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Government, Military and Veterans Affairs Committee  
January 22, 2009

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[LB17 LB24 LB52]

The Committee on Government, Military and Veterans Affairs met at 2:00 p.m. on Thursday, January 22, 2009, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB24, LB17, and LB52. Senators present: Bill Avery, Chairperson; Pete Pirsch, Vice Chairperson; Robert Giese; Charlie Janssen; Russ Karpisek; Rich Pahls; Scott Price; and Kate Sullivan. Senators absent: None. []

SENATOR AVERY: We are running just a little bit late, but we had an hour-long briefing earlier, and we needed a break. So I would welcome you to the Government, Military and Veterans Affairs Committee on this day, January 22. We will be taking up LB24, LB17, and LB52. Before we get started, let me introduce the committee members. Starting on my extreme right, Senator Rich Pahls from Omaha. He is sitting next to Senator Charlie Janssen from Fremont, and to his left is Senator Robert Giese from South Sioux City. This is Senator Pete Pirsch who is from Omaha and Vice Chair of the Committee. Christy Abraham on my right is the legal counsel. On my left is Senator Russ Karpisek from Wilber, and sitting next to him is Senator Scott Price from Bellevue, and next to him is Senator Kate Sullivan from Cedar Rapids. Sherry Shaffer on the end there is our committee clerk. We have two pages: Nick Bussey from Lincoln and Courtney Lyons from Plattsmouth. If you have any handouts, any printed copies of your testimony, you can give it to them, and they will distribute them to the committee. The sign-in sheets are available on each side of the room as you come through the door. If you plan to testify, you will need to sign in, and give that to the committee clerk. If you're not going to testify, but you wish to be on the record, either for or against a bill, there is another sheet where you can fill that out and they're on the table as well. Please print your name clearly and indicate who you're representing. And before testifying, Senator Friend, we'll need you to spell your name, and even if it's a simple name that we all know. And that, of course, is so we have a clear record. Introducers will be making initial statements followed by proponents, opponents, and neutral testimony. Closing remarks are, of course, reserved for the introducers. We are not rigid in this committee about time. Given the subject matter of this committee, we do like to give full hearing to every subject, but if you go beyond five minutes, I might ask you to wrap it up because we don't want to be here past dark, although that does happen from time to time. If you have any exhibits, that is, handouts, documents you want the committee to have, you'll need 12 copies so that everybody has a copy. All right, with that, I will welcome to the committee today, Senator Mike Friend from Omaha who is going to introduce LB24. [LB24]

SENATOR FRIEND: Thank you, Chairman Avery and members of the Government, Military and Veterans Affairs Committee. For the record, my name is Mike Friend, M-i-k-e F-r-i-e-n-d, and I represent northwest Omaha, District 10 in the Legislature. I'm here to introduce LB24 on behalf of Brigadier General Tim Kadavy, Adjutant General in

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the Nebraska National Guard. LB24 is a technical...I wouldn't call it a fix, a technical amendment harmonizing a current state statute by establishing a means for calibration, maintenance, and repair of radiological instruments by the Nebraska Emergency Management Agency or NEMA. LB787 was passed in 2006, and established this program within NEMA and their radiological lab. During the rules-making process, the Attorney General's Office recommended some technical amendments for clarification and word consistency within the statute. To that end, LB24, it is our understanding, addresses those concerns. So this is probably the shortest intro you will ever hear me give. And I don't even know that I will have to close on this one. Usually I like the last word. [LB24]

SENATOR AVERY: You have any comments on that cartoon that was in the paper? [LB24]

SENATOR FRIEND: It looked like Richard Nixon to me. So. But anyway, thank you to the committee members for your consideration on this piece of legislation. [LB24]

SENATOR AVERY: Thank you. Any questions from the committee? Seeing none, thank you. [LB24]

SENATOR FRIEND: Thank you. [LB24]

SENATOR AVERY: Are there any proponents who wish to testify? [LB24]

AL BERNDT: (Exhibit 1) Senator Avery and members of the committee, my name is Al Berndt. It's A-l, and then B-e-r-n-d-t. I am the assistant director of the Nebraska Emergency Management Agency, and I'm here basically to provide a little bit of background information to this bill on behalf of General Kadavy. I presented each of you with a copy of written testimony that outlines the technical corrections that need to be made. I felt that probably since there were so many new members of the committee, that I would just point out that the Nebraska Emergency Management Agency has long had an established program of calibrating instruments for use by first responders across the state for use in detection of radiological...for radiological materials as the result of either a power plant or a transportation incident. And what we found out is we used to have a rather cost-effective agreement with the state of Iowa to do this calibration for us; however, their lab closed and is no longer doing this. We found that it was much more cost-effective to put a process in place at the state level to calibrate the instruments that are actually procured and owned at the local level by local first responders as opposed to sending them to the manufacturer's lab. This basically harmonizes this section of the state law that not only can we calibrate, but if we have to repair the instrument, that we can charge for the repair of the instrument. It provides a consistent language throughout the law bill that is...the statute that is currently on the books. I'd be happy to answer any questions. [LB24]

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SENATOR AVERY: Thank you. Any questions from the committee? [LB24]

SENATOR PIRSCH: You're charging the fees to? [LB24]

AL BERNDT: We charge the fees to other agencies whose instruments we calibrate. Examples of that would be there are currently 11 hazardous material emergency response teams located within the state that are situated in rural and municipal fire departments. There's instruments that are owned by the Nebraska State Patrol and the Nebraska Fire Marshal's office. There's some instruments that are owned by the Department of Health and Human Services. And so these instruments have to be calibrated periodically and what we find out as a result of the calibration is sometimes we have to do some repair to them. This allows us to charge for that repair. [LB24]

SENATOR AVERY: Anyone else? Senator Price. [LB24]

SENATOR PRICE: Senator, thank you. Sir, a quick question. What about university, university medical, university equipment? Do they do their own in-house? [LB24]

AL BERNDT: I believe there's some stuff that they have to send back to the manufacturers, but there are some, I believe some instruments that mirror the instruments that we have in place across the state that we do that repair work for, too. [LB24]

SENATOR PRICE: Thank you. [LB24]

SENATOR AVERY: Any more questions? Seeing none, thank you, sir. [LB24]

AL BERNDT: Thank you. [LB24]

SENATOR AVERY: Any other proponents? Any opponents? Anyone wishing to testify in the neutral capacity? Seeing none, that closes the hearing on LB24. We will now move to LB17. Senator White. Welcome. [LB24]

SENATOR WHITE: Good morning, Mr. Chairman, or afternoon, I guess. I'm Tom White, W-h-i-t-e. Thank you for having me here. This bill, LB17, proposes that the state of Nebraska waives tuition for military veterans of two classes. One, military veterans who are injured in the course of combat and receive a disability rating and are discharged from the military. The second class are members of the military who have received a complete disability rating and are separated from the military. The benefit provided would be waiver of tuition for the equivalent of a degree or four-year program, for one program for such Nebraskans. Now, I have noticed as we've gone through this in preparation for our testimony, I believe there is a flaw in the drafting of this bill. It does

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not clearly limit its benefits to Nebraskans. Should the committee see fit to moving this forward, I'd ask that that be corrected. I would tell you also one of the concerns that Senator Price properly brought to me is, is this redundant of federal programs that exist now? We've done some research, we believe it is not. We believe there is a gap between what the VA promises and what this bill would promise. More disconcerting, however, is the real gap between what the VA has delivered to our veterans and what they have promised. If you are curious at all, this morning on National Public Radio, they had an in-depth article, you can go to their Web site and listen to the host of shortfalls that we've had in housing, medical care, rehabilitative services, retraining, vocational training, job placement. This bill, I would hope, makes it clear to our veterans and the country that, in Nebraska, we do not make empty promises to Nebraskans who serve in the military. And I would be pleased to try to answer any questions you may have. I have another bill pending in Natural Resources, so I would waive closing with the permission of your committee. [LB17]

SENATOR AVERY: Sure. I commend you for this. I like the motivation behind it. I do have a question though. When you talk about combat-related injuries? [LB17]

SENATOR WHITE: Yes, sir. [LB17]

SENATOR AVERY: I believe the military does a line-of-duty determination investigation of all injuries that happen while someone is on active duty. Do you mean by this, only those who are injured while in combat or could it mean also in the line of duty? [LB17]

SENATOR WHITE: I would say, personally, broader is fine with me. I mean, I would not have a problem with the broader. Right now, it's probably written in a more narrow manner, Senator Avery, and I'd leave that to this committee's expertise. You have far greater knowledge than I do about what the different meanings would mean. But I would say, certainly, anybody in a theater designated as a combat theater who gets an injury, whether it's because they're off loading a load and it crushes them, or what it is, I would just as soon see them get the training and the chance to a new life. [LB17]

SENATOR AVERY: And sometimes the line-of-duty determination says yes in the line of duty, but you were not necessarily in a combat zone. [LB17]

SENATOR WHITE: Again, I would have no objection if the committee decided that that language needed to be broadened. Again, the committee has far greater expertise in this area than I, and I would be very comfortable with whatever you choose to put forward, if anything. [LB17]

SENATOR AVERY: Okay, thank you. Senator Pirsch. [LB17]

SENATOR PIRSCH: Just with respect to the need, insofar as the federal, what benefits

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are available federally; I had an acquaintance who I knew who wasn't in the field of combat...was actually working out in a weight room and suffered an aneurysm, but back in the states, and so not on active, you know, in the line or in the combat type of perspective. But the...I think the federals paid for his--went to Metro College, Community College and received his, in their culinary program--and I think that was a hundred percent paid for. Is this, has there been actual cases or specific cases brought to your attention where people in Nebraska are saying, I have been so injured and this...and the federals have denied this to me? [LB17]

SENATOR WHITE: What we've had, Senator, is the National Guard Association has come forward and said they're pursuing a need among their members for this. That they believe there's a gap that their veterans are not being properly served. I cannot point to an individual, nor can I point to a specific instance. I can only report that, you know, the National Guard folks believe there is a real need. I have talked to some people in the community colleges that say there is a need. Sometimes because it's not covered, more often because the Veteran's Administration seems absolutely mired in red tape, and I don't know why folks would need to put their lives on hold two, three years to get the training to reintegrate into society when they've already made such sacrifices. And if they're not going to do it, I believe we should. For Nebraskans, we should do that, if they won't. [LB17]

SENATOR PIRSCH: Senator Price. [LB17]

SENATOR PRICE: Thank you, Senator Pirsch. Quick question I have and thank you. As a veteran, I appreciate this effort particularly to cover the gaps that you brought out and brought forward here. Quick question, when you already covered the residency one, but there's a difference, a separate and distinct difference between being separated and being medically retired. [LB17]

SENATOR WHITE: Correct. [LB17]

SENATOR PRICE: And we need to make sure that if we do this language, and if I understand your...what you said, broader and better, because it gets that first. It gets them into the system quicker and gets education quicker, so that's good, am I correct in that assumption? [LB17]

SENATOR WHITE: Yes. Again if, Senator, your own expertise would help either this body or the committee to understand a better way to phrase these terms, to get the purpose done, accomplished, I would accept any of that. My intention and purpose is if there are people who entered into the military service, got injured, had to leave the service because of injuries, and then are having trouble getting retrained and reintegrating into society that I don't care what the rest of the country does; in Nebraska, we don't leave them behind. [LB17]

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SENATOR PRICE: Okay, because in follow-up to that, you can have anywhere between a zero percent rating, which means they acknowledge, the military acknowledges is a problem, but it's not bad enough to impact your employability; that's the big issue. The whole vocational rehabilitation problem in the VA for any education is not for your education benefit, but for your ability to be employed. So the zero percent, all of that would have to go into consideration in such a... [LB17]

SENATOR WHITE: And again, that's for this committee to decide. Again, my overriding concern would be if we have a Nebraskan who went into the military and is now unable to continue to serve in the military, no matter what their future employability; but they would like to be trained so they have a life and a career, can have a family, be a more productive member of the state, I think we help them. [LB17]

SENATOR PRICE: Okay, thank you. [LB17]

SENATOR PIRSCH: Are there any other questions for Senator White? Okay, Senator Giese. [LB17]

SENATOR GIESE: Thank you. Senator White, any fiscal projections on this at all? [LB17]

SENATOR WHITE: Not yet. And one of the things, we don't have one in. Right now, we're told that generally the incremental cost of adding one or two chairs to a classroom isn't high. If it becomes a fiscal expense for the colleges, where it becomes a burden, I would fully support then coming forward in a year; if we know after a year or two and we get a sense, if they need additional appropriations to, so they're not bearing the brunt of this by themselves, I would support that. I would say that what we do is find out how big the gap is. If, in fact, the federal government is taking care of it, it might be very minor and we never need anything. If it's more substantial and the colleges, the community colleges, then say we need help in this, then I would be the first one to stand up and try to get them the money. [LB17]

SENATOR GIESE: Thank you. [LB17]

SENATOR PIRSCH: Senator Pahls. [LB17]

SENATOR PAHLS: Yes, I just had a question. Senator White, am I looking at this wrong? I do see a fiscal note here. [LB17]

SENATOR WHITE: Yeah, they have a proposal in there, but it's not clear what it is. [LB17]

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SENATOR PAHLS: Okay, that's fine. I just... [LB17]

SENATOR WHITE: Yeah, the note is, but nobody really knows because they don't know how many are going to actually use it. You know, I mean, we can estimate, but in the estimate of the fiscal note, the sky will always fall. [LB17]

SENATOR PAHLS: I know the sky is falling, it looks to here. [LB17]

SENATOR WHITE: Yeah, but the reality is how many use that over the federal government, it's very speculative. [LB17]

SENATOR PAHLS: Yeah, thank you. [LB17]

SENATOR PIRSCH: Senator Janssen. [LB17]

SENATOR JANSSEN: Thank you, Senator Pirsch. Senator White, I guess when I sit here and look at this, I wonder when you go to a community college or wherever--I participated in a GI Bill program, but would this be--I'm worried about the redundancy and if maybe Senator Price got some answers on that and I could certainly talk to him, but I'm curious about the redundancy of the programs. There's a lot of different programs out there that, you know, if it were our state colleges that need, I guess I'm saying if there's money available for the tuition already that's being paid, maybe this should be a, if there's a need after you've exhausted... [LB17]

SENATOR WHITE: I guess what I would say to you is please go to NPR, listen to, and it was just today, that's why it is so timely. Listen to the huge shortfall between what the VA claims is available and what they're actually delivering. What we are doing is really cruel to tens of thousands of veterans across the country. We're claiming there are benefits and programs available and they're not getting the services and they're waiting years for them. And I mean medical care, I mean housing, I mean fundamental things; and so I guess I would submit to you, it is not enough that it be on paper. I mean, not enough that the federal government says they're going to do it because there's a fine track record that, in fact, they're not delivering. And that may be okay in the rest of the states. I am not comfortable with that for Nebraskans. [LB17]

SENATOR JANSSEN: Is there anything in Nebraska you've seen where...it's a long time ago that I used this program and I think it went off without a hitch. I was used to the red tape. It was a long time ago. [LB17]

SENATOR WHITE: I do know a number of Nebraskans who have had trouble getting medical services and other kinds of service from the VA and others; and I think you will know them soon, too. [LB17]

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SENATOR JANSSEN: Specific of tuition? [LB17]

SENATOR WHITE: No. I do not. I do know, again, the National Guard group felt that it was a need. They came to us and asked us if we could do this. They've been most reliable in the past. I don't think they would have asked unless they thought there were members not being served. [LB17]

SENATOR JANSSEN: Does the National Guard currently receive any tuition reimbursement? [LB17]

SENATOR WHITE: No, these are...they came to us. I can't tell you the status of that, Senator. [LB17]

SENATOR JANSSEN: Okay, thank you. Thanks. [LB17]

SENATOR WHITE: You're welcome. [LB17]

SENATOR PIRSCH: Are there any other questions for Senator White? I guess I'd just ask, do you know, is there a similar, in law, with respect to law enforcement injured in the line of duty? [LB17]

SENATOR WHITE: Not yet, but I think we're putting a bill in. I mean, there will be another bill this year. Law enforcement, firefighters. I know that they've been in the past. I don't know whether it's been passed, Senator Pirsch, but I think there's one pending. [LB17]

SENATOR PIRSCH: To your knowledge, there has been such a law? [LB17]

SENATOR WHITE: No. I know that there is either one pending or it may have already been passed in previous session. But there's one out there this year, I know. [LB17]

SENATOR PIRSCH: So the bill was introduced? [LB17]

SENATOR WHITE: I believe so. [LB17]

SENATOR PIRSCH: Okay. Senator Pahls. [LB17]

SENATOR PAHLS: I could add a little bit to that because my first year here, I did try to put a bill for firefighters or first responders and then it, as we checked into it, actually at the federal level, there is a program there because after 9-11, it kicked in. [LB17]

SENATOR WHITE: Right. [LB17]



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SENATOR PAHLS: So my legislation was sort of put off...put to the side. And I noticed now we have more in this year, so there must be some problem somewhere for them to want to reintroduce that. As I see this, if this will fill a gap--and we'll find this out--and you're telling me that the Guard is actually promoting this. [LB17]

SENATOR WHITE: They asked us to come forward. [LB17]

SENATOR PAHLS: And I understand we could have several programs running, but I think eventually this thing, this will get ironed out. This will pass. [LB17]

SENATOR PIRSCH: Are there any other questions for Senator White? Okay. [LB17]

SENATOR WHITE: Thank you for your courtesy. [LB17]

SENATOR PIRSCH: Are there any proponents who wish to come forward and testify in favor of LB17? [LB17]

WENDY JOHNSON: Senators. Good afternoon. [LB17]

SENATOR PIRSCH: If you could just state your name, spell your last name, and if you'd want to state a position that's fine as well. [LB17]

WENDY JOHNSON: My name is Wendy Johnson, Johnson, J-o-h-n-s-o-n. I represent the National Guard Association, and hopefully, I'll be able to answer some of the questions that...maybe that you still have. I am testifying in support of LB17. Forgive my notes here, but I don't want to forget anything and walk out thinking I wish I would have told them that. In testifying for my support, I have a couple of just short personal experiences that I'd like to share with you. I was a high school student who joined the National Guard for the express purpose of the tuition assistance benefit that the National Guard provides to members of the state of Nebraska who serve in our National Guard. And I'm not someone who would have been able to pursue a higher education, had that benefit not been available. You know, my intent was to serve my six years, get my degree, move on with life, and go on ahead. I'm very grateful for that benefit that Nebraska provided then and continues to provide for our National Guardsmen. Despite my intentions as an 18 year old, I continue to serve in the Air National Guard, and I think the state is getting a pretty good return on its investment there. I mentioned my motivation because it goes to the language of LB17 and the gap that I think that it is filling with regard to what exists in federal benefits program. And the language that's in the bill is almost verbatim to a current state statute that provides a tuition waiver to dependents of veterans who are killed in action or 100 percent disabled. And the key difference being there that it's for the dependents, not for the veteran. To my knowledge, there's not really a program, state or federal, that allows this tuition waiver for the veteran. And with regard to the vocational rehab and education program, again,

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Senator Price, you're correct, that's geared towards reintegrating a veteran into employment. So it may be counseling services and helping them find a new vocation, finding an institution for that training; and it can include financial assistance, but that's based on reintegrating a veteran into a workplace. And it's--if needed--if you look at their Web site, it says postsecondary education, if needed. And I think the subjectivity of that, it's at the discretion of that counselor on whether that's needed. It's not really up to the veteran to say hey, I want to finish out my postsecondary degree that I started when I joined the Guard and now I'm separated; it's up to the counselor on whether that training is needed. So I think that is the gap in the federal benefits that LB17 addresses. Relating that back, again, back to my own experience; high school students continue to join the National Guard for the tuition assistance benefits, and I personally think it's a moral tragedy if those high school students join the National Guard seeking educational benefits, deploy and serve in combat, are injured and then separated, and once they're separated, they lose access to that tuition assistance benefit. The GI Bill that is available to the traditional National Guard member stops when you are separated from the service, unlike the GI Bill that's available to an active duty component member. The second piece of my experience that I'd like to share is a year ago at this time, I was deployed to Southwest Asia as an Air Reserve Component Advisor. And my responsibilities there were really to advise the Air Force Forces Commander on matters unique to the Reserve Component. And that included both the Air Force Reserve and the Air National Guard members serving in the theater. Along with those duties, part of my responsibilities were to brief members on the benefits unique to them versus an active component member because there are differences in the benefits that an active duty member gets versus a reserve component member; despite the fact that they're serving on active duty, serving their country. And the reason I bring this up--in the course of those briefings because I'm briefing reserve component members--I fielded a lot of questions about benefits that, upon further research or somebody would mention a benefit that's available and as I looked into it, they tended to be state-specific benefits. I guess what I want you to know from that is state benefits are talked about by your reserve component members. They are compared, they are valued benefits because they do often fill a gap between federal benefits when you're talking about reserve component members. And I do believe LB17 fits that piece. It's important, it's valuable and it may be low-use given the other federal programs that are available, but a benefit nonetheless to some Nebraska veterans who fall in those gaps. I'd like to close my comments on that point; I can't speak for other services or components and so on, but I have 25 years in the Nebraska Air National Guard, and I'm not aware of any member in that time frame who has deployed and been injured in combat and separated that would have qualified for this benefit. They have been covered by other federal benefits but that gap does exist and I think LB17 is an appropriate acknowledgment for the sacrifice that those members may lose having joined the Guard; like I say, joined the Guard for an educational benefit and then losing it if they're separated from the National Guard.

[LB17]

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SENATOR PIRSCH: Well, thank you very much for your testimony. Just to kind of frame the issue in my mind a little bit better, if you don't mind answering, there is a federal program now that exists but it requires when somebody is injured that you meet with a counselor and the counselor has a certain level of discretion in approving, you say, I want to obtain this education and not this education...you know, if this is where my interest lies. And you're saying the gap or the purpose of this bill in its entirety would be rather than leave the educational pathway of this individual in the hands of this counselor, by utilizing the state mechanism then, we can allow this individual then the unfettered ability then to pursue the pathway that he wants to educationally, as opposed to having to be...to go through the review of this counselor, is that correct? [LB17]

WENDY JOHNSON: Right. It's just a different focus. I think it's a vocational training focus and education to reintegrate an injured person into the workplace. Maybe they have a job. Maybe it's a good job, but they were going to school to do something else, and they want to continue on that course of education. That may be the gap that falls in there with regard to that counselor. [LB17]

SENATOR PIRSCH: I see. Okay. Senator Sullivan. [LB17]

SENATOR SULLIVAN: Thank you, Wendy. First of all, I appreciate your e-mail. She e-mailed me previously and Wendy, like I, am a farm girl from rural Nebraska, so she's not my constituent now, but her family still is. And I appreciated your testimony right now because I was confused a little bit and let me play this back for you, so I know I understand it completely. Put yourself in the situation of taking advantage of this proposed legislation. You served 25 years, you were able to take advantage of some education. You were deployed, you were injured, you wanted to come back, and continue your education. Without this legislation, you would not be able to, is that correct? [LB17]

WENDY JOHNSON: That is correct. [LB17]

SENATOR SULLIVAN: Okay, thank you. [LB17]

SENATOR PIRSCH: Are there any others? Senator Price. [LB17]

SENATOR PRICE: Yes, thank you very much, ma'am. Thank you, thank you for your service. I really appreciate that. To go to what we have in our memo in the paragraph and in my understanding, I do have a little experience with it, the Veterans Service Officer, your VSO, and/or your organizational officer, whether it be the PVA or DAV, ad nauseam. Those organizations would be your initial input into the program. And they would actually make the determination and then it would go from there to the state to your RO, your regional officer, to be adjudicated, if you would, and it would stop there. It would not go into any federal processes because currently it would go from your VSO to

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the RO to the federal to be adjudicated and brought back in for the voc-rehab program. So this would keep it all contained within the state and that it would be binding, that final one. There would be no further review of that eligibility determination. [LB17]

WENDY JOHNSON: You're saying if, as proposed, it wouldn't get a chance to enter into the federal? [LB17]

SENATOR PRICE: Yeah, it would stay within the state. We would be asking our regional, our VSO's to take on the job of verifying and validating the application. [LB17]

WENDY JOHNSON: That is correct. [LB17]

SENATOR PRICE: All right. Thank you. [LB17]

SENATOR PIRSCH: Are there any other questions? Okay. Thank you very much for coming here today and your testimony. [LB17]

WENDY JOHNSON: Thank you. [LB17]

SENATOR PIRSCH: Are there any other proponents of this bill? Okay. If you could just state your name and spell your name and if you have a title, that's great. [LB17]

JAMES MORBACH: Yes. My name is James Morbach, J-a-m-e-s, M-o-r-b-a-c-h, and I'm here to testify in support of LB17. I am currently a master sergeant with the Nebraska Air National Guard. I am in charge of the retention office. I work in retention recruiting, so I manage all the incentives: the cash bonuses, GI Bill, student loan repayment program, tuition assistance, all that type of thing. Currently, I'd like to say before; currently, if a member is separated from the Nebraska Air National Guard, they will no longer be entitled to their bonuses, their student loan repayment program, tuition assistance, or the Chapter 1606, which is the Guard Reserve GI Bill. Like the active duty, they put it into Chapter 30, which you can be in the component or out of the component and be able to use it. My experiences are before I became the retention manager, I was a first sergeant for a security forces unit in Iraq. I had 11 of my troops wounded and three killed. And I look back at how many, you know, they were not all from Nebraska; actually none of them were from Nebraska at the time, but most were 20-24 year olds, you know, 25 years old is average age. They come back, they get separated and if the member of the Guard, you know, their whole plan on life of how they're going to pursue their education and their way of life is completely changed now. So that's why I believe it's such an important bill. As far as VA issues, I know we talked about that a little bit earlier. I do every...every week, I have phone calls to my office and concerns of VA benefits, GI Bill, and the kicker also which is used in conjunction with the GI Bill, provides another \$350 a month to use...tax-free money to use with your GI Bill. Slow payments; it's taken four to six months for an individual to receive their first

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payment once they get back from their training. I got a letter today from an individual who stated that throughout the Army and Air Guard Nebraska and so I'm sure it's nationwide that there's a lot of issues with the members receiving...they've been receiving VA benefits, tuition assistance or their GI Bill and then also their payments stopped and they don't know why. I'm constantly making phone calls and submitting, resubmitting information on people's eligibility statuses. So I don't know where the disconnect is there. But again, this would, this bill would completely fill a gap for anybody injured or hurt in combat that can no longer serve in this component. [LB17]

SENATOR PIRSCH: Very good. Are there any questions for this witness? Senator Price. [LB17]

SENATOR PRICE: Senator Pirsch, thank you. Sergeant Morbach, if you don't mind. [LB17]

JAMES MORBACH: Not a problem. [LB17]

SENATOR PRICE: Thank you very much for your service. Would this degree program that, or this program, be in addition to any existing degrees that are already held by members of the Armed Forces? [LB17]

JAMES MORBACH: If they're separated? [LB17]

SENATOR PRICE: Yeah, if they already have an associate's or they already have a bachelor's, would this be an additional; would they get another one? [LB17]

JAMES MORBACH: To my understanding, I believe, yes. [LB17]

SENATOR PRICE: Okay. And then when you talked about six-month delay on payments, is that because of the type of training or not just the eligibility because I understand the frustration with that, but the type of it by technical training and a short duration versus traditional training at a university and you're in the months it starts, it kind of rolls along? [LB17]

JAMES MORBACH: Actually, it has happened at both community colleges and universities. I know (inaudible) and private universities in the state have had issues and many individuals go there. Even UNL, I mean, I don't know what the disconnect is there with the VA compared to, you know, the status...the eligibility status of the members. I don't know. But basically it's usually a phone call and an e-mail. I resubmit some data and it's pretty much taken care of, but it's very frustrating for the members. [LB17]

SENATOR PRICE: Okay, thank you. [LB17]

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SENATOR PIRSCH: Are there any other questions? I just have one and I'm not sure if you'd know the answer to this, but in the bill language, line 4, the tuition would apply to a veteran who is separated from military service as a result of combat-related injuries. I guess the question is, are we talking about physical injuries exclusively or would mental health injuries be included within that? [LB17]

JAMES MORBACH: I talked to Colonel Johnson about that earlier and I don't know how far they take that. I know I had a lot of my members in posttraumatic stress syndrome; a lot of the other mental issues. Even noncombat related, you could be backing up a vehicle and somebody run you over. I guess as far as I'm concerned, if you're in a combat environment and you get hurt or disabled, I feel you're obligated or you should be able to get some type of benefit out of that. [LB17]

SENATOR PIRSCH: Great. So your understanding of the language would be that it does...or are you just saying that in your opinion, if it doesn't include that, it should include mental health or does...are you saying that it does include mental health. [LB17]

JAMES MORBACH: The way I understand it, it's pretty vague and I don't...I'm not, I don't write the law, of course, but I would probably maybe specify some more information in that. But I don't know, I don't feel confident to speak on that, on the wording on that. [LB17]

SENATOR PIRSCH: Very good, I won't push you then on that. I do appreciate your coming here and testifying. Any other questions based on...Senator Pahls. [LB17]

SENATOR PAHLS: I would just like to say if we would take this to debate on the floor, we would speak and if we were concerned about the mental health issue, we would make that the intent of the legislation on the floor, so if anybody read back into the transcript they would see that is actually what the bill had implied. But we can clean that up anyway. But I mean, even our statements on the floor could be...that's what they are saying, this should help. You know, thank you. [LB17]

JAMES MORBACH: Yes, sir. To me a disability is a disability. [LB17]

SENATOR PIRSCH: Senator Price has a follow-up question. [LB17]

SENATOR PRICE: I do have one. This, I think, would be very important. These injuries are injuries that are with disabilities that are recognized by the VA. Now there is, with the current operations, as always with operations, the lethality of forces changes. In Vietnam, we saw with Agent Orange, the defoliant, it took a long time. Nuclear warfare brought about nuclear diseases that weren't recognized and today we have traumatic brain injury, a nonrecognized injury by the VA. For the matter of record, would we be inclusive of those disabilities as identified outside of the VA recognition but within

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general medical practices? [LB17]

JAMES MORBACH: In my opinion, I would say yes. [LB17]

SENATOR PRICE: Thank you. [LB17]

SENATOR PIRSCH: Any other questions? Thank you very much for coming down here today. There's another testifier? Thanks a lot, if you could just state your name and spell it for the record. [LB17]

DENNIS BAACK: Senator Pirsch and members of the Government, Military and Veterans Affairs Committee. For the record, my name is Dennis Baack, B-a-a-c-k. I'm the executive director of the Nebraska Community College Association. It's kind of risky to appear before you on student aid kind of issues because they're very complicated, and I don't necessarily understand them all that well. But I did send this bill out to some of my veteran aid people out in the field to have them look at it and tell me whether this matched up with the federal or if there were some problems here. And the response I got back was that this does fill a gap that exists out there. They have seen problems with this. They didn't give me any specific examples but they have seen problems with this, and they feel like this would fill a gap and that it would be something that would be very positive for the state. So that's about all I can tell you because I don't know how it matches up with the feds. I don't make any pretense of understanding all of that, but I do have people that do and the people that I trust with this say that it does fill a gap that would be something good for the state. So with that, I'd be happy to answer questions. [LB17]

SENATOR PIRSCH: Any questions for Senator Baack. I guess I have a question. In speaking with your network, and they said that there's a gap there. Is that a gap in the sense that theoretically there is, or have there been actual cases that they said that they've been aware of where people have been denied the benefits and regardless of whether you have the actual names or whatnot. [LB17]

DENNIS BAACK: Yeah. Yeah. They were actually aware of cases that they feel that this would have fulfilled the needs for that person that applied that they could not give them the aid under the current federal program that's out there. [LB17]

SENATOR PIRSCH: Very good. I wonder if that wouldn't be helpful for the committee to, if you could, at some point in the future, give us kind of the follow-up perhaps or with these...to give us kind of a flavor for these types of cases. [LB17]

DENNIS BAACK: I would be happy to do that. I will get ahold of them and if they can give me some specific examples...we probably won't be able to use names, but if they can give me some specific examples of the circumstances that caused that, I will be

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glad to get that information for you. [LB17]

SENATOR PIRSCH: That would be great. I'd appreciate that. Thank you. [LB17]

DENNIS BAACK: You bet. [LB17]

SENATOR PIRSCH: Are there any other questions for Senator Baack? Thank you very much. Are there any other proponents of this measure? Okay. No other proponents. Are there any opponents? Seeing none, are there any who are here to testify in a neutral capacity regarding LB17? Very good, we'll move on then to LB52. And I believe that's Senator Fischer. So we'll just stand at ease, I guess, here until Senator Fischer is able to be here. [LB52]

SENATOR FISCHER: (Exhibit 1) Thank you, Senator Pirsch, and my apologies to the committee for being late. I was doing a closing in Natural Resources. For the record, my name is Deb Fischer, F-i-s-c-h-e-r. I am the senator from District 43, and I represent those folks here in the Nebraska Unicameral. I appear before you today to introduce LB52. LB52 changes the qualifications of county veteran service officers to allow any honorably discharged veteran who served on active duty in the United States Armed Forces and who is a resident of Nebraska for at least five years to be eligible to hold this office. Current qualifications require that county veteran service officers must have served in the Armed Forces during the war time dates currently established in statute. This suggested change was brought to me by a number of my constituents who have experienced difficulty in finding qualified people to fill the position of county veteran service officer in several of the sparsely populated counties in my district. The purpose of the bill is to allow anyone who has served on active duty in the Armed Forces and received an honorable discharge from their service to be eligible for this office, regardless of the dates of their service. State statute authorizes county boards and county veteran service committees to join two or more counties, if needed, in the appointment of a county veteran service officer. Such agreements are currently established within my district and across the state, and they appear to be functioning well. However, I believe that counties should not be so limited as to have no other options than to enter into an agreement due to the fact that the service dates prevent the veterans service committee and county board from being able to appoint an accomplished and a worthy candidate. A veteran is no less capable and qualified to serve as a county veteran service officer because of his or her active duty during a time of peace rather than a time of war. My primary purpose in bringing this bill forward is to make certain that our veterans receive excellent services and the proper assistance at our local level. These are the same men and women who have sacrificed and respectively fulfilled their duty to represent and serve our country with honor and dedication, and they should have capable assistance provided to them. I believe that the testimony to follow will demonstrate the support of extending eligibility to peace time veterans to hold the office of county veteran service officer. This proposal has been



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presented to the County Veterans Service Officers of Nebraska, the Nebraska Veterans Council, as well as two American Legions in my legislative district, and all have voted to recommend changing this requirement for the position of county veteran service officer. I also have an amendment that I hope the committee will consider, and this amendment would clarify that we are only changing the qualifications for the county veteran service officers, and there is no change for the county veterans service committees and personnel. Thank you for your time in addressing this important legislation, and I would be happy to answer any questions. [LB52]

SENATOR PIRSCH: Great. Thanks for your testimony. Are there any questions here?  
Senator Price. [LB52]

SENATOR PRICE: Senator Pirsch, thank you. Senator Fischer, thank you for bringing forward this bill. I, too, have been talked to by VSOs on this very issue. I understand the purpose of this bill is to increase the pool of candidates able to apply for it. I am somewhat perplexed though by increasing or making it a more stringent requirement to having to have an honorable discharge from a general under honorable discharge. When you have a general discharge under honorable conditions, this can be at a later date, upgraded to an honorable discharge. But this language narrows the pool, and we're trying to increase the pool. So I didn't know if you could shed any light on why the narrowing. [LB52]

SENATOR FISCHER: I didn't mean, Senator Price, I did not mean to narrow the pool. It shows that I am not as familiar as you are with all this military stuff. So whatever you feel would be appropriate with this, I would have no problem with it. [LB52]

SENATOR PRICE: Great. [LB52]

SENATOR FISCHER: As I said, there is, in a couple of my counties there's just concern, they're having a hard time finding people to fill this. In current statute--when I mentioned the five years, that's in current statute--and we did not change that. If the committee would see, in your wisdom, in your discussions, that that should be changed, I would also have no problem with that. [LB52]

SENATOR PRICE: Okay. [LB52]

SENATOR PIRSCH: Senator Pahls. [LB52]

SENATOR PAHLS: Thank you, Senator Pirsch; and just to give you an idea, the same issue of terminology has come up in the past, and we've had to...because the majority of us are not as familiar as with those who have served, and that was cleaned up. So I think this is a doable thing. [LB52]

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SENATOR FISCHER: Okay, great. Thank you, Senator Pahls. [LB52]

SENATOR PIRSCH: Senator Sullivan. [LB52]

SENATOR SULLIVAN: Thank you, Senator Pirsch. Senator Fischer, I don't think I've heard from anyone in my district on this and I suspect if they were against it, I probably would have. But I have received a couple of e-mails from other parts of the state against this, and I suspect that the hang-up is that this having not served in war time. I'm seeing some agreement there, and I would, is there anybody else that can shed a little light on this. Is that just? [LB52]

SENATOR FISCHER: I think Senator Sullivan, there are some folks out there that may be bothered by this. But when you look at the dates, and I'm sure Senator Price with his experience in this area will be helpful in your committee deliberations on it, but you look at the dates and it covers...it covers a large amount of time when I think that people who served in our Armed Forces during that time and served honorably; they are full veterans in my opinion, and they should be treated as such. And that is also with regard to serving as a county veteran service officer. [LB52]

SENATOR PIRSCH: Very good. Senator...Chairman Avery is here, so I'm going to turn back the chair to Senator Avery. We have just had the bill introduction and so just in the question format. I do have a question, if you would be so kind to call on me. [LB52]

SENATOR AVERY: Okay, well, I apologize, but I had another bill. Welcome to the committee. [LB52]

SENATOR FISCHER: Welcome, Chairman Avery. [LB52]

SENATOR AVERY: Senator Pirsch. [LB52]

SENATOR PIRSCH: My question is, there isn't anything and I'm not, again, as perhaps you are not as familiar with the veterans service officers, the duties, their role as envisioned here. And so in what you know, I mean, can you render an opinion? Is it the fact that you serve in war time, does that somehow give you a peculiar knowledge that would make you do a better job in the duties that are assigned to the veterans service officers or is that just a historically kind of an oddity that had developed that way, in your opinion? [LB52]

SENATOR FISCHER: In my opinion, from speaking with veterans, I do represent 13 counties and speaking with the veterans in those counties, it may just be a perception on the part of some people. You know, you just...you're going to have to weigh that yourself, how that plays into it. I think when you look in the statute at the dates, you'll be fine with it. [LB52]

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SENATOR PIRSCH: Thank you. [LB52]

SENATOR AVERY: Any other questions from the committee? Senator Giese. [LB52]

SENATOR GIESE: Just a clarification. Thank you, Senator Avery. Senator Fischer, and maybe you don't have the answer to this, but would a person then that is; would there be some preference over one that has served in war time versus not has served in war time when it comes to hiring or appointing an individual to this? [LB52]

SENATOR FISCHER: That is not the intent of this bill to give preference one way or the other. It's just to remove that current requirement that I view as impeding the pool of applicants that are available. In my counties, as in much of rural Nebraska, we see an aging population. And of course, many of the vets from World War II are gone now, and we're losing more all the time. We're seeing that happen with our vets from a number of wars that are covered in these dates. So we need to, I think, move forward and increase the pool. [LB52]

SENATOR GIESE: And then one follow-up. Will this have any effect on any current employees then? [LB52]

SENATOR FISCHER: No, not at all. Not at all that I see. [LB52]

SENATOR GIESE: Okay. [LB52]

SENATOR FISCHER: Because the current...the current county veterans service officers should be, all of them have served in, during those war time dates. [LB52]

SENATOR GIESE: Thank you. [LB52]

SENATOR AVERY: Any more questions? Senator Karpisek. [LB52]

SENATOR KARPISEK: Thank you, Senator Avery. Senator Fischer, I just...I think we have a bill in front of this committee to define a veteran of the global war on terror. Would that change your mind at all if those people? [LB52]

SENATOR FISCHER: No. [LB52]

SENATOR KARPISEK: No. You just want to broaden it because there are people that are...that don't have a service officer. [LB52]

SENATOR FISCHER: As I stated before, any man or woman who has served in our Armed Forces, and received an honorable discharge deserves our respect and our

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thanks, and I don't believe they should be shut out from this position. [LB52]

SENATOR KARPISEK: Thank you. [LB52]

SENATOR AVERY: Senator Janssen. [LB52]

SENATOR JANSSEN: Actually it's more of a comment than it is anything else, but I think a lot of this can be hashed out pretty quickly in exec session. [LB52]

SENATOR FISCHER: Are you trying to hurry me along, Senator Janssen? [LB52]

SENATOR JANSSEN: I think there's just a lot of explaining that could be made pretty easy in exec session. [LB52]

SENATOR AVERY: Any other questions. Seeing none, thank you, Senator Fischer. Are you going to stay around to close? [LB52]

SENATOR FISCHER: Thank you. I'll stay a little bit, yes, and I would like to say it's nice to be in the Government Committee again. My first two years I was a member of this committee and enjoyed it tremendously. You still have the wonderful great staff that I was able to serve with, and you still have Senator Pahls. So thank you. And a very gracious committee, thank you very much. [LB52]

SENATOR AVERY: (Exhibit 2) Thank you. We will now have proponent testimony. Anyone wish to speak in favor? Anyone wish to speak in opposition to this bill? In the neutral capacity? I do have a letter here from Daniel Parker, deputy director of the military department here in the state in support of this. I just will read that into the record. Do you wish to close? [LB52]

SENATOR FISCHER: Thank you, Chairman Avery. I'm sorry, I thought we had people that were going to be here today. Obviously, something happened. If the committee would like letters in support of this bill, I'm sure that I can get the supporters to write letters, so please just let me know. Thank you very much. [LB52]

SENATOR AVERY: I'm sure you can. Thank you, Senator Fischer. With that, we close the hearings for today. Thank you for coming. [LB52]

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Disposition of Bills:

LB17 - Held in committee.

LB24 - Placed on General File.

LB52 - Placed on General File with amendments.

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Chairperson

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Committee Clerk