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Government, Military and Veterans Affairs Committee  
February 13, 2014

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[LB737 LB805 LB935]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Thursday, February 13, 2014, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB737, LB805, and LB935. Senators present: Bill Avery, Chairperson; John Murante, Vice Chairperson; Dave Bloomfield; Tommy Garrett; Russ Karpisek; Jim Scheer; and Norm Wallman. Senators absent: Scott Lautenbaugh.

SENATOR AVERY: Welcome to the Government, Military and Veterans Affairs Committee. We have...I'm just trying to figure out why there's so many people here. I think I know. We have only three bills on our agenda today and they are posted outside the room. LB737, introduced by Senator Dubas; LB805, introduced by me; and LB935, Senator Gloor's bill. Welcome all of you to this hearing. Before we get started, a few things we have to go over. I want to introduce the members of the committee who are here, starting on my right with Senator Tommy Garrett, who comes from Bellevue. Soon to join us, and here he is now, is Senator David Bloomfield from Hoskins. Senator Lautenbaugh had another engagement this afternoon and cannot be with us. But next to him, is Senator John Murante from Gretna. He is the Vice Chair of this committee. And next to him, is...and to my immediate right, is Christy Abraham, the legal counsel for the committee. And she probably works harder than we do. My name is Bill Avery, I represent District 28 here in south-central Lincoln and I am Chair of the committee. And on my immediate left is Senator Russ Karpisek from Wilber. Next to him is Senator Norm Wallman from Cortland. And next to him is Senator Jim Scheer of Norfolk. The person on the very end down there is Sherry Shaffer, she is the committee clerk. If you wish to testify, we ask that you fill out this green form. Provide the information requested in clearly printed form so that we can read it. This is how we know who testified, what your name is, and how to spell it for the permanent written record. These forms are available at the table at the west end of the building and at the east end of the building. You can find them there. If you wish to be recorded for or against any of these bills but you do not plan to testify, you can record that information on this form. They, too, are available at each entrance to the room. We...if you have written testimony, we would like to see it. We prefer that you provide 12 copies. If you do not have 12 copies, give what you do have to the clerk and we'll have the pages get the remainder. We have two pages today, Colton Wolinski from Lincoln and a new page who is joining us today, probably because the room is full. And I don't know your name. Scott. From Lincoln? From Kearney, so that will make some of you happy. If you have any documents that you want us to see that support your testimony, that too needs to be given to the clerk for distribution. And if you don't have 12 copies, we'll get them for you. When you arrive at the table to testify, we want you to spell your name clearly for the record. Everything we do here is recorded for the written record and we ask that you cooperate with us on that. Now this is...this public hearing is part of a tradition that we have in the Legislature here that not every state practices. And that is, that every bill introduced gets a public

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hearing. We take that responsibility very seriously. And we are glad that you're here. And we want to hear from you about your feelings on these bills. Now there are, however, some rules. I know this, at least on the Gloor bill there are some very strong opinions on each side. So I'm going to ask you not to demonstrate for or against any of these testimonies. You may feel like jumping up and cheering but don't do that because that's disruptive. We do not permit these kinds of demonstrations. And that's true for all of our hearings, it's not just this one. But I thought maybe today I might want to remind you. Please show respect for all the testifiers so we can maintain order and decorum throughout the proceedings. So if I see evidence of disruptive behavior, then we have red coats here and we have security and you will be subject to removal from the room. So let's keep it civil. And I don't have any doubt that we can do that. One more thing. We, on the committee, use these hearings to find out what you think about the bills under consideration. Your input is very important to our understanding of the issues involved. So we ask you the questions to achieve that understanding. And please refrain from asking us questions. This is not a debate, it is an opportunity for us to gain information from you, the public, on what you think about these bills. Now, we are going to use the light system. It's a five-minute light. The green light, when it is on, that is a four-minute light. The amber light will follow that and that is a one-minute light. When the amber light comes on, you should be winding up your testimony. When the red light comes on, you should be finished. If not, I might have to help you finish by saying...remind you that the red light is on. So cooperate with us on that. And be attentive to what is said in prior testimony so that we don't have a lot of repetition. This is Thursday and tomorrow is a recess day for us so many of us are going to be eager to get out of town. I'm actually seven blocks from my home so it doesn't matter to me, but it does to others who have a long ways to travel. All right. The last thing I need to remind you of, please turn off your cell phones or put them on mute or vibrate so as not to disrupt these proceedings. Okay. I think we are ready to go. Senator Dubas.

SENATOR DUBAS: Good afternoon, Senator Avery and members of the Government Committee. My name is Annette Dubas, A-n-n-e-t-t-e D-u-b-a-s, I represent Legislative District 34. Now typically, when you say this is a simple, straightforward, little bill, that's almost the kiss of death. But I really truly believe this is a simple, straightforward, little bill. So I am here to introduce to you LB737. Last year I met with a constituent who visited with me about the requirements to serve as the county veterans service officer. After her marriage to a Nebraska native, they returned to his home community. She is a veteran and is interested in the possibility of becoming the veterans service officer for her county. Unfortunately, there is a residency requirement of five years before anyone can be considered for that position. I assumed that there was a reason for that requirement and began to make some inquiries and was not able to determine any real, justifiable reasons. Nor could I find any other states who had this stringent of a requirement. Our six bordering states simply require that a person be a resident. NCSL found only five states with a VSO residency requirement. The National Association of County Veterans Service Officers suggested that residency requirements are not the

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norm across states. This is an important position in our counties and we need to be able to attract the best and most qualified candidates. I believe a person who has served our country, has an understanding of veterans' issues and the programs that are available, and a desire to serve in that capacity should be able to serve. The fact that they haven't lived in Nebraska for five years seems to be an unreasonable obstacle. We know many of our veterans meet their spouses through the course of their service. And we are happy when they return home and want to welcome their families as well. We speak often about not only retaining our existing workforce but doing whatever we can to recruit new people to live in Nebraska. I believe this residency requirement creates an unnecessary barrier to allowing an otherwise qualified and competent person to step into this position. So what LB737 does is simply strike that five-year residency requirement for county veterans service officers. With that, I would be happy to try to entertain any questions you may have. [LB737]

SENATOR AVERY: Thank you, Senator Dubas. Senator Bloomfield. [LB737]

SENATOR BLOOMFIELD: Thank you, Senator Avery. Senator Dubas, I, after looking at this bill, was inclined to agree with you until I talked to some of my Legion members and service organizations. And they feel pretty strongly that the five-year residency gives that service officer an understanding of what's going on in that county and maybe a chance to get to know people. And for that reason, they feel we should keep that in place. What would you say to them? [LB737]

SENATOR DUBAS: I guess, you know, five years is an awful long time. [LB737]

SENATOR BLOOMFIELD: Five years is a long time. [LB737]

SENATOR DUBAS: And for someone who's...you know, whether they married someone, you know, and come back, if that's, you know...and I know that I have a constituent who's going to come forward and share her experience about that. So I don't know that understanding the issues of the community are as important as understanding issues of the veteran. And if they are a veteran themselves, I would think that they would understand the importance of having someone who knows veterans' issues, who knows how to access those programs, and helps veterans. You know, maybe getting to know the veterans themselves, that might be a little bit of a challenge if they haven't come from the community or lived there for a long time. But you look at larger counties, you know, they're not going to know everybody that they're dealing with as well, so. [LB737]

SENATOR BLOOMFIELD: I don't necessarily think they will know everybody but they will kind of know how the county works. And to bring someone in cold, I think was the...one of the responses I got from the people we talked to. [LB737]

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SENATOR DUBAS: The few states that did have residency requirements were a year. [LB737]

SENATOR BLOOMFIELD: Okay. [LB737]

SENATOR DUBAS: Nebraska's was, by far, the most stringent, so. [LB737]

SENATOR BLOOMFIELD: Would you be amenable to an amendment to... [LB737]

SENATOR DUBAS: If that's something that the full committee... [LB737]

SENATOR BLOOMFIELD: Okay. We'll see where that ends up. [LB737]

SENATOR DUBAS: ...would be agreeable with because I do think it's important that we address this because, especially as we get into our more rural counties and, you know, unfortunately, our veteran population is aging. And we want to make sure that we have people available to step into that position. [LB737]

SENATOR BLOOMFIELD: Okay. Thank you. [LB737]

SENATOR AVERY: Any other questions? Senator Karpisek. [LB737]

SENATOR KARPISEK: Thank you, Senator Avery. Senator Dubas, can you tell me how they're picked? Is it the county board who would hire? [LB737]

SENATOR DUBAS: That would be my understanding, that they are an employee of the county. [LB737]

SENATOR KARPISEK: Okay. And like you said, we have a lot of counties that probably don't have one or they have to share so to get more is great. But what if you would have two people going up against each other, one just moved here last week and one that's lived there their whole life? But I guess, then, that's up to the county board then. [LB737]

SENATOR DUBAS: It would be like filling any other position. You know, what are you looking for? I would think that you would look for the most qualified person who would be able to do the job. You know, if the residency issue was a concern, that's something that they could address. But I'm not seeing that as something that is so crucial. But maybe others do. [LB737]

SENATOR KARPISEK: Well, it is a very important job and I think they do a good job. But no doubt we could use more, so. [LB737]

SENATOR DUBAS: And you're right. We are seeing more counties who are

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consolidating because we don't have enough qualified people to step into that position. [LB737]

SENATOR KARPISEK: Right. Thank you, Senator Dubas. Thank you, Senator Avery. [LB737]

SENATOR AVERY: Thank you. Anyone else? [LB737]

SENATOR SCHEER: Same question. [LB737]

SENATOR AVERY: Would you be amenable to, perhaps, an amendment that would reduce the five years down to two or one or something like that? [LB737]

SENATOR DUBAS: I would. I would. Like I said, I think it's important. I think the five years could become more and more of an obstacle as we go down the road. And so, you know, if we can do things to at least reduce that obstacle, I am definitely amenable to that. [LB737]

SENATOR AVERY: Senator Scheer. [LB737]

SENATOR SCHEER: Having that brought up though, I guess I would want your response, though. If we are in areas that need that, what is your opinion if we have a year residency but the person that's willing to fill that position has not been here a year? Does it make sense to you not to have that service provider simply because they haven't been there for 12 months? [LB737]

SENATOR DUBAS: You know, my preference is, you know, just to reduce this residency requirement. I don't...I guess I'm not quite understanding why that would rise to the level of such importance. But if that's what it takes to compromise with the committee, if the committee's not comfortable with completely reducing that, then I'm willing to work there. But I just believe that the qualification for that position should be a veteran and that understands the issues. [LB737]

SENATOR SCHEER: So maybe the sweet spot between the two is maybe a year with maybe the county being able to waive that, if necessary? [LB737]

SENATOR DUBAS: That definitely could be a possibility, absolutely, because we do know that counties are dealing with differing...their populations are different and what have you. [LB737]

SENATOR SCHEER: Okay. Thank you, Senator. [LB737]

SENATOR AVERY: Any other? Thank you. All right, we will now receive proponent

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testimony. We are on LB737. Good afternoon, welcome. [LB737]

JAMIE GUSTAFSON: Well, good afternoon. Thank you Senator Avery and the rest of the board. I really appreciate you all taking the time to listen to me. I am the constituent that Senator Dubas was talking about. She did kind of give some of the background of why I came to Nebraska. But I think what we need to look at further is, it's not taking away the hiring process which was brought up already. It's not taking away the hiring process. If we're looking at two qualified candidates, you can pick between those two. And if one of your aspects is based upon how long they've lived in the community...oh, oh, I'm sorry, I forgot. I got excited. You need my name, don't you? [LB737]

SENATOR AVERY: You take signals well. [LB737]

JAMIE GUSTAFSON: Now I spell it, is that correct? Yeah. Jamie, J-a-m-i-e, last name is Gustafson, G-u-s-t-a-f-s-o-n. [LB737]

SENATOR AVERY: Okay, thank you. Thank you. [LB737]

JAMIE GUSTAFSON: Okay. So I filled those requirements. [LB737]

SENATOR AVERY: Right. [LB737]

JAMIE GUSTAFSON: I am an Iraqi veteran. I came into the community. I did start a business. I actually also work with the community college as a veteran outreach coordinator. I am very vested into my community as well as been a big asset in volunteering my time and being a part of it. I would hate that if the door opened for me to hold a VSO position, that I simply wouldn't be able to put my hat into the ring. And that's all I'm asking. Allow me to put my hat in the ring and the process continue to go on. But that I'm not barred from being able to do so. [LB737]

SENATOR AVERY: Thank you. [LB737]

JAMIE GUSTAFSON: You're welcome. [LB737]

SENATOR AVERY: Questions from the committee? Senator Scheer. [LB737]

SENATOR SCHEER: So what you're really saying is that society has become more mobile and that, because of the mobility, sometimes people are not in certain areas for that length of time, it might be a little bit restrictive? [LB737]

JAMIE GUSTAFSON: Yes, Senator, absolutely. Especially if we look on a veteran aspect, you're going to see that mobility be a little bit higher. But coming back home and wanting to be a part of the community is a very valuable aspect. [LB737]

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SENATOR SCHEER: As well, when you talk about residency--I know several people in the service--you are given the opportunity to have a residency that may be more conducive for tax purposes while you are in the service. So if that were the case, even though you came back to your hometown upon dismissal, you technically would not have been a resident for that community for the five-year period even though you may have spent the first 20 of your 24 years living in that community. Would that be the case? [LB737]

JAMIE GUSTAFSON: Yes, Senator. You could have a home that you had grown up in and been part of but then, due to your service, had change of residency for a variety of reasons. But yet, that still would be your home. [LB737]

SENATOR SCHEER: Okay. Thank you. [LB737]

JAMIE GUSTAFSON: You're welcome. [LB737]

SENATOR AVERY: And you've recently returned from Iraq? [LB737]

JAMIE GUSTAFSON: From Iraq? [LB737]

SENATOR AVERY: Yeah. [LB737]

JAMIE GUSTAFSON: I've been back from Iraq since 2009, yes, the end of 2009. [LB737]

SENATOR AVERY: So you're not quite at five years. [LB737]

JAMIE GUSTAFSON: No, not quite five years. [LB737]

SENATOR AVERY: Senator Garrett. [LB737]

SENATOR GARRETT: Thank you, Senator Avery. Thank you, Jamie, for testifying and thank you for your service. What community do you live in? [LB737]

JAMIE GUSTAFSON: I live in Polk County. [LB737]

SENATOR GARRETT: Okay. [LB737]

JAMIE GUSTAFSON: However, I'm a very big factor in both Merrick County and Polk County. [LB737]

SENATOR GARRETT: And you were investigating volunteering for this position? That's

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what led you to find out that there is a five-year requirement? [LB737]

JAMIE GUSTAFSON: Correct. Correct. The couple...between those two counties, looking at a position there to augment my current position at the college. And I was unable to inquire any further...know when they opened up, putting my hat in for the hiring process. [LB737]

SENATOR GARRETT: Okay. Thank you. [LB737]

SENATOR AVERY: Any other questions? Thank you for your testimony. [LB737]

JAMIE GUSTAFSON: Well, thank you. And I do apologize about not getting it right. But I appreciate your time. [LB737]

SENATOR AVERY: That's all right, it happens all the time. Even we forget sometimes. [LB737]

JAMIE GUSTAFSON: Thank you, Senators. [LB737]

SENATOR AVERY: All right. We are on supporting testimony to LB737. Any other supporting testimony? Seeing none, we'll move to opponent testimony. Also seeing none, we'll go to neutral testimony. Okay. Do you wish to close? That ends the hearing on LB737 because Senator Dubas waived closing. We'll now proceed to LB805 which is my bill, so I'll turn the Chair over to the Vice Chair, Senator Murante. [LB737]

SENATOR MURANTE: Welcome, Senator Avery. [LB805]

SENATOR AVERY: Good afternoon, committee. My name is Bill Avery, B-i-l-l A-v-e-r-y, representing District 28 here in south-central Lincoln. I bring to you LB805 which deals with residency requirements for admission to a Nebraska veterans' home. I propose to change the rules a bit. Currently, an applicant for residence in a state veterans' home in Nebraska must be a bona fide resident of Nebraska for two years. LB805 adds that if the applicant's parents or children have been bona fide residents of Nebraska for two years or more, an applicant is eligible for admission. So it really shifts the residency requirement to family members and the veteran need not be a two-year resident. The reason I introduce this bill is because I was contacted by a Nebraska resident who wanted to place her father in the Grand Island Veterans' Home. Her father meets all the criteria to be accepted in the facility except that he has not lived in Nebraska for two years. He has been in an Iowa veterans' home. Her father, a Korean War veteran, is eligible in every way except the residency. He has no family in Iowa nearby to care for him, to visit him, or to provide any sort of comfort. His family, including his daughter and grandchildren, all live in Nebraska. And they would like to have him in the veterans' home in this state so they can be closer to him in his waning years. This bill will provide



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an opportunity for families who live in Nebraska to bring their parents or children here to reside in one of our veterans' homes. These veterans have served their country and it makes no sense not to allow them to have the comfort of living close to their loved ones. And this bill would do that. So I urge you to advance it to General File. Thank you.  
[LB805]

SENATOR MURANTE: Thank you, Senator Avery. Senator Bloomfield has a question.  
[LB805]

SENATOR BLOOMFIELD: Senator Avery, do you know how often this happens? Is this the first time we've run across it? [LB805]

SENATOR AVERY: It's the only case I know but I suspect there are others. [LB805]

SENATOR BLOOMFIELD: This looks to me like it should have been done years ago.  
[LB805]

SENATOR AVERY: Yeah, it does, doesn't it? I like commonsense legislation. [LB805]

SENATOR BLOOMFIELD: Once in a while. [LB805]

SENATOR MURANTE: Senator Scheer. [LB805]

SENATOR SCHEER: Thank you, Senator Murante. Senator Avery, looking at the bill from the veterans' person, they bring up an interesting point to the extent that if residents from outside of the state are given the same priority of those within the state, you would have a veteran that may be from Norfolk that is on the waiting list. And yet, somebody from Dubuque or Cincinnati would usurp his position in that place simply because either a sibling or another family member lives in Nebraska. What is your response in relationship to the true resident having...I mean, I guess I don't have a problem if there is an open space for that to happen. But it appears that we have sort of a waiting list at almost every facility we have. And I really... [LB805]

SENATOR AVERY: They would not be able to jump the queue. They... [LB805]

SENATOR SCHEER: But they would still be in the queue and... [LB805]

SENATOR AVERY: But they're not in the queue now. [LB805]

SENATOR SCHEER: Understand, but your bill would put them in the queue. [LB805]

SENATOR AVERY: Right. [LB805]

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SENATOR SCHEER: And so, consequently, you would still have whoever would be behind them could be a resident of the state of Nebraska just waiting for that service. And we've given preference to somebody from outside the state which... [LB805]

SENATOR AVERY: It's not a preference. It's not a preference. It's simply a qualification. You're saying that we've removed the qualification to put you on the list or in the queue. Remove that qualification that you have been here, resident, for two years...if your family has been here as a resident for two years. [LB805]

SENATOR SCHEER: Well, we can call it a qualification but it's still, the fact is that you would still have a nonresident going into a facility that was financed partially by the state of Nebraska for... [LB805]

SENATOR AVERY: And the residency rests with the family in this case. Yeah. [LB805]

SENATOR SCHEER: You don't see any problem with that? [LB805]

SENATOR AVERY: No. [LB805]

SENATOR SCHEER: Okay, fair enough. [LB805]

SENATOR MURANTE: Thank you, Senator Scheer. Are there any additional questions? Senator Garrett. [LB805]

SENATOR GARRETT: Thank you, Senator Murante. To address Senator Bloomfield's question, I personally can tell you about another case. My mother-in-law, who we moved here from Colorado, is a veteran of the Air Force back in the '50s and she was in a nursing home. And we put her on the waiting list to get into a veterans' home so it does happen. I mean, she... [LB805]

SENATOR AVERY: And you had to wait two years? [LB805]

SENATOR GARRETT: Right. [LB805]

SENATOR AVERY: Uh-huh. [LB805]

SENATOR MURANTE: Thank you, Senator Garrett. Seeing no additional questions, thank you, Senator Avery. [LB805]

SENATOR AVERY: Thank you. [LB805]

SENATOR MURANTE: We'll now begin taking proponent testimony to LB805. Does anyone wish to testify in support of LB805? Welcome. [LB805]

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TERRY SCHIFFERNS: Thank you. Hello and thank you for listening to this. I'm Terry Schifferns. Do you want me to spell that? [LB805]

SENATOR MURANTE: Yes, please. [LB805]

TERRY SCHIFFERNS: T-e-r-r-y, Schifferns, S-c-h-i-f-f-e-r-n-s, and I live in Gibbon, Nebraska. And my father was the veteran who was not allowed to go to the veterans' home. My father was Wendell Litton and he lived all of his life in Mount Pleasant, Iowa, except for the years that the service--he was Army--asked him to go somewhere else. And during that time, he went to Colorado when they asked him to, to do his basic training. And he went to Korea when they asked him to. He lived at home the last...all of his life until the last year when his health began to fail. At that point, he was moved to a nursing home and he began to lose weight quite rapidly and I knew that he needed someone to be there. My sister actually lived in Iowa but she lived 70 minutes away and she worked full time at a factory, often...usually, with required overtime. But she would try to go down every weekend that she could to visit him in the afternoon. Keep in mind, she's got a family of her own of children and grandchildren. But she did a wonderful job of doing what she could for him. But when his health began to fail like that, I thought he needs someone there with him. He needs someone to check in on him, not once a week for an hour. And not that the nursing home wasn't doing their job but he just needed family to be there more often. In Nebraska...I have lived here since 1974, and Wendell had three grandchildren--one of them a veteran himself--and six grandchildren. I work in Grand Island. My daughter lives in Grand Island and the other child lives in Kearney so it makes no difference where the veterans' home is. We could visit...we could have visited him. There could have been somebody over there every other day. But when I checked into it, I found out that there was the two-year residency and that he was not able to come here. My father died last July and I'm not for sure if he could have lived longer, if he'd had someone there with him. I'm not saying he could have, perhaps. But my argument is, is that my father didn't fight for Iowa. And my father didn't fight for Nebraska. He went over to Korea when his country asked him to and he fought for this country. And I can't believe that I am the only person who may have this problem in the future because we are such a mobile society. Thank you for your time. [LB805]

SENATOR MURANTE: Thank you very much. Senator Scheer. [LB805]

SENATOR SCHEER: I'm sorry for your loss. Did...when you...and this is just more for my own information, more for a waiting period. When you checked in with the veterans' facility, did they...if he had been...we'll assume that he had been a resident of Nebraska. Did they give you any inclination how long that waiting list might have been before he would have even had the opportunity to be in or did you even get to that point? [LB805]

TERRY SCHIFFERNS: I never got to that point. And I have to say that the veterans'

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hospital in Iowa City gave him wonderful care. And if he had come here to Nebraska, there's no requirement for the veterans' hospitals here. He can go to any veterans' hospital in the country. But it was the veterans' home that was the problem. [LB805]

SENATOR SCHEER: I understand that. I was just more curious if there was a...how long the waiting period was that, even if it hadn't been the case... [LB805]

TERRY SCHIFFERNS: Right. [LB805]

SENATOR SCHEER: ...if, because of the health purposes,... [LB805]

TERRY SCHIFFERNS: Right. [LB805]

SENATOR SCHEER: ...if he ever would have even made it into it, which... [LB805]

TERRY SCHIFFERNS: No. And that I can't tell. [LB805]

SENATOR SCHEER: Yeah. And I guess that's what I was more concerned with, if we were being able to meet that need. [LB805]

TERRY SCHIFFERNS: Yes, I understand. Thank you. [LB805]

SENATOR MURANTE: Thank you, Senator Scheer. Any additional questions? Seeing none, thanks for coming down. [LB805]

TERRY SCHIFFERNS: Thank you. [LB805]

SENATOR MURANTE: Appreciate it. Are there additional proponents wishing to speak? Welcome. [LB805]

JAY VAVRICEK: Good afternoon. My name is Jay Vavricek, J-a-y V-a-v-r-i-c-e-k, interested in supporting this bill for obvious reasons. Anything that we can go ahead and do to go ahead and be supportive of veterans at the Grand Island Veterans' Home, we would like to go ahead and promote that. Number two, it would appear that this reference in terms of the two-year residency requirement actually reflective of the original legislation to determine the site location for the Grand Island Veterans' Home in Chapter 82 of the Soldiers' and Sailors' Act that was approved March 4, 1887. And when you look at what we're doing in our community, as well as our sister city in Kearney, in promoting Homes for Heroes but also Hero Flights, each community is so supportive of our veterans. But also Korean War veterans, the forgotten war, should also have the same opportunities. But maybe each one could go ahead and do to, literally, run for office in my town. Once you establish residency, you could run for city council, you could run for another opportunity. So in terms of residency, I just find it

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unique that we're referring state statute that literally lives on today in terms of residency requirements that has a bearing here in 2014. And I would support that. [LB805]

SENATOR MURANTE: Thank you, Mayor Vavricek. Senator Bloomfield. [LB805]

JAY VAVRICEK: Yes, sir. [LB805]

SENATOR BLOOMFIELD: Roughly, what is the waiting period now, even if you are a resident, to get into one of our facilities? [LB805]

JAY VAVRICEK: And once again, I would defer that specific question to the administrator, himself. But according to the information I have here--if that is, indeed, relevant--it indicates there's a number of different residency requirements for widows, children, spouses, but also preceding application. So I would defer that to professional staff for a clear answer as well, Senator. [LB805]

SENATOR BLOOMFIELD: Okay. Thank you. [LB805]

JAY VAVRICEK: Yes, sir. [LB805]

SENATOR MURANTE: Thank you. Any additional questions? Thank you for coming down. [LB805]

JAY VAVRICEK: Thank you so much. Appreciate it. [LB805]

SENATOR MURANTE: Thank you. Are there additional proponents wishing to testify on LB805? Seeing none, does anyone wish to testify in opposition to LB805? Welcome. [LB805]

GREG HOLLOWAY: (Exhibit 1) Good afternoon. My name is Greg Holloway, G-r-e-g, last name, H-o-l-l-o-w-a-y. I have been directed by the Nebraska Veterans' Homes Board--I currently hold the position as the vice chair for the Nebraska Veterans' Homes Board--and at our regularly scheduled meeting we had in February at the Eastern Nebraska Veterans' Home, this issue was discussed. And our board came to the conclusion that it just...probably, we need the residence requirements to be held. The residency requirement is any two years in your lifetime. You could live in Nebraska for six months, move away, come back six months. And so if, we'll say, a family member...we could do it this way. My...both my brothers-in-law--one lives in Arkansas, one lives in Missouri--not Nebraska veterans but they had children born in Omaha, Nebraska, that have lived here more than two years. So they're eligible. My brothers-in-law are eligible. And I'd love to have my brothers-in-law back here because I have a lot of respect for them. But still, with the restraints that we have on our budgets and our waiting list: Eastern Nebraska Veterans' Home, 222; Grand Island, 25; Norfolk

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Veterans' Home, 234; Western Nebraska Veterans' Home, 68; and give or take, we have some veterans that are on like a provisional. You know, we're waiting to see how things work out for them before we put them on. So that's pretty wide, pretty lengthy. And that includes Gold Star parents and spouses. This bill doesn't even introduce...doesn't even talk about spouses, you know, having some responsibility. And with any two years at any time, we'll say a sibling of a veteran could live here for two years and then they could move away. They don't have to stay here once they're here. Or they could have lived here in another state for two years and give them residency requirements. And they could actually be living in another state at the time they make the application. So the Nebraska Veterans' Home Board does oppose this bill for those reasons. Give us enough money to run our veterans' homes the way I'd like to see them run with taking care of every single solitary veteran that walked through the door. I'd love to. We could build more veterans' homes in the state of Nebraska. This is a proud, proud state for looking after veterans in our veterans' homes. So if you have any questions, I'll sure be glad to answer them. [LB805]

SENATOR MURANTE: Thank you very much. Are there any questions? Seeing none, thank you for coming down. [LB805]

GREG HOLLOWAY: You bet. [LB805]

SENATOR MURANTE: Appreciate it. Is there further opposition testimony to LB805? Welcome. [LB805]

DENNIS SCHISSEL: Good afternoon. My name is Dennis Schissel, the last name is spelled S-c-h-i-s-s-e-l, I represent...I am from the Vietnam Veterans of America. I am the state council vice president and I'm also a member of the Nebraska Veterans' Home Board. And we...both entities are in opposition to this bill. Our position that it is inequitable to the veterans of this state who are in compliance with the residency requirements at the time of their application. And if an individual wants to become a resident of a veterans' home in Nebraska, then that individual should become a resident. Two years isn't a long time to become a resident. If you're not capable of living on your own, there's still a waiting list for veterans' home, you can move into a assisted living facility until at such time as you complete the residency requirements. We feel that changing this law and requirements would have the effect of displacing legitimate residents and could lead to an influx from other states. And we see no need to change the existing law to accommodate the wishes of a minute few. And that's all I have for my testimony. I'd be more than willing to answer your questions. [LB805]

SENATOR MURANTE: Thank you very much. Are there any questions from the committee? Seeing none, thank you very much for your testimony. We appreciate it. [LB805]

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DENNIS SCHISSEL: Thank you. [LB805]

SENATOR MURANTE: (Exhibit 2) Is there additional opposition testimony to LB805? Seeing none, would anyone like to testify neutral on LB805? Seeing none, Senator Avery has waived his closing. I do have a letter from John Hilgert, director of the Nebraska Department of Veterans' Affairs, in neutral on LB805. And that will close the hearing on LB805. Turn it back over to Senator Avery. [LB805]

SENATOR AVERY: Okay, this is what you've all been waiting for. Senator Gloor, we're now ready to open the hearing on LB935. Welcome to the Government Committee. [LB935]

SENATOR GLOOR: (Exhibit 1) Good afternoon, Senator Avery. Good afternoon, colleagues. My name is Mike Gloor, G-l-o-o-r. It's nice to be back. I think it's been several years before I've been in front of this committee, well known within the Legislature for its wisdom and impartiality. That's my valentine for you for the day. I had nothing...I didn't have enough time to bake anything. I'd also like to state for the record that I am a veteran, served from '72 to '76, and a longtime member of Legion Post 151. LB935 would add a layer of justification, accountability, and transparency by establishing a legislative process that would have final authority over the proposed relocation from one jurisdiction to another of any state services estimated to cost \$15 million or more. Exceptions would be allowed for the courts, the state colleges and university system, the Legislature, and for constitutionally created officials and agencies. And as best I can determine, there are only two agencies that would fit that criteria, the Public Service Commission and the Department of Education. Missouri and other states have similar statutes to serve as a check and balance against capricious, excessive, or politically motivated largess manifested through executive order affecting state services and sold under the veil of economic development. In fact, in Kansas, similar legislation to what I'm proposing is actually built into their state constitution. That's how strongly they feel about it. Moving a book of state business from one community to another is simply pouring water from one bucket into another with inevitable spillage, wastage, and ill feelings. One community's gain is another community's economic loss in an environment that will increasingly require our communities, especially in outstate Nebraska, to work together, not compete against each other in a taxpayer-funded cage match. It's no secret that the impetus for LB935 came from the proposed relocation of the Grand Island Veterans' Home from its 127-year site in Grand Island to a new \$120 million facility in Kearney. The controversial component of the bill makes the law--my bill that I'm proposing--makes the law retroactive to January 1, 2013, to allow vetting of any qualified relocation project for which all funding is not in place or conditionally approved; in this case, by the Department of Veterans Affairs, the national Department of Veterans Affairs. The VA passed on funding this project this calendar year. If there are questions of constitutionality, I have a handout citing case law that supports retroactivity and I would

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hand that out now if the pages would pick it up and distribute it, please. Thank you. The handout also gives examples of other states that have similar legislative processes to the one I'm proposing to review proposals that include relocations, again, of state services and businesses. Please note: My bill does not seek to dispute the selection process, the scoring criteria, the scores. I've chosen not to involve you in a he-said, she-said dispute. I'm working to fix what I consider to be a flawed process. I'm looking to establish a good process. I seek to bring decisions like the Grand Island Veterans' Home move into the light. The essence of the bill is sound policy, I believe, provides necessary oversight for a flawed process. And it's one where, in this past flawed process, there was no public input, especially from the veteran residents of the Grand Island Veterans' Home, no predetermined standards to aim for in the applications, no supervision of the process. It's a flawed process that could, if it occurs again, undermine another community in the future and once again cause a permanent rift in relationships between otherwise good neighbors. Thank you for listening to this proposal. And I'd be glad to answer questions. [LB935]

SENATOR AVERY: Thank you, Senator Gloor. Questions? Let's start with you, Senator Bloomfield. [LB935]

SENATOR BLOOMFIELD: Thank you, Senator Avery. Senator Gloor, is it fair to say that had Grand Island come out on top of that we would not be seeing this bill? [LB935]

SENATOR GLOOR: I don't know that that's safe to say, Senator Bloomfield. It's an appropriate question to ask. But I would tell you that we began looking at this issue last year. As you'll recall, there was discussion about this and some head scratching about this and concern about this not just from me but other senators. It's the reason the Appropriations Committee asked for, as best we could give it through an appropriations bill, some degree of transparency. And so this was an issue that was on my radar screen last year. Now you're asking the obvious question. And that is, well, but if Grand Island would have come out ahead would I have felt the same energy level to bring this forward? I think I would have. But I can understand if you'd say, well, maybe not. [LB935]

SENATOR BLOOMFIELD: Okay. [LB935]

SENATOR GLOOR: But I'd tell you, it didn't just become something we began looking at after the decision was made. [LB935]

SENATOR BLOOMFIELD: If you tell me that, Senator Gloor, I have no reason not to believe you. Thank you. [LB935]

SENATOR AVERY: Senator Murante. [LB935]



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SENATOR MURANTE: Senator...thank you, Senator Avery. Senator Gloor, you said something in your opening that kind of interested me. And I'm going to try and repeat it back to you to make sure I understand where you were going with it. Correct me if I'm wrong. But you had suggested that passing your bill would help alleviate, sort of--maybe the right word is--politics from the process insofar as the government...the Governor and the process that he used. It could have been less political, I guess, you could say. Is that a fair assumption or is that a fair restatement of what you had stated? [LB935]

SENATOR GLOOR: It would have removed the suspicion... [LB935]

SENATOR MURANTE: Uh-huh. [LB935]

SENATOR GLOOR: ...I think, and improved the transparency to hopefully remove or if that was at work, minimize it by getting the Legislature involved in the decision-making process. I can read you the quote if you'd like but you're close, Senator Murante, as usual. [LB935]

SENATOR MURANTE: Okay. Well, my thought is if the stated goal is to get politics out of the process, your bill is adding 49 politicians into the process. That's the function of it. Do you think that perhaps your bill might undermine your stated objective? [LB935]

SENATOR GLOOR: Great question and certainly one that I've thought through. You know, we go back to--I know you know part of this answer--but we are the representative branch of government. [LB935]

SENATOR MURANTE: Uh-huh. [LB935]

SENATOR GLOOR: We are, just because of the way we operate--whether it's hearings like this, whether it's what we record and the reports that we get from our hearings to the full Legislature, the different levels that we go through to advance a bill--we are far more transparent. Does that bring a degree of politics in? It certainly does. But I think all of us who have served as senators feel that that transparency from hearings all the way through the process helps minimize that...certainly helps minimize that. How can that not be helpful? The other thing I'd ask you to look at when you look at the bill is, I've laid out some criteria of the things that we should be looking at. And I did that specifically to address the concern you're bringing up and that is, let's look at some key issues here that I think not only will improve people's attitude but improve the process. As an example, one of the criteria I asked be addressed in this bill to the Legislature is, what are the plans...after you've moved this business out of this community, what are the plans to backfill? What are the plans to make sure that this isn't a win/lose. And in Grand Island's place there's a huge tract of land that the community gave to the state back in 1887, back when the Battle of the Little Bighorn was still recent news. I mean, amazing when you think about it that way. But the community bought it, gave it to the

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state to establish the first old soldiers'/sailors' home in the state of Nebraska. And there is no plan underway and was no plan underway to backfill, to do something with that land to help fill in the loss of jobs. None of that was in place. I'm asking that be part of the process. I think that also will help tamp down some of the politics. [LB935]

SENATOR MURANTE: I hope you're right. As I've been thinking about your bill, the process that we do on an annual basis that concerns me, I think, is how we allocate state aid funds to schools in the TEEOSA formula. And a term that I learned once I got into the Legislature, the vertical and horizontal process by which we look at school districts, we find ours and then go over to the side and see the impact of the state aid changes. And that pretty much determines whether we support or oppose the TEEOSA changes. And I'm concerned that doing this is just adding another instance in which the state Legislature is going to go through that where basically we say, how does this impact our community? And that's how the public policy is determined which isn't always the best way to make public policy. [LB935]

SENATOR GLOOR: Sure. And I would probably use as an example the fact that I'm sure that the movement of the State Fair to Grand Island will come up somewhere this afternoon. So let me be the first to bring it up. The Legislature was involved in two rounds of hearings about the movement of the State Fair. And there were plans underway. The university was quite active and involved as was the Lincoln business community on what will happen to that land when the State Fair moves. So I would use that as an example of, with a higher degree of transparency, with discussion at the legislative level and elsewhere, there can be plans to backfill into the space that might be vacated, the jobs that might be lost. That would be one of my offsets to your concern about the politics. [LB935]

SENATOR MURANTE: Thank you, Senator Gloor. [LB935]

SENATOR GLOOR: Thank you. [LB935]

SENATOR AVERY: Senator Scheer. [LB935]

SENATOR SCHEER: Thank you, Senator Avery. Senator Gloor, I'm asking this just more for record purposes (inaudible) because of intent. And it...your bill talks of the \$15 million impact. And I'm making sure that as we look, intent if this were to pass at some other point in time, what your intent meant is that a \$15 million expenditure for the state. So, for example, if it was a \$15 million facility but the state only had a \$10 million obligation, this would not be part of it? Or if it's anything...the total project is over \$15 million regardless if the state pays \$500,000 of it, you know, where are you envisioning the \$15 million impact to preside at? [LB935]

SENATOR GLOOR: I would think that the importance of this is such that it should be

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\$15 million of total dollars that roll in. And hypothetically, you could have somebody who feels strongly enough about this in another community that they want to donate half the amount to move that service. And so to me, it's the total dollars involved. And by the way, I came up with that number as a result of LB858 which was Senator Avery's bill, came through this committee several years ago after the privatization initiative struggled so much in child welfare reform. And I think that bill started off with a \$25 million number. And based upon feedback from Department of Administrative Services they said, really, contracts--and it was for contracting--rarely get to that level. And I think as a result, it was amended down to \$15 million. We kind of took our lead on this bill and the way it was structured and the dollar amounts from that bill that we'd previously passed. To me, it was a similar bill. [LB935]

SENATOR SCHEER: Okay. And would you be amenable...because I think too many times we put dollar amounts in legislation. They don't affect anything for a number of years and then all of a sudden, 10 or 15 years later, here's the amount but on an inflation-based basis, it's way out of whack. Would you consider putting something in there that would adjust that amount either from an inflation standpoint or whatever the case might be? Or do you prefer just to leave it at that number? [LB935]

SENATOR GLOOR: Absolutely, except there may be a constitutionality issue. I'm not sure what the legality of doing that or how we can do it in a way that allows us but, certainly. And your point is well made. I mean, in ten years...this may not come up for ten years. And in ten years--we hope inflation doesn't get this bad--but in ten years that \$15 million may not be considered that large a sum of money. And so my intent was, again as a look back to LB858, let's take a look at what DAS seemed to think was a reasonable amount based upon some of the contracting going on. So yes, I'd be amenable. [LB935]

SENATOR SCHEER: Okay. Thank you, Senator. [LB935]

SENATOR AVERY: Any other questions? I assume you're going to stay for closing. [LB935]

SENATOR GLOOR: I've been looking forward to this all week, so I will (inaudible). Thank you. [LB935]

SENATOR AVERY: So have we. [LB935]

SENATOR GLOOR: Thank you. [LB935]

SENATOR AVERY: All right. We will now accept proponent testimony. First come, first serve, sir. Good afternoon. [LB935]

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DUANE HODGE: (Exhibit 2) Good afternoon, Senator. Mr. Chairman and committee members, my name is Duane Hodge, D-u-a-n-e H-o-d-g-e. And I am here today in support of LB935. I retired from the Nebraska Veterans' Home System in 2007 after 35 years of service. The last 27 years, I served as administrator of the Norfolk Veterans' Home with two assignments as interim administrator of the Grand Island Veterans' Home. Strategic planning is an important part of running a veterans' home as well as a city. If a five- to ten-year plan is developed in a city and midway through the plan a facility like the Grand Island Veterans' Home is jerked away from the facility, it can be devastating. The economic consequences will have a ripple effect throughout the city and its surrounding areas when jobs are lost. All businesses and public utilities will realize the loss when an employer like the veterans' home is no longer a part of the city. In 2001, the veterans in Norfolk were moved into a new facility. The process to build a new facility and move the veterans was started in the early 1990s. The veterans were included in all phases of the construction and the actual moving in. We knew this was a home for the veterans and they deserved a say in the entire process. This has not been the case in the move of the Grand Island Veterans' Home. This is one of the reasons, if not the most important one, that I support LB935. I can give you a lot of reasons why the Grand Island Veterans' Home should remain in Grand Island. But that is not why we are here today. Evoking your authority at the executive level at the expense of our veterans is irresponsible. Let the authority to make the decision on this magnitude back at the legislative level where it can be heard by all. Thank you, Senators. Appreciate it. [LB935]

SENATOR AVERY: Thank you, Mr. Hodge. Questions from the committee? I don't see any. [LB935]

DUANE HODGE: Okay. Thank you. [LB935]

SENATOR AVERY: Thank you very much for your testimony. [LB935]

DUANE HODGE: Thank you. [LB935]

SENATOR AVERY: Next proponent? Welcome back, sir. [LB935]

JAY VAJRICEK: (Exhibit 3) Good afternoon. It's a pleasure to be here and appreciate your leadership in so many ways. My name is Jay Vavricek, spelled J-a-y V-a-v-r-i-c-e-k, mayor of Grand Island. And Senator Avery and members of the committee, thank you. Thank you for your leadership and your positive decision to support consideration to greater transparency in government by advancing LB935 for a full legislative discussion. The Grand Island Veterans' Home is on life support and needs your immediate care and attention. The bugles are sounding and it's not taps that are playing; instead, it's reveille. Therefore, LB935, like every other issue that affects the well-being of the people in our state, would require the issue of relocation to also be

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determined in the sunshine of a public policy-making decision. Greater transparency, greater public trust, and more understanding will occur so we never, so we never, have to endure what we're experiencing in otherwise proud and outstanding communities. LB935, in my estimation, provides for a well-defined, transparent manner for any potential state facility location transfers to be determined. It will also ensure we, as a state, move forward more positively. As mayor, I have limited executive decision-making authority similar to a governor. I cannot affect a legislative decision once it's been made. And that's good because checks and balances are what good government is all about at the local level, the state, and federal level. Yet we have a history in our state of legislating bills addressing state facilities: LB1108, LB1116, LB247. Now LB1108 passed on March 26, 1998. Thirty-eight ayes, three nays, approved the relocation of the Nebraska State Patrol to Grand Island. LB1116 passed on January 23, 2008, which many of us were involved in and remember. Thirty-four ayes, six nays adopted the relocation of the Nebraska State Fair to Grand Island. And LB247 referenced earlier, passage on March 4, 1887, established the Grand Island Veterans' Home within six miles of the city limits of Grand Island. The citizens of Grand Island have invested ever since, 127 years of service, hosted countless parades, contributed to a chapel, constructed walking trails, lent a hand after tornadoes and ice storms, summoned emergency responders within minutes, fired 21-gun salutes before taps, and opened up its arms ever since in tribute to every veteran's service with honor and pride. A relocation decision, once again, of this magnitude, this complex, and this far reaching should be entrusted for accountability to 49 state legislators and a Governor. And with such devotions and such decisions with transparency will emulate the very words on this institution, "The Salvation of the State is the Watchfulness of its Citizens." And each community and legislative district in Nebraska has a stake in what we're discussing today with LB935. Big or small, rich or poorer, LB935 insures an added layer of government accountability that protects smaller towns from being exploited, ones with deeper pockets, special-interest peddlers, political influence, and favoritism. And finally, this reminder so the state of Nebraska and everyone hearing my voice understands about my community, Grand Island. We have a relationship with the state of Nebraska. It honors and appreciates. Its cooperation will continue. And we will support the care of both current and future members of the home indefinitely. We will not lose focus of what makes our community outstanding: A sense entrusted to us like sticking to your word, commitment to accomplish a task, pride, and justice, and something no one will ever tarnish or take away. And just as the veterans' home logo shows a ribbon clenched in an eagle's talon and the words, "By Their Side with Honor and Pride," that is a bugle cry we march to each and every day for the past 127 years and in the future. So to ensure our state moves forward more positively, LB935 I support as well as the city council by its unanimous resolution, supports a well-defined, transparent plan that will provide a comprehensive solution for the future. I'd also like to express not only your leadership but also outstanding leadership of Senators Gloor, Dubas, and Sullivan extending consideration of LB935 to your colleagues. And incidentally, I will be presenting 12 copies--for your information--of my testimony as well as seven unanimous city council

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resolutions, the seventh of which declares today as Nebraska Veterans Sunshine Day. And with that, once again, we very much appreciate your leadership, your consideration for the best interests of the people that you serve. [LB935]

SENATOR AVERY: Thank you, Mr. Mayor. [LB935]

JAY VAVRICEK: Thank you. [LB935]

SENATOR AVERY: Questions from the committee? Thank you. [LB935]

JAY VAVRICEK: Thank you, Senator. Thank you, ladies and gentlemen. [LB935]

SENATOR AVERY: Other proponent testimony? Welcome, sir. [LB935]

KEITH FICKENSCHER: (Exhibit 4) Thank you. My name is Keith Fickenschler, K-e-i-t-h F-i-c-k-e-n-s-c-h-e-r. I am an employee of the Lancaster Manor here in Lincoln and former director of Veterans Affairs under Governors Nelson and Johanns and former administrator of the Grand Island Veterans' Home and at Thomas Fitzgerald in Omaha. I grew up in the small town of Gothenburg. It was small enough and safe enough that a lad of any age could easily walk to his grandparents' house for refuge whenever things got too hot at home. As a result, I became quite attached to my grandparents. Forty-five years later, I was administrator of the Grand Island Veterans' Home where I experienced firsthand the close bonds that develop between staff and residents. It reminded me exactly of how this young boy felt towards his grandma and grandpa in Gothenburg. And that is why, at every opportunity, I had to tell the story of the Grand Island Veterans' Home. I began my speech by saying, "I bring you greetings from my grandmas and grandpas at the Grand Island Veterans' Home. Anyone in the audience who had a close relationship with their grandparents knew exactly how I felt about the residents of the Grand Island Veterans' Home and how they felt about me. Elders do not embrace change. In the nursing home, it is a challenge to move someone to a new place in the dining room. If we want to move them to a new room or a different nurses' station, it can be a real battle. If my parents had told my grandparents they were being relocated out of their old, drafty home in Gothenburg to a brand new, beautiful home in North Platte just 35 miles west, they could never have convinced them that such a move was in their best interests. Elders want familiarity, stability, and continuity in their lives. Somewhere between the ages 50 and 75, they stopped needing something new to replace something that suits their needs just fine. They became more conservative and less wasteful. An elder once told me, I don't spend a dime when a nickel will do. They adopted a set of values and priorities which are far different from ours and far different from what theirs were at a younger age. And that is why in the divisive issue at hand, their input--the residents of the Grand Island Veterans' Home--which was not solicited, should have carried more weight than the voices of the proponents and opponents of this move combined. There is another compelling example of why this proposed

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relocation is not in the best interests of the residents of the Grand Island Veterans' Home. There is a very real condition known as transfer trauma. Transfer trauma kills. It is very real. We should have learned a lesson about moving people out of their structured home in 2008 when the state moved selected residents of BSDC to hospitals and other care facilities and several of them died. I have attached information to this testimony explaining transfer trauma. The information points out legal ramifications arising from the declining health and increased morbidity resulting from transfer trauma. One of the two articles lists characteristics of residents most vulnerable to the adverse effects of transfer trauma. A sampling of that list reveals factors that increase the probability of adverse effects: Gender--males do less well; age--adverse effects are more likely with a greater age; dementia; depression; anxiety; impaired eyesight or hearing; reduced mobility; and incontinence. That list causes me to ask, what are the reasons for relocation which are so compelling as to make us willing to put the lives and the health of the members of the Grand Island Veterans' Home at risk for transfer trauma. All that I have said up to now establish my personal reasons for supporting LB935. In the absence of something like LB935, decisions adversely affecting the lives of hundreds of our citizens can now be made with absolutely no oversight by our elected representatives in the Legislature. And Nebraskans have higher standards than that. In the absence of LB935 we have created a "winner-takes-all" contest that has divided two great cities and left personal animosities that will last for decades. And in the absence of LB935 we have quite possibly put the life and health of veterans at risk. These issues cry out for a debate on the floor. Please advance LB935. Thank you. [LB935]

SENATOR AVERY: Thank you, sir. Questions from the committee? I don't see any. Thank you. [LB935]

KEITH FICKENSCHER: Thank you, Senator. [LB935]

SENATOR AVERY: Thank you for coming down. We're still on proponent testimony. Good afternoon, sir. Welcome. [LB935]

KEN GNADT: (Exhibit 5) Senator Avery and committee, my name is Ken Gnadt, K-e-n G-n-a-d-t. As mayor of Grand Island, 1994 to '02, our goal was to work with all area mayors and administrators. During 1995 or '96--I don't remember the exact year--Mayor Pete Kotsiopalos of Kearney called a meeting in Hastings with the three mayors, hosted by Don Reynolds. The purpose was to form a tri-city mayors group to work together on common problems or opportunities. The result was to hold quarterly meetings with an agenda, including the administrators and department heads as needed. The Tri-Cities Mayors' Conference proved to be very positive. Jim Whitaker, mayor of North Platte, called after the first year and asked if North Platte could join. Each mayor responded, yes. The Quad-Cities Mayors' Group continued to be a very positive move. In 2002, I was selected as District 5630 Rotary Governor for Rotary's Centennial Year,

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2004-2005. In that capacity, you select nine assistant district governors to work with three to five local Rotary clubs. My selection for the Kearney area was Stan Clouse of the local Rotary Club. An excellent relationship was established. Today I am deeply concerned about the process that our state pits communities against each other for no net gain in jobs or positive growth for our state. All Nebraska communities work hard with their respective economic development groups to bring in new jobs. But we do not go after another neighbor's job base. My home state of Kansas and many other states have solved what separates these two Nebraska communities today. I would sincerely ask that this committee, Government, Military and Veterans Affairs, vote to bring LB935 out of committee. I am at the end of my tolerance in hearing government officials saying, well, gee, I got the State Fair. Another community needs a plum. As a seven-year executive board member of Fonner Park, I represented Fonner at the State Fair hearing in front of the Senate Ag Committee. The state had it right here. State legislators should have heard the vets' home move. Three groups from Lincoln made presentations. One group from North Platte and Grand Island also made a presentation. The Kearney presentation was very short. If the Senate Ag Committee decides to move from Lincoln, we will then prepare a presentation. As you can now hear, Kearney made no presentation. Thank you, State Senators, and please move LB935 forward to take these types of issues out of the Governor's office. [LB935]

SENATOR AVERY: Wait. We might have questions. And we might not. Questions from the committee? You had it right. More proponent testimony? Welcome. Good afternoon. [LB935]

MARGARET HORNADY: (Exhibit 6) Good afternoon. My name is Margaret Hornady, M-a-r-g-a-r-e-t H-o-r-n-a-d-y. I was mayor of Grand Island from 2006 to 2010 and a councilmember from 2000 to 2006. Prior to my elected service, I was on the Grand Island Area Chamber of Commerce Board of Directors, serving as chairman in 1997. During all of those years, I actively worked to improve relations and cooperation in the central Nebraska area, continuing the, by then, Quad Cities' quarterly mayors' meetings just presented by former mayor, Ken Gnadt. I believe these efforts were productive. LB935 will prevent Nebraska towns from being pitted one against the other. In my view, competition for state services between Nebraska cities, towns, and villages is divisive and counterproductive to our state. We are large in area but small in population. It will be far more positive to establish a method of rational, public, legislative review when it becomes necessary to remove or replace state facilities than to be forced to engage in internecine warfare. Thank you for your time and consideration. This is the end of my written remarks but I must say I was the mayor who said yes, we will undertake to move the State Fair to Grand Island. I didn't know where \$8.5 million was coming from but I made that decision because I thought it was a benefit not only to Grand Island but to the entire state and to the University of Nebraska. And the other comment I have to make is, before we started, I asked Senator Gloor if you all had a sense of humor. And he said, sometimes. Well, I've been relieved to see that you do. And my valentine is the



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shortest speech you'll have today. [LB935]

SENATOR AVERY: Wait. Wait. [LB935]

MARGARET HORNADY: Oh, sorry. (Inaudible.) [LB935]

SENATOR AVERY: Everybody wants to get out of that chair. [LB935]

MARGARET HORNADY: Well, I have to say, you know I've been on your side of the bench when the room was full. It can be uncomfortable. I appreciate that. [LB935]

SENATOR AVERY: I was there, you know, when we dealt with the State Fair and the transfer. And we got it right. [LB935]

MARGARET HORNADY: You did get it right. And we appreciate that. And we need to make sure that... [LB935]

SENATOR AVERY: Some of my constituents here in Lincoln didn't much like it. [LB935]

MARGARET HORNADY: Well, I know. Nobody is going to like everything all the time. [LB935]

SENATOR AVERY: That's right. [LB935]

MARGARET HORNADY: I guess the phrase is, if two people agree on everything all the time, one of them is unnecessary. [LB935]

SENATOR AVERY: Senator Wallman, please. [LB935]

SENATOR WALLMAN: Thank you, Chairman Avery. Yeah, I remember. I was on the other side on the Ag Committee. But do you think you didn't have enough chance to be involved in this so-called bidding process? Was it... [LB935]

MARGARET HORNADY: You mean for the veterans' home? [LB935]

SENATOR WALLMAN: Yeah. [LB935]

MARGARET HORNADY: Yes, I do. [LB935]

SENATOR WALLMAN: Okay. Thank you. [LB935]

MARGARET HORNADY: Uh-huh. [LB935]

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SENATOR AVERY: Any other questions? Now, thank you very much. [LB935]

MARGARET HORNADY: Thank you very much. [LB935]

SENATOR AVERY: Additional proponent testimony? We're still on LB935. Good afternoon, sir. [LB935]

DONALD SMITH: (Exhibit 7) Good afternoon. I've got an easy one for you. My name is Don Smith, D-o-n S-m-i-t-h. I am publisher of the The Grand Island Independent. The editorial board of The Grand Island Independent stands firmly in support of LB935 and applauds Senator Mike Gloor and the bill's cosponsors, Kate Sullivan and Annette Dubas for their efforts to craft a law that will benefit communities across the state of Nebraska. While the state Legislature has an obligation to consider every measure that might save the taxpayers money, improve the quality of state services, or win federal grants, it also has a duty to see that the state truly represents the best interests of the people and all parties affected by the actions of the Legislature or the executive office. LB935 is not about a battle between two communities or about personal conflicts. LB935 doesn't mention the Grand Island Veterans' Home or veterans. The proposed move of the Grand Island Veterans' Home is, however, an example of why such a law is of vital importance. Honorable committee members, I implore you to consider firstly the justification and wisdom for moving the Grand Island Veterans' Home in the first place. I ask on behalf of all Nebraskans, does the state of Nebraska really gain a net benefit from this decision? Will jobs be created by moving the home from one jurisdiction to another? If the Legislature had been presented the opportunity to review the justification and merits of the financial case for relocating the home and building a new one, would the decision to relocate have been advanced? If the Legislature were given the responsibility of weighing the human impact of relocating this state service, would the outcome have been the same? I ask you to consider, too, what makes the veterans' home question so unique. While the state Department of Economic Development actively encourages communities to compete and recruit new enterprises, jobs, and facilities, the relocation of the Grand Island Veterans' Home sets a troubling precedent by pitting Nebraska communities against each other in a winner-take-all sweepstakes. There is no comparable historical context in which such a large Nebraska state facility or institution has been uprooted from one community and moved to another. No other government action has so overtly favored one community with such a large prize while leaving an even larger void in another community. The relocation of the Nebraska State Fair has often been held up by the Governor as the quid pro quo. If the proposed move of the Grand Island Veterans' Home was really about the executive office brokering state institutions to court favor, then that should have been made clear to all parties concerned from the beginning. Make no mistake. Grand Island is proud to be the host community of the Nebraska State Fair and will be forever grateful that it moved to central Nebraska. There are, however, vast disparities between the location of the Nebraska State Fair and the proposed relocation of the veterans' home. First and

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foremost, the justifications for moving the State Fair was fully vetted by committee and the full Legislature. All parties were given abundant opportunity to be heard in that open, public process. Secondly, as a matter of scale, the annual economic impact of the fair and the number of jobs sustained, represents only a small fraction of that of the Grand Island Veterans' Home. Thirdly, unlike the Grand Island Veterans' Home decision, there were only winners in the State Fair move. The city of Lincoln won, the University of Nebraska won, Grand Island won, and the State Fair and the people of Nebraska won by gaining a new, better, more viable and sustainable State Fair. Nebraska's agricultural community also won when the State Fair returned to its rural roots. Most executive orders are wielded judiciously, thoughtfully, and fairly. Executive orders, though, are sometimes rendered with prejudice, bias, and lack of justification and accountability. Many states have enacted statutes that constrain the autonomy of executive order as a check and balance to prevent overreaching. The spirit of Senator Gloor's bill is to engage the only body that can truly represent the people's best interests without bias and favoritism, the state Legislature. In the case of the veterans' home question, the best interests of whole classes of people were not considered: the veteran residents of the home, their family members, and the 300-plus staff members of the Grand Island Veterans' Home who will be uprooted and must live in limbo for years. And also the people, the businesses, and local governments of Grand Island and Hall County are similarly affected. Honorable committee members, I can tell you from personal experience that this saga has left our veterans at the home with a deep sadness, the loss of dignity, and feelings of fear and uncertainty. These are men and women who sacrificed in the cause of freedom including, most importantly, the right to speak freely. [LB935]

SENATOR AVERY: Your time is up. I'm sorry. [LB935]

DONALD SMITH: Okay. I'll stop there. [LB935]

SENATOR AVERY: All right. Okay. Thank you. Any questions from the committee? I'm sorry to cut you off, but... [LB935]

DONALD SMITH: That's quite all right. [LB935]

SENATOR AVERY: ...in fairness to the other testifiers, I have to. [LB935]

DONALD SMITH: I didn't time it, so. All right. [LB935]

SENATOR AVERY: Thank you very much. [LB935]

DONALD SMITH: Thank you. [LB935]

SENATOR AVERY: Any other proponent testimony? Welcome, sir. [LB935]

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DAVID ZIOLA: Thank you. My name is David Ziola, D-a-v-i-d Z-i-o-l-a. Committee, I appear before you today as the Hall County Supervisor of District 1. My territory encompasses the vets' home, the vets' hospital, that residential area, some nearby businesses. I want to give the committee just a short history on what I observed in my first term being on the board of supervisors. It had come to our attention that there were several residents out at the home who had some issues because of some changes in some rules and what they were allowed and not allowed to do. They took their concerns to our veterans service officer. He has 110 percent always backed our veterans, not only in our county but the four that he serves. They weren't getting any answers. He would call. He would not be able to answer their questions. During our board meetings we have a part for public comment. Anybody can come before our board, speak on anything, whether it's on our agenda or not. And when the veterans from the home started coming to our board meetings, hoping that when these are actually played back on GITV and, of course, our media person from Grand Island Independent is always present, that they could get something out in the media, in the print, to see if that would help. More ears, more eyes on the situation to look at what was going on at the home. People at the state level took offense to this. Made derogatory remarks about our veteran service officer. Lo and behold, it brought out two individuals--I will not state their name, but it's public knowledge--came to the Hall County Board. They had three or four binders saying, because of new health safety issues, policies, this is why some changes were made out there. Finally, we got an answer. We never received that answer before. We were also told in this meeting, don't worry about a new veterans' home because there was only one choice and one place that it was going to be. So we were told directly, eye to eye, that place was Grand Island, Grand Island, Grand Island. One of those individuals were on the site selection committee; one of the three people. The next thing we hear about is Governor's mad and we have this selection process. I made a comment in one of our meetings here recently saying...some of the other board members said that maybe the Governor could take some retroactive action against us if we spoke too loudly against this move. He answered back in an article saying he would never ever take retribution against anybody for speaking the truth and speaking their mind. Lo and behold a few weeks later, not only I, our board, the other counties that our veterans service officer served, was a personal letter from Dave Heineman saying you guys need to take some action against Don Shuda. So much for not being personal. If we had 49 other individuals looking at this, I think some of this question and this personality could have been rectified. I believe there was some favoritism, some personality, especially against our veterans service officer. He was bringing \$17 million into our area through the money and through the bonds which I'm sure he will speak of. So I just ask the committee to please advance this and let it come to the floor so we can have free and open ideas and debate. [LB935]

SENATOR AVERY: Thank you, sir. Questions from the committee? Thank you for your testimony, Mr. Ziola. [LB935]

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DAVID ZIOLA: Thank you so much. I appreciate it. [LB935]

SENATOR AVERY: Next proponent? Good afternoon, sir. [LB935]

DON SHUDA: (Exhibit 8) Good afternoon, Senator Avery and committee members. My name is Don Shuda--I didn't know I was following--D-o-n S-h-u-d-a. I am the Hall County Veterans Service Officer and also the president of the County Veterans Service Officers Association of Nebraska for this year. And with that being said, the County Veterans Service Officers Association of Nebraska does also support LB935. I was asked to read a testimony provided by Pam Lancaster, Hall County Supervisor of Hall County, Nebraska. With that, I'll begin: To Senator Avery and committee members from Pamela Lancaster, Hall County Supervisor; National Association of County Officials; Veterans and Military Affairs Committee, immediate past chairman; Nebraska Association of County Officials, past president; Nebraska Workforce Development, Greater 88 Chief Elected Officials, chairman. Thank you for allowing testimony in behalf of LB935 introduced by Senator Mike Gloor. I have served since 1998 on the Nebraska Workforce Development Board for the Greater 88 counties in Nebraska. For most of those years, I have been chairman. The Greater 88 has been extremely successful in bringing employers and employees together to maintain economic stability and some growth. When Workforce Development came into being following a federal mandate, I felt certain that these 88 counties would be successful. We have always worked together and relied on each other; that's the rural way. No doubt with a wide range of issues and personalities sometimes we do better than others. If today, Nebraska's way of doing business has changed and communities are encouraged to pit themselves against one another there will be serious consequences affecting much more than the government entities put up for auction. With the Governor's decision to make the Grand Island Veterans' Home available to the highest bidder, he broke the trust and integrity of the state's 127-year commitment to veterans. In 1887, shortly after the Civil War, the citizens of Grand Island donated 640 acres of land to establish the Grand Island Veterans' Home. It was to be available to veterans at that time in their life when they were no longer able to care for themselves. Through more than a century of personal and financial commitment, a true home has been developed with a campus consisting of not only a veterans' home but a veterans' cemetery to the west. The VFW, a shaded fishing pond, children's ball fields, and a veterans' park are located to the east. Within a few blocks, the veterans' hospital and shopping is available to those who are ambulatory. No one would have considered the fact that the executive order could change this legacy. Nebraskans even remotely aware of the plight of the Grand Island Veterans' Home have scratched their heads wondering why. If, indeed, political or personal gain is the issue, it is inexcusable. Hundreds of innocent veterans and their families have been caught in the crossfire. For the communities who responded to the request for proposal from the Governor, it is simply an economic development opportunity. For Grand Island/Hall County, my community, it is a deeply personal issue

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that spans generations. It's what we do and believe in. We care for our veterans. Isn't it in the best interest of all Nebraska communities to see that established government facilities remain where they have been cared for and flourished? In this case, have we as Nebraskans truly forgotten our commitment to making a home for our veterans, one where they are comfortable and located in a community they can count on? Isn't it in the state's best interest to see that the Legislature has oversight of such large decisions, the kind that affect hundreds of lives? In this case specifically, hundreds of our most vulnerable people are affected. Please pass LB935 as presented out of committee so it can be openly discussed and evaluated by the entire Nebraska Legislature. Thank you for your attention and for all you do in behalf of the state of Nebraska. [LB935]

SENATOR AVERY: Thank you, Mr. Shuda. Questions from the committee? Senator Wallman. [LB935]

SENATOR WALLMAN: Thank you, Chairman Avery. Thanks for coming down here. [LB935]

DON SHUDA: Thank you, sir. [LB935]

SENATOR WALLMAN: Do you still have that 640 acres, do you know? Is that all intact? [LB935]

DON SHUDA: Yes, sir. There has been some that's been taken off the original because they had a ball field added... [LB935]

SENATOR WALLMAN: Uh-huh. [LB935]

DON SHUDA: ...on the north side and I can't remember exactly the number of acres. But it's still there, yes, sir. [LB935]

SENATOR WALLMAN: Thank you. [LB935]

SENATOR AVERY: Any other questions? Senator Murante. [LB935]

SENATOR MURANTE: Thanks for coming down. Your testimony has gone down a road that I...and several of your predecessors went down a road that I didn't quite...I didn't expect to hear, which is a group of Nebraskans coming before the Nebraska Legislature to tell us how great we are at making decisions. That's not something we hear all that often. And thank you for it. But it's also something that is...I hear...I represent Gretna, Nebraska, Sarpy County. [LB935]

DON SHUDA: Uh-huh. [LB935]

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SENATOR MURANTE: And I hear all the time--my wife is from Orleans, Nebraska--and I hear all the time from greater Nebraska--some even colleagues in this Legislature--that the Nebraska Legislature...you hear phrases all the time: You guys don't know there's anything west of Lincoln, Nebraska. And if you make decisions, you're just looking out for Omaha and things like that. We hear it all the time. And I'm wondering--as a senator from Gretna, I can sympathize because sometimes we suffer from that...those sorts of decision-making processes--but I'm wondering if looking at the whole scope of the decisions that the Nebraska Legislature makes, do you think that having the Legislature involved in these sort of processes depoliticizes it? Or are you at all concerned that decisions that we make that have adversely affected rural communities in Nebraska--numerous counties don't get any state aid, equalization aid for their schools, things like that--could come to play when it comes to these sorts of issues? [LB935]

DON SHUDA: Well, you know, I'm not a politician. [LB935]

SENATOR MURANTE: Congratulations. [LB935]

DON SHUDA: But I do believe that the full Legislature needs to look at issues like this because, again, I think the issue is pitting one community against another, taking from one, giving to another, and not filling the gap in the other one as we've heard mentioned before. And at least if this goes to the floor--which I pray it does--then at least it's given a fair process. I think everybody has had the chance to talk about it and voice their opinions on it. [LB935]

SENATOR MURANTE: Okay, thank you. [LB935]

SENATOR AVERY: Any other questions? Thank you, Mr. Shuda. [LB935]

DON SHUDA: Thank you, sir. [LB935]

SENATOR AVERY: Any other proponent testimony? Welcome, sir. [LB935]

MICHAEL PONTE: (Exhibit 9) Hi. Mine will be the shortest. [LB935]

SENATOR AVERY: Okay. [LB935]

MICHAEL PONTE: My name is Mike Ponte, M-i-k-e P-o-n-t-e. And I am the chairman of the board for the United Veterans Club in Grand Island, Nebraska. And the Veterans Club represents the Veterans of Foreign Wars, American Legion, Purple Heart organization, Disabled Veterans, and all of their auxiliaries. And all of our organizations are in favor of LB935. And we just wanted to go on record. [LB935]

SENATOR AVERY: Thank you very much for your brevity. Let me see if we have

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questions. I don't see any. Thank you, sir. We're still on proponent testimony. Welcome, sir. [LB935]

GARY QUANDT: (Exhibit 10) Thank you. My name is Gary Quandt, G-a-r-y Q-u-a-n-d-t, and thank you for the opportunity to testify today. Once again, my name is Gary Quandt. I'm a resident of Grand Island, Nebraska, and a Hall County Supervisor. I also serve as a chairman of the Hall County Korean War hero flights. That's an effort to send our Korean War veterans to Washington, D.C., to honor them. I'm here today to support Senator Gloor's bill, LB935. My father is a Korean War veteran and him and I both spend a great deal of time volunteering at the Grand Island Veterans' Home. There are also many other community members that also give freely of their time to honor our veterans at the Grand Island Veterans' Home. I agree that our veterans deserve the best possible facilities that money can buy to care for their needs and comforts. The staff at home takes pride in their work. And with my dad pushing wheelchairs, he sees that just about every day. They share a sense of honor when it comes to work...going to work each day knowing that their job is not to provide care to the elderly and infirm, but to the veterans of the U.S. military. And it's a most...it's personal and meaningful way. The Grand Island Veterans' Home is, in every sense, a home. The staff and the volunteers and members are extended family. And I've seen this firsthand when things happen. They celebrate in the veterans' joys and they share in the sorrow with their families. The home sits in a parklike setting. The trees, and many of them have been as long as the home, 127 years, ever since the city of Grand Island and Hall County come up with the money to donate this ground to the state of Nebraska. The residents are connected to nature with birds, deer, squirrels, rabbits, and their environment. The veterans can fish. They have beautiful facilities there and a pond where the veterans...you see them out there and they've got their fishing poles out there. They're living. The veterans can fish, they can sit out...simply sit outside. They can go next door to the vets' club. Many of them are pushed in their wheel chairs. The home is adjacent to residential neighborhoods, children riding bikes, the ball park, and many of the other things or they can go across the street. The veterans are able and can visit the Veterans Club next door. And this has been important to them since the very beginning. And though...leaving the sanctuary has caused great distress with both the staff and the residents. They feel like they...there's 300 state employees that haven't had a voice in this process. Two hundred-plus veterans that fought for our country to give us the right to freedom of speech and their voice has been left out of this process. They have nothing...they haven't been part of the process at all. The decision made this summer didn't account for the upsetting disruption in what should be peaceful, final years of their lives. In a similar bill earlier, they were talking about two years. When you're a Korean War veteran or a World War II veteran, two years is a long time. So please support LB935 and prevent such damaging decisions like this to happen in our state again. [LB935]

SENATOR AVERY: Thank you, Mr. Quandt. Questions from the committee? Don't see



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any. Thank you. [LB935]

GARY QUANDT: Thank you. [LB935]

SENATOR AVERY: Additional proponent testimony? How many more testifiers do we have in support of this bill? Okay, you're number 13. Just wanted you to know. Okay. [LB935]

RANDY GARD: (Exhibit 11) Okay. Thank you, Senator Avery. I'll try to be brief. My name is Randy Gard, R-a-n-d-y G-a-r-d, and I am the leader of the Economic Development Corporation in Grand Island. And in the economic world there's a term and a phrase and a, you know, kind of a drumbeat that we try to adhere to, which is: Do the right things. Do the right things right. And do the right things right, right now. And so when you break that down into their individual elements, doing the right things, voting to move LB935 to the full Legislature is the right thing to do. It allows for a much deeper discussion on is the current approach or process truly the right way to do it. The second piece is doing the right things right. Having a broader discussion on if and how should a state service be moved is required, I'm not sure if the current process is doing the right thing the right way. But my gut tells me it may not be. The third approach is...part of that is, do the right things right, right now. And at the end of the day, this is a defining moment. I think it's a defining moment for cities, regardless of size, in the state of Nebraska. I think it's a defining moment for the state in and of itself. And I believe that doing the right things the right way and forwarding this to the full Legislature is the right thing to do. I certainly would support it. And that's kind of where the position I'm at. So with that, I would certainly entertain any questions. [LB935]

SENATOR AVERY: Thank you, Mr. Gard. Questions? Senator Karpisek. [LB935]

SENATOR KARPISEK: Thank you, Senator Avery. And I apologize, I had to be gone for a meeting for a while. But what happens, though, when we get to the full Legislature and it doesn't go Grand Island's way? [LB935]

RANDY GARD: Well, how I look at this, Senator, is I think the greatest will of the people happens on that floor. And if truly if that's the case, which I believe it is, if it doesn't go our way, then I believe the will of the people have been served. And it's probably the right decision, regardless whether we like it or not. So I'm not, you know, here to sit there and say which way would it go. I just think that the true will and the wisdom and voice of the people happen there. And I certainly don't think it happens with one individual's decision. [LB935]

SENATOR KARPISEK: Well, I certainly like your answer there. Thank you for coming. Thank you, Senator Avery. [LB935]

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RANDY GARD: My pleasure. [LB935]

SENATOR AVERY: Thank you for that statement. [LB935]

RANDY GARD: Anything else? [LB935]

SENATOR AVERY: It's not often we get told that we do things right here. Senator Murante mentioned that. [LB935]

RANDY GARD: All right. [LB935]

SENATOR AVERY: Thank you for your testimony. [LB935]

RANDY GARD: Thank you very much. [LB935]

SENATOR AVERY: I believe we had one more hand up? Welcome, sir. [LB935]

TOM GDOWSKI: Good afternoon. My name is Tom Gdowski, T-o-m G-d-o-w-s-k-i. I'll answer the question you're wondering about. I am not the former quarterback for the University of Nebraska. He was not nearly the athlete that I was. Thank you for the opportunity to speak. I just want...my comments are brief. I also serve in Grand Island on the Community Foundation Board, the Goodwill Board, Community Redevelopment Authority, I've served as the past president of the Y board, and I'm missing one. But I say that not to tell you how busy I am but this is an opportunity to improve a process, advancing LB935 to the floor. To Senator Murante and Karpisek--that's as hard as Gdowski--to your point about the Legislature, it would be beneficial as we look at the process that each of these cities went through to come up with their bid. The reason I mentioned the organizations I'm involved with is because they rely on resources from communities. The process, the way it is today, takes away from some of the resources that ultimately end up with some of those organizations through trying to figure out how to come up with the last dollar to get the best bid. And so this is an opportunity, in my opinion, to improve a process. Again, to the point of does the Legislature make good decisions, I think you have to think about all the decisions that went into each community's decision to come up with a bid and amounts. So with that, that's what I have to say. [LB935]

SENATOR AVERY: Thank you very much, Mr. Gdowski. [LB935]

TOM GDOWSKI: Yes. [LB935]

SENATOR AVERY: You don't look like him anyway. Senator Wallman, you're recognized. [LB935]

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SENATOR WALLMAN: I'm impressed with your city. You know, like the State Fair and all that. All the people that pulled together, I would have to say that. So hang in there. [LB935]

TOM GDOWSKI: Thank you. I appreciate that. [LB935]

SENATOR AVERY: Was that your question? [LB935]

SENATOR WALLMAN: No. [LB935]

SENATOR AVERY: Okay. Senator Bloomfield. [LB935]

SENATOR BLOOMFIELD: I'm going to have a question about like Senator Wallman's. You know, if we put this out on the floor, it would be interesting to see two outstate senators having at one another like we watch Omaha do all the time. [LB935]

SENATOR AVERY: That's an inside joke. [LB935]

TOM GDOWSKI: I'll volunteer. [LB935]

SENATOR AVERY: Thank you for your time. [LB935]

TOM GDOWSKI: Thank you. [LB935]

SENATOR AVERY: All right. Do we have any more proponents? All right. Before we start, I am going to depart just a little bit from our regular order and give Senator Hadley the first opportunity to speak because he is an important man. He has to go back to the Revenue Committee to determine what your tax cuts are going to be. We are on opponent testimony. [LB935]

SENATOR HADLEY: (Exhibit 12) Senator Avery, members of the Government Committee, seems like I'm a regular. My name is Galen Hadley, G-a-l-e-n H-a-d-l-e-y. I represent the 37th District which is Kearney and I am here in opposition to LB935. I'm giving you an analysis that I did on the scoring on the proposals for the cities of Grand Island, Hastings, Kearney, and North Platte. The scoring was done by a committee composed of Cathy Lang, director of the Department of Economic Development, Carlos Castillo, former director of the Department of Administrative Services, and John Hilgert, director of the Nebraska Department of Veterans' Affairs after visits to all four sites. Scoring was made public at the request of the Legislature. The final decision was made by Governor David Heineman. When we talk about this now, we have a responsibility. And that responsibility is to do the best we can for the people of the state of Nebraska. So if we're going to change the rules and go back and change the decision that was made, we're going to have to answer why the decision that was made was incorrect

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because you know that the city of Grand Island finished closer to last than they did first. You're going to have to put your...you would have to put yourself in the position of those people that went out and actually did the analysis. One of the concerns that I had is that this, to me, is a little bit of an after the fact of being upset, because the process was open. Anytime in the legislative process last year, a bill could have been put in that said this facility will go to Grand Island. That could have been done. The appropriation could have said we will appropriate \$47,015,459 to the veterans' home in...to rebuild the veterans' home in Grand Island. So it was no secret how this was going to put out. I want to read to you: It is the intent of the Legislature--which is us--that the Department of Health and Human Services shall provide a report electronically to the Legislature outlining the process and criteria used to select a site for the new veterans' home. The report shall include but not be limited to the identification of the community submitting offers to be the site for the new facility. Written responses of interested communities to questions posed by the site selection committee, the process used by the selection committee to evaluate offers, the criteria used by the site selection committee to make a recommendation to the director of veterans' homes, and the final site selected. The report shall be provided to the Legislature within three weeks after site selection. It is the intent of the Legislature that the site shall not be selected prior to June 5, 2013. We voted on that. Fellow Senators, we voted on that intent. We didn't vote on an intent to send \$47 million to Grand Island. We set up a process. It would be very difficult to second-guess the scoring by the committee. You would have to make the site visits and evaluate the sites by the different criteria in order to try and form a judgment different from the committee. And I've heard terms like "bias," you know, "don't like us." I think that's demeaning to this site selection committee. They laid out the criteria, they put...they didn't just say, Kearney's got it and that's it. The Governor did not intentionally try to slight Grand Island. I know for a fact, if the scores had even been close, Grand Island would have been chosen because for the very reason the people were talking about. If there was a one, two, five, some small number difference in the sites, whether it was Kearney/Grand Island, North Platte/Grand Island, Hastings/Grand Island, it would not have been moved. Kearney's total score was 16 percent higher than Grand Island's. In fact, Grand Island's score was only 4 percent higher than the last-place finisher. North Platte...the second-place finisher, Hastings, had a score 9 percent higher than Grand Island. So we have to ask ourself, was the committee biased? Did they intentionally say, okay, we're going to make Kearney first and this is how we'll do it? I don't believe so. Another telling number is that Kearney had the...out of the nine categories, had the highest score in five of them, tied with Hastings in two of them. Hastings had the highest score or tied for the highest score. They had the highest score in two and tied in two. Grand Island did not receive the highest score in any category. Kearney received a score of 100 percent in three of the nine categories. Grand Island received a score of 100 percent in none of the categories. Kearney's lowest rating in any category was 70 percent. Grand Island's lowest rating in any category was 59 percent. I hope that we don't set up a process for evaluation and then second-guess the evaluators. I feel our role is to do the best possible we can for the state of Nebraska.

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The evaluation process for the Central Nebraska Veterans' Home was fair and aboveboard. I really believe that. And that would have been whether Kearney finished second, third, or fourth. Trying to go back and change the decision is setting bad policy for the state of Nebraska. Kearney finished second to Grand Island for the National Guard repair helicopter. (Inaudible) you'll say that, you know, that's not a big deal. Well, it was a big deal to Kearney. I worked on the selection committee. We spent a lot of time and effort. I want to read you a quote from the Prairie Soldier, June 2009, by Lieutenant General Lempke. "Nothing like this comes without a number of tough decisions and commitments," he said, moving of the helicopter facility from Lincoln to Grand Island. Further, "Moving the facility and putting it someplace other than Lincoln was not necessarily an easy choice." That choice was made by the Nebraska National Guard. We talked about the State Fair. Part of...I heard one of the comments, we didn't know where we were going to get \$8.5 million. Part of that was a financial decision, wasn't it, the commitment of Grand Island to the State Fair? Well, part of this is the commitment of Kearney to the veterans' home. So if you're going to look at this, you've got to look at it is, what is best for the veterans. And you've had a process that...a committee has had a open--where they've shown us the scores and how they got to them--process. We heard earlier about the mayors meeting together. I was part of that group when I was mayor of Kearney. I want to read you a letter. "The Greater Nebraska Cities coalition has taken a position of support for Governor Heineman's proposed funding for construction of a new Central Nebraska Veterans' Home. The proposed facility is necessary to replace an aging facility that significantly impacts the quality of care available to our veterans. We would ask that you consider the following: The current facility is not adequate to serve the long-term needs of our veterans. The state's financial contribution of an estimated \$47 million will leverage another \$74 million in federal funding. Current cash reserves are available to pay the state's share of funding. Cities within the coalition are prepared to compete--let me repeat that--prepared to compete and provide local incentives to ensure completion of the facility. As cities competing, as cities competing, for this project, it will be our privilege to work with the state of Nebraska to ensure that our veterans are shown the respect they have earned by building a new facility that we all can be proud of. Thank you for your consideration." Signed Jay Vavricek, mayor, Grand Island; Vern Powers, mayor of Hastings; Rick Jeffery, mayor of Holdrege; Stan Clouse, mayor of Kearney; John Fagot, mayor of Lexington; Dwight Livingston, mayor of North Platte. This is dated March 25, 2013. This, to me, seems like a letter saying we're okay with the process. We're willing to go with the process. One other thing...a couple other things, then I'll quit. Senator Murante, you asked about politicizing this process. That does concern me. I sit on the Transportation Committee and the Revenue Committee. We spend hundreds of million dollars in roads every year. I've never once voted on where a road will go. I have never once voted on which road will be resurfaced. I've never once voted on where an interchange will go. If you're a member of the Highway Commission, you have never voted on where a highway will go. You will never vote on where an interchange will go because that is in the parlance of the Department of Roads. We've taken it out of the political process. I

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asked the head of the Department of Roads yesterday--we were having a bill on bonding--and I asked him if those were true facts. And he said, yes. I said, is it a good system to do that? He said to me, we are the envy of 49 other departments of roads because they politicize their departments of roads of where those are placed. And I just have a concern that we bring these into the Legislature, we're going to politicize, completely, where some of these decisions are going to be made. I would hope that you do not go backwards. I think the process was fair. I've heard people say it was biased. I've heard no evidence of that. I think it was a process that we've got to get on. Right now, Kearney--and I think you'll hear later--is getting very close to the short list of getting it done. And I am concerned--and I know some people will say this is not a correct concern--that are we sending a message to our Veterans Affairs that we're arguing out here about where it's going to be going and we're asking for money at the same time. I would not like to lose the project over putting this into the Legislature next year and however long that takes. I'd be happy to answer any questions. [LB935]

SENATOR AVERY: Thank you, Senator. Senator Garrett. [LB935]

SENATOR GARRETT: Thank you, Senator Avery. Thank you, Senator Hadley, for your testimony. I'm curious, would you be opposed to this bill if the provision for the retroactive date of January 1, 2013, were removed? [LB935]

SENATOR HADLEY: Senator Garrett, that's a great question. First, I am very opposed to the retroactive; I'll go on the record on that. The other one, I would want to listen to the arguments because I do have a concern about putting it into the body. And we have had a shift in the way...our representation across the state. And if you put things into the body, people have a tendency to vote for their district and surrounding districts. And I will just say that I certainly would not want where we put roads in the state of Nebraska put into this body and put up to a vote. [LB935]

SENATOR GARRETT: I think that's why we talked about a value of \$15 million or whatever it is. But we certainly hate seeing communities pitted against one another. But for expensive projects like this, it would be a...I think it looks like it has merit for... [LB935]

SENATOR HADLEY: That, you know, that certainly could be, Senator Garrett. [LB935]

SENATOR GARRETT: Thank you. [LB935]

SENATOR AVERY: Any other questions? Senator Wallman. [LB935]

SENATOR WALLMAN: Thank you, Chairman Avery. The Chairman of the Revenue Committee, welcome. [LB935]

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SENATOR HADLEY: Happy to be here. I'm missing somebody trying to cut \$600 million out of our state budget right now. [LB935]

SENATOR WALLMAN: The revenue, himself. And I got a little question here on how do you really...culture factors. What is that all about? I know there's quite a bit of difference. What is that about? [LB935]

SENATOR HADLEY: Culture factors...if you go to the report, they listed what they looked at for culture factors. Things like the University of Nebraska at Kearney; theater, music, those kinds of things. We have 8,000, 7,000 students at the second best institution in the system. I have to say that since Senator Avery is chairing this committee. [LB935]

SENATOR WALLMAN: Uh-oh. [LB935]

SENATOR HADLEY: But I think, Senator Wallman, culture is the fact that the University of Nebraska at Kearney is there with a full complement of cultural activities, 300 international students, the whole list. [LB935]

SENATOR WALLMAN: And the next one would be environment. You know, what's the difference in environment between them two cities? [LB935]

SENATOR HADLEY: You know, I can't...I really can't speak to it because I looked at them but I didn't basically memorize what each of the factors contained. [LB935]

SENATOR WALLMAN: And the one that really got my attention was the workforce. Doesn't Grand Island have a good workforce? [LB935]

SENATOR HADLEY: I'm not going to argue whether they do or not. I'm just saying that one of the reviewers was the head of the Department of Labor. [LB935]

SENATOR WALLMAN: You know, I got this in my office. I thank you for giving me that. And I look it over. [LB935]

SENATOR HADLEY: Oh, I appreciate that. [LB935]

SENATOR WALLMAN: Thank you. [LB935]

SENATOR HADLEY: I knew you did, Senator Wallman, but I just brought you another copy in case you mislaid the first copy. [LB935]

SENATOR AVERY: Senator Karpisek. [LB935]

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SENATOR KARPISEK: Thank you, Senator Avery. Thank you, Senator Hadley, and I'm glad that I'm not you nor Senator Gloor. I'm trying to get the State Fair out of this because I don't think it's any secret I was very upset about the move. However, that did happen on the floor of the Legislature. And that was decided there. How do we not say that this shouldn't also be done there? [LB935]

SENATOR HADLEY: Senator Karpisek, I think that's a great question. And I think that would have been a great question to be raised last March, last February. But you go through...how would you have thought...I'm sorry, I know that testifiers are not supposed to ask questions. [LB935]

SENATOR KARPISEK: Well, hypothetically. [LB935]

SENATOR HADLEY: Hypothetically, what would it have been like if the decision had been made to keep the State Fair here and then the next year somebody came in and said, well, we really want to move it to Grand Island now so we want to go back and change that decision that we made last year? So I think there was a time that maybe, you know, if you didn't like the fact of competition...that I think there was competition in the State Fair. I wasn't here. But, you know, it was mentioned, the \$8.5 million and those kinds of things. So I think there was competition between Lincoln and Grand Island. I think...I know there was competition between Grand Island and Kearney for the helicopter facility. Sure, it isn't big. Forty employees and, you know, \$20 million in construction. [LB935]

SENATOR KARPISEK: There wasn't a lot of competition, though, on the State Fair because the Lancaster County senators couldn't move it fast enough. I wasn't one then. Now I am, because of redistricting. I didn't move. And the university was at play. That's...again, I'm trying to get past that. You know me, I have a hard time getting past... [LB935]

SENATOR HADLEY: I've heard it a couple times that you're upset about that decision. [LB935]

SENATOR KARPISEK: And I do take your point that, yeah, if we were so worried about it then, we should have said it then, I guess. I guess other things have come up since then and it's not an easy decision. But thank you. Thank you, Senator Avery. [LB935]

SENATOR AVERY: Any more questions? I appreciate your wisdom in recognizing... [LB935]

SENATOR HADLEY: Thank you, Senator Avery. [LB935]

SENATOR AVERY: ...UNL's position in the university system. [LB935]



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SENATOR HADLEY: Yes. Anything to get a vote from Senator Avery there. [LB935]

SENATOR AVERY: All right. Now we're going to go back to the first come, first serve order. If you want to testify in opposition, self select. We are taking opposition testimony. Welcome, sir. [LB935]

STAN CLOUSE: (Exhibits 13, 14) Thank you. My name is Stan Clouse, S-t-a-n C-l-o-u-s-e, and I am the current mayor of Kearney. And I am obviously here to speak in opposition. I hadn't realized that I yielded most of my time to Senator Hadley because he was taking everything that I was going to say. But what I would like to touch on is the process and how the local group...how that impacted us. And the first thing we did, as you've heard us talk about the mayors' group and he referenced the letter, you're seeing that. So we were all in agreement, we knew that this was going to take place. And then we waited around for what the proposal is from the state. We waited for the RFP. We didn't know what was going to be in it, like anyone else. We were all on the same level playing field. When we got it, we had the opportunity to ask questions. There was a week or two time period in there where you could ask questions for clarification. Then we submitted our proposals. Then once the proposals came out and then they made their site visits, we all had the same amount of time for their site visits. And then they went back and scored it. And we waited until we saw what the results were going to be. So in our view, once the Appropriations Committee got involved, they laid out criteria. And it was very transparent. As we look at how the process played out, we talked about it, it was laid out through the Appropriations Committee. And every step of the way in the reports of the Legislature, as Senator Hadley referred, it was a transparent process. And we didn't know until anyone else did what the results were of the selection. Now what I will tell you, though, is that by the delays and the undermining of what's going on in this process, it has significantly impacted our ability to integrate the veterans and bring them into the fold so we can start working with them and help make a transition. It's very difficult when we don't know what's going on and then we introduce legislation that may or may not kill it. And we're working on federal funding so that we can move ahead with the project because that is a Veterans First group that we've created...has been created. They're raising money for endowments and we're working on processes every day to help integrate the veterans in. The problem is, we can't go over there and meet with the veterans and start working with them because we're not sure where we're going to end up. And so we want some clarification as to where we going to go with this. And our citizens deserve an answer. And the other communities that we work with, Hastings, North Platte, we all followed the same process. We expected to be treated fairly. And in their eyes and our eyes, the process worked. So that's just briefly some of the comments that we had. And I would certainly yield to any questions that you may have. [LB935]

SENATOR AVERY: Thank you, sir. Questions from the committee? I don't see any.

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[LB935]

STAN CLOUSE: Okay, thank you. [LB935]

SENATOR AVERY: Thank you for your testimony, Mr. Mayor. Additional opponent testimony? Welcome back, Mr. Holloway. [LB935]

GREG HOLLOWAY: (Exhibit 15) Senator Avery, thank you very much. My name is Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. And there's some faces on this committee that I don't know. And I'm sorry to say that because I should have been probably more active in this committee for the last year or so. But you haven't been really had to do anything I had to holler about one way or the other. And everybody knows that I do holler. There's been a lot of credentials of very, very good people speaking before me. And let me give you...let me tell you who I am. I got out of the military in 1969, combat veteran, 7th Cavalry. I'm very proud of that. My mother was with an organization called the U.S. Army Mothers organization. And she said, Gregory, you're going to come to see Senator Tiemann. We're going to talk about veterans benefits. So I went with my mother to see Senator Tiemann to talk about educational benefits for veterans. And I've been doing it ever since. And I don't think that...well, I'm a past state commander for the Disabled American Veterans, past state council president for the Vietnam Veterans of America, I'm currently serving as the vice president of the Veterans' Home Board. And on that board...it's an important board. And we do our best to see that the veteran's homes are run efficiently and take the best care and respect for all the veterans in the state of Nebraska, not just one veteran's home in one county because one county...whenever you make an application for a veteran's home, there's a lot of them put down all four counties so they can get on...kind of work their way around the waiting list a little bit easier because if there's an opening in one of them, they'll just go. You know? And their families might be in Omaha but they might go out to Scottsbluff because there's an opening there and they want to be in the veterans' home. And I talk a little bit about moving veteran's homes. We had a very successful move from Elkhorn, Nebraska, Thomas Fitzgerald Veterans' Home to the Eastern Nebraska Veterans' Home; a very successful move. The transition was very good for the veterans there. I don't think we've seen any problems at all. Maybe some medical issues, they're older veterans. I'm 67 myself. I'm looking for a spot in one of them myself somewhere. If this bill was considered and passed...we have a veteran's home in Scottsbluff, Nebraska. If they decided to move across the street to Gering, it's going to have to go through this process. Gering and Scottsbluff is about like the city I live in. We call...I'm from Bee, Nebraska. Bee, Garland, and Staplehurst, we're the tri-cities. So if we want to move something from Bee over to Garland, we'd have to go through a pretty big process, okay? We oppose this bill. The Nebraska Veterans Home Board asked me to come and testify in opposition for this bill because it just is not a good thing for the veterans of the state of Nebraska. And that's what we're concerned with, the veterans of the state. The Gold Star Parents are eligible for the veterans' home. Spouses are eligible for the

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veterans' homes. That's from all over the state, not just one county. And mainly I've heard on this whole thing is economic impact for one county, not the economic impact for the whole state of Nebraska. I'll answer any questions you have. I bet I can answer it. [LB935]

SENATOR AVERY: Thank you. Thank you, Mr. Holloway. Senator Bloomfield. [LB935]

SENATOR BLOOMFIELD: Again, I'm probably going to step out of line here. It's not going to be a question, it's a statement. I see a lot of veterans' hats out there. And I...sometimes when I see that, I think that they're thinking they're coming in here talking to a bunch of senators that don't have any idea what the veterans want. There are a number of veterans on this committee, including the Chair, and I just want the people in the audience to know that. [LB935]

GREG HOLLOWAY: Thank you very much. There...we got to kind of look at sometimes the voice of veterans. If I could answer your voice...we're talking about the voice of veterans, maybe, and those. There are...the Grand Island Veterans' Home, the Vets' Club, has a lot of people in it. When they say they represent the VFW, the American Legion, the DAV, they represent the members in that club. [LB935]

SENATOR BLOOMFIELD: Right. [LB935]

GREG HOLLOWAY: I'm the legislative chairman for the Disabled American Veterans Department of Nebraska and the legislative chairman for the Vietnam Veterans of America. And I represent their voice. They're the ones that asked me and trust me and have the confidence in me to relay their desires to the committees. I've testified on two homestead exemption bills last week. I'm here to work for veterans and make sure (inaudible). I've been doing it for a long time and I will continue to do it as long as someone lets me...I don't get shot too many times. [LB935]

SENATOR AVERY: Thank you for doing that. [LB935]

GREG HOLLOWAY: Thank you, sir. [LB935]

SENATOR AVERY: Questions from the committee? Any more? Don't see any. Thank you, Mr. Holloway. [LB935]

GREG HOLLOWAY: Thank you. And I would invite Senator Gloor, if he wants to have a sit-down, I'm ready. [LB935]

SENATOR AVERY: All right. Additional opponent testimony? We were wondering where you were. [LB935]

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JOHN HILGERT: Well, I was sitting in back because veterans come first. Good afternoon, Senator Avery, members of the Government, Military and Veterans Affairs Committee. My name is John Hilgert, J-o-h-n H-i-l-g-e-r-t, director of the Veterans' Homes Division of the Department of Health and Human Services. And I'm here to testify in opposition to LB935. In 2013, LB198 authorized the Department of Health and Human Services to acquire land to serve as a site for a new veterans' home to be located in central Nebraska and appropriated funds to the new home. The bill also required the department to report to the Legislature the process and criteria used to select a site for the new home and the final site selected. In addition, LB194 also provided reporting requirements dealing with the process used to select this site, the evaluation criteria, the scoring methodology used to select the location of the new home. We are grateful to the Nebraska Legislature for this direction and support in developing a new veterans' home. We have complied with the Legislature's direction and reporting requirements. A copy of the reports required by LB198 and LB194 are available on the Legislature's Web site. From the very beginning, this was about meeting the needs of Nebraska veterans. The goal was to build a new facility in central Nebraska that essentially will do two things. One, meet the current building codes and standards, including life safety and ADA. And two, be designed to meet the current best practices established by the United States Department of Veterans Affairs for community living centers which places an emphasis on private rooms for privacy and dignity of the veteran. As you're aware from previous testimony, we did not set out to change the location of the current veterans' home. As state officials, however, we have a responsibility to be available to members of the public, including local officials, to discuss state business. And Kearney approached us with interest. We believed the only way to move forward would be through an open and competitive process. On March 25, 2013, the mayors of Grand Island, as you heard, Hastings, Holdrege, Kearney, Lexington, and North Platte signed a letter in support of the funding for the construction of a new veterans' home. The letter also stated that cities within the coalition are prepared to compete and provide local incentives to ensure the completion of the facility. A site selection committee was created. And together with the expertise of five state agencies--the Department of Administrative Services, is responsible for state buildings and property; the Department of Labor; the Department of Economic Development; the Department of Veterans' Affairs; and the Department of Health and Human Services Division of Veterans' Homes--representatives of the agencies, as you heard, was Carlos Castillo, Cathy Lang, and myself. The Department of Administrative Services developed a Central Nebraska Veterans' Home Web site, [www.cnvh.nebraska.gov](http://www.cnvh.nebraska.gov), that included all the information specific to this project in an effort to be open and transparent. Once the formal process was started, all questions from the interested parties were directed to the Department of Administrative Services, the state agency responsible for managing bidding processes. The formal process began on April 29 when the request for statement and offers, RSIO, was issued. It was followed by a pre-offer meeting on Friday, May 10, in Lincoln. A presentation was given at that time that included information about the background of the veterans' home, the

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needs assessment, the federal state home construction grant program and the USDVA process, an anticipated federal time line, the site selection information including geographic parameters, the USDVA requirements, and the site selection process and criteria that would be used. The PowerPoint presentation was then posted on the CNVH Web site so it could be accessed by anyone and at any time. The site selection criteria and scoring methodology shared at that May 10 meeting, had nine primary categories all with subcategory elements. Among the nine categories were: physical factors, utilities, infrastructure, cultural factors, environmental factors, community services, regulatory factors, workforce factors, community support factors, and program enhancements. Significant time line dates of this process was the April 29 meeting when the state issued the RSIO. The May 10 pre-offer meeting for the Central Nebraska Veterans' Home. The May 17 meeting where the deadline for the receipt of written questions and clarifications from interested parties was issued. May 23, the state to publish responses to written questions and clarifications. And June 11, the statement of interest and offers due from the interested parties. And then finally, June 13 and 14, site visits by the site selection committee. On July 12, Governor Heineman announced that while the four outstanding communities submitted outstanding proposals, Kearney was chosen as the site of the new home. The proposals and all other information related to the selection process is available on the CNVH Web site for the review, the criteria, the proposals, and the end. In addition to the selection process, once state funds were appropriated we were able to begin the federal application process. And I'll end there. [LB935]

SENATOR AVERY: And you're out of time. [LB935]

JOHN HILGERT: I'm sorry. [LB935]

SENATOR AVERY: And you used to be on this side. [LB935]

JOHN HILGERT: It was slower in Judiciary. [LB935]

SENATOR AVERY: When you didn't have it, you didn't have any time limit on you because you were introducing. That's all right. We'll get to it. Senator Wallman. [LB935]

SENATOR WALLMAN: Thank you, Chairman Avery. Yeah, welcome, John. [LB935]

JOHN HILGERT: Thank you, sir. [LB935]

SENATOR WALLMAN: You know, how can you be objective in workforce programs, you know? And also in community support if it isn't there yet? You know what I mean? [LB935]

JOHN HILGERT: Oh, it's the stated intent as evidenced by the proposals. That's why

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we felt it's so important to put the proposals on the Web site. It's there for everyone to see. And if you look at the four...well, actually, it was more than four proposals because North Platte gave us three different options for land and broke them up into three different proposals. Is what we could go on, Senator, was what they proposed, not what we believed or thought or imagined or hoped for. It was what was written in the proposal. That's why we put it on the Web site. [LB935]

SENATOR WALLMAN: I can understand. But like the regulatory things, you know, how can...I might put something down different, you know, than you. [LB935]

JOHN HILGERT: That's correct. One city might say all the regulations, permits, and fees are hereby waived and will be taken on as an obligation by the municipality. Another municipality may ignore that totally and not offer to pay all the fees and assessments and so forth. Utilities, going up to the point of usage on the site, paying for all that infrastructure up until that point when the USVA and our state program picks it up from there could be offered from the community. And again, I haven't committed--it's been a while--I haven't committed the seven proposals to memory. But again, they're there. And you can see the differentiation between what the communities offer. [LB935]

SENATOR WALLMAN: Thank you. [LB935]

JOHN HILGERT: Yes, Senator. [LB935]

SENATOR AVERY: Let me ask you about your opinion concerning the appropriateness of the Legislature getting involved. That's really a big part of this bill. And we've heard a lot of testimony about how we did it with the State Fair move. And I remember that, I was deeply involved in it. And as I recall the Agriculture Committee accepted proposals from various cities that would like to have the State Fair, including the city of Lincoln. The Ag Committee selected the one they thought was the best one and brought it to the Legislature for debate and approval. This is not all that different from what is being proposed in this bill. You don't have to answer this, but... [LB935]

JOHN HILGERT: Oh, I will. [LB935]

SENATOR AVERY: ...do you have an opinion on that? [LB935]

JOHN HILGERT: Well, certainly, sir. As you know and recognized, I used to have the honor of serving the people of Nebraska as an elected representative in their Legislature. And LR241, which I believe I introduced in the 2000 legislative session, maybe 2001, called for the program...for the study for the program statement for the replacement of the Thomas Fitzgerald Veterans' Home. At that time, we then...I had, again, the honor to transition into serving the administrative...the executive branch of government and saw it through to completion; one of many people that did great things

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to get that home moved. We did not come back to the Legislature for approval when we decided to move it from western Douglas County to eastern Sarpy County. So there's another example that something else happened. And so that would be my comment on that process. And it worked. And as so...and Mr. Fickenscher certainly was accurate to talk about the need to be very, very careful when you make the transfer. And that process was, I believe, done well, as Mr. Holloway said. We had something very interesting. We had volunteers become personally known and friends with each of our members at the Thomas Fitzgerald Home, who they were, talked to them, met with them, talked about their belongings, talked about how their room was set up. So when the day to move...when we had breakfast at the Thomas Fitzgerald Veterans' Home and lunch in the Eastern Nebraska Veterans' Home, those volunteers accompanied every member, helped set up their room as they wanted it set up. They were moving buddies, if you will. And it was a very powerful day and a day I will always remember. [LB935]

SENATOR AVERY: And there was a state appropriation for that? [LB935]

JOHN HILGERT: No. The Department of Health and Human Services... [LB935]

SENATOR AVERY: No, I mean for the home. [LB935]

JOHN HILGERT: Oh, definitely. The state had to appropriate the 35 percent match to the 65 percent federal money through the state veterans' home grant program. [LB935]

SENATOR AVERY: So the Legislature was involved in approving the money. [LB935]

JOHN HILGERT: Right. But did not go into the site selection process. [LB935]

SENATOR AVERY: Yeah, okay. [LB935]

JOHN HILGERT: I'm sorry, Senator, if I misunderstood. I thought that's what you were referring to, not so much the appropriation but the site selection process. [LB935]

SENATOR AVERY: I was both, actually. [LB935]

JOHN HILGERT: Yes, sir. [LB935]

SENATOR AVERY: Any more questions? Thank you, Mr. Hilgert. [LB935]

JOHN HILGERT: Thank you all. [LB935]

SENATOR AVERY: We are still on opponent testimony to LB935. Welcome, sir. [LB935]

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CHUCK OGLE: (Exhibit 16) Senator Avery, members of the... [LB935]

SENATOR AVERY: You have a white cap. What's the difference between yours...are you... [LB935]

CHUCK OGLE: The white hat is... [LB935]

SENATOR AVERY: Higher rank? [LB935]

CHUCK OGLE: ...Department of Nebraska Disabled American Veterans. [LB935]

SENATOR AVERY: Okay. Thank you. [LB935]

CHUCK OGLE: I am Chuck Ogle, C-h-u-c-k O-g-l-e, I am here to speak on behalf of the Nebraska Veterans Council, which is in strong opposition of LB935. First, the Nebraska Veterans Council, last Tuesday, expressed their interest. They are not in support of this bill as they feel that it is not in the best interests of our fellow veterans and that it is nothing more than merely a disruption of the approval and implementation of the process as a stall tactic by Senator Gloor. Couple of facts or thoughts: Senator Gloor, at one time, was a former member of the Grand Island Economic Development council and is fully aware that it is the community's responsibility to do a study or an impact statement, which LB935 implies that it is now the Legislature's duty to make that assessment. Every community has an EDC and has monitored their community activities. And it is not our Legislature's job to do this task. Rather, the Legislature is there to review the impact statement presented by the community as to the effects. Not only that, LB935 also calls for the retroactive implementation, going back to January 2013, 14 months after the proposal. This bill wasn't even introduced until January 16 of this year and should not be allowed to go back to correct hindsight. It's very evident you and I, as citizens, don't have that privilege to going back and backdating our checks or obligations that we have neglected to do it correctly or timely. Therefore, the contractual obligation or IRS or state taxes as we've heard about, etcetera, we can't backdate that. It is...once it is done, it is done. The facts are, the need for a veterans' home was identified by Legislature and approved in 2009. I believe that was Senator Gloor's bill also. The funding for the development...the funding and the development process was made. It has been approved by the Legislature. It has gone forth in 2013. All interested communities submitted their interest and was briefed in full of the process. The time frame to comply with presenting their best offer and best proposal was set. The submittal of proposals were equally evaluated and the winning community was announced, as we've already heard, in July of 2013, which was eight months ago. Now this bill...the bottom line that LB935 has only one purpose. And that is interfering with or stopping the already-approved process, the efforts of providing our veterans with an updated, modern living facility. This bill only is cheating the veterans out of the privilege that they...of having the best that they can and that we can provide for them. The



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veterans deserve the best we can give them. It is time, in our opinion, to stop quibbling over the process that has already been approved and funded. It is time to go forth and take care of our Nebraska veterans to the best of our capability by defeating this bill. Let us now put our Nebraska veterans first. I'd like to thank you, sir, and the members of the board for hearing my words for the Nebraska Veterans Council. [LB935]

SENATOR AVERY: Thank you for your testimony, Mr. Ogle. [LB935]

CHUCK OGLE: Are there any questions? [LB935]

SENATOR AVERY: Questions from the committee? Don't see any, sir. Thank you. [LB935]

CHUCK OGLE: Yes, sir. [LB935]

SENATOR AVERY: Any other opponent testimony? Good afternoon, sir. [LB935]

JOHN LIEBSACK: Good afternoon, Senator Avery, members of the committee. My name is John Liebsack, J-o-h-n L-i-e-b-s-a-c-k. I am the adjutant-quartermaster for the Veterans of Foreign Wars and represent 19,000 members that are opposed. We voted at...to this bill. In particular, the last paragraph, the look back part. The...I do have...I was on the selection site committee for the Thomas Fitzgerald Home and it was probably 90 percent made up of residents of Omaha. We looked at probably 12...we knew about 12 sites, probably looked at 7 or 8 of them. It became much more difficult as they found out that we were trying to get some land for the veterans' home. All the pieces of land were about 25 acres and they all easily got to about a half a million dollars in cost. The two that we were really looking at, one of the...well, the one site they weren't willing to sell and the other one got bought before we could get to it. Then along came the city of Bellevue and offered us 25 acres free. That made a real tough decision for nine people from Omaha. But we swallowed that pill and recommended to Governor Johanns that that...that the home be moved from Douglas County, western Omaha, to Bellevue. I was also involved somewhat with the move of the residents. Not one of them died on the way down there. There weren't any real emergencies. The thing that is most important to us is we need to have this thing. We need to get it underway. It's a matter of dignity. Part of dignity is having your own room and your own bathroom. If we look back at this, we could delay it for another couple of years. As it is, we're talking about five years. Or we could lose the funding altogether. I thank you for your consideration. [LB935]

SENATOR AVERY: Thank you. The process by which we went about building a facility in Omaha and moving everybody, that wasn't very controversial, was it? [LB935]

JOHN LIEBSACK: Well, it was...in my heart, it was. But, no, it wasn't. People accepted

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it. And I was...I don't get to visit it as much as I used to. It's 25 miles away as opposed to when I lived 3 miles away. [LB935]

SENATOR AVERY: Uh-huh. [LB935]

JOHN LIEBSACK: But I still do get down there. But, no, I can't say that there was controversy. [LB935]

SENATOR AVERY: Any questions from the committee? I don't see any. Thank you, sir. [LB935]

JOHN LIEBSACK: Thank you. [LB935]

SENATOR AVERY: Any other opponent testimony? Good afternoon. [LB935]

JEFFREY BAKER: (Exhibit 17) Good afternoon. Chairman Avery, members of the Government, Military and Veterans Affairs Committee, my name is Jeffrey Baker, J-e-f-f-r-e-y B-a-k-e-r. And I am here today testifying on behalf of the Nebraska Veterans Council, a coalition that's made up of every recognized veterans service organization within the state of Nebraska. I would like to thank you for the opportunity to be here today. I would also like to thank Senators Avery, Bloomfield, Garrett, and Wallman for their service to their country. Today I am here to testify in opposition to LB935 introduced by Senator Gloor, a bill by Senator Gloor's own words, being introduced to respond to the moving of the Nebraska veterans' home from Grand Island to Kearney. This afternoon you have heard much testimony relating to the process and even the personality differences that have transpired in determining the new location of the Central Nebraska Veterans' Home. And I will try not to waste our time rehashing the issues of the last 12 months. However, it is important to note that as I testify here today, I do so with the best intentions and utmost respect for every veteran, all 139,000 heroes who call Nebraska home. I'm going to try to make my testimony simple and to the point. LB935 hurts veterans. Even though the bill itself does not even contain the word "veteran," its intentions are simply to derail the building of a new veterans' home within the state of Nebraska unless, of course, it is built in Grand Island. You see, today you have heard from community leaders from Kearney and from Grand Island who have laid out their cases behind why this bill is good or bad. But as an outsider looking in, only harm can come to the veterans of our great state if LB935 is allowed to proceed to the floor. My reasoning for this conclusion is simply common sense. LB935 is the reaction of a community who felt they were slighted, who feel that they received the short end of the stick. If Grand Island would have been selected to be the host city for the new veterans' home, we wouldn't be here today. This hurts veterans because there is so many other issues facing Nebraskans today and to rehash what has already been decided prolongs an already lengthy process. It strains relationships with our federal partners and it puts potential funding in jeopardy. And the saddest of all, it creates

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uncertainty and anxiety for the current members and their family members who call the veterans's home their home. One of the points expressed today in Grand Island...is Grand Island's frustration in losing something that has been in their community since long before any of us was born and the impact that this move would have on the local community. I understand Grand Island's frustration with losing the bid to host the new Central Nebraska Veterans' Home. I understand because I am president of my local city council and I am vice chairman of my county's economic development corporation. The impact of lost jobs is heartfelt. But communities compete every day to draw new businesses to their respective areas, something this bill will limit when it comes to state agencies relocating within our state. The Hall County Area Economic Development Agency...Corporation, has an entire section on its Web site titled Business Recruitment and advertises incentives available to...available incentives, available real estate, and financial assistance. It partners with local communities and promotes the use of LB840 dollars and tax increment financing so communities can recruit new businesses and talent and draw them to the area, again, something this bill will limit when it comes to state agencies. Some of these businesses relocate from other parts of the country and impact on those communities are the same that Grand Island will experience with the building of the Central Nebraska Veterans' Home in Kearney. In closing, I thank you for the opportunity to speak here today. The members of the Nebraska Veterans Council all agree that LB935 is not the answer to resolving the problems relating to the building of a new Central Nebraska Veterans' Home because it simply is an attempt to circumvent a process that although fair and unbiased, didn't go the way a certain community wanted. It is our belief that the veterans of this great state deserve better than LB935. They deserve a new, state of the art veterans' home that will meet the needs of their heroes...of our heroes for years to come. Again, I thank you for the opportunity to speak here today and would be glad to answer any questions that you may have. [LB935]

SENATOR AVERY: Thank you, sir. Any questions for Mr. Baker? Thank you for your testimony. [LB935]

JEFFREY BAKER: Thank you very much. [LB935]

SENATOR AVERY: Anyone else wishing to testify in opposition to LB935? Welcome, sir. [LB935]

FREDERICK GEORGES: Thank you for taking the time to listen to me. My name is Frederick Georges, F-r-e-d-e-r-i-c-k G-e-o-r-g-e-s. I'm in a little bit of pain. Thank you, all of you, for your...what you do for this state and your counterparts that do for our country. I respect the opportunity to speak before you today. I've listened to and understand most of all the testimony. What I've heard from the learned, well meaning, and professional people that have been here at this staff and all the people that have come before you...but it seems to me, as I am totally apolitical, being a combat veteran, a Purple Heart recipient in a very unpopular war, like an intruder who has come face to

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face with a dedicated animal, a pit bull. And he seems to be counting every single hair on the dog, not realizing the obvious. The dog's going to bite him. So it's very important that you understand that I'm coming from a very selfish place when I make this presentation to you here today. As a veteran, as I've stated, as a firefighter who is now retired--my last tour of duty in Orleans, Nebraska--and I just feel you need to know for an old sailor who ended up in a hospital--St. Albans Naval Hospital, Jamaica, Queens, New York--it is a dump. And then they sent me overseas and I was wounded again and I ended up in a nicer hospital in California. From that standpoint alone, people, just to have something new, clean, nice, just makes a veteran feel better. All of the things that have been presented make sense and the conflict is obvious. From a veteran who has for Post 52 in Kearney, American Legion, gone to this facility that's been spoken about to offer some help and good times. Being told by a representative that came to our post that represents the veterans, I am homeless and without proper income, told me that I was eligible--sorry--to be there and after visiting and helping with a Bingo night, I didn't want to be there. It's free. I earned it. I was not comfortable and I felt sad and sorry for the individuals who were there. I would not be comfortable with it and all I could do to make them happy at that point in time I felt was not enough. So I have to say, basically speaking, again selfishly like that, wanting something new, I speak for hundreds of thousands of veterans like myself, in my age bracket--I'm only 66, I'm a young man--but we really do appreciate anything new and especially when it can be grown by the community. You say we have...well, they have ponds and squirrels and the neighborhood children. There can be ponds. We can put things out of our galaxy; we've walked on the moon. We can put in ponds, we can put in trees, we can build a community around this center. I believe that because we are human beings, dedicated, caring, loving, people that do care about each other. Veterans, fine; neighbors, just as good. And we should show that kind of concern and care and not be so focused on the hairs on the dog. Thank you. [LB935]

SENATOR AVERY: I like your metaphor. Any questions from the committee? Thank you, Mr. Georges. [LB935]

ERIC WILLIAMS: Good afternoon. [LB935]

SENATOR AVERY: Good afternoon. [LB935]

ERIC WILLIAMS: Eric Williams, E-r-i-c W-i-l-l-i-a-m-s. I didn't wear one of my hats up here because I wear a lot of them. I'm on the Veterans' Home Board, I'm past commander of the VFW, I'm on the Nebraska Veterans Council. And we're...all those organizations are opposed to this bill. I think you've heard that over and over. What I want to touch on is, you know, the...if it came down...you know, I...we should, as veterans--those of you that are veterans--we should feel really loved by now. We got people fighting over us and we should feel the love. If that's all that it came down to, who would care for and love the veterans more, you couldn't pick any community in

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Nebraska because I think it's the same everywhere. At least I hope it is, whether it's Grand Island, Kearney, Sarpy County or wherever it's at. So, you know, a decision has to be made. You're all elected. I only get to vote for one of you, who also just happens to be a family member so he's in trouble if he doesn't know. We don't always agree, I'll tell you that. [LB935]

SENATOR KARPISEK: Imagine that. [LB935]

ERIC WILLIAMS: But we...just as we elected you all, we elected a Governor and we have appointed officials who help run our government. And they did their due diligence in this process. And the Governor made a decision. So that's where we're at. I just...I hope that we can settle this and we can start planning some stuff, you know, to move to Kearney and say goodbye in a classy, honorable way to Hall County and Grand Island. [LB935]

SENATOR AVERY: Thank you, sir. [LB935]

ERIC WILLIAMS: You bet. [LB935]

SENATOR AVERY: Questions from the committee? One question. Senator Karpisek. [LB935]

SENATOR KARPISEK: Thank you, Senator Avery. Eric, thanks for coming. I can't believe you'd admit being related to me, but. [LB935]

SENATOR BLOOMFIELD: You could get in trouble with that too. [LB935]

SENATOR KARPISEK: Yeah. And Senator Murante said you must be right most of the time if we disagree because I'm always wrong. You do a great job. And I really appreciate what you do. And I think a little bit of the problem or this whole thing is coming down to a little bit of ego too. A little bit, probably, between the Governor and the Legislature. And I guess my point is a lot like we've heard. I don't really care so much where it goes as we get one built. And we want to do it sooner rather than later. I visited out there, it's probably been five years ago now that we've been out there. [LB935]

SENATOR AVERY: '09. [LB935]

SENATOR KARPISEK: '09. And it...I was surprised how nice it was for the age and all of those things. But, yeah, it certainly wasn't new. And I worked in a nursing home for three years. We went through a new...built a new one, moved them, so as Senator Hilgert said, I understand all those things too. So I appreciate you coming in. It is a tough decision. And I think a lot of personalities are getting in the way. But we can all

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agree that we just want a new place for the vets. I guess I don't really have a question because you've answered it or you've said. But I just want to thank all of you who've worked on it. And it's too bad that we have gotten to this point because, really, that's all we do want, is what's best. There's a lot that goes with it. There's a lot of money, there's a lot of hard work, miles that people have to drive. I don't like to see anything move, but it does. I don't like change a lot, but it does. So, anyway, thank you for your service. If it wouldn't be for everyone here, the vets would be in a lot worse shape. I appreciate it. [LB935]

ERIC WILLIAMS: Thank you. [LB935]

SENATOR AVERY: Any more questions? Thank you very much, Mr. Williams. [LB935]

ERIC WILLIAMS: You bet. Thank you, Senator. [LB935]

SENATOR AVERY: We're still on opponent testimony. All right. I don't see any more. How about neutral testimony? I don't see any of that either. Senator Gloor. Welcome back. [LB935]

SENATOR GLOOR: Thank you, Senator Avery. Since I'm sure you thought we'd be here till 5:30 or 6:00, I have plenty of time. [LB935]

SENATOR AVERY: That's okay. [LB935]

SENATOR GLOOR: I made some notes, made a lot of notes, crossed them out and tried to winnow this down to some things that I expect would come up as questions and would head them on. Great question. So why didn't this bill come up last year if there was concern about the ulterior motives and whatnot? Ask yourself, as a legislator, this question. And as we know, there were concerns about this process. It's the attempt that going through the appropriations process with a number of senators being supportive of this because of questions of why are we moving, we tried to put in some checks and some transparency into the process. But ask yourself whether you, as a senator, would introduce a bill that says don't trust the Governor, don't trust the process. I'm introducing a bill that counteracts all that because it is within the Governor's constitutional authority to do this. And that's why I'm bringing this legislation forward so that the Legislature has to be involved in the process. And after the debate, the straightforward feeling was, let's hope to get as much transparency in this process as we can. And clearly, the transparency still doesn't exist to the extent that I think it needs to be there. Senator Hadley asked the question, why did the city of Grand Island finish closer to last than first? And that's the question. That's the reason behind the bill. Why...can you imagine back in Grand Island, walking around town at any function I go to, any other question being asked like that by people who have volunteered out there, had family members out there, made donations out there? Even been high school students who were part of

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the parade that every year at Veterans' Day occurs, when the entire high school closes down, and they march from the high school out around the veterans' grounds and celebrate veterans with the veterans who have been rolled outside to be part of it. Can you imagine them asking any question other than, why did we finish closer to last than first? And I can't answer that question because the standards to be measured against aren't really there for us to be able to see and measure against. Senator Wallman asked some excellent questions and the one on culture, as an example. The answer to culture of the University of Nebraska Kearney, the Museum of Nebraska Art, the Archway, concerts, all of those things, certainly that's a great definition of culture. And, frankly, today I'm headed over to Kearney April 5--assuming they'll still have me--to be participating in an event at the Museum of Nebraska Art. It's a celebration. That's great for me. But as Mr. Quandt, the supervisor, stated very clearly and nicely, the culture that the veterans at that home are interested in is fishing ponds and the ability to walk over to the Veterans Club, and the kids who do come out on Veterans' Day to parade around there, and the high school...junior high students who send them valentines. There's that definition of culture also that we don't see anywhere in the scoring. There's the issue of workforce. And, Senator Wallman, it isn't just the size of the community. The year before, this body--the Legislature--authorized appropriated dollars to expand the health sciences building at the University of Nebraska Kearney. And it's the right thing to do and it was a good thing to do. And I spoke in favor of it. But there was a letter from the Kearney Chamber of Commerce that said we have healthcare workforce problems in this community and we need this building to help address that. And then a year later, they score better because...on workforce issues? Shouldn't there be some degree of involvement in dialogue about that, that the Legislature and the process I propose would bring forward? Senator Garrett asked the right question, would people be supportive of this bill if it didn't have the look back provision in it? And my answer would be, well, I would hope people would, in fact, say, absolutely. And although where your dialogue went is, yeah, but back on the floor of the Legislature, more legislators are from Omaha and Lincoln than they are from outstate is, in fact, if you'd flip that around the other way, recognize the fact that if we're going to continue in this bidding war or the process of bidding for these services, Grand Island, Kearney, Hastings, Columbus, Norfolk, North Platte, Scottsbluff, none of us can win a bid against Omaha and Lincoln. I mean, the resources that can be brought together by the larger communities to bring in all of these state services into Lincoln and Omaha, even if we came together, the ability for us to tap into resources just doesn't exist. My bill would, hopefully, provide an opportunity for us to temper that because my experience down here has been--and I think all of you will agree--in these discussions, people from Omaha and Lincoln, senators from Omaha and Lincoln, worry about outstate and worry about that very sort of thing happening. One of the issues that wasn't looked at in the scoring, land. The state owns 600-plus acres out there. And in the roll up of dollars, that never entered into the discussion. The state didn't--and I challenge you to look for it--assign a value to the land that the community bought to give for veterans' home development 127 years ago. It's not in there. I mean, let's think out of the box. What if the state decision had been, let's sell off

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some of this land. In fact, a big chunk of it, we're not going to need even after expansion. It's right next to residential area, it's within walking distance of shopping malls. It would be great development property. What if we sold off that land as a state and use those dollars to roll back in to reduce the cost that the taxpayers of Nebraska have to come up with. But that wasn't part of the discussion anywhere in there. VFW commander pointed out something that I hope you caught. And that is, in making the decision to move to Bellevue or the site selection going on, there were a number of people from the Omaha area, including veterans--I understood--from the home, who got involved in making that decision. That didn't happen. That didn't happen with the movement of the Grand Island Veterans' Home or the decision whether...all of those fit into the category of, would that have happened if there had been a process in place? And by the way, the Legislature did get involved in making decisions about the Norfolk home, about the Bellevue home, the Fitzgerald home. In all cases, they were involved. Finally, I guess I would say, much of the testimony made my point which is, the system that we just went through sets us up to butt against each other, community to community. And there has to be a better way. And my bill, I think, is a better way. I think it's an appropriate way. And if it's a good way looking forward into the future so this doesn't happen again, isn't it still a good process and a good way? And shouldn't we bring it into the realm of looking back at the decision that was just made that we weren't involved in? That's the question. Thank you for your patience, and you've been very patient. And I'd be happy to answer any final questions. [LB935]

SENATOR AVERY: (Exhibit 18) Thank you, Senator. More questions? I don't see any. Thank you very much. That ends the hearing on LB...no, wait. I have one letter of support from Marion Bahensky from St. Paul, Nebraska. That does end the hearing on LB935. Before I end the hearing for today, let me say thank you for your participation and for the civil manner in which you conducted this hearing. Thank you. [LB935]