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COMMITTEE ON GOVERNMENT, MILITARY AND VETERANS AFFAIRS  
January 26, 2006  
LB 903, 996, 771, 921

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Thursday, January 26, 2006, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB 903, LB 996, LB 771, and LB 921. Senators present: DiAnna Schimek, Chairperson; Pam Brown, Vice Chairperson; Carroll Burling; Deb Fischer; Chris Langemeier; Mick Mines; Rich Pahls; and Roger Wehrbein. Senators absent: None.

SENATOR SCHIMEK: Good afternoon and welcome to the hearings of the Government, Military and Veterans Affairs Committee. We're happy to have you with us this afternoon. For the record, my name is DiAnna Schimek and I chair the committee. And I would like to introduce the members of the committee to you. I'll start over at my left this time with Senator Deb Fischer of Valentine. Senator Langemeier is presenting another bill. Next to where he would be sitting is Senator Mick Mines from Blair. Next to him is Senator Roger Wehrbein of Plattsmouth. Next to him is Sherry Shaffer, who is the committee clerk. Next to me, on my right, is the legal counsel for the committee, Christy Abraham. Next to her is Senator Pam Brown of Omaha who is vice chair of the committee. Next to her is Senator Carroll Burling of Kenesaw. And last, but not least certainly...

SENATOR PAHLS: Thank you.

SENATOR SCHIMEK: ...is Senator Rich Pahls of Millard/Omaha. We will take the bills today in the order in which they were posted, beginning with LB 903, then LB 996, LB 771, and LB 921. And we do have sign-in sheets over there as you come in the door, on my left. And we'd ask you to fill those out and deposit them in the box on the table when you come up to testify. We will take the opening on the bill, then we'll take proponents, then opponents, and then neutral testimony on the bills. If you have materials to be distributed, we can do that for you. We can also make copies of anything that you would like to have distributed. At this time, I would ask you to turn off your cell phones, please. And I would also like to mention that our page today is John Dunker of Sutton. And with that, Senator Preister, I believe we are ready to begin.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 2

LB 903

SENATOR PREISTER: Thank you, Senator Schimek and members of the Government, Military and Veterans Affairs Committee. My name is Don Preister. I am the representative for Legislative District 5 in Omaha and Bellevue, here as the primary introducer of LB 903. The current veterans home in Omaha was named 25 years ago after Thomas Fitzgerald. It is rare that such a facility is named after one individual, though Mr. Fitzgerald's military service and concerns for veterans are greatly appreciated. This recognition will continue for the next few years until a new veterans home is completed. The new veterans home, which will be built in Bellevue, has been developed by a new group of senators, veterans, administrators, staff, and governors, because it's been through more than one administration already. All of them deserve credit and recognition for this new \$20 million facility. However, the city of Bellevue has been particularly supportive of the new home and has shown their support by donating the land for the new home. The Veterans Service Council is a statewide veterans organization made up of members who represent the VFW, Purple Hearts, Ex-POWs, Vietnam Veterans, American Legion, DAV, and the American Veterans. The members of the council recently met and unanimously voted to support naming the new home the Bellevue Veterans Home, in recognition of Bellevue's contribution. And it is they who brought the bill to me and, on their behalf, I now introduce it to you. And with that, that's my opening and I'd be happy to entertain any questions, Senator.

SENATOR SCHIMEK: Thank you, Senator Preister. Are there questions? Yes, Senator Pahls.

SENATOR PAHLS: I have a question and this is just for my information and maybe the Chair. You are a former veteran are, you are a veteran, are you not?

SENATOR PREISTER: Well, if I said a former veteran...

SENATOR PAHLS: That's why, I took that back, you are a veteran, right? (Laughter)

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 903  
and Veterans Affairs  
January 26, 2006  
Page 3

SENATOR PREISTER: Yes, I'm a veteran.

SENATOR PAHLS: And you were a medic?

SENATOR PREISTER: Yes.

SENATOR PAHLS: And you served during the Vietnam?

SENATOR PREISTER: I served in Vietnam as a medic there.  
And I served as a medic before that as well.

SENATOR PAHLS: Okay, and I'm just curious. Did you receive  
some medals or anything?

SENATOR PREISTER: Yes.

SENATOR PAHLS: And the reason why I'm doing that, sometimes  
we don't realize the type of individuals we do have in  
front, speaking in front of us. I just had heard that about  
you and I needed to commend you.

SENATOR PREISTER: Well, thank you, Senator Pahls. It's not  
one of the things...

SENATOR PAHLS: I know.

SENATOR PREISTER: ...that most of us...

SENATOR PAHLS: I understand.

SENATOR PREISTER: ...talk about, most veterans don't talk  
about their experiences. And certainly when you've served  
in a combat zone in a war, you never forget those  
experiences, but they're not the kind of things that you  
normally talk about.

SENATOR PAHLS: Right, I understand that.

SENATOR PREISTER: But I appreciate your recognition of me  
and I take that in terms of recognizing the contributions of  
all veterans.

SENATOR PAHLS: Yes.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 903  
and Veterans Affairs  
January 26, 2006  
Page 4

SENATOR PREISTER: And I thank you for that consideration.

SENATOR SCHIMEK: Thank you. Senator Burling has a question.

SENATOR BURLING: Senator Preister, thank you. In situations like this, where the Governor and the Legislature approve naming of a facility, when that facility physically moves to a new building, does it have to be renamed or can the name go along with it if no action is taken or what's the situation there?

SENATOR PREISTER: The procedure, Senator, is that in statute, the name is currently the Thomas Fitzgerald Home. So as the statute currently stands, the home would maintain that name, as I understand it, until such time as the statute is changed. The new, I don't know that we have anything in statute that provides for when a new facility is built in a different location. There may be something, but I'm not aware of it. When this home was built, state statute was actually changed because in the statute of the naming, there was also a change in statute to allow this to happen. Because this was the first and, to my knowledge, the only exception that's ever been made to name a facility after somebody who was alive. So it was a great honor and one that I certainly recognize. But, in terms of what happens now, the bill is introduced because, as the new home is being built, to clarify what the name would be, the veterans wanted to have the name changed and to have it introduced now.

SENATOR BURLING: Thank you.

SENATOR PREISTER: You're welcome, thank you for the question.

SENATOR SCHIMEK: Senator Preister, as you look at the existing statutes, well, no, let me go back one more step. In looking over the information for today's hearing, I noticed that originally they talked about the Eastern Nebraska Veterans Home. That was before they decided to name it in honor of Senator Fitzgerald. So that, you know, that was at least what they were thinking about at the time.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military           LB 903  
and Veterans Affairs  
January 26, 2006  
Page 5

Then, and maybe, was there an existing, there wasn't an existing home in Omaha at the time, as I remember.

SENATOR PREISTER: I couldn't say with certainty.

SENATOR SCHIMEK: Yeah.

SENATOR PREISTER: But it's my understanding that there were other homes in the state, but not in the Omaha area.

SENATOR SCHIMEK: Not in Omaha, right, I think that's correct. So they did decide to not name it that, but to name it after Senator Fitzgerald. Well, then, if you look at the statutes now, there's not consistency. There's the Grand Island Veterans Home.

SENATOR PREISTER: Right.

SENATOR SCHIMEK: And there's the Norfolk Veterans Home and there's the Western Nebraska Veterans Home. And this one would again name a veterans home after the location, the city in which it's located. Shouldn't we be consistent? I mean, if we're going to do this, for instance, shouldn't we also rename the Western Nebraska Veterans Home, Scottsbluff? Or vice versa, should we name them all after a geographic area rather than an actual location? In other words, maybe Mid Nebraska Veterans Home for...and I'm not suggesting that we could do this without a lot of discussion and so forth. I'm just asking it as a question.

SENATOR PREISTER: Thank you for raising that. And, Senator Schimek, that is part of the discussion that I think we need to have. Because we, as a policy at the state, have tried to identify these homes geographically. And although two of them are named after the actual towns they're in, which is what this one that I'm, the bill that I'm proposing would do, the one is a region. And either one, both the Eastern Nebraska Veterans Home or the Bellevue Veterans Home have been talked about by the task force that you and Senator Wehrbein and others of us served on and others over the last few years. So that is a possibility. Consistency is one of the things that we're looking at. Rather than having one person recognized, which is deserving and which is a wonderful honor. At the same time, there are a host, as

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 6

Senator Pahls points out, of other equally deserving veterans who could have any one of those veterans homes named after them. And they and their families would certainly be honored to have that. But...

SENATOR SCHIMEK: Well, and...

SENATOR PREISTER: ...in this case, some consistency is what we're looking at as part of this proposal. Bellevue would make it consistent with three of the four.

SENATOR SCHIMEK: Um-hum. Well, and if we were to keep it named for an individual, then would we also not need to consider allowing that same option for the other veterans homes? And then who makes the decision about who that naming should be done by?

SENATOR PREISTER: Well, and I think that whole can of, and I won't say worms, but that whole can of veterans, if you will, then gets opened up. And then how do you go about and what's the process of recognizing some veterans and for every one you recognize, all of the number of others that you don't.

SENATOR SCHIMEK: Yeah.

SENATOR PREISTER: Edward "Babe" Gomez earned the Congressional Medal of Honor and was from Omaha area, south Omaha. And he lost his life as a result of landing on a hand grenade intentionally and blew himself up to save the lives of the other veterans in his company. He would certainly be a candidate to have this home named after him. Our own Bob Kerrey, a U.S. Senator, who was a Congressional Medal of Honor, would certainly be a candidate. We have current senators as well as former senators, we have a host of veterans that have served honorably in our country. And how many of those do we leave out? And it's unfair to all of them not to recognize them. But that's the situation that we have.

SENATOR SCHIMEK: Thank you very much. Are there any other questions? Seeing none, oh, Senator Pahls has one.

SENATOR PAHLS: I do have...Senator Preister, just for

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 903  
and Veterans Affairs  
January 26, 2006  
Page 7

clarification. Now are some of the posts, are they named after a veteran?

SENATOR PREISTER: Yes, and that's an individual post organization decision. And most of them carry names of, well, General MacArthur. And they're not necessarily Nebraskans but they have names of various veterans. Some could be Nebraskans, but that's up to the individual post to make those determinations.

SENATOR PAHLS: Thank you.

SENATOR PREISTER: Which is separate from a state or a federal institution. And I might say, I did mention that the Nebraska Veterans Council unanimously supported this. There could be individual veterans and some individual member organizations that may have concerns with the naming of this, may not have heard of the proposal. I'm not sure of that. But the overall governing representation of those organizations was who I was referring to in the Veterans Council, which is who brought the bill to me.

SENATOR PAHLS: Thank you.

SENATOR SCHIMEK: Seeing no other questions, thank you very much for being with us, Senator Preister.

SENATOR PREISTER: And, Senator, unlike yesterday, this will be the only time that I'm with you today. And I do have three other bills to introduce so, unfortunately, I'm not going to be able to stay for the hearing or to close.

SENATOR SCHIMEK: Thank you.

SENATOR PREISTER: So I'll waive my closing at this time, but would be happy to work with committee to answer any questions or do whatever you may want in the future.

SENATOR SCHIMEK: Thank you very much. We appreciate your being here.

SENATOR PREISTER: Thank you.

SENATOR SCHIMEK: I'm now going to ask for proponents of the

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 8

bill. And I don't think I said it in my opening but I would ask you each to identify yourself by name, to then spell your name for the transcribers so that we have a good record of everything. So proponents of the bill, please. May I see the hands of those who intend to testify in favor of the bill? Those who intend to testify in opposition to the bill? Those who wish to testify in a neutral capacity? Thank you.

JOHN LIEBSACK: My name is John Liebsack, L-i-e-b-s-a-c-k. I'm here on behalf of the Nebraska Veterans Council which is made up of eight different veterans organizations in Nebraska. They're recognized by the state. Some of the reason that the Veterans Council decided to ask for this legislation was a number of us served on the Governor's task force and some were on the site selection committee. And as we looked at 10 or 12 different sites in Omaha and Sarpy County and Douglas County, those sites all began to just fall off as they were purchased by other people and they were not in a good location and too far away from a hospital, that sort of thing. And at the same time, we were discovering that maybe the amount of money that had been talked about to build the veterans home was a little bit understated and the cost of the land was cutting into the size of the home that could be developed and that sort of thing. And that's when Bellevue stepped forward and had this site and offered it at no cost to the state of Nebraska, saving about a half a million dollars in land purchase cost. And that's the main reason that we voted as a group to ask that the site be named after the city of Bellevue and to make it site specific.

SENATOR SCHIMEK: Thank you.

JOHN LIEBSACK: Do you have any questions?

SENATOR SCHIMEK: Are there questions? I guess I have...

JOHN LIEBSACK: Okay.

SENATOR SCHIMEK: ...one or two, Mr. Liebsack. I, just simply having the home in Bellevue is going to be some kind of an economic advantage to Bellevue, I would guess.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 903  
and Veterans Affairs  
January 26, 2006  
Page 9

JOHN LIEBSACK: I would think so.

SENATOR SCHIMEK: So, in a sense, there is some compensation to Bellevue for their generosity. And, but although I understand the reason for the recommendation. The new home will serve how broad an area, in terms of geographically?

JOHN LIEBSACK: To some extent, the entire state. We have veterans that select the Scottsbluff home, and incidentally when we fill out applications for the veterans home, we refer to it as Scottsbluff. We hardly ever call it Western Nebraska. And there are people from the western part of the state that would come to Omaha. Typically, it's because they have relatives in the area or that sort of thing. Or the facility closest to them may not serve their particular needs in the time that they need to use it, but, most generally, the Omaha/Sarpy County area.

SENATOR SCHIMEK: In the discussion in the Veterans Council, did you have any discussion at all about this whole naming process and whether the other names are appropriate? Or did you just really...

JOHN LIEBSACK: We mostly...

SENATOR SCHIMEK: ...center in on this particular one?

JOHN LIEBSACK: ...centered on this one and considered that Norfolk and Grand Island are named after the cities that they're in.

SENATOR SCHIMEK: Okay, thank you.

JOHN LIEBSACK: Thanks.

SENATOR SCHIMEK: Appreciate your being here with us.

JOHN LIEBSACK: Thank you.

SENATOR SCHIMEK: Um-hum. Are there any other proponents? If not, we will take opponents. Anyone who wishes to testify in opposition, please come forward. Welcome.

GAYLE FITZGERALD STURM: (Exhibit 1) My name is Gayle,

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 10

G-a-y-l-e,            Fitzgerald,            F-i-t-z-g-e-r-a-l-d,            Sturm,  
S-t-u-r-m.

SENATOR SCHIMEK: Thank you.

GAYLE FITZGERALD STURM: I'm a daughter of Thomas Fitzgerald, a former state senator for whom the veterans home in eastern Nebraska is named. I am appearing on behalf of my father who, because of poor health, is not able to be here in opposition of LB 903 himself. I would like to give you a brief history of Thomas Fitzgerald so you can understand why I feel it is so important that the facility under construction in Bellevue retain his name. My father enlisted in the Army in January after Pearl Harbor. He was in the 10th Mountain Division and served in North Africa and Italy. He was wounded in action in April, 1945, and was honorably discharged in August. After his discharge, he returned to Omaha, went to work at the post office, married, and raised a family. During this time, he was always involved in veterans organizations, such as the Purple Heart Chapter 260, American Legion Post 1, VFW Post 3421, and the Douglas MacArthur Post of the DAV. He went to Washington, D.C., twice to secure a national charter for the Purple Heart. This was at his own expense and, as a letter carrier, he did not make a lot of money. But he did it because it was the right thing to do for his fellow veterans. He was committee chairman for Operation Reindeer, which was a program to provide transportation home at Christmas for hospitalized veterans who could not afford it. After a successful fundraising drive in Omaha, he was named national chairman for the project. He knew what it was like to be away from family at Christmas and how difficult it was to be hospitalized far from home. He ran for the State Legislature and was elected twice. He had a dream, a big dream. He envisioned a place in eastern Nebraska where a veteran would be assured that, if the need arose, he or she would have a home where they would be cared for during the latter years of their lives with grace and dignity. He was told that it didn't stand a chance of accomplishing this dream. But because of his determination and dedication, he saw his dream become a reality. It says in Webster's Dictionary that a hero is someone who is celebrated for special achievements and attributes. According to this, Thomas Fitzgerald defines the word hero, not only by the

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 903  
and Veterans Affairs  
January 26, 2006  
Page 11

standards of his country by awarding him the Purple Heart medal for his actions in World War II, but from that day forward, he made it his life's mission to ensure that all veterans would not have served in vain, whether it was a sacrifice of their precious time away from family and loved ones or even the ultimate sacrifice of their lives. His life work was recognized by his fellow state senators when they voted to name the veterans home in his honor. This was his legacy and to have his name removed from the veterans home in eastern Nebraska, be it at 156th and Maple or in Bellevue or anywhere else, is a travesty. Not only was he instrumental in the establishment of the Thomas Fitzgerald Home, he volunteered countless hours visiting with the members and going to Mass on Sunday until his health began to fail. My three daughters went with him many times. They helped him hand out ice cream at the ice cream socials and gained a great respect and appreciation for what their grandfather had accomplished. I cannot understand how this bill, LB 903, came into being. My father dedicated decades of his life to veteran causes, was honored for his hard work, and to now have his name removed from the new facility is an insult. Please help us keep my father's legacy alive by doing the right thing, as he did, and retain the name Thomas Fitzgerald Veteran Home by voting not to pass LB 903. Thank you.

SENATOR SCHIMEK: Thank you, Ms. Sturm. Are there questions anybody? Yes, Senator Wehrbein.

SENATOR WEHRBEIN: Thank you. Do you know of any other buildings in the, around, let's say Omaha or anywhere, that have been named after someone and then not used? And when the replacement building was done, to name it the same?

GAYLE FITZGERALD STURM: I don't personally know of a building that, you mean, went to another location?

SENATOR WEHRBEIN: Yeah.

GAYLE FITZGERALD STURM: No, I don't, I'm sorry.

SENATOR WEHRBEIN: I just wondered if there was any history to that. Thank you.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 12

SENATOR SCHIMEK:     Seeing no further questions, thank you very much for being with us.

GAYLE FITZGERALD STURM:    Okay, thanks.

SENATOR SCHIMEK:     We appreciate it.    Next opponent?

LINDA FITZGERALD KASS:    (Exhibits 2 and 3)    Okay, and I do have some handouts as well.

SENATOR SCHIMEK:     Okay.

LINDA FITZGERALD KASS:    Okay, my name is Linda Fitzgerald Kass, that's L-i-n-d-a F-i-t-z-g-e-r-a-l-d, Kass, K-a-s-s. Everybody wants to put C, but it's a K. Anyway, I am Linda Fitzgerald Kass, my father is Thomas Fitzgerald, for whom the veterans home is named, and I speak to you today from the bottom of my heart. My sister has told you about my father and what he accomplished in his decades of dedication to veterans causes. My father is not a rich or a powerful man. He is a common man, through his determination and vision, was able to realize a dream. And that dream was the veterans home in eastern Nebraska. When his fellow senators voted to name the home after him, he was both humbled and honored. And I believe that this honor was well deserved and I am strongly opposed to LB 903. My father was involved in veterans organizations his entire life. My brother, my sister, and I grew up at VFW, Purple Heart, and DAV meetings. It was a good way to grow up. We all have an appreciation of history and the sacrifices that all veterans through the years have made. My father never talked about his experiences during the war and when we asked what happened to his finger, he had a finger that was amputated, he made a joke of it. He always said he went to check the wind direction and it got shot off. I never knew he was a ski trooper until I was in high school and he was teasing one of his cousins about going skiing. Although he never talked about his time in the war, he never forgot that there were those not as fortunate as he and worked to better their circumstances. Last year, we heard that there was a possibility that the new veterans home would not carry the Thomas Fitzgerald name. We wrote the Governor, state senators who voted to name the home after him, and current state senators. We received a reply stating, no final

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 13

decision had been made, that the Governor would decide most likely closer to the opening of the new facility in 2007. Then you can imagine our shock, hurt, and even anger when our mother and father received a phone call from a World-Herald reporter asking their comments on LB 903 and the name change to Bellevue Veterans Home. My father is almost 86 years old and has been in poor health for a number of years. To hear this news was extremely upsetting to him, to think that his lifetime of devotion to veterans was now to be ignored and forgotten when the Nebraska Veterans Council voted unanimously to endorse this bill. If it were not for my father spearheading the original veterans home project during his time in the Unicameral, I don't think that we'd be here today discussing this issue because I don't think there would be a veterans home to discuss. I would like to talk about some the highlights in that information packet we tried to distribute this morning. The reason my father fought so hard for a veterans home in eastern Nebraska is because studies had shown that more than half the state's 200,000 veterans live within 50 miles of the proposed Douglas County site. There was a waiting list to get into the existing facilities. And with the World War II veterans aging, the need for another home soon would be overwhelming. These veterans needed to be served closer to their homes and loved ones. As people age, it becomes more difficult for them to travel any distance and it would be heartbreaking to be in a home and not have your family and friends able to come visit you. Forty-one senators sponsored the bill to rename the Eastern Nebraska Veterans Home to the Thomas Fitzgerald Veterans Home. That shows how strongly his peers felt about his work on behalf of the veterans home in Douglas County, as well as on veterans programs in general. Also supporting the measure was Duane Bokemper, at that time, secretary of the Nebraska Veterans Council, who credited my father with untiring efforts to help former servicemen. I do not understand how the present Nebraska Veterans Council can now support changing the name. I would like to read to you some of the commendations my father has received from various veterans organizations. The Purple Heart mentions his exceptionally meritorious and conspicuous service to his fellow community, fellow citizens, and veterans. The VFW of Nebraska, in a letter from 1980, says, we in the Veterans of Foreign Wars and its Ladies Auxiliary in Nebraska will be hard pressed to find a

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 14

way to adequately say thank you. The hours, days, months, and years of your time and effort expended to make the Eastern Nebraska Veterans Home a reality can never be repaid. There is no need for me to tell you what this new facility means to our eastern Nebraska veterans. You can be assured, however, that I will tell the veterans of this state of your unswerving dedication to this project. With the acquisition of the Douglas County hospital annex as the fourth facility in our group of veterans homes, Nebraska now leads the nation in providing nursing home space to its veterans. Full credit for this accomplishment goes to you, along with the respect and gratitude of our entire organization. Your efforts on our behalf will long be remembered in the Department of Nebraska Veterans of Foreign Wars. Please note that they state the hours, days, months, and years of his time and effort can never be repaid. Yet today, LB 903 wants to repay him by removing his name from the new facility. The American Legion's Certificate of Appreciation was presented in recognition and in sincere appreciation of outstanding service and assistance which contributed to the establishment of the Eastern Nebraska Veterans Home. The Thomas Fitzgerald Veterans Home also recognized him for his outstanding work in planning, coordinating, and fundraising that made a new bus possible. I'm afraid that he begged for donations from anyone he ran into, in the grocery stores, barber shop, and everywhere in between. In the May/June 1994, Nebraska VFW News, there is an article that I would like to read as well.

SENATOR SCHIMEK: Ms. Kass, I'm going to...

LINDA FITZGERALD KASS: Okay.

SENATOR SCHIMEK: ...ask you to go ahead.

LINDA FITZGERALD KASS: Okay.

SENATOR SCHIMEK: We can all read that, we have a copy of that.

LINDA FITZGERALD KASS: Oh, okay, that's fine.

SENATOR SCHIMEK: Thank you.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 15

LINDA FITZGERALD KASS:     Okay, in that, they call him the champion of veterans causes and he was honored for his hard work and dedication and then forgotten. There is also a certificate of appreciation from VFW of the United States that calls him the veterans champion and commends his tenacity and lobbying for veterans causes. I do have e-mail comments here as well that have been distributed. There is a portrait of my dad at the veterans home. And when that was dedicated, he gave a moving speech where he thanked God that he was privileged to serve this country. He realized that too many veterans come home to live their lives without necessary services and a deserving place to get treatment when in need. He dedicated his lifetime to improving veterans services, both locally and nationally. He lived his life with honor. And to remove his name from the Thomas Fitzgerald Veterans Home is to dishonor his legacy. And I appeal to your sense of justice, history, and honor by retaining the name of Thomas Fitzgerald Veterans Home on the home in Bellevue. Please do not let LB 903 progress any further, thank you.

SENATOR SCHIMEK:     Thank you, Ms. Kass. Are there other questions or comments? Yes, Senator Brown.

SENATOR BROWN:     I have met your father several times...

LINDA FITZGERALD KASS:     Yeah, he is memorable.

SENATOR BROWN:     ...when he has come to the Legislature.

LINDA FITZGERALD KASS:     Um-hum.

SENATOR BROWN:     And he is a very charming man. And my father was also a veteran, so I...

LINDA FITZGERALD KASS:     Um-hum.

SENATOR BROWN:     ...understand how strongly you feel about this. It was always my understanding that we had a policy about not naming facilities, state facilities after someone that was living.

LINDA FITZGERALD KASS:     Yes.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military           LB 903  
and Veterans Affairs  
January 26, 2006  
Page 16

SENATOR BROWN: Because of just what we've talked about, if there's a change, it appears to be about the individual...

LINDA FITZGERALD KASS: Um-hum.

SENATOR BROWN: ...and not acknowledging that individual's accomplishments and dedication and all those kinds of things. And yet, for us, it's very difficult because this was an exception...

LINDA FITZGERALD KASS: Um-hum.

SENATOR BROWN: ...to a policy that, at least I always understood, was pretty, was quite commonly accepted.

LINDA FITZGERALD KASS: Yeah.

SENATOR BROWN: So we have a bit of a dilemma and I just want you to know that whatever we do, I acknowledge your father and everything that he has done.

LINDA FITZGERALD KASS: Well, and we do, we appreciate that. But, you know, the exception was made then and, you know, there were jokes at the time about solving the problem of him being alive. But thankfully he still is. And I can appreciate that, but the exception was made and why now would we change it? You know, even though it's a new building...anyway, thank you all. Any other comments?

SENATOR SCHIMEK: Thank you very much for your testimony. Senator Pahls still has a question.

SENATOR PAHLS: I have a question. Has anybody offered any other ways of celebrating your father's name? Let's say this would happen...

LINDA FITZGERALD KASS: Not a soul, no one approached us, we did not know anything about this until the World-Herald reporter called us and this bill was introduced.

SENATOR PAHLS: Okay.

LINDA FITZGERALD KASS: So, you know, we felt kind of blindsided.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 903  
and Veterans Affairs  
January 26, 2006  
Page 17

SENATOR PAHLS: Thank you.

LINDA FITZGERALD KASS: Okay, is that it?

SENATOR SCHIMEK: Senator Fischer has a question.

SENATOR FISCHER: Thank you for coming here today. And I want you to know that, from my district, which is central and north-central Nebraska, I've received from Legion posts, a number of, in our small communities that support your position and also from individuals. And I think, I agree with you that the exception was made.

LINDA FITZGERALD KASS: Um-hum.

SENATOR FISCHER: And I'm sorry for what you're having to go through now and be notified in the manner that you were.

LINDA FITZGERALD KASS: Thank you. Is that it?

SENATOR SCHIMEK: That's it, thank you very much. Next opponent?

THOMAS FITZGERALD: My name is Thomas Fitzgerald, T-h-o-m-a-s F-i-t-z-g-e-r-a-l-d. I am the son of former state senator Tom Fitzgerald. I'm here today talking in his behalf because he is physically and mentally unable to do that. I believe I speak from my heart for him and I believe I speak accurately, concisely, and truthfully. I have some prepared comments here. Dear Senators, I'm here today to present to you information that my family and I know is relevant to the issue of LB 903 in regards to changing the name of the Thomas Fitzgerald Veterans Home. My sisters have already presented the history of my father's accomplishments. My purpose is to present to you the events that have occurred since January 5, 2006. I do not want my comments construed as anything negative. I just want you to understand that myself, my sisters, and my mother are very upset and having great difficulty in understanding what has transpired. I'm also asking for your understanding if I sound emotional about this issue because I am. On the afternoon of January 5, my mother, Loraine Fitzgerald, called me and was in tears. She told me a World-Herald

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 18

reporter had just called my father, former state senator Tom Fitzgerald, and informed him that the home would no longer be named after him if LB 903 passed in the Unicameral. As you know, my father is 85 years old. He suffered from Alzheimer's dementia since 1994 and is physically very frail. He has memory difficulties but he can remember things that are very important to him. I talked to him about this issue and his quote was a very definite, firm "fight it." And I have to honor what my father has asked me to do. This call from the World-Herald reporter was the first word that any of us had received about this issue. We were shocked that no one in the veterans or political organizations have previously contacted us about LB 903. We felt like we have been blindsided. We gathered as a family and discussed this. We were very upset with the veterans and the political systems that my dad has vigorously participated in from the 1940s to 1994 when he could no longer participate. Although we were initially upset by Leslie Reed, the World-Herald reporter call to my father, we quickly realized that she had done us a great favor by informing us of this bill. We then called her and thanked her for making us aware of this issue. If not for her call and article, we would have no idea of when we would have been informed of LB 903. My family discussed what we should do and I said, I have to honor my father's wish, fight it. We all agreed. Since then, we've been working every evening to get information about this bill out to anybody who will listen to us. This is obviously why I am here today. Please allow me to present my case. This country that many of you have fought for is about open debate on the issues. This country is about respect and dignity to those who have gone before us to help make this country great. In this country, we preserve the honors bestowed upon our citizens and soldiers. The honor my father received was sponsored by 41 senators. The bill in 1981 received overwhelming support of the Unicameral and the veterans organizations, as my sisters have shown you in their presentations. As they say, that's history. In the last two weeks or so, my family and I have talked to at least 200 veterans around the state. We have not found a single person of the individuals we've talked to that support LB 903. The comments have ranged from, oh, Tom, that's terrible, to statements I cannot repeat here. My father was active in all the veterans organizations he was entitled to belong to. He held

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military           LB 903  
and Veterans Affairs  
January 26, 2006  
Page 19

numerous leadership positions throughout the decades. He spent his own money on trips to Washington, D.C. He spent tens of thousands of hours travelling, at meetings, on the phone, writing letters, and fundraising. When he retired from the post office, he was elected to the Unicameral and, from day one, was dedicated to getting a veterans home in eastern Nebraska. He was told by the rich and powerful that it couldn't be done. And I personally heard this in the many rides down to Lincoln shared with other senators and dignitaries. He persisted and many who initially resisted the home came on board and said the rest is history. Myself, my mother, my father, my sisters, and hundreds of people we've been in contact with are dumbfounded that this bill even exists. We find no popular support for it. I appeal to you to consider rejection of this bill. I also, I'm winding her up here, I appeal to your sense of honor and respect for those that have made this country a better place. I appeal to your sense of preserving history. This is a beautiful building we're in today. It's being carefully restored right now. There are several rooms that bear the names of those that we wish to honor, the George W. Norris Legislative Chamber, the Moses P. Kinkaid Hearing Room 1524. Should we just change that to Hearing Room 1524 and Legislative Hearing Room? I think not. There are also buildings in the state, or state parks I should say, Mahoney State Park. Mahoney was alive when the park was named after him. There are probably others, I am not aware of what they are right now but we could research that. Anyway, you know, we're surrounded by history and tradition here. I'm begging of you to preserve the history and tradition of the Thomas Fitzgerald Veterans Home. In conclusion, my father, an ordinary working man, accomplished great things. His peers honored him. He did not seek the honor given him in 1981. He was awarded by his peers. He achieved this honor, not just because of the home, but because of his accomplishments of a lifetime. I ask you to preserve his dignity, preserve our history, respect the overwhelming acclimation that his peers bestowed upon him. And one final unscripted comment, one of your first questions, Senator Pahls, was about medals. I truly believe that once something is awarded, how can you take it away? It's the same thing as the Purple Heart that my dad got. This was awarded by his peers. It was nonstandard, it was out of the ordinary, but he was out of the ordinary. Thank you very much.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903  
and Veterans Affairs  
January 26, 2006  
Page 20

SENATOR SCHIMEK:     Thank you.     Are there any questions or comments? I, yes, go ahead, Senator Wehrbein.

SENATOR WEHRBEIN:   Well, I was just going to say, for the record, so there's no misunderstanding...

THOMAS FITZGERALD:   Um-hum.

SENATOR WEHRBEIN:   ...I inquired about Mahoney Park. But I think most, that's nearly all private money. It was not a state issue, it's private money. There is some state spending on the cabins but, by and large, the land was secured by private money and that's the reason that that's, that exists as it does.

SENATOR SCHIMEK:   I would like to follow up with a different thought or suggestion. And you talked about coming down to the Capitol and the fact that we have rooms here...

THOMAS FITZGERALD:   Um-hum.

SENATOR SCHIMEK:   ...named for different individuals, which I think is highly appropriate. And it was my understanding, and I could be wrong, that Senator Preister had talked with your family. This may have been after you found out about the bill but, at some point, had sat down and talked with your family. And that one of the suggestions that he had made was that it would be entirely appropriate to name a room or a chapel or something within the facility, now I may have my facts wrong on this, after your father. And I don't think, let me say that I don't think anybody means or meant to dishonor your father. I think the honor was bestowed and it can't be taken away. But in recognition of the fact that there are so many veterans that probably should or could be honored, I think that was part of the thinking behind all of this. As well as the fact that it is going to be a different facility now in a different location. But is that, is my understanding of that conversation with Senator Preister correct?

THOMAS FITZGERALD:   Essentially...we contacted Senator Preister after the World-Herald article came out and scheduled an appointment with him. We came down here and we

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 903, 996  
and Veterans Affairs  
January 26, 2006  
Page 21

had a cordial, probably 20, 30-minute discussion with him, and that was one of the ideas he did bring up at that time, that is correct. That was brought up several weeks ago.

SENATOR SCHIMEK: And I guess I would just like to then say that, you know, the Capitol itself is probably never going to have anybody's name on it.

THOMAS FITZGERALD: That is correct.

SENATOR SCHIMEK: It is more of a statewide facility. And so I'd just like you to keep what I said in mind because I don't think that anybody is trying to dishonor your father. And, in fact, I don't think they can. I think that honor is there and it was given, as you said, by his peers. We can't take that away.

THOMAS FITZGERALD: True.

SENATOR SCHIMEK: So thank you. Any others? Seeing none, thank you very much for your testimony, we appreciate it. Are there any others who wish to testify in opposition to the bill? Any who wish to testify in a neutral capacity? Senator Preister has waived closing. So that will conclude the hearing on LB 903. And I believe that Senator Loudon is in the room and he will open. Senator Loudon on LB 996.

LB 996

SENATOR LOUDON: (Exhibits 1, 2, 3, 4, and 5) Thank you, Senator Schimek and members of the committee. My name is LeRoy Loudon and that's spelled L-e-R-o-y L-o-u-d-e-n. And I represent the 49th Legislative District and I'm here today to introduce LB 996. LB 996 will make it possible for the Nebraska Department of Veterans Affairs to go forward with the Nebraska State Veterinary (sic) System...Nebraska State Veterans Cemetery System, get that straight. The High Plains Veterans Cemetery Task Force in Box Butte County has secured \$75,000 in cash, in-kind donations, and pledges and another \$75,000 is needed for us to qualify to apply for federal funds. Governor Heineman has included that \$75,000 in his 2006 budget proposal, which will give us the \$150,000, or 10 percent, of the total cost of construction

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 996  
and Veterans Affairs  
January 26, 2006  
Page 22

which is required before grant funds can be applied for. By going forward with LB 996, the federal government will design, engineer, and construct the veterans cemetery. If the Appropriations Committee includes Governor Heineman's proposed \$75,000 in the budget, LB 996 is needed to allow the state to appropriate those funds. The bill's fiscal note indicates that once cemeteries are built, operating costs may be a General Fund obligation. I would like to emphasize that the scenario of operating costs being an obligation is only the case if other non-General Fund sources are available, which the fiscal note points out. Non-General Fund sources are already committed for the operation of the cemetery in Box Butte County. The city of Alliance and the county of Box Butte have already pledged in-kind support in the approximate amount of about \$125,000 annually. And this would break down into about \$39,000 from the county and \$85,000 or \$86,000 from the city. It should be noted that these commitments were made in 2004 and the numbers have not been adjusted for inflation since that time. In addition, the veterans cemetery provides federal funds for each burial. It estimates 78 burials per year at about \$300 per burial, which would yield over \$15,000 annually in federal funds. I would urge advancement of LB 996 because of the huge benefits that will be realized, not only for our veterans, but to have a facility such as this in the western region of Nebraska. The city of Alliance and Box Butte County have agreed to these in-kind services, such as maintenance, bookkeeping, lawn care, and snow removal to name a few. And this is the only state veterans cemetery in the nation that has received this type of support. It is, in fact, a historical cooperative effort of city, county, and state that has been brought together to honor military veterans. I have copies of letters from the mayor of Alliance, also Dan Kusek, which will testify later, the chair of the High Plains Veterans Cemetery Task Force, "Cap" Brixius, a Box Butte County Commissioner, and the director of the Fort McPherson National Cemetery at Maxwell, Nebraska. And I'd like these to be entered into the record. I'd be happy to answer any questions you may have.

SENATOR SCHIMEK: Thank you, Senator Louden. Senator Brown has a question.

SENATOR BROWN: Senator Louden, do you have numbers for

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military           LB 996  
and Veterans Affairs  
January 26, 2006  
Page 23

individuals who, in the western part of the state, whose families have requested their, or who wish to be buried in a veterans cemetery and there was not...

SENATOR LOUDEN: Well, yes.

SENATOR BROWN: Is there any way to quantify those, is what...

SENATOR LOUDEN: Okay, I'll put it this way. Yes, there are some sitting on the mantel waiting. But these were usually private conversations, you know, and I wouldn't want to say. But there are several people that have already indicated a choice of that already.

SENATOR BROWN: The reason I was asking is because of the numbers that you talked about in terms of burials that...

SENATOR LOUDEN: Seventy-eight burials per year.

SENATOR BROWN: Yes, yes, and where, how was that number...

SENATOR LOUDEN: I think by averaging what they do in other cemeteries and areas and the amount of veterans in the area that are probably being deceased. Because, I mean, the veterans service officer in your counties, you know, have an idea on how many veterans are passing on because they have to do that as part of their book work to take care of veterans. Because all of them, they buy them all a flag and some of them they buy a stone. So there are some numbers out there. Whether these numbers came from exactly that, but my observation is that I think those numbers will probably be greater than that for a while.

SENATOR BROWN: Thank you.

SENATOR SCHIMEK: Are there any others? Seeing none, Senator Louden, thank you very much.

SENATOR LOUDEN: Thank you.

SENATOR SCHIMEK: We'll now take proponents of the bill. Senator Hilgert, nice to see you.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 996  
and Veterans Affairs  
January 26, 2006  
Page 24

JOHN HILGERT:    (Exhibit 6)    Good to see you. Good afternoon, Senator Schimek, members of the Government, Military and Veterans Affairs Committee. I am John Hilgert, J-o-h-n H-i-l-g-e-r-t, director of the Nebraska Department of Veterans Affairs, which is the state agency that is charged, by statute, to administer the Nebraska veterans cemetery system. The Nebraska Department of Veterans Affairs supports the passage of LB 996. LB 996 is a fairly simple bill that basically restores the position of the two veterans cemetery projects in Box Butte and Hall Counties to where they stood prior to legislative changes that took place in 2000 and 2005. If Mr. Dunker is not...

SENATOR SCHIMEK: If you want to just...

JOHN HILGERT: I'll just...

SENATOR SCHIMEK: Sherry will take care of it. Thank you, Sherry.

JOHN HILGERT: The mechanism that was in put place by those bills...thank you, Sherry.

SHERRY SHAFFER: You're welcome.

JOHN HILGERT: By those bills for the benefit of a possible Sarpy County state veterans cemetery remains unaltered by this legislation. There's a lot of exciting things going on in this state and using Senator Hartnett's State Veterans Cemetery Advisory Board, we look forward to communicating and collaborating with folks all across Nebraska as we build a state veterans cemetery system. The letter that I'm handing out is from 2nd Congressional District, Lee Terry, who's in favor of LB 996 and also is working very closely with those in Sarpy County on their efforts. I want to recognize the community effort led by the High Plains Veterans Cemetery Task Force for its efforts to raise the funds the state will match upon passage of LB 996. That will amount to the requisite funds to proceed with the development of the state veterans cemetery in Box Butte County. The High Plains Veterans Cemetery Task Force is a community-based organization, comprised of representatives of veterans service organizations, local government representatives, business interests, Box Butte Development

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 996  
and Veterans Affairs  
January 26, 2006  
Page 25

Corporation, and others. And as Senator Louden said, both Box Butte County and the city of Alliance has offered to assist in the operation and maintenance expenses associated with the state veterans cemetery. I also want to recognize the city of Alliance for agreeing to donate the property upon which the state veterans cemetery will be located. All told, it has been an impressive effort of a community coming together and partnering with the state to achieve a shared goal. Please advance LB 996 and would welcome any questions.

SENATOR SCHIMEK: Thank you, Director Hilgert. Are there questions? Seeing, oh, yes, Senator Wehrbein.

SENATOR WEHRBEIN: This then in no way impacts Bellevue and the efforts going on in the Bellevue area?

JOHN HILGERT: It certainly doesn't hurt the efforts in Bellevue whatsoever. Certainly, I think it might assist them in a way because one of the variables, and there are variables in this. The state does not operate state veterans cemeteries. And, over time, you need to develop the skill set necessary and a track record to talk about financial obligations and operating expenses. Through the construction of this cemetery system, we'll be able to not only have that skill set, but have a track record of operating systems and costs that will assist them in estimating what their costs might be.

SENATOR WEHRBEIN: Okay, thank you, John.

SENATOR SCHIMEK: Seeing no others, thank you for being with us.

JOHN HILGERT: Thank you very much.

SENATOR SCHIMEK: We appreciate it. Next proponent, whoever wants to go next. Maybe those who came the furthest should get to go first.

DAN KUSEK: Good afternoon, Senators. That might be me. My name is Dan Kusek, D-a-n K-u-s-e-k. I just drove in from the Panhandle this morning and to kind of let you know where Alliance is, Alliance is in the middle of the 11 counties in

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 996  
and Veterans Affairs  
January 26, 2006  
Page 26

the Panhandle. As I drove the roughly 390 miles down there this morning, that is further than what it would take me to drive to the capitols of South Dakota, Wyoming, and Colorado. So, and I'm glad that you have the wind today. It was calm in the Panhandle when I left this morning. (Laughter) Thank you for having this hearing. As I said, my name is Dan Kusek. I reside in Alliance. I'm the chairman of the High Plains Veterans Cemetery Task Force. I'm a member of the Alliance City Council, starting my tenth year on the council. I served as mayor of Alliance from 1998 to 2002. If I would, Senator, I would read part of my letter into the record and you have a copy of it there. But today, January 26, 1,500 American heroes, roughly, will die. Those are 15 (sic) veterans who put their lives on the line to protect and defend our nation and our way of life. Tomorrow, another 1,500, approximately, will die. On the next day, another 1,500 and the next another 1,500 and so on and so on. It is estimated that this year, 2006, approximately 600,000 of our 19 million veterans will pass away. That's 600,000 rifle volleys will break the somber silence. The sorrowful but peaceful notes of Taps will echo across America; day is done, gone the sun, from the lake, from the hills, from the sky, all is well, softly rest, God is nigh. LB 996 will speed up the process of the state of Nebraska joining her sister states in creating state veterans cemeteries in Nebraska. Military cemeteries were in essence created by Abraham Lincoln on the hallowed grounds of Gettysburg in 1863. There's over 60 cemeteries now in over 30 states and the territory of Guam. Congress created the state cemetery system to augment their national system. The letter that you have in your packet from the director of Fort McPherson states some facts and figures from that cemetery, which is over 100 years old, and his support of anything that will assist the national cemetery system in duly honoring our veterans. As I said, LB 996 will speed up the process. Our High Plains Veterans Cemetery Task Force was formed in September of 2003 to raise funds for the cemetery in Box Butte County. To date, we have raised, in pledges and cash, about \$84,000. The money is held in an account with the Nebraska Foundation. We are a small group in the Panhandle and all parts of the Panhandle who are raising funds who will continue to raise funds. And I think long in the future, there will be groups that are raising funds for the upkeep, operations, and

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 996  
and Veterans Affairs  
January 26, 2006  
Page 27

maintenance of this cemetery and the others. Congressmen Tom Osborne's office was instrumental in getting this project off the ground again after the Legislature in 2001 removed the appropriations from Governor Johanns' budget. Former Governor Mike Johanns, present Governor Dave Heineman, U.S. Senator Chuck Hagel, U.S. Senator Ben Nelson, former U.S. Senator Bob Kerrey have all supported our group and have made radio ads that have aired in the Panhandle to help raise funds for this project. Our objective is near. We've been working on it a long time. The idea first came up in Alliance in the early 1990s. The Alliance City Council, in December of 1995, passed a resolution supporting the acquisition of a national cemetery near Alliance on the site of the old Alliance Army Air Base. The Alliance Army Air Base, during World War II, was the home of about 15,000 paratroopers. Those paratroopers trained there on that 6,000 acres of that airport that still has some of those same active runways. I think our main runway, at 9,200 feet, is still the second or third longest runway in the state of Nebraska. When the war was over, the federal government, the Department of War, gave that land back to the city of Alliance. When they trained there, the people that trained there were the 403rd Troop Carrier Group, the 326th Glider Infantry, the 434th Troop Carrier Group, the 507th Paratroop Infantry, the 411th Base Squadron, and the 845th WAC Post Headquarters Group. The 14,000 paratroopers of the 507th trained there in early 1944. They shipped out to England where they were assigned to the 82nd Airborne Division. And late on June 5 and early on June 6, 1944, those paratroopers jumped into France to lead the invasion of Europe. It is sacred ground there, the land that we have picked out. Actually, the land, the 20 acres that we donated, or offered to donate to the state, was picked out by then-Director Fickenschler of the Nebraska Veteran Affairs. Congress started this in 1978. There was nothing in Nebraska law that would create a cemetery in Nebraska. In 1997, I believe it was, then 49th District Senator Bob Wickersham introduced LB 820 which would create a state veterans cemetery near Alliance. The Legislature defeated that bill.

SENATOR SCHIMEK: And, Mr. Kusek, can I stop you there?

DAN KUSEK: Yes.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 996  
and Veterans Affairs  
January 26, 2006  
Page 28

SENATOR SCHIMEK: Because I think we have a lot of this, I mean, I think we have a lot of this kind of background. But we need an opportunity to ask you some questions if you...

DAN KUSEK: That would be great, thank you.

SENATOR SCHIMEK: Yes. Does anyone have any questions at this point about the bill itself, as to whether we need to approve this concept or not?

DAN KUSEK: The only thing I can add on that, and maybe Director Hilgert would know if they've changed the law at the federal level. My understanding of the federal level was that this money that was put up, this 10 percent for the design work, soil sampling, and all that kind of stuff, when the cemetery was built, that money would be returned to the state of Nebraska so that it could then be used in a permanent endowment or a maintenance and operations fund. So it used to be that way, I don't know if it still is or not.

SENATOR SCHIMEK: And I think that's what our fiscal note indicates so, yes, that's helpful. Thank you.

DAN KUSEK: So I guess with our money and the \$75,000 that the Governor has agreed to loan, we can get this done. I would tell you, Senator, I think there are, they estimate about 10,000 veterans are located in the 11 Panhandle counties. And total, with this 20 acres, they talk about perhaps there would be 9,000 burial plots in there, total.

SENATOR SCHIMEK: Seeing no other questions, we thank you very much for coming all that distance to be with us today.

DAN KUSEK: Thank you, Senator.

SENATOR SCHIMEK: You're welcome. Next proponent?

CASPER BRIXIUS: Thank you, Senator.

SENATOR SCHIMEK: You're welcome.

CASPER BRIXIUS: I'm Casper Brixius, B-r-i-x-i-u-s. I'm the

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 996  
and Veterans Affairs  
January 26, 2006  
Page 29

vice chairman of this task force. I'm also a county commissioner and have been for 14 years. And I'm a retired Marine, so I have a pretty soft part in my heart for this cemetery, to see it built. And I'm just sorry that Pat and Olivia Dillon, who started this movement, isn't around anymore to see it finished. What we have did with the county, our veterans service officer will be helping in the administrative part of people coming in to be buried there. I'm also on the frying squad for the VFW and I can tell you, we have put an awful lot of veterans. Our World War II veterans are getting thinner and thinner every year. And so the longer we wait to finish this project, the more and more of them we will be burying in civilian cemeteries. And I'm sure they would love to be in a veterans cemetery. I have no other written statement so if you have any questions, I'd be glad to answer them.

SENATOR SCHIMEK: We do appreciate your coming all this distance. You're Box Butte County Commissioner?

CASPER BRIXIUS: Yes, I am.

SENATOR SCHIMEK: Correct. I don't see any other questions, but thank you so much for your time.

CASPER BRIXIUS: Thank you, Senator.

SENATOR SCHIMEK: You're welcome. Are there others who wish to testify as a proponent?

JOHN THOMPSON: Senator Schimek, John Thompson, T-h-o-m-p-s-o-n, from the other end of the state, Bellevue, Nebraska. And as long as we're not under oath, I can say that I've breezed the bricks and cruised the butte and never once sped or made an illegal U-turn out in Alliance. (Laughter) As long as we're not under oath.

SENATOR LOUDEN: Bless your heart.

JOHN THOMPSON: (Exhibit 7) I had a cousin who lived out there and one who was a principal of the high school years ago. And so I'm very familiar with the area. I'm here representing Memorial Ridge of the Midlands in Sarpy County. And just to, I had one-time concern, no longer concerned

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 996  
and Veterans Affairs  
January 26, 2006  
Page 30

about how this bill might affect the long-term impact of the Sarpy event. At one time we had passed a bill that actually precluded the federal government from being able to help. I just want to make sure that this one didn't do the same thing. And it appears that's all cleared. I'm horribly in favor of everything that's going on out in the Alliance area, it's a great thing. Also, if I could, have three minutes to just discuss where we are there and we're not sitting still. We have, I've got a thing from MAPA who is an agency that does census taking.

SENATOR SCHIMEK: Is that to be distributed, excuse me.

JOHN THOMPSON: Yes.

SENATOR SCHIMEK: Okay.

JOHN THOMPSON: It could be distributed. It shows from the MAPA area, we have approximately 172,000 veterans in our 75-mile radius, which would, according to MAPA, qualify for a national cemetery. There's still some discussion as to whose census is more reliable. But we did not want to really, our intent at the beginning was to look at a national cemetery because of the size of the veteran population. At one time, we were told it was not to be. And recently we have been encouraged to pursue that, which would be to the benefit of one and all because it would take the approximately, we have a verbal commitment of \$1.5 million for purchasing ground, a verbal which should go hard in the next couple of months, where we can start purchasing ground. We've been told that it's favorably looked upon on whether it's national or a state veterans cemetery, if the ground is donated, even though the national says they'd do that, it's better to have the ground available, ready to go. So we have not been standing still. We're looking forward to pursuing a national, and not to exclude the state veterans cemetery if necessary, but a national is, from all perspectives, even from just the honor of what a national brings, it's an interesting thing to look for for the state of Nebraska. So that's where we are now. We're still excited after four years of going through the process, that seemed like a good idea to put forward at the time, it's taken a lot longer. We're undaunted and we're working with our congressman to move forward on that. And

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 996  
and Veterans Affairs  
January 26, 2006  
Page 31

just wanted to let you know that we're part of the whole state. We're looking forward to what happens out in Alliance, too.

SENATOR SCHIMEK: We appreciate your testimony very much. Are there any questions of Mr. Thompson? Seeing none, thank you for being with us today.

JOHN THOMPSON: Okay, thank you.

SENATOR SCHIMEK: Are there any others who wish to testify as a proponent of the bill? Is this the last proponent, I should ask. Are there any others?

JIM CADA: Good afternoon, Senator Schimek.

SENATOR SCHIMEK: Good afternoon.

JIM CADA: Members of the committee, my name is Jim Cada, C-a-d-a, an attorney in Lincoln, Nebraska, a veteran of the Vietnam War, member of the Military of the Purple Heart, and a member of the Veterans Council of Nebraska, and many other veterans organizations throughout the state. We, as veterans, are very proud of the work that Senator Hilgert has done for the veterans of Nebraska since he's been selected. And we're extremely proud of the effort that he's put forth in putting this legislation before you. We, as veterans, are, see this legislation as the beginning of a groundswell to add not only the cemetery in Alliance, but to assist with a couple of others in the state of Nebraska as this goes on. And hopefully we will make this long-awaited dream a reality if you will put this legislation forward. Thank you very much.

SENATOR SCHIMEK: Thank you, Mr. Cada. Are there any comments or questions? Seeing none, you're off the hook.

JIM CADA: Thank you.

SENATOR SCHIMEK: Next proponent?

JOHN LIEBSACK: John Liebsack, L-i-e-b-s-a-c-k, it's good to see you again this afternoon. Thanks for the opportunity to testify. The Nebraska Veterans Council has made LB 996 its

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 996, 771  
and Veterans Affairs  
January 26, 2006  
Page 32

priority issue in this season. As a Douglas County veterans service officer in Omaha, Nebraska, I have to tell you that we're excited about the Nebraska veterans cemetery system. Because eventually it's going to come this direction and we have lots and lots of people that are going to use a state or national cemetery, especially if it's located in that immediate area. And one of the draws of a national or state cemetery is that it doesn't distinguish between one person or another. It's not named after anybody and everyone is treated so equal that that's where they would rather be. There aren't any big shrines and that sort of thing. That's all I have. Thanks.

SENATOR SCHIMEK: Thank you, again. Any questions? Seeing none, we appreciate your testimony. Are there any others who wish to testify in favor of LB 996? Any opposition? Any in a neutral capacity? Seeing none, I, oh, Senator Loudon waives closing. And that will conclude the hearing on LB 996 and will move us to the next hearing on LB 771. Senator Friend has been waiting.

LB 771

SENATOR FRIEND: Thank you, Madam Chairman and members of the Government Committee. For the record, my name is Mike Friend, F-r-i-e-n-d, and I represent the 10th Legislative District in northwest Omaha. I'm here to introduce LB 771 at the request of the Nebraska State Treasurer's office. It's a brief bill and I'm going to be brief as well. So LB 771 would authorize the State Treasurer, in the capacity as trustee under the Uniform Disposition of Unclaimed Property Act to make payments toward child support arrearages when the obligor, obligor...Madam Chairwoman, help me.

SENATOR SCHIMEK: It's all your bill, Senator Friend.  
(Laughter)

SENATOR FRIEND: The obligor under the support order is the owner of unclaimed property. So what this is, to me, it's good government. What you're staring at here is, with this legislation, practically speaking, if unclaimed property, let's say \$150, \$100, \$150, whatever the case might be, was

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 771  
and Veterans Affairs  
January 26, 2006  
Page 33

found under the name of a person who had an arrearage in child support, the State Treasurer would be authorized to disburse that money to the custodial parent in compliance with the support order. So I know State Treasurer Ross is here to speak a little bit to this. And so if you have any specific questions in regard to, you know, part of the, I guess, the whys and wherefores, he can probably deal with that. With that, I just wanted to say thanks and any questions, I'd be happy to answer if I could.

SENATOR SCHIMEK: Senator Friend, how about someone is obliged to pay the bill?

SENATOR FRIEND: That would be the person who hasn't claimed the...yeah, we, and I have worked in that arena to address a lot of that as I think you probably remember some of it.

SENATOR SCHIMEK: Are there any questions of Senator Friend? Seeing none, thank you very much.

SENATOR FRIEND: You're welcome.

SENATOR SCHIMEK: We appreciate your being with us.

SENATOR FRIEND: And now I have to get back to Judiciary so, thank you.

SENATOR SCHIMEK: Okay, thank you.

SENATOR WEHRBEIN: This was Judiciary. (Laughter)

SENATOR FRIEND: You scared me for a second. This is too good a committee and too good looking, too...(Laughter)

SENATOR FISCHER: And the room is not full.

SENATOR SCHIMEK: Good afternoon.

RON ROSS: (Exhibit 1) Good afternoon, Senator Schimek and members of the committee. For the record, my name is Ron Ross, R-o-s-s, and I'm the State Treasurer. And I'm here to testify in support of LB 771. And thank you, Senator Friend, for introducing the bill. Less than a year ago, you worked with me on LB 476. It was a bill to help us improve

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 771  
and Veterans Affairs  
January 26, 2006  
Page 34

the way we notify people who are the rightful owners of unclaimed property. This committee recommended putting the bill on your consensus calendar and it became law just a few months ago. Thank you for all your efforts in getting a common sense, good government idea across the finish line. As State Treasurer, one of the business units I oversee is the Unclaimed Property Division, which has a variety of statutory responsibilities relating to holders and owners of abandoned property. After a holder has held property for a period of time, usually three to five years depending upon the type of property, the statutes say the property is presumed to be abandoned by the owner. The holder has a due diligence obligation to locate the owner but if the owner cannot be located and the abandonment period has passed, the holder then is required to report the property to the State Treasurer as unclaimed property. There are many types of property that are subject to these requirements, for example, gift certificates, stock certificates, utility deposits, payroll checks, and many others. In the past year, we have made tremendous progress in the way we administer unclaimed property. And I'm very proud of the employees in the Unclaimed Property Division. For example, in the last fiscal year, which was our record year, we paid about \$6.6 million in claims to the rightful owners. And these numbers will be dwarfed in 2006 because we are already at \$6.5 million through January. What accounts for this increase? Several things...first, last year in the appropriations process, the Legislature gave us one more FTE to work claims. And this has made a huge difference. We call the position the driller because instead of responding to claims, they proactively go out and drill our database to actively find owners. In the seven months since the position was created, the driller has been able to locate and recommend payment on claims amounting to nearly \$900,000. I think the rightful owners of Nebraska would agree with me that this was a very good use of unclaimed property funds. Second, we have also made great improvements in our auditing efforts. Our goal has been to increase holder compliance. The first step is to get noncompliant holders to understand the law. So we conducted a dozen or so holder education seminars across the state and we are seeing good results. We are also sending out letters to the business community, CPAs, and attorneys asking them to partner with us towards greater compliance and reminding

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 771  
and Veterans Affairs  
January 26, 2006  
Page 35

them that these audits could result in penalties and interest. This bill before you, LB 771, would help us make further improvements. Right now, when a noncustodial parent has an arrearage owed to a custodial parent and the non custodial parent also has unclaimed property, we probably don't have the authority to pay unclaimed property to the custodial parent. This bill would allow us to pay the unclaimed property to the custodial parent. And what we have in mind is to credit that payment towards the arrearage. Since the State Treasurer administers both the unclaimed property and the child support payment center, the left hand does know what the right hand is doing. We have the ability to do this. LB 771 would give us the authority to do it and this is not a completely novel approach. Similar things are done right now with Nebraska lottery winnings and with tax refunds. Thank you, I'd be happy to answer any of your questions and I would appreciate being able to work with you again in moving forward with another good bill.

SENATOR SCHIMEK: Thank you, Mr. Treasurer. Are there questions? Yes, Senator Wehrbein has a question.

SENATOR WEHRBEIN: Two things, do you have active cases right now where this would fit?

RON ROSS: We have had in the recent past. We had a situation where a lady passed away and she was a grandmother to five kids. And as we were working with the kids on this money, it became apparent that one of them had a significant arrearage. And so, in those cases, we then went to the county attorney and said, you know, this person is in arrears, we think that you ought to work with the court system so that that settlement takes into consideration the money that we have.

SENATOR WEHRBEIN: As in inherited, as somebody that inherited...

RON ROSS: Yeah, in that particular situation, that's how that money came to that person.

SENATOR WEHRBEIN: If you were to get some money, let's say you had a case like this and I assume most of it's due on

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 771  
and Veterans Affairs  
January 26, 2006  
Page 36

monthly payments. Now do you apply the whole thing or do you just take that next monthly payment out?

RON ROSS: Our suggestion would be to allow us to put that money that becomes abandoned, we find out and you ask for that money that's yours, but you owe money in child support, that we would be able to put that money towards the child support. It would go through the charge system. You'd get credit for it. The court system would know that...

SENATOR WEHRBEIN: Okay.

RON ROSS: Your arrearage would come down by that amount.

SENATOR WEHRBEIN: If there's past due, you'd make it up and then just maybe leave it in for the future?

RON ROSS: Yeah, if you owed \$1,000 and we had \$2,000 for you, \$1,000 would go towards the credit, you'd get the other \$1,000. If you only got \$1,000 from us but you're \$2,000 in arrears, that person would get \$1,000.

SENATOR WEHRBEIN: Thank you.

SENATOR SCHIMEK: Senator Burling has a question.

SENATOR BURLING: Treasurer Ross, thank you. This bill applies only to arrears, right?

RON ROSS: That's correct.

SENATOR BURLING: Okay, I wanted to make that clear...

RON ROSS: Yes, that's correct.

SENATOR BURLING: ...and I probably did, thank you.

SENATOR SCHIMEK: Seeing no further, oh, whoops, one last question.

SENATOR WEHRBEIN: One minute, then I misunderstood. I, it would only apply to arrears so I thought I heard you say that you would set it aside and pay out, you won't do that?

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 771, 921  
and Veterans Affairs  
January 26, 2006  
Page 37

RON ROSS: No.

SENATOR WEHRBEIN: I mean, they could, all that would do is catch them up to date, but there could be none set aside. You said you would work with...

RON ROSS: Only the arrears.

SENATOR WEHRBEIN: Okay.

RON ROSS: If that person is in compliance with the court order and they're not in arrears, they ought to get their money.

SENATOR WEHRBEIN: Yeah, okay.

RON ROSS: But if they're in arrears, we think that that unclaimed property money ought to go satisfy that arrear.

SENATOR WEHRBEIN: Thank you.

RON ROSS: We think it's good government and I hope you guys agree with us, and ladies.

SENATOR SCHIMEK: Now seeing no further questions, thank you for being with us.

RON ROSS: Thank you very much.

SENATOR SCHIMEK: Are there any others who wish to testify in favor of LB 771? Any in opposition to LB 771? Any in a neutral capacity? Seeing none, Senator Burling, would you like to preside while I introduce LB 921?

LB 921

SENATOR BURLING: Okay, we're ready to open on LB 921. Senator Schimek.

SENATOR SCHIMEK: (Exhibit 1) Yes, thank you, Senator Burling and members of the Government, Military and Veterans Affairs Committee. For the record, my name is DiAnna Schimek and I represent the 27th Legislative District in

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 921  
and Veterans Affairs  
January 26, 2006  
Page 38

Lincoln. I'm here to introduce LB 921, which makes changes in the two divisions, I should say the oversight of the two divisions, of the Department of Administrative Services. And with this bill, the chief information officer will provide oversight for the division of communications, or DOC, and the information management services, which is IMS, division within the Department of Administrative Services. I am having, by the way, distributed two different charts. And currently the Department of Administrative Services provides oversight for the two divisions. Under the bill, if you'll look at the charts, you'll notice that both the chief information officer and the director of DAS report directly to the Governor. Under LB 921, the department of communications and the IMS division will report directly to the chief information officer, not the DAS director. Over the years, there has been increasing overlap in the functions and issues of the chief information officer and the division of communications and the information management services division. It seems to make sense to put the two divisions under the chief information officer to encourage continued cooperation and communication. And I believe Brenda Decker, the chief information officer, is here to testify and will give further details about the bill. So I think the chart will help to understand this and I'd be happy to answer any questions that you might have.

SENATOR BURLING: Any questions for Senator Schimek? I see none, thank you very much.

SENATOR SCHIMEK: Thank you.

BRENDA DECKER: Thank you, Senator Schimek, Senator Burling, and members of the Government, Military and Veterans Affairs Committee. My name is Brenda Decker and I am the chief information officer for the state of Nebraska. Decker is spelled D-e-c-k-e-r. I'm here to testify in favor of LB 921. This legislation would move the oversight of the division of communications and information management services division from the DAS director to the chief information officer. The purpose of requesting this change is to create a clearer integration of information technology policy and operations within Nebraska's state government. In 1998, the Legislature created the Nebraska Information Technology Commission and the office of the chief

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military           LB 921  
and Veterans Affairs  
January 26, 2006  
Page 39

information officer. This legislation clearly created the chief information officer to address the policy issues of the state that are related to information technology. The chief information officer is appointed by the Governor and confirmed by the Legislature. For administrative purposes, the office of the chief information officer is located in the Department of Administrative Services. The operational aspects related to technology are also in existence in the Department of Administrative Services under the division of communications and information management services division. These two divisions currently report to the DAS director. Over the past year, in cooperation with former DAS director Lori McClurg and now-acting DAS director Gerry Oligmueller, we have been examining methods to integrate policy and operations more seamlessly. We believe that by providing a direct linkage between policy and operational outcomes, the result will be a better focal point for comprehensive leadership of IT within the state. I wish to be very clear that this is not a request to create a new agency, but a reassignment of the statutory reporting structure that is intended to provide more efficiency and more effective information technology management. I'd like to describe a couple of the items that we've worked on over the past year that demonstrates why we believe this would be a positive change in how information technology is currently structured. Through the councils of the Nebraska Information Technology Commission, we have established a strategy called shared services. Shared services is a concept that uses the build once, use many times philosophy for providing service. Our first shared service that was rolled out was BlackBerry service. BlackBerrys are hand-held devices that can be worn that interface with your e-mail and your calendars and can even have phone service put on them. As we began meeting with state agencies, we discovered that several state agencies were thinking about implementing their own BlackBerry services and each agency was looking at it for less than five users. By bringing together the policy people under the NITC councils and attaining agreement that this would be a shared service, the operational division responsible for e-mail and the operational division responsible for communications deployed the statewide BlackBerry service that has over 42 customers in 10 agencies. We deployed the service for approximately \$9,000 to state government. Had each of these ten agencies

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military      LB 921  
and Veterans Affairs  
January 26, 2006  
Page 40

deployed this service on their own for their five users, the state would've spent over \$28,000 and that does not include the time of the personnel in each agency that would be supporting this service. It should also be noted that when we brought this group together to brainstorm about the possibilities of services that could be shared between agencies, a list of approximately 40 items developed. Another example of the methods we've been exploring surrounds the topic of security and disaster recovery. As we look at what the state's policies and standards should be related to information technology security and recovering from a disaster, it becomes increasingly difficult to separate the policy issues from the operational issues. We have found that by using the policy-driven groups of the NITC to discuss how the state will operate, we have a much stronger position to work from in establishing how the operational areas will provide service. For example, in the area related to security, we have found that as we offer more services directly to citizens and partners in the business community, it becomes more critical that we are able to identify the products and the services that the state will standardize on. We need to ensure that we can identify the issues related to authorization and authentication. Authorization is the piece of security that ensures you're able to get to your information but not everyone else's. Authentication is the piece of security that ensures we know who you are and you are who you say you are when you come in. As we find the products that will allow us to handle security as an enterprise, we continue to look for operational efficiencies that lower everyone's costs and risks. One of the most positive outcomes of this exercise has been the piece related to enterprise purchasing. We have started working with the various groups to standardize on various software and hardware products and to make enterprise purchases. Our first two software contracts alone saved state agencies over \$450,000 annually. We continue to explore other contracts with agencies, including the university, through this process and have had preliminary conversations with cities and counties to share in these contracts as well. In closing, I'd like to mention that there are three councils of the Nebraska Information Technology Commission. They are the community council, the education council, and the state government council. The membership on these councils is somewhat self-explanatory.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 921  
and Veterans Affairs  
January 26, 2006  
Page 41

By integrating the operational aspects of information technology with state government, with the policy groups of the NITC, we believe we have the opportunity to collaborate with K20 education, as well as cities and counties as we continue to explore serving the citizens of Nebraska. I'd be happy to answer any questions the committee may have.

SENATOR BURLING: Thank you very much for your testimony. Are there any questions for Ms. Decker?

(Recorder malfunction)

SENATOR LANGEMEIER: Thank you, Senator Burling. Are you familiar with these charts that were handed out?

BRENDA DECKER: Yes, I am.

SENATOR LANGEMEIER: Okay, is the, Brenda, is the chief information officer appointed by the Governor or reports to the Governor now?

BRENDA DECKER: Yes.

SENATOR LANGEMEIER: So if, in the structure proposed by LB 921, using that format, which LB 921 would, and assuming this is correct, that would eliminate the DAS deputy director, Donna Peterson, and...

BRENDA DECKER: No, no, Senator, what happened on this proposed chart is the DAS structure isn't fanned out, continued to fan out. There are, I believe there are 14 divisions of DAS. So the DAS director, deputy director, would continue to be in existence and then the building division then, and the accounting division, and the other divisions of DAS would remain under the DAS director.

SENATOR LANGEMEIER: So on the second one then, Gerry would still have somebody to look over?

BRENDA DECKER: Yes.

SENATOR LANGEMEIER: (Inaudible) that's just not expanded out.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military           LB 921  
and Veterans Affairs  
January 26, 2006  
Page 42

BRENDA DECKER: Yes, exactly.

SENATOR LANGEMEIER: Okay, thank you.

SENATOR BURLING: Any other questions? Senator Wehrbein.

SENATOR WEHRBEIN: This looks very good, Brenda. On your BlackBerry and this, I was struck, you tipped your hand, that you said, you gave us discovered. And I assume that eventually you would have caught that under NITC. But, I mean, under this, the new scenario, you would have caught that much quicker, that there could've been a lot of duplication. You simply caught it earlier. We would catch it earlier under this scenario rather than later as you were describing.

BRENDA DECKER: It's our intention, Senator, that that's exactly what would happen. Because right now we have those both existing in DAS. But agencies will come to the division of communications and, for example, say, we need to do this. And the division of communications would provide the service. The question is, has the division of communications then coordinated with all the other agencies? And we think the NITC structure gives us the ability then to bring those people together.

SENATOR WEHRBEIN: And they would go to you rather than the acting DAS director right now, right?

BRENDA DECKER: Yes, sir, that, we hope so.

SENATOR WEHRBEIN: (Laugh) Okay.

SENATOR BURLING: Okay, Senator Mines.

SENATOR MINES: Thank you, Senator Burling. Brenda, nice to see you.

BRENDA DECKER: Nice to see you, Senator.

SENATOR MINES: Is DAS in support of this?

BRENDA DECKER: Yes, Senator, they are.

Transcript Prepared by the Clerk of the Legislature  
Transcriber's Office

Committee on Government, Military            LB 921  
and Veterans Affairs  
January 26, 2006  
Page 43

SENATOR MINES: Okay, and is NITC in support of this?

BRENDA DECKER: Yes, Senator, they are.

SENATOR MINES: They are, okay. And in the chart itself, there's a dotted line between chief information officer and DAS, what does that mean?

BRENDA DECKER: What that means, Senator, is that since we both report to the Governor but we both exist under DAS, we closely coordinate to make sure that we do continue to have that administrative situation. For example, I do not have my own legal staff. So I use the DAS legal staff. I do not have my own personnel staff. I use the DAS personnel group. I would not go out and purchase my own buildings, obviously, those kinds of things. So it's a coordination structure.

SENATOR MINES: There's not a reporting requirement...

BRENDA DECKER: No.

SENATOR MINES: ...either way, is that correct?

BRENDA DECKER: That is correct.

SENATOR MINES: Okay, and would not be, under this new format. That's it, thank you so much.

BRENDA DECKER: Thank you.

SENATOR BURLING: Thank you. Any other questions? Seeing none, thanks for your testimony.

BRENDA DECKER: Thank you.

SENATOR BURLING: Is there further proponent testimony for LB 921? Any opponents to LB 921? Neutral testimony? And Senator Schimek waives closing so that will close the hearing on LB 921. I'll turn the meeting back to Senator Schimek.

SENATOR SCHIMEK: Thank you, Senator Burling. And that will conclude the hearings for the day.