

LEGISLATIVE BILL 850

Approved by the Governor August 06, 2020

Introduced by Pansing Brooks, 28; Bostelman, 23; Brewer, 43; Linehan, 39; Lowe, 37; Scheer, 19; Williams, 36; Hunt, 8; Hansen, M., 26; Blood, 3.

A BILL FOR AN ACT relating to government; to authorize placement of a monument to the First Regiment Nebraska Volunteer Infantry at the Fort Donelson National Battlefield; to provide duties for the Secretary of State; to create a committee; to provide for termination; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds that:

(1) In February 1862, the Battle of Fort Donelson was fought in the woods of northwestern Tennessee. On February 13, Brigadier General Ulysses S. Grant's Union army laid siege to Confederate fortifications surrounding the town of Dover, fortifications that guarded the vital Cumberland River route to Nashville. Bottled up in their trenches were thousands of Confederate defenders;

(2) Grant's army had failed to break the Confederate lines during brutal fighting on February 13. The next day, February 14, Union gunboats on the Cumberland River were repulsed by Confederate cannon firing from the shore. In the meantime, Union reinforcements reached the battlefield, including the First Regiment Nebraska Volunteer Infantry. That night, while both armies slept fitfully and snow fell upon the camps, Confederate generals hatched a plan for their army to break out of encirclement and to escape to open countryside. The First Nebraska would help ensure that the Confederate army would not escape, and made an important contribution to the first decisive Union victory of the Civil War;

(3) At dawn on February 15, the Confederates assaulted the Union army's right and forced the blue-clad soldiers into headlong retreat. By mid-morning, the Union line had been broken. Just as the Confederates seemed poised on the brink of victory, Brigadier General Lew Wallace ordered up the First Nebraska, several Illinois and Ohio regiments, and two cannon batteries to block the Confederates' decisive attack. When the attack came, reported Private Thomas Keen, the First Nebraska soldiers "kept up a terrible fire on them" for three quarters of an hour and the enemy withdrew in confusion. The Nebraskans' performance in their first battle drew General Wallace's praise: "The (First Nebraska) met the storm, no man flinching, and their fire was terrible. To say they did well is not enough. Their conduct was splendid. They alone repelled the charge.";

(4) After the Confederate attack had been turned back, Grant ordered Union troops at the other end of his line to charge enemy trenches from which troops had been withdrawn to join the morning breakout. This charge captured part of the Confederate lines, giving the Union army the upper hand. The next morning, the Confederates surrendered, netting Grant a dramatic victory along with an estimated sixteen to seventeen thousand rebel soldiers as prisoners of war. General Grant earned his moniker "Unconditional Surrender" Grant from this battle;

(5) Civil War historian Bruce Catton called the Battle of Fort Donelson "one of the most decisive engagements of the entire war." It was a devastating blow to the Confederate strategic position in the western theater, and Nashville soon became the first rebel state capital to fall to Union forces. Moreover, Grant's success at Fort Donelson brought him to national attention. He would go on to command all Union armies by 1864; and

(6) Nebraskans can be proud of their regiment's role in this pivotal Civil War battle. The members of the First Nebraska deserve a monument at the battlefield commemorating their actions.

Sec. 2. The Secretary of State shall submit to the United States Secretary of the Interior, as administrator of the Fort Donelson National Battlefield pursuant to 16 U.S.C. 428f and 428o, or the superintendent under 16 U.S.C. 428f, as such sections existed on January 1, 2020, for his or her review, a written request to approve and authorize the placing of a monument within the boundaries of the Fort Donelson National Battlefield as such boundaries are set forth in 16 U.S.C. 428p, as such section existed on January 1, 2020, commemorating the First Regiment Nebraska Volunteer Infantry in the Union victory at the Battle of Fort Donelson. If the request is approved and authorized by the Secretary of the Interior or the superintendent, as applicable, the secretary or superintendent and the First Regiment Nebraska Volunteer Infantry at Fort Donelson Committee, created pursuant to section 3 of this act, acting on behalf of the State of Nebraska, shall enter into an agreement for placement of the monument.

Sec. 3. (1) The First Regiment Nebraska Volunteer Infantry at Fort Donelson Committee is created. The purpose of the committee is to provide for the creation, production, transportation, installation, and unveiling of the monument. The committee shall consist of: An employee of the Nebraska State Historical Society appointed by the Secretary of State; two members of the

public who are members of a local Civil War round table organization appointed by the Secretary of State; a professor of history from the University of Nebraska appointed by the Secretary of State; and the Chairperson of the Government, Military and Veterans Affairs Committee of the Legislature or his or her designee.

(2) The members of the committee shall elect a chairperson and vice-chairperson from among its appointed members during the first meeting. A member may be reelected to serve as chairperson or vice-chairperson. The committee shall meet at least twice each calendar year. A majority of the members of the committee shall constitute a quorum.

(3) The committee may conduct its meetings by telephone conference call or videoconferencing, if practicable.

(4) The First Regiment Nebraska Volunteer Infantry at Fort Donelson Committee shall, in conformance with regulations of the Fort Donelson National Battlefield:

(a) Select a designer, sculptor, and mason, as appropriate, to create a monument and approve the design of the monument;

(b) Approve the production of the monument;

(c) Approve the method of transportation of the monument to the battlefield and its installation;

(d) Approve the unveiling ceremony for the monument; and

(e) Approve any other action the committee determines is necessary to achieve its purpose.

(5) If there is a vacancy on the committee, the Secretary of State shall fill such vacancy by appointing a member to serve during the unexpired term of the member whose office has become vacant.

(6) Members of the committee shall not be paid.

(7) The committee shall issue electronically a report to the Government, Military and Veterans Affairs Committee of the Legislature on the progress of the creation, production, and installation of the monument and any other information the committee deems necessary before December 31 of each year.

(8) The committee shall terminate upon the completion of its purpose.

Sec. 4. The purpose of the First Regiment Nebraska Volunteer Infantry at Fort Donelson Committee shall be funded by gifts, grants, bequests, donations, and other privately donated funds and administered by a private foundation. No general funds of the state shall be expended for the purpose of sections 1 to 4 of this act.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.