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Government, Military and Veterans Affairs Committee
March 23, 2017

[LB421 LB422 LB423 LB426 LB485]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Thursday, March 23, 2017, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB485, LB426, LB421, LB422, and LB423. Senators present: John Murante, Chairperson; Tom Brewer, Vice Chairperson; Carol Blood; Tom Briese; Mike Hilgers; John Lowe; and Justin Wayne. Senators absent: Joni Craighead.

SENATOR MURANTE: (Recorder malfunction)...Veterans Affairs Committee. My name is John Murante, I'm the state senator for District 49, which includes Gretna and northwest Sarpy County and I'm the Chairman of this committee. We are here today for the purposes of conducting public hearings. We'll be taking those issues up in the order in which they appear on the agenda outside of this room. If you wish to testify in any of the matters before us, we ask that you fill out one of these green sheets of paper. The green sheets are located on either side of the room. If you are here and wish to state your support or opposition for any of the matters before us but you do not wish to testify, we ask that you fill out one of these sign-in sheets. The sign in sheets are also located on either side of the room. If you do testify, we ask that you begin by stating and spelling your name for the record, which is very important for our transcribers office. The order of proceedings is that our introducer will be given an opportunity to open, then we will listen to proponent testimony, followed by opponent testimony, then neutral testimony, and the introducer will be given an opportunity to close. We ask that you listen very carefully to try not to be repetitive. In the Government Committee we do use the light system. Each testifier is allotted four minutes. When the yellow light comes on you have one minute remaining and we ask that you begin concluding your remarks. When the red light comes on your time has expired and we will open the committee up to any questions that they may have of you. At this time, I'd like to encourage everyone to turn off or silence any cell phones or other electronic devices or anything that makes noise. If you have a prepared statement, an exhibit, or anything you wish to have distributed to the committee, we ask that you provide 12 copies to our page. If you don't have 12 copies don't worry, just provide what you have to the page and he will make copies for you. And our page for the day is Joe Gruber. Joe is from Omaha. And to the introduction of members, on the far left is Sherry Shaffer. Sherry is the Government Committee's clerk. To her right is Senator Carol Blood. Senator Blood represents Bellevue. To her right is Senator Joni Craighead. Senator Craighead represents Omaha and she is out sick today and will not be with us. To my immediate left is Senator Justin Wayne. Senator Wayne also represents Omaha. He has a bill or two in the Judiciary Committee, so he will be in and out as the day goes to introduce those bills. To my immediate right is Andrew La Grone. Mr. La Grone is the Government Committee's legal counsel. To his right is Senator Tom Brewer. Senator Brewer is from Gordon, Nebraska, and is the Vice Chairman of this committee and I believe you also have a bill or two in other committees.

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SENATOR BREWER: Judicial.

SENATOR MURANTE: In Judiciary, so he will also be in and out to introduce those. To his right, Senator Mike Hilgers. Senator Hilgers represents Lincoln. To his right, Senator Tom Briese. Senator Briese represents Albion. And on the far right is Senator John Lowe. Senator Lowe represents Kearney. And we have dispensed with our formalities. And welcome back Senator Patty Pansing Brooks to your Committee on Government, Military and Veterans Affairs.

SENATOR PANSING BROOKS: (Exhibits 1, 2) Thank you. Thank you very much. Thank you, Chairman Murante and members of the Government and Military Affairs Committee. For the record, I am Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, representing District 28, right here in the heart of Lincoln. I am here to introduce LB485 today to give Chief Standing Bear and other indigenous leaders proper recognition through an official state holiday. LB485 as currently written would also replace Columbus Day as a state-observed holiday. I do have an amendment that I'll speak about. Nebraska is currently among a minority of states that observe Columbus Day. North Dakota, South Dakota, Wyoming, Iowa, Oklahoma, Arkansas, Kentucky, and Texas are among the states that do not observe Columbus Day. In fact, South Dakota unanimously replaced Columbus Day in 1989 with Native American Day. I've passed out a map put together by the Legislative Research Office showing the states across the country that observe Columbus Day and indicating some of the cities that recognize Indigenous Peoples' Day in some way. I was surprised by how few states do recognize. Despite the fact that we are among a minority of states that do recognize Christopher Columbus and despite the fact that Columbus Day wasn't even established as a federal holiday until 1934, I have decided to amend my bill and keep Columbus Day. It seems apparent to me that we need further dialogue on Columbus before Nebraska will be ready to move in a different direction as it relates to his recognition by our state. Therefore, I'm offering a compromise amendment today that keeps Columbus and adds Standing Bear and indigenous leaders to the day. AM665, which you should have--did you get that, thank you--would establish Columbus, Standing Bear, and Indigenous Leaders' Day as an official state holiday, observed on the second Monday in October. This compromise will allow those who want to continue to recognize Columbus to do so just as before, but it will also allow those who want to recognize and celebrate our very own Standing Bear and other leaders as a better reflection of our values and history to be able to do so. This is important because Columbus is an understandably controversial person, due to his treatment of Native and Spanish peoples. I amended the bill so that we could now focus today on our state's indigenous leaders and, in particular, Standing Bear, who's recognized as a symbol of civil rights throughout the United States. Standing Bear and his journey is a history of which all Nebraskans can be proud. In Standing Bear v. Crook in the United States District Court in Omaha, Chief Standing Bear argued that Native Americans are persons within the meaning of the law. Near the close of the trial, Chief Standing Bear rose, famously, held out his right hand and addressed the court stating, "That hand is not the color of yours, but if I prick it, the blood will flow, and I shall feel pain.

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The blood is of the same color as yours. God made me, and I am a man." The court rendered a decision in favor of Chief Standing Bear on May 12, 1879, thereby recognizing the citizenship of Native Americans nationwide. As stated in the legislation, the trial speaks to matters of citizenship, humanity, and rights for all Americans. The historic case echos Nebraska's motto, equality before the law, reflecting Nebraska's deep conviction that everyone who comes before the law is equal. Standing Bear's plea for humanity exemplified the plea of all Native Americans throughout history. As our state celebrates its 150th anniversary, our sesquicentennial, it seems highly appropriate that we take this action to recognize Standing Bear. Indeed, Standing Bear has been a central part of our sesquicentennial celebrations. First Lady Susanne Shore has been distributing free books about Chief Standing Bear to all the fourth graders across the state and Governor Ricketts spoke about the importance of Standing Bear on Statehood Day, saying Nebraska was "on the forefront of the civil right movement in the nineteenth century." People from all across our state and nation can be proud of the contributions of Standing Bear. However, adding Standing Bear and Indigenous Leaders' Day is established to honor not only Chief Standing Bear, but also the many other remarkable leaders of the state's indigenous people from our four tribes including, but not limited to, Chief Blackbird from the Omaha Tribe, Chief Little Priest from the Winnebago Tribe, and Big Eagle from the Santee Sioux. Chief Standing Bear was a member of the Ponca Tribe. Also, my feeling about adding the other leaders and the other indigenous leaders is to help our teachers and help our educators to be able to do a good job, a better job I believe, to teach about our Native people and to teach about the sacred history of our Native brothers and sisters within our state. So as we celebrate the 150th anniversary of our wonderful state, what better time to honor Chief Standing Bear and the other first peoples of Nebraska? This day will be something uniquely Nebraskan. It will help instill in every citizen a greater understanding of our history, our culture, and our common humanity, and will further our state's motto, equality before the law. Columbus Day, as a solely Eurocentric holiday, isn't a holiday in which our Native peoples can currently participate. LB485 would bridge that gap while allowing those who want to continue to celebrate Columbus to be able to do so. In closing, I want to thank those who will be testifying today in offering us all a lesson in our own history, including Joe Starita, who...the celebrated author of I Am A Man and many of the tribal chairmen are here as well, so we are honored by their presence today. So I'd ask you to advance LB485 and AM665. And with that, I'd be glad to answer any questions. [LB485]

SENATOR MURANTE: All right. Thank you very much for your opening. Are there any questions? Senator Brewer. [LB485]

SENATOR BREWER: Thank you, Mr. Chairman. Well, first, thank you for bringing this. I probably am a little bit biased, but I think that you have taken on the challenge of bringing forward LB485. You have no reservations in your district. You have taken on this mission and have done it with a full heart and I just want to say thank you. [LB485]

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SENATOR PANSING BROOKS: Thank you. That's very kind. Thank you, Senator Brewer. [LB485]

SENATOR MURANTE: All right. Are there any additional questions? Seeing none, thank you for your opening. [LB485]

SENATOR PANSING BROOKS: Thank you. Appreciate it. [LB485]

SENATOR MURANTE: We will move to proponent testimony. If you're planning on testifying in favor of the bill, we have a number of seats right in the front row. I'd encourage you to move forward just so we can move through as efficiently as possible. I'd appreciate it, thank you. Welcome. [LB485]

LARRY WRIGHT, JR.: (Exhibit 3) Thank you. My name is Larry Wright, it's L-a-r-r-y W-r-i-g-h-t, Jr., J-r. (Speaking the Ponca language.) Hello, my name is Larry Wright, Jr., my Ponca name is Buffalo Spirit, I am the chairman of the Ponca Tribe of Nebraska. I thank you for allowing me to be here today to testify before you. On behalf of the Ponca Nation, I'm here to express our support for LB485, which would establish Chief Standing Bear and Indigenous Leaders' Day in Nebraska. I thank all the senators who signed on to support this bill and say a special thank you to Senators Patty Pansing Brooks and Tom Brewer for their work in leading this effort. We believe this is a significant opportunity for discussion on this legislative bill. As the state of Nebraska is celebrating its 150th birthday in 2017--I can't say the S-word, I'll butcher it, so it's 150th--we firmly believe that the state's story cannot fully be told without the inclusion of the Ponca Nation and all of the other tribes that are indigenous to the state. A large part of the Ponca Nation's story, obviously, is Chief Standing Bear. His perseverance, along with that of other tribal citizens who were forcibly removed from our homelands 140 years ago this year and forced to walk to Oklahoma, is a story that needs to be recognized. Chief Standing Bear's desire to return to our homelands that became part of the great state of Nebraska and the subsequent victory in a court of law that recognized Native Americans as human beings within the eyes of the law should be seen as a monumental achievement, not only to Native Americans in the state and beyond, but by all Nebraskans since Chief Standing Bear truly was one of the first civil rights figures and is in keeping with Nebraska's motto of equality before the law. Even today, the Ponca Tribe is joining with other Nebraskans to honor the sacrifices of those who have come before us while also celebrating where we are today. A Ponca Remembrance Walk will take place throughout several communities in the state from late April through the middle of May this year. The tribe has received an outpouring of support from the communities that are along this 282-mile journey through the state of Nebraska, which closely retraces the route of the tribe's forced removal so many years ago. Recognizing and honoring the determination, bravery, and spirit of the Ponca Tribe and other Native American tribes within the state ensures that stories

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like that of Standing Bear and others who have come before us will not be forgotten. It is our hope that the creation of a Chief Standing Bear and Indigenous Leaders' Day in Nebraska will preserve the memory of these individuals for future generations. And with that, I thank you and answer any questions you may have. [LB485]

SENATOR MURANTE: And thank you for your testimony. Senator Blood. [LB485]

SENATOR BLOOD: Thank you, Chairman Murante. I'm hoping to learn a lot listening to the testifiers today, so I have a question for you. Can you build a little bit on the forced removal and the history of that? [LB485]

LARRY WRIGHT, JR.: Yeah. At the time, the tribe had a...we signed...recently had signed our fourth treaty with the United States. And subsequently, our land was included in the 1868 treaty with the Great Sioux Nation. And instead of righting that wrong, it was deemed that it was easier to remove the Poncas to Oklahoma than to protect them from the historical enemy with the Sioux. And so it was deemed and approved to move the tribe to Oklahoma Territory during that time and our people were basically forced to put everything that they could in a wagon to move to Oklahoma to be civilized. What's lost in a lot of the story is the fact that in our area up on the Niobrara, where the Niobrara and Missouri River, the confluence, our people were hunters, we were farmers, and we had a flour mill, we had a schoolhouse, and we were fairly well civilized right there. And we were forced to move to Oklahoma and leave many of those possessions behind and it wouldn't be till many years later that those things were replaced in Oklahoma. And so that was a very dark time in our history. Many people died along the way through various reasons. And the fact that...well, I guess I'm going too far. That's basically the history of why our tribe was removed in the first place. [LB485]

SENATOR BLOOD: I don't think you're going too far. I think these stories are always very interesting. We have...my grandfather was part Osage, so they have a similar story. [LB485]

LARRY WRIGHT, JR.: Yeah. And we were actually at one time part of the Osage...we were all one nation. But just to go a little bit further into talk to why this would be an important event, the fact that Standing Bear left in the middle of the night in January to honor his son's request to be buried in the homelands and willing to do what he needed to do to honor that, but come home, that's the story of Nebraska. And it doesn't matter what color of skin you are, what shade you are, that's a story that resonates with any parent and that's Nebraska. And we talk about how great the state of Nebraska is today and what we're willing to do for it. Here's an individual...and as an example...but other tribes that were willing to do whatever to be in their homeland. That can't be said for the other individual that we're talking about. And that's what Nebraska

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represents. And as the first Nebraskans, we feel very honored to be able to be here today to have this conversation. [LB485]

SENATOR BLOOD: Thank you. [LB485]

SENATOR MURANTE: Thank you. Any additional questions? Seeing none, thank you for your testimony. Much appreciated. [LB485]

LARRY WRIGHT, JR.: Thank you. [LB485]

SENATOR MURANTE: Additional proponent testimony. Welcome. [LB485]

JOE STARITA: Good afternoon. My name is Joe Starita, S-t-a-r-i-t-a, I teach at the University of Nebraska and I'm very honored to be able to share a few minutes with you about this bill that I support and why I think it's a good bill. So I want to say at the beginning that I'm Italian. My grandfather was born on a lemon farm outside of Sorrento, a place that I've visited many times and I have a deep feeling for looking at the bed on this lemon farm outside of Sorrento where my grandmother was born in the 1890s, but that is also balanced off with a very deep feel for the land and the people who once occupied that magnificent stretch of landscape where the Niobrara empties into the Missouri River, which I'm sure a number of you have been to. This was the Ponca homeland to tack onto a little bit of what Larry said. And when I think about the 700-plus Ponca people who were living on this land who were forcibly marched from their beloved homeland with bayonets to their back in the early spring of 1877, you can't ask for a better story. And if you follow the narrative arc of this story it's something that we should be immensely proud of. We should be immensely proud of what this man did. If you just freeze him and look at what he did over the course of his last 25 or 30 years, Standing Bear reflects every single value that we, as Americans, hold dear. You go down the checklist of courage, honor, integrity, perseverance, check, check, check, check, check. This was a human being who used the full power of his position as chief, but also his full power as a human being to try and do the very best for his tribe and his family. And it's when you get down to his son where you really see why there are so many things to celebrate. And that's what we do when we honor people who come from the soil of this state that we all love and we want to do something to memorialize that they were so many standard deviations from the mean that they warrant something special. Standing Bear led 700 members of his Ponca people from the Niobrara River 550 miles south in the spring and summer of 1877 when they were unceremoniously dumped in north-central Oklahoma in the scorching winds of July. Between July 1877 and July 1878 one-third of this tribe died. A third of the tribe died because they had no resistance to tuberculosis, they had no homes, they had no implements, they had no food, they were just marched from their beloved homeland 550 miles on foot to north-central Oklahoma, dumped on the ground, and they clustered in creeks. This is

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July, Oklahoma, 1877. Those creeks were swarming with mosquitoes. Those mosquitoes eventually brought the malaria, the tuberculosis that wiped out a third of the tribe. So Christmas week, 1877, Standing Bear's only son, a 13-year-old boy by the name of Bear Shield is lying on the bottom of a army canvas tent curled up in a fetal position dying of malaria. But before his eyes closed in death he begged, he asked, he pleaded with his father, the chief, please repatriate my...take my body back to our beloved homeland. So about 1:00 on the afternoon of January 2, 1879, Standing Bear dressed his only son in his best clothes, wrapped him in a buffalo robe, put him in the back of a rickety wooden wagon, and he and 29 others, 11 men, ten women, nine children began walking 550 miles from north-central Oklahoma back to their beloved homeland. In January of 1879, the United States government had signed 371 treaties with the Native people of America. The United States government had broken all 371 treaties. But Standing Bear was not going to break his promise to his son, so they began walking into the teeth of a fierce blizzard that was blowing in out of Canada. On the third day out, January 4, the air temperature, the wind chill reached 77 below zero. They had to dig tunnels into haystacks in the open fields and stick the very old and the very young inside these haystacks to keep from freezing to death. The men rummaged for field corn by day, boiled it over a fire, and they kept going one day at a time, one week at a time, one month at a time. They got within two days of the sacred White Chalk Bluffs along the Missouri River and they were caught by the United States Army. And so Standing Bear unwittingly found himself in the cross hairs of a major civil rights trial. And many Native Americans, as you just heard ten minutes ago, widely consider this man, this chief, this Nebraskan, to be among the nation's very earliest civil rights leaders. And so we want to celebrate people like that. What's not to like? What's not to like with this man? He did everything that he could for his people, which is the sacred duty of the chief. And he did everything for his son and his family, which is the sacred duty of a father. And to me it's really an apotheosis of everything that we value as Nebraskans and as Americans that come together and somebody who literally walked the talk. So I thank you very much for your consideration of this bill and the opportunity to speak before you. And I would be very happy to answer any questions that anybody might have. Ladies first. [LB485]

SENATOR MURANTE: All right, thank you very much for your testimony. [LB485]

SENATOR BLOOD: Thank you, Senator Murante. Make sure Senator Murante takes note of that ladies first thing. I...that was a joke. So is it Stereta (phonetically)? [LB485]

JOE STARITA: Stereeta (phonetically), Stereeta, Stereeta (with an Italian accent). [LB485]

SENATOR BLOOD: Okay. I spelled it out phonetically so I (inaudible). And what do you teach again? [LB485]

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JOE STARITA: Yeah. I teach writing. [LB485]

SENATOR BLOOD: You teach writing? [LB485]

JOE STARITA: At the College of Journalism, yes. Long-form writing. [LB485]

SENATOR BLOOD: But you have an interest in Native American... [LB485]

JOE STARITA: Lifelong, yes. I'm from Lincoln, a graduate of Northeast High School. This is a state...name three states west of the Mississippi that do not have their name derivative of a Native word. You can't. And Nebraska is one of them; a state that has a large Native footprint on it. And who knows how you...you get exposed to a lot of things when you're young, when you're a child. Who knows whether building soap box derbies is going to take off or collecting butterflies? For me, it was Native Americans. As a young boy, you have very juvenile views. You get to ride a horse. You get to hunt. You get to fish. You get to sleep outdoors. You get to start a fire and nobody calls the cops. What's not to like about that, so. And then you get more deeply into the intricacies of the culture and you find out really amazing things like in our culture the dominant culture we often...when I was a reporter for Miami Herald we got an edict one summer day from the executive editor saying we were no longer allowed to use the word "elderly" in any newspaper story because all the elderly people in south Florida were tired of being referred to as elderly. Among all Native American cultures that I know, the older you get the more social value you have, the more social cachet you have. You are the life blood of the tribe because it is your responsibility to pass the tribal culture and history down to the children and to keep the DNA of the culture alive. And those people who grow older in Native culture are referred to as elders. And there's a big difference between elderly and elder. Two letters of the alphabet but culturally a Grand Canyon as chasm. So those are the things you learn when you get beyond, oh, wow, you get to sleep in a teepee and fish. You get to see the beauty and the complexity and some of the reasons that these people are still here and that had enormous interest and significance and still does. [LB485]

SENATOR BLOOD: So the question that I have...thank you for that... [LB485]

JOE STARITA: Was. [LB485]

SENATOR BLOOD: ...is that with your knowledge, how far back would you say the history of Native Americans go in Nebraska? [LB485]

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JOE STARITA: In Nebraska? They go back probably about 10,000 years in this country. There is very certifiable, scientific evidence of the Bering Land Bridge connecting Siberia with what is now Alaska and people coming across that bridge 10,000 years ago that ultimately made their way all the way to the tip of South America. As far as Nebraska goes, I don't know of a specific date but another testifier, Professor Steinke, may know that. But it goes back hundreds and hundreds of years, the Native presence in Nebraska. [LB485]

SENATOR BLOOD: Thank you. [LB485]

JOE STARITA: Welcome. [LB485]

SENATOR MURANTE: Thank you. Senator Brewer. [LB485]

SENATOR BREWER: Thank you, Mr. Chairman. All right, kind of following along with...okay, not following along with Senator Blood here. But so...well, first off, thank you. In Lakota, that would be Philamayaye, very good. Appreciate what you've done. You said that you can't ask for a better story, you did a great job of telling that story in your book. And if you guys haven't read it, I highly recommend it. It will take you as though you were there and went through the whole experience. [LB485]

JOE STARITA: Thank you. [LB485]

SENATOR BREWER: And then just so you know that even though it's part of history, we still ride, we still hunt, we still sleep on the ground, we still start fires and nobody calls the cops. [LB485]

JOE STARITA: All right. And I'm still down with that. [LB485]

SENATOR BREWER: Thank you. [LB485]

JOE STARITA: You're welcome. Any other questions or comments? [LB485]

SENATOR MURANTE: Seeing none, thank you very much for your testimony. Much appreciated. [LB485]

JOE STARITA: Thank you very much, gentlemen, I appreciate it. Thank you. [LB485]

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SENATOR MURANTE: Welcome. [LB485]

RUDI MITCHELL: (Exhibit 4) (Speaking "Omaha Indian Words".) I want to thank you for letting me speak in my Omaha Indian language. I'm an elder. It's traditional on my part to address any gathering in my own Native language out of respect to my culture. My name is Rudi Mitchell, R-u-d-i M-i-t-c-h-e-l-l. Good afternoon, Senators. Thank you for allowing me time to share my comments and thoughts on the hearing today on the proposed bill, LB485. This bill refers to Chief Standing Bear and Indigenous Leaders' Day. This bill would replace Columbus Day, October 12. As I said, my name is Rudi Mitchell, I am an enrolled member of the Omaha Indian Nation of the States of Nebraska and Iowa. I am a former tribal chairman of the Omaha Indian Nation having served from 1992 to 1995. I currently live in the city of Omaha, Nebraska, and have lived there for the past ten years. Prior to my residence in Omaha I lived on the Omaha Indian Reservation in Macy, Nebraska. I still have my home on the reservation there and still call it my home. I worked for over 35 years on the two Indian reservations in Nebraska in various capacities. I respect the recognition and tribute paid to Chief Standing Bear of the Northern Ponca Tribe of Nebraska. He is well noted for the legal case on May 12, 1879, in Omaha, Nebraska, in which in his testimony he stated: If I were to prick my hand the blood that would flow would be the same as yours, therefore I am a human being like you. It would be appropriate to designate May 12 as Chief Standing Bear Day. Today in Nebraska there are four federalized recognized tribes, the Santee Sioux Tribe, the Winnebago Tribe of Nebraska, the Northern Ponca Tribe of Nebraska, and the Omaha Indian Nation. Each one of these tribes have notable chiefs and each have contributed to Native history in Nebraska. I am here representing the Nebraska Commission on Indian Affairs. There are two members that represent the city of Omaha, Nebraska. We represent the largest Native American population of the state. There are over 9,000 Native Americans in the city of Omaha with over 150 different tribal affiliations. It would only be fair to the other tribes in the city of Omaha and to the state to name October 12 as Indigenous Day. I am a direct descendent of Chief Big Elk, who was my great, great, great grandfather. He welcomed and embraced the very first immigrants to Nebraska near Bellevue, Nebraska. The city of Omaha was named after my people and the state of Nebraska is an Omaha word that means "flat waters" named after the Platte River here in Nebraska. I was contacted by the Omaha Tribal Council this morning. And due to their tribal business they could not attend the hearing this afternoon. But they asked me to relay the message that they would support Indigenous Day on October 12. I am requesting the Legislature designate October 12 as Indigenous Day. Last year the Lincoln city council voted to designate October 12 as Indigenous Day in Lincoln, Nebraska. Thank you for letting me be here today. In my Omaha language, We Bthu Huh. And if you have any questions, I'd be more than glad to answer them. [LB485]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down today. Much appreciate it. Welcome. [LB485]

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CHRISTOPHER STEINKE: Thank you. My name is Dr. Chris Steinke, I'm a historian here in Nebraska, I teach at the University of Nebraska-Kearney. It's my please to speak in support of this bill, LB485, and really throw my support in for this move to recognize Chief Standing Bear and indigenous leaders in October of every year. Much of my work focuses on early American history, the period even before the arrival of Lewis and Clark. And in a lot of my work and research I really try to--and others--looking at the same period really trying to reclaim this period as a vibrant period of Native American history as well and to document and show the long histories and rich histories of Native peoples in Nebraska and across North America. And I think that through this bill we could better document those connections between the past, the long past of Native North America and the present, those continuities and Chief Standing Bear, himself, through his strength and perseverance really someone carrying forward Ponca history into the 20th century. So I wanted to give that brief note of support for this bill and welcome any questions. [LB485]

SENATOR MURANTE: I just have one quick one, would you spell your name for the record, please? [LB485]

CHRISTOPHER STEINKE: Certainly, it's Steinke, S-t-e-i-n-k-e, first name is Christopher. [LB485]

SENATOR MURANTE: All right, thank you very much. Are there any more substantive questions? Yes, Senator Blood. [LB485]

SENATOR BLOOD: Mr. Steinke...Dr. Steinke, can you talk a little bit about what your area of specialty is? You teach Native American studies? Is that what you teach in Kearney or... [LB485]

CHRISTOPHER STEINKE: Yes, I teach Native American history as well as early American history, looking at the colonial period of the 17th and 18th centuries. But especially looking at what was going on in Nebraska before the arrival of Lewis and Clark even and in that earlier period and documenting that rich history of Native peoples in this region. [LB485]

SENATOR BLOOD: I represent Bellevue, so I know you're very familiar with the Native American history and how important it was to that community. And we're reminded of it frequently among just the members of the community. You heard me ask the question earlier...I guess I'm trying to impose upon people really how rich the culture is in Nebraska and how long it's been around in Nebraska. What is your estimation as far as Native Americans in Nebraska? [LB485]

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CHRISTOPHER STEINKE: Well, it's a very incredibly rich and deep past in Nebraska that goes back centuries, well before the arrival of Columbus and the New World and one that I hope that more Nebraskans will get to know and appreciate. And, indeed, it's been part of my work and my goal in this profession that I've chosen to really try to communicate that rich history to Nebraskans and to Americans in general. [LB485]

SENATOR BLOOD: Again, could you give me some sort of time line? How long would you say that there have been Native Americans in Nebraska as we know it? [LB485]

CHRISTOPHER STEINKE: Dating back thousands of years, so a very, very, very deep, ancient past in Nebraska. [LB485]

SENATOR BLOOD: How much longer were they here before Caucasians? [LB485]

CHRISTOPHER STEINKE: A similar time frame, so thousands of years preceding the arrival of the Americans in the 19th century. [LB485]

SENATOR BLOOD: Okay, thank you. [LB485]

SENATOR MURANTE: All right. Senator Lowe. [LB485]

SENATOR LOWE: Thank you, Chairman. And thank you, Doctor, for being here. Just for public record, which one of the three university campuses is the best university campus in the system? [LB485]

CHRISTOPHER STEINKE: My vote would be the Lopers, UNK. [LB485]

SENATOR LOWE: Perfect. Thank you. [LB485]

SENATOR BREWER: It was supposed to be substantive. [LB485]

LARRY WRIGHT: (From the audience.) I agree with that, by the way. [LB485]

SENATOR MURANTE: We'll take a vote on that later. All right, are there any final questions? Seeing none, thank you for your testimony. Much appreciated. [LB485]

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CHRISTOPHER STEINKE: Thank you. [LB485]

SENATOR MURANTE: Additional proponents wishing to speak. Come on forward. Welcome. [LB485]

JOHN PAPPAN: Thank you, Senator Murante and the honorable committee here. My name is John Pappan, I'm from the Omaha and Pawnee Tribes. Yes, there was relations between the two tribes, so. (Speaking Native language)...is my Native name and my Christian name is John L. Pappan (phonetically), it's Pa-pan (phonetically), which is French, Pup-pon (phonetically), but nobody can say that in English, so we say Pa-pan (phonetically), so. I wanted to thank you for this opportunity to be before you and also to say that we need to definitely remember that Nebraska is composed of many people and the original first nations of Nebraska area are the various tribes and that there are many tribes here. However, I would also like to say that this is a good thing to honor Ponca Chief Standing Bear. At the age of 19 I was part of the dramatic play that was done back in 1979 that told his story for the first time, Footprints In Blood, the dramatic story of Ponca Chief Standing Bear. And at that time it was said that soon his name would become a household word and that has happened. I've seen that, that Nebraskans know from the youngest to the oldest who he is, what he stood for. So there's no doubt that he deserves the recognition. However, we need to also recall that there are other leaders. Chief Big Elk is the name of the organization which I represent. We have a nonprofit, 501(3)(c) in which we are endeavoring to establish a cultural center for the Native people in the greater Douglas County area. And so we need to honor his contribution as well, because he had given sanctuary to the Mormon people, the members of the Church of Latter-day Saints that's based in Utah. He had given them a place to stay and permission to do that. Of course, United States was not happy with that because he concluded what they saw as a treaty with the Mormons without their knowledge or consent, so. But, however, exercising that sovereignty as a nation is something that all the tribes here in Nebraska are striving to do, even though we've been through a lot through the different years here, so. Yes, for Indigenous Day, definitely support that. And I thank you for your time and any questions that you have. [LB485]

SENATOR MURANTE: All right and thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. [LB485]

JOHN PAPPAN: Thank you. [LB485]

SENATOR MURANTE: Welcome. [LB485]

DON WESELY: (Exhibit 5) Chairman Murante and members of the Government Committee, my name is Don Wesely, D-o-n W-e-s-e-l-y, I'm the lobbyist on behalf of the Winnebago Tribal

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Council. I'm passing out for you a resolution of support for Indigenous Peoples' Day that was passed last summer by the Winnebago Tribal Council. I will quote from the conclusion, the resolve of that resolution: The Winnebago Tribal Council hereby supports efforts to replace Columbus Day--and this is in the city of Omaha because that was, at that time pending, but also in the state of Nebraska with Indigenous Peoples' Day. And add to that that the Winnebago Tribe offers support for the overall intent of LB485 to honor indigenous people, but to recommend that it be amended to just Indigenous Peoples' Day rather than name individual chiefs or leaders. I want to also personally thank Senator Pansing Brooks and all the cosponsors of LB485. This is a very serious and important issue. It does deserve discussion and recognition that is long overdue for our Native Americans here in the state of Nebraska. And we have great respect for Chief Standing Bear. He is an icon I think that is remarkable achievements that he's made over 150 years. So we are here in support, suggest perhaps a change, but otherwise are recognizing the importance of the bill. [LB485]

SENATOR MURANTE: All right. And thank you for your testimony. Are there any questions? Seeing none, thanks for coming down. [LB485]

DON WESELY: Thank you. [LB485]

SENATOR MURANTE: Welcome. [LB485]

CHANDRA WALKER: Welcome. Thank you. My name is Chandra Michelle (phonetic) Walker, that's C-h-a-n-d-r-a, Walker, W-a-l-k-e-r, I'm the chair of the Native American Democrat Caucus Party here in the state of Nebraska and I am opposed of the bill because I am opposed against Columbus Day. [LB485]

SENATOR MURANTE: You're supportive of the bill or in opposition to the bill? [LB485]

CHANDRA WALKER: Opposition. [LB485]

SENATOR MURANTE: Okay. [LB485]

CHANDRA WALKER: Yeah, so, because Columbus Day is a very horrible day for Native Americans. It's very detrimental on our self-esteem, emotionally and socially when you're growing up and everybody is celebrating a mass murderer, you know. It's nothing to be celebrating for. For our youth it's very hard to be confusing when they're taught to be prideful about who they are and their culture, but yet everybody is celebrating this man. And one thing that Nebraska has an issue is sex trafficking. And that's one of the heinous crimes Columbus was

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known for was he was a sex trafficker. Not only did he murder those indigenous people off of Plymouth Rock, but he turned around and sold their kids, who were under age, as sex slaves. So we're celebrating a man that does heinous crime, but yet we don't look at our Native people. Another thing is, Chief Standing Bear was a great man, but there are other chiefs and leaders that are indigenous. And I say indigenous because I think about those Natives that were on the coast down in like New Mexico and Mexico area. They totally lost their culture, they're totally colonized. But yet if you take the same blood that we have, we have the same DNA. But why we say indigenous, because they once were heavily in their culture and then they were colonized by Christianity and Cortez and everybody that came over. And so that's why I like saying indigenous, because it still celebrates...we still remember them, they are still part of us and they are. And so this is why I'm against it. I respect Chief Standing Bear. But if Chief Standing Bear was standing here today he would say the same thing. That is not an honorable way of a chief. The chief are for their people. He would not want a day to be after him, because he wants all our people to be celebrated and honored and respected. That's what a chief would have done. And so I'm against Columbus Day. I wish the state would abolish it. And I'm for Indigenous Peoples' Day. [LB485]

SENATOR MURANTE: Okay, understood. Are there any questions? Seeing none, thank you for your testimony. Additional proponents wishing to speak. Welcome. [LB485]

JUDI GAIASHKIBOS: Thank you. Chairman Murante and members of the committee, my name is Judi gaiashkibos, J-u-d-i g-a-i-a-s-h-k-i-b-o-s, I'm the executive director of the Nebraska Commission on Indian Affairs and I have been the director the last 22 years and I am a member of the Ponca Tribe of Nebraska. And I think my testimony will be relevant following the person before me and I respect her feelings and her thoughts. And this is kind of an emotional topic so typically...and many of you know that I usually just speak off the top of my head, but I was concerned that I might say things that I would regret so I have written down my words today and I am going to try to be brief and I hope they capture what I feel. Although some of our tribal constituents are less than pleased at the prospect of having to share a holiday with Columbus Day and are not pleased at all with Columbus Day, they have had to make do with sharing a continent with European and other immigrants for the past 500 years and well understand sharing, oftentimes with that sharing being at the point of a gun. With LB485, we thank Senator Patty Pansing Brooks and the other senators for introducing this bill and the amendment. The citizens of Nebraska are now afforded an opportunity to share something with our first peoples under much more pleasant circumstances. We can share a holiday where those who so choose can still celebrate the story of Columbus and the resulting influx of European migration and ultimately our independence and formation of our great democracy. But we are also free to choose to honor and recognize the other side of the story, the first story. We can recognize the proud history of our country's, Nebraska's first people, the people who were here before Columbus, the people who gave up so much, their language, their way of life. Despite these

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losses, our people who were here first also gave so much for their shared country as they have served so bravely and sacrificed their blood so willingly in defense of this country in multiple wars. Perhaps it is possible that this now shared mutual history of Native and non-Natives, first persons, and immigrants can be represented in Nebraska as an understanding that we can all choose to celebrate our own people, our heroes, our ancestors, our triumphs, and our tragedies recognize that we can put aside past differences and those things which have divided us. We can use this shared holiday that, as awkward as it might seem and despite our lingering differences and animosities, can represent our ability to grow beyond what we were. Despite our many differences, we are much more the same, as was so eloquently stated by Chief Standing Bear. Our blood is the same, the same God made us. We Bthu Huh. [LB485]

SENATOR MURANTE: All right. Thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. [LB485]

JUDI GAIASHKIBOS: Thank you. [LB485]

SENATOR MURANTE: Additional proponents wishing to speak. Is there any opposition testimony? Welcome. [LB485]

GEORGE MATUELLA: Good afternoon, Chairman Murante. My name is George, G-e-o-r-g-e, Matuella, M-a-t-u-e-l-l-a. I am the focal point for the Commission of Social Justice for the Sons of Italy in America and I belong to the Colombo Lodge 1419 in Omaha, Nebraska. The reason to oppose LB485 is that Chief Standing Bear and the indigenous people deserve their own day of recognition. This great icon, in my opinion and in the opinion of a lot of our Italian Americans, should be honored period. But we're saying, have his own day. That's why we proposed a compromise for a more significant historical date, that of May 12. And that way, it would not be at the expense of a historical world icon of Christopher Columbus. That is why I was going to ask for a compromise to change the date on LB485 from Columbus Day to May 12. And I want to thank Senator Pansing Brooks for having her amendment. As a retired meteorologist for the National Weather Service in Omaha, I had to chuckle at the gentleman's 77 degree below zero wind chill indices, which the indices were not made till 1965. Thank you. Any questions? [LB485]

SENATOR MURANTE: All right. Thank you for your testimony. Are there any questions? Senator Blood. [LB485]

SENATOR BLOOD: Thank you, Chairman Murante. So for clarification, then you are comfortable with the shared day? [LB485]

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GEORGE MATUELLA: I'm not comfortable with the shared day. I think he ought to have his own day, his own day for recognition. They deserve that. Why share with somebody else they really don't care for? Let them have their own day, which would be great for them. They wouldn't have any clouds over their head, so to speak, because of how they feel about Christopher Columbus. [LB485]

SENATOR BLOOD: How would you feel...and sincerely, I don't mean this to be rude in any fashion. [LB485]

GEORGE MATUELLA: I understand. [LB485]

SENATOR BLOOD: How do you think the Sons of Italy would feel if we decided, as a body, to eliminate celebrating Columbus Day and just made it Indigenous... [LB485]

GEORGE MATUELLA: We wouldn't like it. [LB485]

SENATOR BLOOD: Okay. [LB485]

GEORGE MATUELLA: We wouldn't like it at all. [LB485]

SENATOR BLOOD: Okay. Because? [LB485]

GEORGE MATUELLA: We wouldn't like it at all. I don't think the Knights of Columbus would like it. I don't think a lot of people wouldn't like it. Columbus is a fixture in America. There are more towns in America that are named after Columbus. We have one in our own state. [LB485]

SENATOR BLOOD: Sure. [LB485]

GEORGE MATUELLA: The District of Columbia. Are they going to get rid of those? I don't think so. There's Columbus, Ohio. There's Columbus (sic: Columbia), South Carolina. I could go on and on, but I'm not to bore you people with that. [LB485]

SENATOR BLOOD: But how would you feel...the one thing that we find out as...I mean, all of us, everybody in this room. As we age, we find out things from history that at first we thought were pretty awesome, then as adults we found out were pretty horrific, including how we treat people of different nationalities... [LB485]

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GEORGE MATUELLA: Right. [LB485]

SENATOR BLOOD: ...different races. You look at Native Americans in movies even 20 years ago, even 10 years ago, they were pretty racist. [LB485]

GEORGE MATUELLA: Absolutely. [LB485]

SENATOR BLOOD: Basically, people's lack of knowledge, lack of education. [LB485]

GEORGE MATUELLA: Absolutely. [LB485]

SENATOR BLOOD: So knowing that there's true documentation that says that maybe Columbus wasn't such an awesome guy, does that concern you at all? [LB485]

GEORGE MATUELLA: Well, there's a pro and con on that, Senator Blood. Why Columbus matters goes a long way. I wouldn't want to bore you, but he did open up the Western Hemisphere for the Europeans. Now, I'm not going to get into trite things like, okay, there's no laws, they had no language, etcetera, etcetera. You cannot compare the morals of the 15th or 16th century with today. Maybe in some instances you can, slaves, etcetera, racism, but back in those days, every society when they had a war and the prisoners of war, they were used as slaves. People tended to obliterate other people. It's a historical fact. Tribes, they did not live in an idyllic society in America at that time. Tribes war against other tribes; that's just the way it was. Thankfully and hopefully, we have grown from that and continue to grow from that. That's my answer. [LB485]

SENATOR BLOOD: Gosh, I'm still concerned. And I hear what you're saying. I mean, I'm Catholic, so you talk about Knights of Columbus. You know even the Catholic Church has made mistakes historically... [LB485]

GEORGE MATUELLA: Absolutely. [LB485]

SENATOR BLOOD: ...that they now are apologizing for... [LB485]

GEORGE MATUELLA: Sure they are. [LB485]

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SENATOR BLOOD: ...as are many other religions. And so you kind of hear where the Native Americans that have come and spoke to us, where they're coming from in reference to how they must feel when there is a Columbus Day. [LB485]

GEORGE MATUELLA: But Columbus didn't do all the killing, you know. [LB485]

SENATOR BLOOD: I don't think that's what they're saying. [LB485]

GEORGE MATUELLA: Well, I think that one lady did. They're blaming Columbus for all the killing. The Spanish conquistadors did a lot of killing. The Aztecs did a lot...human sacrifice. I mean, you know, people know that. We're not going to get into that. [LB485]

SENATOR BLOOD: I think we're still doing a lot of the same things we were doing back then, unfortunately, so. [LB485]

GEORGE MATUELLA: Absolutely we are, yes, ma'am. [LB485]

SENATOR BLOOD: I appreciate your candor. Thank you for answering that question. [LB485]

GEORGE MATUELLA: You're quite welcome. [LB485]

SENATOR MURANTE: Thank you. Seeing no other questions, thank you. [LB485]

GEORGE MATUELLA: Thank you very much, gentlemen. Appreciate it. [LB485]

SENATOR MURANTE: Is there additional opposition testimony? Is there any neutral testimony? Seeing none, Senator Pansing Brooks. [LB485]

SENATOR PANSING BROOKS: Well, I want to thank you all for listening today. I want to thank the chairmen who've come and the other leaders of the tribes who came to testify and all the people that came to testify on all sides. I think that you can hear that...the reason I decided to create the amendment was to make sure that we didn't have to fight Columbus and the value of Columbus versus the value of all the indigenous peoples. You know, it's sort of funny because if you ever get the chance to go to Europe sometime they always make fun of us because their history is so much longer than ours and we sort of stop our vision at 1867 and we forget the thousands of years prior to that and the great people and the great lives that were...all the cultures that were occurring way prior to that. So I think it's really important to celebrate it. I still believe

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that. Somebody asked, why not make Standing Bear its own holiday? And we did ask about that. And the biggest reason was that it would take additional paid staff; it would carry a huge fiscal note. We contacted the Fiscal Office and there would be a cost to the state to add another paid holiday, as you can imagine, overtime pay for agencies that are necessary, like State Patrol, Roads Department, Corrections, the 24/7 Health and Human Services facilities and overtime pay is one and a half to two times the regular pay rate, depending on whether hours worked were in excess of 40 hours. So we did investigate all this. So it just did not seem like the wise thing to do, given our budget crunch. But I also think that it's the perfect thing to do because of our sesquicentennial and the desire to celebrate the people who were here prior to our state becoming part of this great nation and we have made a compromise. I don't believe it goes far enough and I know that many...some of our Native brothers and sisters would have liked it to go farther, but I felt like it starts a dialogue. And we've heard stories of the losses, the murder, the trafficking, the torture. We know there was a sordid past, but this is a good way to go forward and be able to allow teachers to teach their children about the Native Americans. We did contact each of the four tribes to ask them who would be the leader that they would like to be celebrated and that's why we have put them into the statute, so that the teachers can actually have certain people to go to and then they can expand it, they can learn about that. The teachers need to learn about it as much as the kids do. And I presume that most of us have terrible knowledge of Native American history and have terrible knowledge of the great leaders that were in our state prior to our statehood. Again, if you walk down Centennial Mall...I helped raise...cochaired the campaign to raise \$9.6 million for that seven blocks. And on that there are all sorts of celebrations of Native American culture. There's a map that's outside of the State Office Building that shows the whole Trail of Tears, the 550 miles that were walked from Nebraska down to "Indian Territory," that was what it was called, where one-third of the people died. I can think of no more heartrending story than the fact that Standing Bear wanted to come back and bring his son to his beloved Niobrara, to the banks of his beloved Niobrara. That is, that's just so moving I can't even imagine a more heartwarming story than that. So, again, I want you to think about this seriously. I think it's a way to...there's still the national Columbus Day holiday. And I understand that people don't want to share, but I think that we need to acknowledge this important part of our history, acknowledge that we have an icon, a civil rights icon, as well as great leaders who made important impact on our history. So I think you have this sacred opportunity to recognize, to celebrate, to teach, and help the next generation not be so ignorant about the Native American history in Nebraska or prehistory in Nebraska. Thank you. [LB485]

SENATOR MURANTE: And thank you. Senator Hilgers. [LB485]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Senator Pansing Brooks, for bringing this. I really enjoyed listening to the testimony. I have one question as an attorney and if somebody has investigated this. [LB485]

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SENATOR PANSING BROOKS: Okay, good. [LB485]

SENATOR HILGERS: And I was raised from Dr. Mitchell's testimony about the significance of May 12. Is May 12 the day on which his famous quote was uttered or is that the day on which the verdict or legal decision was rendered? [LB485]

RUDI MITCHELL: (Speaking from the audience.) The decision was rendered, May 12, the judge, Judge Elmer Dundee rendered the decision. [LB485]

SENATOR PANSING BROOKS: That was the day of the verdict. Sorry. [LB485]

SENATOR HILGERS: Thank you. Okay. Thank you, that's all I have. [LB485]

SENATOR MURANTE: Thank you. Senator Briese. [LB485]

SENATOR LOWE: Thank you, Chairman Murante. And thank you, Senator, for bringing this. Just one question. Everyone that supported or testified in support of this, they're aware of your amendment and in support of your amendment? [LB485]

SENATOR PANSING BROOKS: They are aware of the amendment. There's some hesitation because of the Columbus factor. But I think people...Senator Brewer has talked to a number of the tribes and it's my understanding you can reconnect with him that they are accepting and not thrilled about that part, because my original bill was to get rid of Columbus Day and then I just thought, we don't want to fight that right here and talk about the despicable things. I thought we could...and people could choose what they want to celebrate. But this gives a state-paid holiday to celebrate Native Americans. [LB485]

SENATOR BRIESE: Okay, very good. Thank you. [LB485]

SENATOR PANSING BROOKS: Thank you. [LB485]

SENATOR MURANTE: Thank you. Senator Lowe. [LB485]

SENATOR LOWE: Thank you, Chairman. And thank you, Senator Brooks, for bringing this. It's been truly enjoyable to hear Nebraska's original languages being spoke here today. It's been a great pleasure. And we have spoke before about a day which would be the first Monday following the first Sunday in February as being a day, because we fight...on that first Sunday we

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fight our greatest football game of the year, the Super Bowl, and everybody would like a day off after the Super Bowl. And that was just my idea of finding a day that everybody...it could spread nationwide instantly. I'm just saying. But thank you for bringing this today. I really appreciate that. [LB485]

SENATOR PANSING BROOKS: Thank you very much. And I do want to just make a comment, even though he isn't here. Senator Brewer has been an amazing help on all of this. I feel like it's sort of a blessing that he arrived in this Legislature at this point when we're trying to work on celebrating Native people, working to protect Native people through some of the healthcare issues in Whiteclay and I just...I want to thank him for his kindness. Thank you. [LB485]

SENATOR MURANTE: (Exhibit 6) Thank you. Seeing no additional questions, I do have a letter of support from Christie Abdul of the National Association of Social Workers, Nebraska Chapter. And that closes the public hearing on LB485. [LB485]

RUDI MITCHELL: (Speaking from the audience.) Is it possible to (inaudible) that I forgot...like 30 seconds? [LB485]

SENATOR MURANTE: See, if we do that, then we have to open it up for both sides to come to...but if you would like to have any information distributed and placed into the permanent record, I would be happy to include any information. [LB485]

RUDI MITCHELL: It's relevant and it's just something (inaudible.) [LB485]

SENATOR MURANTE: Okay, just submit it to us and we will get it in the record permanently for you. Thank you. [LB485]

RUDI MITCHELL: Thank you. [LB485]

SENATOR MURANTE: Uh-huh. Thank you. And we will proceed with LB426. [LB426]

SENATOR HILGERS: We have some additional hearings. Excuse me, everyone. Everyone, if you wouldn't mind taking the...excuse me. If you wouldn't mind taking...out...Senator Murante, welcome. [LB426]

SENATOR MURANTE: And on a completely unrelated note, we have LB426. Thank you, acting deputy Vice Chairman at-large Hilgers. For the record, my name is John Murante, J-o-h-n

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M-u-r-a-n-t-e, I'm a state senator for District 49, which includes Gretna and northwest Sarpy County. I'm here today to introduce LB426. LB426 represents a compromise between the Auditor of Public Accounts and the Governor. Last year the Auditor's omnibus bill was vetoed because it changed expense reimbursement for state employees from actual expenses to the federal GSA per diem rate. LB426 changes the rate of reimbursement to a percentage of the federal GSA per diem rate as determined by the Director of Administrative Services. Switching to a per diem rate rather than an actual expense basis will decrease costs, increase efficiencies, and make it easier to detect fraud. The current actual expense model requires government employees to spend hours poring over thousands of receipts to calculate actual expenses. By eliminating this process we increase efficiency and decrease the cost of the reimbursement process. Also by simplifying the process, we make it easier to detect fraud. I encourage your advancement of LB426. We also have representatives from both DAS and the Auditor's Office. You may recall we have a bill on General File right now, which is LB151, which contains a number of Auditor bills that were passed in that omnibus that were not contentious, that was not the provision that was vetoed by the Governor. This is that subject matter, but done in a different way. And I think they will explain to you why this is an improvement over what was vetoed and I'd be happy to answer any questions that you may have. [LB426]

SENATOR HILGERS: All right. Thank you, Senator Murante. Any questions for Senator Murante? Seeing none, we will turn to the proponents. LB426. Welcome back. [LB426]

BO BOTELHO: (Exhibit 1) Thank you, Senator Hilgers. Good afternoon, members of the committee. My name is Bo Botelho, B-o B-o-t-e-l-h-o, Chief Operations Officer for the Department of Administrative Services. I'm here today to provide testimony in support of LB426. LB426 proposes changes relating to reimbursement for expenses for state employee travel. More specifically, to change reimbursements of meals and incidental expenses incurred during travel to be a percentage of the federal General Services Administration per diem rates as determined by and in accordance with policies established by the director of Administrative Services through the State Accounting Manual. This method would replace reimbursement of actual costs for meals or incidental expenses based on itemized receipts. Approved travel and lodging expenses would continue to be reimbursed based on the actual amount. To implement this legislation, State Accounting would analyze historical reimbursements based on actual receipts in relation to current GSA rates and develop the percentages to be used in calculating amounts for reimbursement with the objective that the percentage would be comparable or favorable to the actual reimbursement process in place now. Once the appropriate percentages are determined, State Accounting would review, rewrite, and republish the Accounting Manual, related employee expense reimbursement forms, and create new forms or policies as necessary to implement the process. The per diem model allows agencies to exclude reimbursements for costs which are known to have been provided to the employee free of charge or prepaid by the state, such as meals provided by hotels or at the conferences. This is also part of the federal model as

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well. Advantages of the per diem method are time saved in collecting, submitting, reviewing, and auditing receipts and it allows you to predict travel expenses. This bill would allow agencies to know and project the cost of employee travel prior to the actual travel and this may facilitate agencies in budgeting and planning of employee travel. I'm happy to answer any questions you may have. [LB426]

SENATOR HILGERS: All right, thank you, Mr. Botelho. Are there any questions? Seeing none, thank you for your testimony. [LB426]

BO BOTELHO: Thank you. [LB426]

SENATOR HILGERS: More proponents of LB426. Mr. Karpisek, welcome back. [LB426]

RUSS KARPISEK: Thank you, Senator Hilgers and members of the Military and Veterans Affairs Committee. For the record, my name is Russ Karpisek, R-u-s-s K-a-r-p-i-s-e-k, and I am the legislative liaison for the Auditor of Public Accounts, Auditor Janssen. I'm feeling a little under the weather, so if I get into a big coughing spell Mary Avery is here from the Auditor's Office, who knows way more than I do so to take over. Also, if there's any more detailed questions we will ask Mary to come up after me. As Senator Murante stated, our omnibus bill last year was vetoed because of this per diem bill that was included in the omnibus bill. We are in favor of having a per diem because it takes our office a huge amount of time to go through all of these receipts from McDonald's to make sure that it's a \$5 Quarter Pounder, that somebody hasn't bought a beer at a restaurant. It just takes a lot of time and to what end, I guess is the question. Not to say that the federal government does everything right, but they use the GSA rate. We would be neutral on the part about DAS making it a percentage of GSA, because that is just not our jurisdiction. We would be fine with whatever they do and we would audit to that number that they would want us to. But, again, we are in favor of just having a per diem, getting away from so many different people having to go through these receipts over and over and over. And part of the...there isn't...wouldn't be a cost savings per se because of...we wouldn't really save a person of time, but we would be able to have them do things like audit instead of going through so many handwritten receipts and things. So if there's any questions, I'd be glad to try to answer them. [LB426]

SENATOR HILGERS: Thank you, Mr. Karpisek. Any questions? Seeing none. [LB426]

RUSS KARPISEK: Does anyone...would you want Mary to come up and talk more about how much of this we have to do? You can always find us. Thank you, Senators. [LB426]

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SENATOR HILGERS: Thank you, sir. Any other proponents for LB426? Any opponents for LB426. Mr. Daley, welcome back. [LB426]

FRANK DALEY: Well, thank you very much. It's odd to be here on a bill like this. My name is Frank Daley, D-a-l-e-y, I serve as the executive director of the Nebraska Accountability and Disclosure Commission and I'm here to express the commission's opposition to LB426. And please understand, I think this is a bill intended to go in a direction which will solve a long-running gun battle, but I'm not quite sure that it does it the right way. As you may know, currently state employees are reimbursed for actual expenses. And in some statutes actual and necessary expenses is the level of reimbursement. As was discussed, last year there was a bill to change that to a per diem type of reimbursement. I agree completely with the concept that if we went to a per diem that would be a lot cleaner. We wouldn't be dealing with multiple receipts and so forth. The commission is fine either way. However, I think there are two issues with this bill that you need to know about. Number one, the Department of Administrative Services, according to the bill, would set the reimbursement rate based upon a percentage of the General Services Administration per diem rates. They could be very generous and set the reimbursement rate at 150 percent of the GSA rate and that would be very good for state employees, that would be terrible for state government and taxpayers. They could set it at 15 percent of the GSA rate. And I think my problem with that is that I have complete trust and confidence in the people that are currently here making those decisions, but I don't know who's going to be sitting in their seats in the future. And my concern is that state employees are correctly treated. So that's one issue with the situation. The second concern I have is that I think it is up to the Legislature to delegate or determine by statutes how state employees are going to be reimbursed. And I think the effect of this particular bill is that it delegates that authority first to the Department of Administrative Services to, in essence, set those rates. And the second component is that it secondarily delegates to a federal department to set those rates, because DAS is going to take a percentage of something set by the federal government. So those are my concerns. I like the idea of moving to a per diem system in some way, shape, or form. I'm not quite sure this is the approach, but I did want to throw in what some of the other state agencies kind of have a concern about. I recognize LB426 is well intended and a creative way to attempt to solve this problem, so I do appreciate the efforts that are made there. And then finally, since I gather this is my last appearance before the committee this year, I do want to thank you for all of your questions and your consideration and your courtesy. Thank you. [LB426]

SENATOR HILGERS: Thank you, Mr. Daley. Any questions for Mr. Daley? Senator Wayne. [LB426]

SENATOR WAYNE: It just popped in my head when you said that. Do any state departments-- and maybe it was a question I should have asked the previous one--use the federal IRS rate for like travel? [LB426]

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FRANK DALEY: Yes, but here's the difference. The Department of Administrative Services regularly updates...in other words, they look at it and they make the decision. Now, they may base it upon the IRS rate, but they can theoretically, I suppose, set it at anything they wanted to. But they take specific action each time. [LB426]

SENATOR WAYNE: All right. Thank you. [LB426]

SENATOR HILGERS: Thank you, Senator Wayne. Any other questions? Mr. Daley, I have one question. I appreciate you raising those concerns. Do you think that there's a way to solve them through (inaudible) some of the discretion, because I take both concerns to be a little bit that there's...you could allow discretion from individuals in the future that's sort of unbounded. Do you think that there's a way that we could limit the discretion in a way that would... [LB426]

FRANK DALEY: If you said within so much percent or something like that, you know, it shall be no lower than 85 percent or that sort of thing. Again, if this bill were to pass, I know that in the foreseeable future we would have reasonable reimbursement rates set. I have no doubt about it, whatsoever. But who knows? [LB426]

SENATOR HILGERS: Well, thank you. And for all the members of the committee, we appreciate all your comments and thoughtful consideration throughout the year. Thank you. [LB426]

FRANK DALEY: Thank you one and all. [LB426]

SENATOR HILGERS: (Exhibits 2, 3) Any other opponents on LB426? Anyone wishing to testify in the neutral capacity? Seeing none, Senator Murante waives closing. But he comes back...oh, that's right. We've got...we do have two letters in support from Stan Carpenter from the Nebraska State College System and David Lechner on behalf of the University of Nebraska. Senator Murante, I understand you want to take LB421, LB422, and LB423 together? [LB426 LB421 LB422 LB423]

SENATOR MURANTE: That is correct. [LB421 LB422 LB423]

SENATOR HILGERS: Okay, please proceed. [LB421 LB422 LB423]

SENATOR MURANTE: I think the proper title for these bills would be...for the record, my name is John Murante, J-o-h-n M-u-r-a-n-t-e, I'm the state senator for District 49. I think the proper title for these bills would be a bill for an act related to giving the Government Committee

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shell bills in the case that we need them at some point. None of these contain any substantive policy changes whatsoever. They are just here as vehicles for any legislation that we may need at some point. So that's what they are and I would be happy to answer any questions that you have on these bills. [LB421 LB422 LB423]

SENATOR HILGERS: Thank you for your opening on LB421, LB422, and LB423. Is there anyone wishing to testify, proponent, opponent, or in the neutral capacity of these shell bills? Seeing none. [LB421 LB422 LB423]

SENATOR WAYNE: You just missed the questions. Is that how we do this now? [LB421 LB422 LB423]

SENATOR HILGERS: On the last day. Senator Wayne, I am the Acting Chair. [LB421 LB422 LB423]

SENATOR WAYNE: Well, now I don't...well then, I won't ask a question. [LB421 LB422 LB423]

SENATOR HILGERS: My apologies, Senator Wayne. Do you have a question? [LB421 LB422 LB423]

SENATOR WAYNE: I'll wait until closing. [LB421 LB422 LB423]

SENATOR MURANTE: I can almost assure you that's not going to happen. [LB421 LB422 LB423]

SENATOR WAYNE: No question. [LB421 LB422 LB423]

SENATOR HILGERS: Senator Blood, do you have a question? [LB421 LB422 LB423]

SENATOR BLOOD: Yes. Are we finished? [LB421 LB422 LB423]

SENATOR HILGERS: About. Do you have a question? [LB421 LB422 LB423]

SENATOR BLOOD: That was my question. [LB421 LB422 LB423]

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SENATOR HILGERS: Almost. We're close. Seeing no...and you waive closing, officially. There's no letters. That closes our hearing on LB421, LB422, LB423, and that ends our public hearing for the day. Thank you. [LB421 LB422 LB423]