually called Tennessee and, and also Missouri and talked to the operations director there at Missouri. And when they go on in-state deployments, they use a combination of assets from both the state and from the feds. And so it's not just solely federal assets that they use. And when I talked to the medical officer in Tennessee, he reiterated the same thing. Now, they do use the federal assets. Then they have to, of course, get it funded by the state to replace those. So they still-- the state ends up paying for it either before the fact or after, but they do pay it before because both of those states for in-state responses. And I bring up Tennessee and Missouri because they've been on in-state responses just in the last 2 years. And so that's an example of their preparedness in advance, not just contingency, but the reality of what they do. So I wanted to go off script a little bit and touch on that. And then when you mentioned when we're deployed are we ever called back if there was a disaster here in the state? Well, one of the challenges of that is you've got a team that's been out the door like Camp Mystic for 13, 14 days. Say if at day 8, 9, or 10 we get called back, you've got to rehab the cash. You've got to rehab the staff. Now Chief Engler and Captain Engler both put together staff where we could support another team, but we

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wouldn't have the equipment. That's the challenge because the equipment would have to be rehabbed, that's going to take a couple of days at a minimum to rehab the cash. And I would defer to them as the actual time, but it's not an easy feature. So that's why you would need the resources of the extra, extra equipment available to us. And let's see, and then as far as in the last 5 years, we haven't ever had a need where we've been short of equipment. But, again, as you heard earlier, and, and what I hear, because I'm on the leadership group with FEMA Urban Search and Rescue and I see what's happening in the states and I hear the discussions and the supports for the states are going to go down more responsibly is going to be the state. And doing emergency medicine for 34 years and had my 40th reunion this year for med school, I tell you, I'm all about being prepared because you work in the ER for 38 total years you're surprised almost on a daily basis, and you never want to not have the equipment or what you need. So those are some initial points. And when Tennessee went out, they had-- Union University gets hit by a tornado, 70% of the student housing gets taken out. Tennessee responded as an in-state asset. The feds didn't show up. And so they responded with their own equipment as just like Nebraska Task Force 1 responded to the Fremont explosion, they did the same thing there. Missouri responded within this last year to a local tornado and, again, being a Benson Bunny, that tornado in '75 came right down 72nd Street by Crossroads, and I'm very familiar with that. So we've got to be prepared, prepared for that. And the thing to keep in mind, we can't-- you say, well, so you have your cash in 2 days, 90% of the people that we rescue that survive, it's within that first 24 hours. You kick it out even 2 to 3 days, your survival rate drops to 20-30%. We all hear in the news, oh, they survived 13 days, OK, that's the rarity, that doesn't happen. So we-- you know, we've got the staff, we've got the training, that's already taken care of. It's, it's really an equipment issue. And, and, and how do we address that? And I've been on a total of 33 deployments since I've been with Urban Search and Rescue. I've been on the leadership group, everywhere from Washington state to Colorado floods, and the yellow light is on, down to Oklahoma, Texas, all southeast, and going into Florida. And I tell you, I've seen states that are prepared, and I've see states that aren't. And, and there's a big difference in who we can save and how fast we can save them when, when we're prepared. So that's why I'm in support of this. My thanks to Nebraska Task Force 1. We have the staff, we have the training, we just need the equipment. And final point, if I drop here with a heart attack and my heart stops, Dr. Ernest is here, Captain Engler is an experienced paramedic, they can do everything they want, but if they don't have a defibrillator, my

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wife from Grant, you'll have to call her and tell her that I didn't make it. We have to have the equipment. OK, thank you.

**CLEMENTS:** Senator Spivey.

**EDWARD MLINEK:** Look at that and no red light.

**SPIVEY:** Thank you, Chair. Thank you so much for being here. I will not hold it against you that you're a Benson Bunny because I'm a North High Viking. So I just-- I won't hold it against you and your testimony and my vote when we talk-- take this up.

**EDWARD MLINEK:** OK.

**SPIVEY:** But I really appreciate your framing, I think it helped me understand it better. And so I appreciate you answering those questions and getting them so quickly. One of the things I wanted to ask with Task Force 1, is that the official name?

**EDWARD MLINEK:** Yes, Nebraska Task Force 1.

**SPIVEY:** So I, I understand the natural disaster component, needing the equipment like the explosion. Do you all assist because you have search and rescue in your name? For, like, there were actually in my district, three young girls that went into the Missouri that they were searching for their bodies, they end up drowning. Like, do you all support those types of missions as well or is it a, a true natural disaster structural issue and then that's where your work is situated?

**EDWARD MLINEK:** Yeah, I'll defer to Captain Engler. We, we respond when called to man-made, like World Trade Center, or natural disasters. So we respond to those. Now, whether or not we have individual assets that could respond for that--

**ASHLEY ENGLER:** Can I, can I answer?

**EDWARD MLINEK:** Yeah.

**SPIVEY:** Chair, is that appropriate? I don't know.

**M. CAVANAUGH:** If you can repeat what she says.

**CLEMENTS:** Well, you finish and then we'll call her up.

**EDWARD MLINEK:** OK.

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**SPIVEY:** Yeah, thank you.

**CLEMENTS:** Are there other questions for the doctor?

**EDWARD MLINEK:** I've gone to wildfires, tornadoes, floods. You know, the teams went to Maui for the Maui fire, they went to New Mexico for that, and then everything in between, so. Thank you for your time today.

**CLEMENTS:** Seeing no other questions, thank you for your testimony.

**EDWARD MLINEK:** Thank you.

**CLEMENTS:** Captain Engler, would you be willing to respond?

**SPIVEY:** Thank you, I apolo-- I should have asked you when you were here. It just made me think when he said search and rescue and the name, I didn't know the types of incidences were expanded to, like what you all do with search and rescue.

**ASHLEY ENGLER:** Yes, ma'am. So to answer your question, it depends on if it exceeds the local assets. Everybody in the state has the right to ask for us. So it depends on anything that exceeds the local assets that the emergency managers can push it up and, and ask. We've done simple things such as sending our HR, which are cadaver dogs, out to do searches for law enforcement if they've asked for them. Something very simple like that to one, to two, you know, people, to incident management, to just some of those portions of that. So if that answers your question.

**SPIVEY:** OK. And local assets would be, like, if the Omaha Police Department, for example, didn't have the equipment or--

**ASHLEY ENGLER:** Yes, ma'am.

**SPIVEY:** --personnel, they can make their request. And if you're not on a different assignment and you have the capacity, then you can do it.

**ASHLEY ENGLER:** Yes, ma'am.

**SPIVEY:** OK. Thank you. That's really helpful.

**CLEMENTS:** Thank you, Captain.

**ASHLEY ENGLER:** Thank you.

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**CLEMENTS:** Are there other proponents for LB968? Seeing none, anyone here in opposition? Seeing none, anyone here in the neutral capacity? Seeing none, Senator, you may close.

**PROKOP:** Well, thank you to the committee members. I'll keep this really brief. I think the testifiers did a great job of, of framing up both the need and, and, and the why behind this. I-- you know, I, I would tell you when I was considering this bill, understanding what we were up against and asking for \$4 million for this is, is, is this the right time to do it? And after discussing this is, you know, I think to state the obvious that the time to be prepared for an emergency response like that is not after the emergency occurred or occurs in a disaster, so. I really wanted to bring the bill to make sure that we are well prepared to take care of our fellow Nebraskans if, if the unthinkable happens. So I appreciate the committee's consideration of, of my bill and, and happy to answer any questions.

**CLEMENTS:** Any more questions? Seeing none,--

**PROKOP:** Thank you.

**CLEMENTS:** --thank you, Senator. We have position comments for the hearing record: proponents three, opponents two, neutral zero. That concludes the hearing for LB968. And that concludes our business for today.