

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Appropriations Committee February 28, 2023

**CLEMENTS:** Great. My name is Rob Clements. I'm from Elmwood and represent Legislative District 2, which is Cass County and eastern Lancaster County. I serve as Chair of this committee. We will start off by having members do self-introductions, starting with my right.

**WISHART:** Senator Anna Wishart, District 27, Lincoln and Lancaster County.

**VARGAS:** Looks like I should introduce the rest of the senators. Tony Vargas, District 7, downtown/south Omaha.

**CLEMENTS:** We will let these introduce themselves. Loren, would you introduce yourself?

**LIPPINCOTT:** Mr. Lipincott, District 34.

**ERDMAN:** Steve Erdman, District 47.

**CLEMENTS:** Thank you. Assisting the committee today is Tamara Hunt, our committee clerk. And to my left is our fiscal analyst, Nikki Swope. Our page today is Kate from Kansas, a UNL student. At each entrance, you'll find green testifier sheets. If you're planning on testifying today, please fill out a green testifier sheet and hand it to the committee clerk when you come up to testify. If you will not be testifying but want to go on record as having a position on a bill being heard today, there are white sign-in sheets at each entrance where you may leave your name and other pertinent information. These sign-in sheets will become exhibits in the permanent record after today's hearing. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please silence your cell phones and electronic devices. Move to the front chairs when you are ready to testify. The order of testimony for bills will be introducer, proponents, opponents, neutral, and closing. When we hear testimony regarding agencies, we will first hear from a representative of the agency. Then we will hear testimony from anyone who wishes to speak on the agency's budget request. When you come to testify, spell your first and last name for the record before you testify. Be concise. We request that you limit your testimony to five minutes or less. Written materials may be distributed to the committee members as exhibits only while testimony is being offered. Hand them to the page for distribution when you come up to testify. And our other page is Malcolm from Omaha, UNL student. If you have written testimony but do not have 12 copies to distribute, please raise your hand now so the

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page can make copies for you. Now, we-- we will begin today's hearing with Department of Veterans' Affairs, Agency 28. Welcome.

[AGENCY HEARINGS]

**CLEMENTS:** We're going to switch to bill hearings today, and we'll welcome Senator Aguilar. But would you give us a couple of minutes here to get our notebooks switched over?

**AGUILAR:** Thank you, Chairman Clements. Members of the esteemed Appropriations Committee, my name is State Senator Ray Aguilar, and that's spelled R-a-y-- OK.

**CLEMENTS:** The clerk needs to give us some of our notebooks. This is just the budget here, this book. That's \$5.5 billion there.

**AGUILAR:** I remember where I was.

**VARGAS:** Give or take.

**CLEMENTS:** [LAUGH] Give or take. All right. I believe we're ready. We'll open the hearing for LB80, Senator Aguilar.

**AGUILAR:** Thank you, Chairman Clements. Members of Appropriations Committee, my name is Ray Aguilar, and that's spelled Ray, R-a-y, Aguilar, A-g-u-i-l-a-r. and I represent the 35th Legislative District. Today I'm here to introduce LB80, which is a bill designed to acquire \$8 million in funding for the renovation and upgrading of the Grand Island Veterans Cemetery. There has been a need for an upgrading Grand Island Veterans Cemetery for a long time. When I am finished with my opening statement, Don Shuda from the Hall County Veterans Service Office will describe the long process that he and many others have gone through to attempt to acquire the funds on both the state and federal level. He will also show design plans for the project. My mission today is to explore possible funding mechanism for this bill. As originally written, LB80 was designed to draw \$8 million from the General Fund. After the Governor's initial \$2 billion budget was released, we learned that the Governor said there would be no room for this project to be funded from the General Fund. I am introducing amendment AM605 which changes the General Fund language of LB80 to the Nebraska Veterans Aid Fund. Along with the amendment, I have included a handout describing what the fund is and how we could possibly use it for this project. The Nebraska Veterans Aid Fund was established back in 1921. It is an obscure fund that was established to assist veterans and their dependents who are experiencing financial hardships. There is currently \$58 million in that fund. On page 2 of the handout is an

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email from Bill Drafters to my office showing possible routes that would go to fund LB80. One would-- one would be to use amendment AM605, as we have done, then attach an A bill which would divert the money from the Veterans Aid Fund. There would be two other routes listed in this email, but both involve taking money from the General Fund. Page 4 of the handout is an email from the Fiscal Office suggesting we take funds from the Cash Reserve Fund and transfer them to the Nebraska Capital Construction Fund. I will be meeting with Governor Pillen later this week to discuss a possible path forward. Colleagues, I ask that you consider whether to support this bill, as well as how to fund it, that we don't forget the underlying purpose of LB80. The men and women who will benefit the most from this bill are no longer with us. These are men and women who made the ultimate sacrifice to protect our freedoms and our way of life. When our country asked for their service, they bravely stepped up to answer the call. They gave us-- gave us their all. We owe them nothing less. I asked the committee to advance LB80 to the floor and show the Governor there is a strong desire in this body to move this project forward. I thank you for your time and I will attempt to answer any questions that you may have.

**CLEMENTS:** Are there questions from the committee? Senator Armendariz.

**ARMENDARIZ:** Thank you, Senator. Thank you, Senator, for being here. I don't know if you can answer this.

**AGUILAR:** Could you get a little closer to the mic? I have trouble hearing.

**ARMENDARIZ:** Yeah, sorry. Can you hear me better? I'm not sure if you can answer this, or the testifier after you, but transferring the money from the Nebraska Aid to the Veterans Fund [SIC]. Do you have a lot of support from those veterans that might take advantage of that fund?

**AGUILAR:** Yes, we've explored all those options. We've talked to every group we could talk to, and they're all very much in favor of it.

**ARMENDARIZ:** OK. So you have support from the veterans that they can move that over to the cemetery--

**AGUILAR:** Absolutely--

**ARMENDARIZ:** --cemetery.

**AGUILAR:** --including John Hilgert, by the way.

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**ARMENDARIZ:** OK. Thank you.

**CLEMENTS:** Other questions? That was going to be my question, too, if the Director Hilgert was supporting using the Veterans Aid Fund for this purpose. Did he indicate support for--

**AGUILAR:** Yes.

**CLEMENTS:** --for the Veterans Aid--

**AGUILAR:** Yes. Now we haven't spoken with the Governor about that, but everybody else is on board and ready to go with it, so we're very hopeful.

**CLEMENTS:** And have you research-- researched that that is a legitimate purpose of that fund?

**AGUILAR:** No.

**CLEMENTS:** But--

**AGUILAR:** All we're asking for is the--

**CLEMENTS:** --we may need to look.

**AGUILAR:** --\$8 million and it's a one-time expenditure.

**CLEMENTS:** Yes

**AGUILAR:** We're not going to ask for anything more.

**CLEMENTS:** And who is the owner of that cemetery property? Oh, we'll get that--

**AGUILAR:** State of Nebraska, I'm sure.

**CLEMENTS:** OK. We'll get that from Mr. Shuda. Other questions? Thank you, Senator Aguilar.

**AGUILAR:** Thank you.

**CLEMENTS:** Next we'll take proponents for LB80. Welcome.

**DONALD SHUDA:** Good afternoon, Chairman Clements and members of the Appropriations Committee. My name is Donald, D-o-n-a-l-d, Shuda, S-h-u-d-a. I am currently the Hall, Howard, Nance, and Sherman County Veteran Service Officer. I also serve as the chairman for the Hall

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County Hero Flight Association. Our initial purpose was to send veterans to Washington, D.C., to visit the monuments and memorials that were built in their honor on a three-day trip. However, our mission changed. In 2019, we saw an avenue to perhaps make the Grand Island Veterans Home Cemetery into a state veterans cemetery. The current ownership of that cemetery is the city of Grand Island. I am here to speak in favor of and support of LB80. And the packet that is being distributed provides information relating to the Central Nebraska State Veterans Cemetery project. Plans have already been drawn as Nebraska is well prepared to move forward in the construction of this cemetery. There already exists the former Nebraska Veterans Home Cemetery, those veterans buried there. The city of Grand Island has graciously moved to donate the existing cemetery with an additional 20 acres of land for an eternal resting place for our veterans once the funds are available for construction. Grand Island is a perfect location between Omaha and Fort McPherson for family members to visit their loved ones who served this great nation. It is the ideal distance as recognized by the VA for a veterans cemetery. As we know, the VA won't allow a veterans cemetery to be built within 72 miles of each other, whether it be a state veterans cemetery or a national cemetery. LB80 has the support of the County Veterans Service Officers Association of Nebraska. Of all the service officers that attended our fall school in October of '22, there was a vote and no one opposed that motion to use the funds from the Nebraska Veterans Aid program. The desire to build or create a Central Nebraska Veterans Cemetery actually first started around 2009, so this has been a long process. When the Alliance State Cemetery project was being considered, the Alliance project was completed in 2010 with a cost below \$4 million. Today we are talking about needing \$8 million for the same size project in Grand Island. If we wait another ten years for the project to get started, we may be looking at \$16 million or more to provide veterans with a state veterans cemetery. The Grand Island project was finally proposed in 2019 with the support of then-Senator Dan Quick, who introduced LB911. That bill passed the Legislature without a dissenting vote, and Pete Ricketts, Governor Pete Ricketts signed it into law. Central Nebraska raised the 10 percent required match, which is presented-- which was presented to the State Department of Veterans' Affairs in July of '21 in the amount of \$750,000. In October of 2021, Nebraska was listed as number one on the VA priority list for funding from the fe-- feds. Last year, '22, in October, we dropped to number three, with Texas and Oklahoma moving ahead of us. There was no funding for new construction of-- of state veterans cemeteries in '21 or '22. It is my belief that Nebraska will continue to fall behind those states that are larger and have more

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veterans. I have learned that the state of New Mexico has waited ten years and is still waiting for their funds for the construction of a veterans cemetery. California has also waited several years for VA funding. When LB80 was first introduced, it was always the intention of us to use funds from the Nebraska Veterans Aid Fund account for this project. Those funds were established in 1921 in an initial amount of \$2 million. Today, as your packet does indicate, there's approximately \$58 million in that fund. And the VA-- the NVA Fund can only be used for a monthly expense in an emergency situation of a veteran or their immediately fam-- family member, which might be rent, utilities, fuel, medical bill, and burial allowances. So it's never been used for anything else. To my knowledge, this is the first time that anyone is making a request to use those principal-- that principal be used for any other purpose than what its intended purpose was. However, using it for a Nebraska State Veterans Cemetery project seems like an appropriate use of those funds. It was intended for the veterans and their families and that would be a continuation of those funds. However, those funds would only be used from the interest of it, no principal from it, no state doll-- state doll-- state tax dollars would be used. The much-needed veterans project could then move forward. I ask for your support of the passage of LB80 and allow for the construction of the Nebraska State Veterans Cemetery Project to begin in 2023, if possible, and I'd be glad to answer any questions. I could talk some more, but I see a red light's on.

**CLEMENTS:** Are there questions from the committee? Senator Erdman.

**ERDMAN:** Thank you, Senator Clements. Thank you for coming. So city of Grand Island owns this cemetery?

**DONALD SHUDA:** Yes, and when the Veterans Home closed in Grand Island, the land, the buildings and the cemetery was given to the city of Grand Island. Since that time, the building site has been transferred to the oldest group out of Lincoln here for-- for apartments and-- and the-- the apartments of the building site. The city of Grand Island still owns that cemetery. They-- they contract out the maintenance of that cemetery. So we met with the mayor and the city council members. One's present today. We met with the mayor and city council members, who agreed to donate an additional 20 acres of the existing 9-plus acres of the-- of the cemetery to create the State Veterans Cemetery. Now, from my understanding, the initial understanding was hopefully this would get done in five years. So, you know, we're already in our third year and somebody might say, well, why the urgency, why-- why rush this thing? Well, this is three, next year is four, and with adminis-- administration that changes, whether it be city council,

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city mayors, county boards or whatever, I guess I would like to ensure that this project is done with the current administration so we know that the 20 acres is going to the state of Nebraska for the 20 acres and the 9 to make the State Veterans Cemetery. There is an ordinance that was passed by the city council to approve the 20-acre transfer, plus the existing cem-- cemetery acreage. And as we know, we wait some more, it's going to increase in cost, you know, double.

**ERDMAN:** So then I can conclude from that that Grand Island's contribution is the land?

**DONALD SHUDA:** Yes.

**ERDMAN:** OK, so on-- I see the buildings here that you're going to build on the third or fourth page, page 3.

**DONALD SHUDA:** Right.

**ERDMAN:** So what about the maintenance? The ongoing upkeep and the maintenance and the utilities, who's going to pay those?

**DONALD SHUDA:** Well, once the cemetery is created, whether the VA funded it or, in this case, Nebraska funds it, the ownership and the maintenance and the jurisdiction falls under the state of Nebraska Department of Veterans' Affairs. It would be under the guidelines of upkeep, under the VA guidelines. Far as the mowing, the maintenance, the appearance of the markers and everything would still fall under the guidelines of the VA rules and regulations.

**ERDMAN:** So in your bill, you're saying this is a one-time contribution of \$8 million. So--

**DONALD SHUDA:** To build the cemetery.

**ERDMAN:** Right, so the--

**DONALD SHUDA:** Yes.

**ERDMAN:** --ongoing-- the ongoing operations has to come from somewhere.

**DONALD SHUDA:** It-- it-- what I did indicate is from the state of Nebraska, the Department of Veterans' Affairs, and I think if you look at the fiscal note on LB80, that's indicated in there. Now I don't know if you have the fiscal note. I just copied it off earlier at the office. Because they-- on the fiscal note, it talks about the superintendent of the cemetery and the maintenance workers and such.

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**ERDMAN:** All right. Thank you.

**CLEMENTS:** Other questions? Senator Lippincott. Oh.

**DORN:** I [INAUDIBLE]--

**CLEMENTS:** Go ahead.

**DORN:** --question. Thank you, Senator Clements. Thank you for being here. And maybe I-- because I was out of the room a little bit when--

**DONALD SHUDA:** Sure.

**DORN:** --Senator Aguilar testified, but you're talking of a one-time General Fund appropriation of \$8 million with this bill.

**DONALD SHUDA:** Correct. But-- but since there's the L-- or, excuse me, the amendment of AM605, the amendment says from the Nebraska Veterans Aid Fund.

**DORN:** Yes, that's-- that was what I wanted clarification on.

**DONALD SHUDA:** Right.

**DORN:** So you're-- you're-- you're proposing in-- with this amendment then that there wouldn't be out of the General Fund. It would be out of the State--

**DONALD SHUDA:** Nebraska Veterans Aid Fund.

**DORN:** Veterans Aid Fund.

**DONALD SHUDA:** And-- and to clarify some of that, you know, if you look in the packet I provided, it shows you the \$58 million, \$57.9 million.

**DORN:** Yeah.

**DONALD SHUDA:** And it shows you the interest earned each year. Now we're using about a million dollars of that interest for the assistance for our veterans on a monthly basis. And if you look at that, if I remember correctly, we're earning about \$2 million a year in interest. So there is more than sufficient funds to build the cemetery and still provide for maintenance on a-- veterans on a monthly maintenance-- emergency situation.

**DORN:** Well, the-- the-- maybe the positive thing for you is interest rates are going up nationally. This--



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**DONALD SHUDA:** And it won't take long to build this thing back--

**DORN:** This might increase-- yeah, that's just a--

**DONALD SHUDA:** --to \$58 million.

**DORN:** --a positive thought for you.

**DONALD SHUDA:** And-- and again, you know, we're-- we're only using about half the interest that's being earned in the fund currently.

**DORN:** Thank you for clarifying that, very much.

**DONALD SHUDA:** Thank you.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you. Thank you for being here. And that was kind of what my question was going to be, how much of the interest is used every year, and you've answered that question. Where-- where did the original money come from to fund that fund?

**DONALD SHUDA:** Well, in 1921, when other states were giving bonuses to veterans as they were discharged from the military, Nebraska chose to create the Ne-- the Nebraska Veterans Aid Fund in '21. The initial investment from the state tax dollars was \$2 million at that time.

**ARMENDARIZ:** And how do you-- trying to think of how to ask that question.

**DONALD SHUDA:** Just ask it.

**ARMENDARIZ:** Oh, I'll come back to it. You-- you anticipate to use the rest of the interest then-- to--

**DONALD SHUDA:** I'm sorry?

**ARMENDARIZ:** You anticipate to use the rest of that interest to fund the ongoing costs?

**DONALD SHUDA:** No.

**ARMENDARIZ:** OK, so the--

**DONALD SHUDA:** Of the cemetery, you mean?

**ARMENDARIZ:** So you're bringing down the--

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**DONALD SHUDA:** We're-- we're taking the \$8 million from the principal, actually.

**ARMENDARIZ:** OK.

**DONALD SHUDA:** Yes.

**ARMENDARIZ:** And that would still give you enough interest--

**DONALD SHUDA:** That still would be \$50 million, correct.

**ARMENDARIZ:** And that would still--

**DONALD SHUDA:** Correct.

**ARMENDARIZ:** --provide you enough interest--

**DONALD SHUDA:** In my opinion, absolutely.

**ARMENDARIZ:** OK.

**DONALD SHUDA:** Yes.

**ARMENDARIZ:** OK. Thanks.

**CLEMENTS:** Other questions? Senator Lippincott.

**LIPPINCOTT:** What is the acreage of the present cemetery and--

**DONALD SHUDA:** If-- I'm going to be off just a little bit, about 9.7 acres, I believe, it is.

**LIPPINCOTT:** So this would more than double, wouldn't it?

**DONALD SHUDA:** I'm sorry?

**LIPPINCOTT:** This 20 acres would more than double the present size, correct?

**DONALD SHUDA:** Correct, um-hum.

**LIPPINCOTT:** Yep.

**DONALD SHUDA:** And there's about-- there's-- there's a little over 1,400 burials in the current existing cemetery. Again, it's owned by the city of Grand Island and there's no burials being performed there currently.

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**LIPPINCOTT:** And the other three cemeteries? What's the vacancy or how much more space do they have and do they--

**DONALD SHUDA:** Well, Alliance is 20 acres in Alliance, the State Veterans Cemetery. And-- and I believe, and I'm not real sure on Omaha, it was over 100 acres, 120 maybe-- I'm-- I'm going to be off on that-- when they built that national cemetery in Omaha, yeah.

**LIPPINCOTT:** And they have extra room at those cemeteries right now?

**DONALD SHUDA:** Oh, absolutely, because Allia-- or, excuse me, Omaha is a brand-new cemetery. And Fort McPherson has room and so does Alliance. And-- and if you look at the-- the VA regulations, you've gotta project your burial usage out for about 50 years.

**CLEMENTS:** Senator Vargas.

**VARGAS:** Thank you very much. Do you know a little bit about this-- this aid from the Nebraska Veterans Aid Fund? What are the expenditures from this every single year?

**DONALD SHUDA:** I'm sorry, what-- what is spent each year?

**VARGAS:** The-- the expenditures, yeah. What expenditures--

**DONALD SHUDA:** Well--

**VARGAS:** --are coming out of this aid fund--

**DONALD SHUDA:** --yeah, the--

**VARGAS:** --every single year?

**DONALD SHUDA:** Like I'd indicated earlier, it's generating about \$2 million in interest earnings. We're using about \$1 million of that is all.

**VARGAS:** Do you-- OK. About \$1 million?

**DONALD SHUDA:** Yeah, um-hum. And that's for rent, house payment, utilities, dental, eyeglasses, hearing aids, medical bills, and burial allo-- in case the family can't afford a burial, we--

**VARGAS:** Has it been increasing, the use of those funds? Has it been a million? Is it get-- has it gotten up to a million or--

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**DONALD SHUDA:** This-- it's been pretty consistent, and it's in your packet, for the last three years.

**VARGAS:** Yeah, we saw that.

**DONALD SHUDA:** And those numbers were provided by Director Hilgert, John Hilgert.

**VARGAS:** My only concern-- I like that this is, you know, being creative about utilizing these funds. I think it's a-- it's smart-- is if-- if we take down the principal, if we start taking down the principal or we allow a new use of-- of-- of funds within this cash fund, or not cash fund but this-- this ex-- this specific fund, that we could affect the long-term interest and we might have to come back and then put General Funds towards this. That-- that's my only concern.

**DONALD SHUDA:** Well, and that is a concern and it's a good, good thought to have. And if you look at the last three years that we have had that problem and it's not been used other than-- the one year it was even 900-and-some thousand that was used. But other than that, it's-- it's around a million dollars used each year and we're generating \$2 million. And now, with the interest going up, as I think one of you gentlemen said, you know, it'll-- it'll increase that even.

**VARGAS:** Yeah. I just want to make sure that the fund that was originally intended--

**DONALD SHUDA:** Is sufficient to do its purpose.

**VARGAS:** --is sufficient to do its purpose in the long term.

**DONALD SHUDA:** It absolutely is a concern, but I-- this--

**VARGAS:** And this won't be--

**DONALD SHUDA:** I mean, if you were to ask Director Hilgert, I think he would tell you that it's all right.

**VARGAS:** Yeah.

**DONALD SHUDA:** Yeah.

**VARGAS:** Well, I want to make sure our future senators are--

**DONALD SHUDA:** Exactly. No, I don't want--

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**VARGAS:** --not looking at this fund to take away--

**DONALD SHUDA:** No, it--

**VARGAS:** --funds for some intended purpose.

**DONALD SHUDA:** --it-- it-- it's sufficient for it.

**VARGAS:** Yeah. OK. Thank you.

**CLEMENTS:** Any questions from the committee? Seeing none, thank you for your testimony.

**DONALD SHUDA:** Thank you for allowing me to be here today.

**CLEMENTS:** Other proponents for LB80?

**CHUCK HAASE:** Well, good afternoon, Chairman Clements and members of the Appropriation [SIC] Committee. My name is Chuck Haase, C-h-u-c-k H-a-a-s-e, and I'm representing the city of Grand Island in support of LB80. I'm a 15-year member of the Grand Island City Council. I'm a 22-year retired Army veteran. I'm a 45-year American Legion member. I'm a member of the Nebraska ESGR, the Employer Support of Guard and Reserve. I'm a member of the Nebraska Military Retiree Association. My wife and I are hoping to be buried in the Grand Island Veterans Cemetery, and we're asking for your support. My wife has lived in Grand Island her whole life, and I have lived in Grand Island all of my adult life. We chose Grand Island, like many veterans just like us. We choose Grand Island Veterans Cemetery for our final resting place. As a retired Army soldier, I can go two hours to the east, to Omaha. I could go two hours to the west, to Maxwell or Fort McPherson. But then what would happen is if-- when my wife and I are buried there, I'm going to have to ask my family to drive just to put flowers on my grave, four hours, two hours one direction and another two hours back. It's not ideal. What I think is ideal for our family is that across Nebraska, where you have Omaha, you drive two hours to Grand Island, which makes sense geographically. You drive another two hours to Maxwell. You could drive another two-and-a-half hours, you'd be in Alliance. Those would be the four cemetery choices, including Grand Island. The city of Grand Island has accepted the maintenance responsibility for that ten acres from the Nebraska Veterans Home. That cemetery exists today. And Grand Island has supported this all the-- all along. Every one of the community groups that I am a participant in, including the city council, supports the project. The American Legion supports the project. And on behalf of the city of Grand Island and a significant number of veterans and their families,

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we all ask for your help and your support of LB80. Thank you for allowing my testimony today.

**CLEMENTS:** Are there questions from the committee? I have one. I was told there was about \$750,000 raised for matching funds for the federal allocation. Is that money available to add to this \$8 million or will it be-- will it be used? So--

**CHUCK HAASE:** I probably--

**CLEMENTS:** --we'll have a--

**CHUCK HAASE:** --defer but--

**CLEMENTS:** --have another testifier to do that.

**CHUCK HAASE:** Yeah. I mean, I was aware of the money. My wife and I have contributed to be a part of that because the whole community is supportive of that and willing to--

**CLEMENTS:** We'll get to that later, yeah. Then Grand Island City has been maintaining this property since it was acquired.

**CHUCK HAASE:** Right. There's about 10 acres there that we've been maintaining and we're going to add an additional 20 acres that wraps around that. And if the Grand Island City Cemetery ever gets to its full capacity, which it's-- we've had that discussion many times over the last 15 years, then we'll wrap that around that as well, and so it really has-- it's ideal for planning purposes, so--

**CLEMENTS:** Well, the fiscal note says in the future it's estimated about \$210,000 of maintenance expense for a manager and staff. Is that something Grand Island would contribute toward?

**CHUCK HAASE:** I think Grand Island would support whatever the solutions are. You know, we're-- we're currently doing it now. We have other cemetery locations. The reason we hire the maintenance on that ten-acre site is because geographically it's not next to our existing cemetery and we don't have the ability to transport everything up and down on the street, so it's just easier to contract it. But as we move forward, the future looking is that we will actually be a part of that whole-- whole site and the development of that site.

**CLEMENTS:** And is the Grand Island City Council prepared to donate this land to the state of Nebraska?

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**CHUCK HAASE:** Yes, they've already-- already voted for that--

**CLEMENTS:** They have. OK.

**CHUCK HAASE:** --to do that.

**CLEMENTS:** Just wanted to get that on the record.

**CHUCK HAASE:** Yes. Thank you, sir.

**CLEMENTS:** Other questions? Seeing none, thank you for your testimony.

**CHUCK HAASE:** OK. Thank you.

**CLEMENTS:** Other proponents for LB80?

**DANIEL NARANJO:** Good afternoon. My name is Daniel Naranjo. I'm-- it's D-a-n-i-e-l N-a-r-a-n-j-o. Sometimes in our district I have people approach me about legislative issues and they've confused me for a much younger Senator Ray Aguilar, but it's all good. I am here in su-- asking for your support of LB80. Senator Clements, before I get started, the \$750,000 that was raised by the local community is sitting in the Nebraska State Veterans Administration's funds there with-- with-- with John Hilgert.

**CLEMENTS:** OK.

**DANIEL NARANJO:** The \$750,000 was asked to be raised. That was part of 10 percent of when we were approached to try to receive federal funds--

**CLEMENTS:** Yes.

**DANIEL NARANJO:** --the federal funding for this project, of which Mr. Shuda had mentioned that we were kind of put on the back burner. This may be a project that would take several years before that approval. The money is still there and it is still there for us to use once this cemetery is built.

**CLEMENTS:** OK.

**DANIEL NARANJO:** Again, my name is Dan. I have had the privilege of serving veterans' families in the Grand Island area as a funeral director for over 39 years now. The Nebraska Veterans Aid Fund, again, was established in 1921. It was to assist veterans' families and so forth. From my perspective, it assists family-- families in need of-- of-- of financial assistance for burial purposes and/or cremation. And

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so we do utilize this fund of the-- again, the \$2 million that's available, the \$1 million that was-- that was shown, that's being used partly for funeral assistance as well. Again, the current value is \$58 million and this-- the mission of the group that I belong to, which is the Hall County Hero Flight, as Mr. Shuda had mentioned, we were established to-- for all the hero flights to Washington, D.C., which-- which we sent veterans for three days, an amazing experience for them. And now our mission is turning to-- to help form this Grand Island Veterans Cemetery into the Nebraska State Veterans Cemetery. My perspective as a funeral director in the area is a little different. OK? Throughout my career in central Nebraska, we have assisted, again, many families with burials when it was the former Nebraska-- excuse me, Grand Island Veterans Home Cemetery, and that cemetery was just for burial of members of that veterans home, no other veterans, just-- you had to be a resident, which were called members, of the veterans home. As a funeral director, one of my greatest concerns when former-Governor Heineman's administration decided to move the veterans cemetery to another city was, what will happen to the over 1,400 veterans buried at the cemetery? You could move the home, but you can't move the cemetery. Again, I'm going to give you my opinion, which is very jaded when it comes to this. Currently, my funeral home, and I'm sure others, we house ashes right now of spouses of members who are buried in that cemetery, because right now the cemetery is in limbo. We cannot have any burials until this is all taken care of. The-- your Nebraska-- our-- Nebraska's Legislature, the One Hundred Eighth Nebraska Legislature, along with our current Governor, has the ability, in my opinion, to right a wrong. OK. The cemetery has been vacated for too long now. We need to do something about it. Passage of the LB80 will give authorization to utilize money which is already there. We are asking again for the expansion and development of the 20 acres, spending \$800 million-- excuse me, \$8 million, not \$800, \$8 million of the already \$58 million there that's going to be added to and so forth. The committee, the community of Grand Island, our veterans, we've done our due diligence and preparations. I appreciated Senator Erdman's comments and questions earlier about, OK, who's going to take care of a cemetery once it's built. Again, that will be through the Nebraska-- John Hilgert's office with the Nebraska Veterans Service Office. That will be part of that. So that's something we have to consider as well. But we have the cemetery already. Again, with over 1,400 veterans buried there, something needs to be done. I'm very proud of the community that raised the \$750,000, the committee that has worked diligently in trying to get this accomplished and passed. And so, again, we thank you for your attention and we just ask for the passage of LB80. Any questions?



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**CLEMENTS:** Any questions from the committee? Seeing none, thank you for your testimony.

**DANIEL NARANJO:** You're welcome.

**CLEMENTS:** We have other proponents for LB80?

**DOVER:** I guess I do have a question.

**CLEMENTS:** Oh, excuse me.

**DOVER:** Sorry.

**CLEMENTS:** Senator Dover.

**DOVER:** I don't know anything about your profession, but what's-- what's the process for moving someone who's been interned?

**DANIEL NARANJO:** It's not an easy process for what's referred to as just internment from one cemetery to another, could be quite expensive logistically, and also it would have to be handled through the state of Nebraska, whether it be a casket burial or even cremated ashes. You still have to have-- go through the legalities of disinterment.

**DOVER:** And how far would they be-- being-- how-- how are they-- would they be moved?

**DANIEL NARANJO:** I don't see that as an option.

**DOVER:** Oh, no, no. How far would they be? I just don't know how far the locations are apart.

**DANIEL NARANJO:** You know, right now, we-- we wouldn't be moving anyone. You know, once the cemetery is established, we're just going to be adding to the cemetery--

**DOVER:** Oh. Thank you. I didn't-- thank you.

**DANIEL NARANJO:** --for new burials. And that's one thing I probably should address a little bit too. The cemetery internments are much different now than they were ten years ago. You know, our cremation rate in the state of Nebraska will be about 60 percent, maybe 70 percent in some areas, so we're doing a lot more burials and entombment of ashes than we are of casketed remains, which requires less space, which will add to the longevity of a cemetery such as this.

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**DOVER:** Thank you.

**DANIEL NARANJO:** Gave you more answer than what you were asking. Sorry.

**DOVER:** No, that's good. Thank you.

**CLEMENTS:** All right. Senator Lippincott.

**LIPPINCOTT:** You mentioned ashes that are in limbo right now?

**DANIEL NARANJO:** Um-hum.

**LIPPINCOTT:** Approximately how many are there?

**DANIEL NARANJO:** In-- and I can only speak for myself. We have right around four or five. But to me, one is too many where we can't do anything with them. And, you know, the aged at the-- at the-- at the Nebraska Veterans Home that was in Grand Island, you know, their spouses may have passed several years ago. And now, with the passing of the current spouse, you know, there's-- they know they want to be buried together. We just can't do it. You know, thank God for cremation, so.

**LIPPINCOTT:** All right. Thank you for your testimony.

**DANIEL NARANJO:** OK. Thank you so much.

**CLEMENTS:** Have additional proponents for LB80?

**DOUG BROWN:** Doug Brown, D-o-u-g B-r-o-w-n. I-- I'm retired military. I used to be able to say that half my life was in the military, but now I've got so old that it's not anymore. But I was born and raised in Grand Island. All generations of my family have been in Grand Island. We're all military and we all want to rest in Grand Island. Before I came here today, I went up to visit a friend in the ICU and he's a Vietnam vet. And he said, go, ask, Chief, get 'em, I want to be buried in Grand Island. And you know what? That's the need and that's the urgency is people right now. Every day we're losing brothers- and sisters-in-arms, and we need to put them to rest. Their last deployment should be where they want to have it. Any questions?

**CLEMENTS:** Any questions? Seeing none, thank you for your testimony. Other proponents for LB80? Welcome.

**JAY VAVRICEK:** Hello, Chairman and Senators. My name is Jay Vavricek, spelled J-a-y; last name's V-a-v-r-i-c-e-k. Think the last time I

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appeared before the adminis-- the Appropriations Committee was about ten years ago when it was being sought, a funding of \$40 million to potentially remodel, upgrade and potentially relocate the Grand Island Veterans Home. So I've learned from legislation, but also I've learned that indeed public input is so important and I would just urge you to support LB80 as amended, which indicates that the site for this investment would indeed be in Grand Island. So let me speak, first off, as a former mayor a couple of times of Grand Island, private citizen before, private citizen today, but I do have a longstanding history of involvement in our community and have been working with Veterans Services in a number of ways. And where I'm going with this is the site is really hallowed ground. When you look back to the history of the Grand Island Veterans Home, the former Soldiers and Sailors Home, 140 years ago, people in my community stepped up and provided the ground, and then it was legislatively approved, and our community served that with pride for over 140 years. Since the relocation's occurred, I think the fervor and spirit of that ground is still very much alive from what our forefathers thought and inspired 150 years ago. So when you look specifically at the site, let me speak on two points, the specific site. The city of Grand Island taxpayers have invested hundreds of thousands of dollars on arterials, relocation of utilities, any number of things. It's now designated as-- as Veterans Memorial Avenue. Also, during that time, it's been the site of hundreds of events from speakers to, in fact, myself and a number of individuals brought the Vietnam Traveling Wall twice there. It's been the scene of senior high parades, [INAUDIBLE] parades, any number of things. It is revered as sacred from that standpoint of honoring veterans. In some of the comments earlier about fundraising, I'm just reminded the chapel in the former Grand Island Veterans Home was privately funded and there were different names on there of individuals that wanted to see that happen. So there's no doubt there's going to be continued memorials and other ways to honor veterans once this is approved. The importance of coming to you today is approving \$8 million from the Nebraska Veterans Aid Fund would give some certainty for development. The city of Grand Island's using 20 acres that it received from the state's endowment, and that investment's probably \$300,000 to \$500,000. When you look at the \$750,000 that's already been raised, we're proud of what's been accomplished, and that included funds from the Hall County government itself, as well as funds from the city of Kearney. And when I talk about the city of Kearney, it's been a great location to host veterans, member services there in a modern facility. It needed to occur with a modern facility, but yet the members there will go ahead and also be well served with a designation that's geographically close

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to Kearney, and the geographic location does fill a gap between Alliance and what the state has on the eastern side of the state. Specifically, I mentioned the improvements that taxpayers have made. It's close to a medical facility, St. Francis medical facility. There's also a proposed medical facility there on Capital Avenue as well. It's also near where you can have some companionship with the United Veterans Home-- United Veterans Club, and it's not too far from the VA Hospital, which is there, not too far away. So let-- let me just close with this, in that moving this forward to your colleagues for a sound decision is what we ask of you today, knowing the funds will indeed be as amended to occur from the Nebraska Veterans Aid Fund for \$8 million. It will provide the certainty to move forward, and we can then move forward with a facility you're going to be proud of. And I think lastly, it's symbolic, and I know each one of you appreciates the service and sacrifice of veterans. And, you probably like myself, have unfortunately tried to aid the comfort of a mother who's lost someone that's been killed in action, and when you see what that does and the-- the heartbreak that occurs, it dawned on me. Really, when you look at an internment or where you rest perpetually, is indeed to honor that person's sacrifice, but it's also, I think, a designation, much like Arlington. It's a home for heroes. And I think there's going to be some comfort for those people that have seen that ultimate sacrifice, from before and going forward, in a place that will honor Nebraska. So from that standpoint, please pass this forward as amended for your colleagues to determine. And finally, I appreciate your leadership and service so very much.

**CLEMENTS:** Thank you, sir.

**JAY VAVRICEK:** Thank you.

**CLEMENTS:** Any questions?

**JAY VAVRICEK:** I will-- and I digressed from my public comments, but I will leave those if you care to look at those later on, so.

**CLEMENTS:** All right. Thank you, sir.

**JAY VAVRICEK:** Thank you.

**CLEMENTS:** Are there additional proponents for LB80?

**ERIC MULLALLY:** Good afternoon. My name is Eric Mullally; that's E-r-i-c M-u-l-l-a-l-l-y. I am the Platte and Colfax County Veteran Service Officer, serving Columbus and Schuyler. I'm here in support of LB80. I'm also a member of the County Veterans Service Officer

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Association of Nebraska, and I also represent that organization at the Nebraska Veteran's Council. As Mr. Shuda indicated, our association was made aware of LB80 and the intention of using Nebraska Veterans Aid Funds for that purpose. You know, Mr. Hilgert with Nebraska Department of Veterans' Affairs has tried to get federal funding for this cemetery for the last couple of years, to no avail. And at our last conference we had in the fall of last year, it was brought before a vote and all of our membership had voted in favor of taking \$8 million from the Nebraska Veterans Aid Fund in support of this endeavor. We also discussed it at the Nebraska Veteran's Council. The Nebraska Veteran's Council is composed of members of all the different veterans organizations, American Legion, VFW, AMVETS, DAV, and many others. And at that last meeting we had, it was made one of our priority bills that we brought up on Veterans Legislative Day that we just held here at the Capitol. So there's a lot of support in favor of LB80, and I highly encourage this committee to move it forward.

**CLEMENTS:** Are there questions from the committee? Seeing none, thank you for coming. Thank you for your testimony.

**ERIC MULLALLY:** Thank you for your time.

**CLEMENTS:** Additional proponents? Welcome.

**GARY QUANDT:** Thank you, Senators. My name is Gary, G-a-r-y, Quandt, Q-u-a-n-d-t. I'm a Hall County Commissioner. I'm also a diehard veterans supporter. My dad, Clarence, was a Viet-- was a Korean War veteran. And our family has had a motto. My grandfather, my dad, we've had a motto, and I gave everyone a copy for your office. It says: Take care of your elderly and your veterans because they've already taken care of us. And that's the way I believe all Nebraskans should be. I think if you're an older Nebraskan, you probably remember Pearl Harbor and how it affected the country. Our men and women of our country stood up for our country that day. They-- like they do all the time. If you're a younger Nebraskan, you probably remember 9/11 and how the country pulled together and its veterans once again stood up for our country. I'm in support of LB80. I believe Nebraskans have already support-- always supported our veterans. I believe Nebraskans have already-- always supported our veterans in life and death, and their families. I believe it's the right thing to do. I believe, you know, the city of Grand Island's taking care of the Veterans Cemetery. Once the Veterans Home left, I believe Nebraskans left that cemetery unattended, and I believe we owe it to the-- the 1,400 veterans and their family members that are there. We owe them to step up and put this Veterans Cemetery back on the map and have our 1,400 veterans,

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plus the rest of them, be honored in the way that they need to be done. Like I said, I've been a veterans supporter all my life. You've probably seen it. I've even sat up on top of the courthouse for a while to honor our veterans, which they need to be served. I'm in support of LB80. I'm in support of the amendment to LB80, and I think it's the right thing for all Nebraskans to do in support of veterans. I'll answer any questions.

**CLEMENTS:** Thank you. Any questions? Seeing none, thank you for your testimony.

**GARY QUANDT:** Thank you. Thank you for your service.

**CLEMENTS:** Are there other proponents for LB80? Is there-- are there any opponents on LB80? Seeing none, is there anyone here in the neutral capacity? All right. Seeing none, I need to get to my positions. I have five proponent, for the hearing record for LB80, no-- one opponent and no neutrals. Oh, Senator Aguilar, welcome to close.

**AGUILAR:** I believe I'll close. Thank you. I just want to thank you for your attention today. And I definitely want to thank, publicly thank, all the testifiers, the veterans and their families, who came down to testify. It's great to see turnout like this. It-- it kind of shows what we're all about in Grand Island, what we care about and what's important to us. I went out for breakfast Sunday and a little old lady come walking by my booth and she said, Senator Ray, I have my husband at home in a vase on the mantel, he's waiting for you to pass LB80. Let's do it, guys.

**CLEMENTS:** Any questions for the senator? Seeing none, thank you, Senator. And thank you, all you veterans. We appreciate your service. We-- we very much do. And thank you for your testimony. That concludes LB80 and I can-- we will move on. I can tell.

**CLEMENTS:** All right. We'll now open the hearing for LB609. Senator McDonnell, welcome.

**McDONNELL:** Thank you, Senator Clements and members of the Appropriations Committee. My name's Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l, represent Legislative District 5, south Omaha. Today I'm here to request your support for LB609, a bill-- a bill that seeks to appropriate \$2.5 million from the General Fund to Department of Veterans' Affairs Program 511. This funding will be used to award a grant to a nonprofit organization for the purpose of completing

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construction of a memorial in Nebraska to honor the 396 military personnel who were killed in action during the Vietnam War. The Vietnam War was an important event in American history, and it is an important event for us as Nebraskans to recognize and honor those who made the ultimate sacrifice while serving their country. Currently, Nebraska is the only state without a Vietnam memorial, and this project would provide a fitting tribute to our fallen heroes. A Vietnam memorial will also help to preserve the memory of those who served, provide a place for reflection and education, attract tourists, and support local businesses in Sarpy County. By supporting this bill, we can ensure this-- that Nebraska honors its heroes with dignity and respect. You know, we're going to talk about some numbers here today. We're going to talk about 396 Nebraskans that went to Vietnam and didn't come home. We're going to talk about 40,000 that served during that timeframe from Nebraska that did come home and weren't treated, I don't think, appropriately by their government or by a number of citizens after their return. We're also going to talk about \$4.8 million that the people behind me have raised trying to come up with a-- \$7.2 million for a memorial. It's going to be a beautiful memorial, but it's not enough. It's not enough. And here they are, back, asking us now to give them \$2.5 million to have a place to go to remember those that made the ultimate sacrifice and make sure that people don't forget that sacrifice. There's a number of people going to testify after me today. And I'm honored to bring this, this legislation, but also I don't think it should be necessary that we be the last state out of 50 states to recognize their-- their sacrifice and their service to our country. I'm here to answer your questions.

**CLEMENTS:** Thank you. Are there any questions? Seeing none, thank you.

**DORN:** Senator Erdman.

**CLEMENTS:** Oh, I missed that. Senator Erdman.

**ERDMAN:** Senator-- Senator Clements, thank you. Thank you, Senator McDonnell. So where do you-- do you have an idea where this might be located?

**McDONNELL:** Yes, and-- and as you've-- we've learned over the years, as senators, we-- we write bills based on the-- it's going to be located in Papillion. They've already started construction.

**ERDMAN:** Oh.

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**McDONNELL:** They have-- this has been going on for a number of years, which also, I-- I think, is-- is a sad statement based on us as a-- a state of Nebraska, again, being the last state to have a memorial for the Vietnam fallen. But also, yes, it's-- it's ongoing right now in-- in Papillion. And they've started construction and they've raised or had pledges up to \$4.8 million to-- to complete the 7.2 memorial-- million-dollar memorial, they need another approximately \$2.5 million.

**ERDMAN:** OK. So that's why you have the 2.5 down? That would be the amount to complete it?

**McDONNELL:** Yes. And I have a spreadsheet to hand out to all of you also.

**ERDMAN:** How-- how soon will that-- what's the in-- what's the intended completion date?

**McDONNELL:** Well, as soon as possible, but they cannot continue without the 2.5. They have pledges and they have cash on hand, but they need the 2.5 from the state of Nebraska to be able to continue.

**ERDMAN:** Is there a private donation? Is that 4.2?

**McDONNELL:** Yes.

**ERDMAN:** OK. Thank you.

**McDONNELL:** And I believe it's rou-- approximately 4.8, but I'll get you the breakdown of--

**ERDMAN:** OK.

**CLEMENTS:** Other questions? Seeing none, we'll have the first proponent for LB609 come forward. Welcome.

**LISA CUEVAS JORGENSEN:** Good afternoon. Good afternoon, approach-- Appropriations Committee. My name is Lisa Cuevas Jorgensen, L-i-s-a C-u-e-v-a-s J-o-r-g-e-n-s-e-n. I'm the vice president of the Nebraska Vietnam Veterans Memorial Foundation Board of Directors. I'm here in support of LB609. The completion of this memorial, which actually honors 400 Nebraskans killed in action during the Vietnam War, is an important and urgent act of honor and gratitude to the lost futures of those who were killed, the sacrifices of their families, and to our still-living Vietnam veterans. Our Vietnam veterans, whose current numbers are expected to be diminished by 50 percent by the year 2030, were denied a hero's welcome when they returned, and many today suffer



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from the effects of Agent Orange, live with addiction, suffer homelessness, and struggle with mental illness, including what we now know as PTSD. I'm the niece of a Vietnam veteran. My uncle, Raymond Olsufka, from Duncan, Nebraska, joined the Army, doing only what his country asked him to do. He served and was lucky enough to return home, where he settled in Omaha. On the outside, his life looked good. He had a good job in construction. He had a wife and two small children. He had family and friends who loved him dearly. However, the demons that came back with him from his service took their toll and he died by suicide in May 1976. Nearly 47 years after his death, our family still lives with the grief and confusion such a death can cause. While we cannot fathom the continued grief and sense of loss that the families of our Nebraska KIAs must still suffer, we have been fortunate enough to hear from several regarding this memorial. The family of Mickey Pearson, a Wausa, Nebraska, native who served in the Army, has visited the site of the memorial and supports its construction. Last night, Judy Gronborg Dierkhising, the widow of Captain Martin Gronborg, an Army helicopter pilot from Omaha, Nebraska, wrote this to George Abbott, our foundation's secretary-treasurer: Hi, George. This is Judy Gronborg Dierkhising. I've been very ill with COVID and unfortunately missed the noon deadline today to get my comments into the bill by noon today for tomorrow's hearing. I pulled myself out of bed to get the support comment entered and just realized I missed the opportunity. If I had made the deadline, this is what I would have said. We, as a Nebraska family who has had our loved one killed in action in 1971 on his second tour, urges you to support LB609. My husband, Captain Martin Gronborg, flew helicopters and was so proud to serve his country. The completion of the memorial is important for all the families who had a loved one die, but also for the many Nebraska veterans who served and did not come home to a warm welcome for their sacrifice. It is time to let all our veterans know how much Nebraska appreciates their service. Martin's family has grown with grandchildren and great-grandchildren. All know about Grandpa Marty and all the stories he shared. The memorial, with its many educational components, will keep alive knowledge of the Vietnam War and the Nebraskans that served for generations to come. Thank you for your support. Judy Gronborg Dierkhising and family members. As you've heard, Nebraska is the only state which does not have a dedicated statewide Vietnam War veterans memorial. This bill, this appropriation, will change that. We've all heard the military ethos "Leave no man behind." This memorial is meant to leave no Nebraska Vietnam veteran behind. This memorial will provide a lasting visual acknowledgment of the sacrifices made by those lost and the sacrifices made by their families. This memorial

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will provide a reverent space for those still living to come and reflect and hopefully experience some healing. This memorial will provide a historical record and an educational experience so that we and future Nebraskans will never forget our heroes of the Vietnam War. It is my hope that you will join us in this effort and support LB609. Thank you.

**CLEMENTS:** Thank you for your testimony. Are there questions from the committee? Seeing none, thank you. Are there additional proponents for LB609?

**THOMAS BROWN:** Good afternoon, members of the Appropriations Committee and Senator Clements. My name is Thomas Brown. I am the president of the Nebraska Vietnam Veterans Memorial Foundation. That's Thomas, T-h-o-m-a-s, W., Brown, B-r-o-w-n. I am here to ask for your support for LB609. I am asking you to support this bill, which will help to complete the Vietnam veterans memorial which will be located in Papillion, Nebraska. The memorial will honor the 396 Nebraskans killed in Vietnam and the 4 Nebraskans killed in the sinking of the USS Evans. This will be a dedicated statewide memorial honoring Nebraska's Vietnam veterans, including U.S. Army Major Dale Buis, a native of Pender, Nebraska, the first Nebraskan killed and the second American killed in Vietnam. To date, Nebraska is the only state that does not have a dedicated Vietnam memorial. I am a combat Marine veteran with 24 months served in Vietnam. I have been involved with this project from 2017 until the present. This is a \$7.3 million project and LB609 will appropriate \$2.5 million in assistance to complete this project. Fundraising has been extremely difficult since the pandemic in 2020. During the past seven years, the Nebraska veteran population has declined from 144,000 to 113,000 in 2022. According to the Governor, every state surrounding Nebraska has lost from 2 to 12 percent of their veteran population, while Nebraska has lost 21 percent. I urge you to support LB609 to affirm your respect and value for veterans, especially those who were so poor-- poorly treated upon their return. We are an aging group of veterans in our 60s and 70s and we need to be able to build this memorial as soon as possible. In the last year and a half, we have lost two of our board members, one to a stroke and the other to leukemia. Both were caused by exposure to Agent Orange. Over 34,000 Vietnam veterans nationwide have died from Agent Orange exposure. To get-- today, as we speak, our secretary-treasurer is at the U.N. embassy getting a heart valve replacement. Damage to his heart is attributed to Agent Orange he was exposed to during the war. I myself am 77 years old and also suffered from Agent Orange-related health issues. The completion of this memorial is an important part of the healing process for our veterans healing from the visible and

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invisible injuries that we have sustained. Please support this bill that we, who were doing what our country asked of us but then did not receive the acknowledgment we had hoped, can be recognized and stand proud of our service. This memorial will become an important destination site in Nebraska, as well as a Nebraska State memorial. We would like to begin construction of the memorial in June or July of this year and open on March 29 of 2024, which is National Vietnam Veterans Day. Thank you for your time and consideration.

**CLEMENTS:** Thank you, sir. Thank you for your service. Are there questions from the committee? I'll just give you one comment for myself.

**THOMAS BROWN:** Sure.

**CLEMENTS:** I was eligible for the Vietnam Draft in 1973, but President Nixon ended the draft and spared me by three months. And you guys who served in my place, I salute you and thank you very much for your service and for your testimony.

**THOMAS BROWN:** You're welcome, sir. Thank you.

**CLEMENTS:** Next proponent.

**DAVID BLACK:** Senator Clements, thank you very much. My name is David, D-a-v-i-d, Black, B-l-a-c-k. I didn't intend to testify today, so I don't have a handout for you. But I'm the mayor of city of Papillion and I-- I get emotional on this topic, so forgive me. I also represent the United Cities of Sarpy County, which is Bellevue, La Vista, Gretna, Springfield, and-- and Gr-- well, five-- and Papillion, and they're in support, as well, so I'm speaking on behalf of both. Just a couple of thoughts I had as I was sitting out there, one is some of the other testimony on the earlier bills reminded me of a couple things and one was tourism. Some of the best memorials in-- I think in the nation are in our small towns across Nebraska. We've been accumulating a list of those, and that's a tourism activity of itself to go see those, Palmer, Nebraska. I mean, they're in the small towns. And Papillion had two young men that were killed in Afghanistan, and we started building our own little memorial because we didn't want to forget, and we've been doing incremental enhancements to that every year with-- with our city dollars. And it's now about ten years old, very mature, and we think it's one of the best in the state. But when the Vietnam Veterans Memorial Foundation, they-- they had started doing-- they had to come up with a design. They were doing site selection. I think they'd had pledges of about \$1,000,000. And that's

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about the time Papillion was introduced to them. And very quickly, we got on board with their vision and that we needed to honor the Vietnam vets. I'm not old enough for the-- for the-- for the draft. I was the first year of Selective Service, so I was in that gap. But I'm old enough to remember the names scrolling by on the TV every night. So when they talk about the 396, it-- that rang a lot of bells? And then so with that, very quickly, when we started understanding their vision, the city of Papillion, we thought, had an ideal site. We have a couple of acres. If you're familiar with Papillion, it's about 108th and Highway 370. We have an outdoor amphitheater that seats about 1,500 people, 300 permanent seats, SunTur Amphitheater. It's three miles from the Omaha National Cemetery, which is in our jurisdiction, and it's one mile from the newest VA community living center, which there's only two of those in Nebraska, and we just opened that in the last year. So for a lot of reasons, we thought it was an ideal location. And very quickly we partnered with the foundation and we agreed to donate the land, so there's no cost of the land in this figure. And there was a lot of conversation in the prior things about trails in cemeteries, about maintenance; we put money into these things, but then we forget about them. The city of Papillion has already signed a 50 year memo of understanding, unanimously approved by the City Council and the foundation's board, for the contribution of the land, but the foundation will do the capital raise, do the construction, and then our Parks Department will maintain it under that 50-year memo of understanding, and the foundation will raise a little bit of money for an endowment. In case there's ever any issues on the-- on our side that we can't fund it, the endowment will help that, but our parks department will do the maintenance of it. So a long-term relationship, we've donated the land, we're agreeing to the maintenance, and then outside of the agreement-- it wasn't called for-- we've-- are-- we-- we contributed another-- we committed another \$200,000 to the project as well. If you think about the location, why Papillion, a one-hour drive time from this location covers 100 percent of Omaha and Lincoln, I-80, I-29, but Scribner, Tekamah, Auburn, Tecumseh, Crete, David City is kind of that one-hour radius, so, I don't know, 85 percent of the state's population probably right in that area. One thought I had, though, is if there would be a need for an amendment, kind of a friendly one, I think the-- the bill is written that it's for a not-for-profit for a Vietnam memorial. I think the only concern I would have is the bill gets passed and the Department of Veterans Affairs sees this appropriation and they start a grant program that people have to do an RFP and apply for and that type of thing. If there'd be an amendment that maybe would be specific to a-- to a shovel-ready public-private partnership, I think that

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would then tie it to this project. So they had raised \$1,000,000 and then that was the point. We signed the 50-year memo of understanding. That was in 2020. Just since 2020 to now, because of that partnership, they've gotten to the \$4.95 million. And then the reason for the 2.5, that originally would have covered the project, but you think of the last two years, supply chain costs going up and all that, that's what a lot of that 2.5 is. So if we get that 2.5, it's ready to start. We've already ordered a lot of the granite. And a key part of the story, I think-- well, I see it's red, so I'll stop.

**CLEMENTS:** Are there any questions? Senator Erdman.

**ERDMAN:** Thank you. Thank you for being here. Thank you for your comments. There is a memorial. There's a cemetery, a memorial in Bridgeport. Senator Clements has seen that. That's an outstanding memorial. If you haven't seen it or looked at it, take a look, Bridgeport Cemetery.

**DAVID BLACK:** Yep. We've actually been growing-- because there are so many in the state, and we've learned that, in our-- we have a website up for our own Veterans Park, Papillion's Veterans Park, dot-org, And we've started a list of all of the veterans parks in Nebraska just because there are so many. It's a gem and I don't think people understand it.

**ERDMAN:** Yeah, it's nice.

**CLEMENTS:** So this says awarding grant to a not-for-profit organization. Is that how you prefer it, to be left that way?

**DAVID BLACK:** Well, the-- it is the Nebraska Vietnam Veterans Memorial Foundation, and they are a not-for-profit, so the bill's correct. I just put a little bit of my cynical hat on. Once it gets through the committee and to the floor and it's passed, I could see an agency saying, well, we just got a \$2.5 million appropriation for a grant to a not-for-profit and they develop a whole program now for an RFP and you've got to apply for it, you gotta qualify. Our intent is, if this passes, we're ready to start, so I think there's an amendment that just clarifies it's to a not-for-profit, but it's for a shovel-ready public-private partnership. I think that would then tie it specifically to this--

**CLEMENTS:** OK, we'll work with--

**DAVID BLACK:** --and we could get moving immediately--

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**CLEMENTS:** We'll have to--

**DAVID BLACK:** --without a worry that it might divert somewhere else.

**CLEMENTS:** Senator McDonnell will help with that. Any other questions?

**ERDMAN:** Senator McDonnell is the king of shovel ready.

**CLEMENTS:** All right. Thank you, Mayor Black.

**DAVID BLACK:** Thank you.

**CLEMENTS:** Other proponents for LB609?

**DENNY HOUSKA:** Hello. My name is Denny Houska, D-e-n-n-y H-o-u-s-k-a. I came from a patriotic family in David City. My father and his four boys all served in the service. I was in Vietnam for 14.5 months, and when I got out of-- out of Vietnam, I moved to Kearney and that's been our home for 50 years now. And I fell in love with Kearney and it's a great place. I'm representing all Nebraska Vietnam veterans from Scottsbluff to Omaha-- gotta find my time-- Valentine to Beaver City. I think when I first-- when I first saw this monument being proposed, I-- I thought just, oh, another Omaha thing, and stuff like that, and some-- sometime that gets-- gets a little bit irritating. But it-- but it's not. It's located in-- I did my research and the-- of the 400 people that were-- died and gave-- gave their all, 250 are from outstate Nebraska and 150 are from the Omaha metro corridor-- corridor there, so it's really for all Nebraskans. It's actually for more of us out-- in outstate Nebraska than it is for the-- the people thing. And it's right off I-80, easy to get at and stuff like that, so there's some things I like. I'm a proponent of supporting my local community, Kearney. Last year, I was chairman of the Nebraska Vietnam Veterans Reunion, and we hosted one of our most successful reunions in Kearney. We had 496 attendees. We had The Wall That Heals traveling wall. We had 7,200 visitors to that. We got a grant from the Koch Foundation, and we give 69 veterans a ride in helicopters, and some were like my friend Didley [PHONETIC]. The last helicopter Didley had was after he had two legs blown off by a hand grenade and the medic in his unit saved his life by taking his shoestrings out of his shoes and putting them on his two stubs. And Didley give his new lady a ride in the hel-- hel-- helicopter. It's a hell of a lot more fun than it was back in Vietnam. I'd like to thank Tom and George and the people that have put, you know, so-- so much time into doing this. And I think it's time that-- they've kind of asked me to get some outstate Nebraska support and I'm just 110 percent into this project, so I hope that you

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will consider giving of that last-- from hearing today, this is a little bit of money, \$2.5 million. You guys-- you guys have big pockets or something. And finally I'm going to say-- I'm going to give this to your clerk here. This here is the-- the tiles that they're going to put on that wall in Papillion. You buy one and there's a QR code and say, if my-- if you had a friend that got killed in Vietnam, they'll do a story on him. They'll have pictures. The QR code will tell his story forever and it'll be on this permanent tile on these things. And I-- and I would ask you, Senators, to consider going back and finding somebody from Vietnam that give their life in your district and go ahead and buy one of these tiles for that family. So I'm plugging for a little bit of money here, and I-- I thank you for your consideration and I thank you for like the service you do up here. God, this would drive me nuts, so thank you very much.

**CLEMENTS:** Are there any questions? Senator Dover.

**DOVER:** Do you know how many Nebraskans are MIA?

**DENNY HOUSKA:** I-- I can't tell you that. I-- I think the-- the three people that spoke before I did are all like smart people and I'm just a--

**CLEMENTS:** OK.

**DENNY HOUSKA:** --a vet.

**CLEMENTS:** Other questions from the committee?

**DENNY HOUSKA:** If I give this to her, could she give you a copy?

**CLEMENTS:** So, yeah, I-- I did just want to reiterate this looks like an Omaha project, but you're-- you're saying Vietnam veterans from across Nebraska are supportive of the location?

**DENNY HOUSKA:** Yeah, it-- and there-- and there's some animosity because if you take-- say like Grand Island. When we got-- we got the home there, I mean, it was like-- I went to a-- I went to the-- the VA medical clinic and they had a coffee. OK? I went up to this coffee and I said I was from Kearney and, damn, it was like I threw a hand grenade in the room.

**CLEMENTS:** Oh.

**DENNY HOUSKA:** And it was like these Grand-- from this side are b\*\*\*\*ing the vets are going to die, it's [INAUDIBLE] I lasted two

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minutes and I got out of there, so I know there's some hometown, you know, we're first, you know, due for that. But I-- I'm saying there's also lots of us out here in all of Nebraska that are Vietnam veterans and we want to come together and we want to support this project and Nebraska not be that 50th state that didn't have a-- a monument.

**CLEMENTS:** All right. Thank you for your testimony. Other proponents for LB609? Seeing none, are there any opponents on LB609? Seeing none, anyone here in the neutral capacity? Seeing none, Senator McDonnell, you're welcome to close.

**McDONNELL:** Thank you, Senator Erdman-- or, I'm sorry, excuse me, Senator Clements. So the discussion today, and-- and again, wanting to thank all those that-- that served. We made the bill as-- as narrow-- as narrow as we could with Bill Drafters. We put an emergency clause in there. We understand that the people behind us have been working on this since 2017, prior to that. And they're not fund-raisers. They're veterans and they're here to ask us for the-- that help to finally finish this project, which I think we all-- we all know and-- that they deserve, and it's about time. And I appreciate their service and I appreciate them coming down here today, and I-- I hope we can support this-- this bill to finally finish this-- this memorial to honor them and their-- their sacrifice and their service. Thank you.

**CLEMENTS:** Any questions for Senator? Seeing none, thank you. And we have propo-- position comments. We have 65 proponents, no opponents, no one neutral. And that closes LB609. Again, we thank you, veterans, for your service. Will now open the hearing for LB744, Senator Erdman.

**ERDMAN:** Thank you, Senator Clements and Appropriations Committee. I'm here today to present LB744. Before I do that, let me state and spell my name.

**CLEMENTS:** Excuse me. Gentlemen, if you're gonna visit, would you go out to the hallway, please?

\_\_\_\_\_ : Yes, sir.

**CLEMENTS:** All right. Thank you.

**ERDMAN:** My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I represent District 47 and District 47 is nine counties in the Panhandle of Nebraska. Today I present to you a bill, LB744, that is intended to set aside \$10 million each year for reimbursement for damages caused by wildlife owned by the state. I had this bill a couple of years ago, very similar; it was \$5 million a year. The damages that wildlife are



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causing are becoming more extreme, and so it is my intention to increase the amount of funding so that we can accomplish something once and help these people with the damages. Senator Brewer has a bill that is in Natural Resources that would describe and set out the parameters for disbursement of the money to pay for damages that wildlife caused. One of the issues that we continue to see is the population increase of wildlife in the state. Game and Parks is the agency that is to manage those wildlife to a degree that will not be burdensome for our taxpayers and our landowners, but that's not the case. So these animals destroy the alfalfa; they destroy the crops; they are absolutely destructive to fences, some of the elk are. We have mountain lions that are becoming a nuisance. The wildlife is rampant. And so we have, according to some reports from Game and Parks, we have about 2,000 elk in the state. And I showed you a picture there, the one on the very front. If you'll look at the very front picture, that picture was taken last week by our friend Colonel Tom Brewer from an airplane near Rushville. And if you blow that picture up, you take a chance to blow it up on your phone, there are 60 bull elk in that picture, one snapshot, 60 bull elk. So you say, wow, that's-- that's amazing. Well, in 2002, Game and Parks and the University of Nebraska done a study in that area to see how many elk could be sustained by the landowners without being cost prohibitive or invasive on people's land. That number was 600. The number was 600 back in '02. They knew that was the number that they should have under control. So I contend, if there are 60 bull elk in that one picture, there are significantly more elk than 2,000 in the state. And you'll go through, if you go to the second picture, I think it is, where all the elk are standing on the hill. That's in Chadron, Nebraska. And so I think what's happening here is that Game and Parks have calculated that Erdman has 115 days left in the Legislature, 55 this year and 60 next year, and we'll wait him out. And when he's gone, we'll continue to do what we've always done. And you would think, after five or six years of arguing, trying to convince them to do something to manage the wildlife, that we'd have made some progress, and we don't seem to make any progress at all. And so those pictures that you see, the second group of pictures there, came from a gentleman in North Platte. OK. And you would think that the wildlife damages are extreme out in the western part of the state where I live. OK. This gentleman's name is Willis Roethemeyer, and he sent me that picture, those pictures, and he concluded that the damage from the wild-- from the wildlife, from the elk was \$112,000 to his operation, \$112,000. There's a gentleman who lives near Redington, Nebraska, which is in southern Morrill County. He sustains \$110,000 to \$120,000 every year from elk. Those animals are owned by the state of Nebraska. Game and Parks is

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charged with the management of those animals. They don't have a clue how many we have. They don't care how much damage these wildlife do to the farmers and the ranchers. This year has been an extremely difficult winter. While the-- the snow has been deep, people have had to feed their cattle all winter long, that they don't normally do, and they've gotta fight keeping the elk out of their stockyards and eating their hay. Mountain lions are increasing in number. People see them all the time. And when a mountain lion killed two goats out by-- by Clinton, Nebraska, the Game and Parks game warden said it was a bobcat. I don't know about you, but bobcats don't crush goats' heads. OK. So we continue to see Game and Park turning a deaf ear to those people who have concerns about what wildlife are doing. They don't pay any attention to the damage that happens to these people; and if you look at those pictures, especially in the cornfield, you look what those elk did to that corn, that corn is on the ground. The issue with that corn being on the ground, if you put your cows out there, your cows eat too much corn and they die. So not only do you lose the corn from harvest, you also have the danger of killing your cows if you put them out there. The gentleman that lives in Redington has to feed his cows supplemental feed so they don't overeat on the corn and die, extra work, extra-- extra time, extra money. So the issue is, I would not like to have Game and Parks pay one dime of damages, not one dime. That's not the goal. The goal is I want them to manage the wildlife in such a way that we don't have to. But until we get to that point, until we get to the place where they understand the significant damage these animals are doing, we've gotta figure out a way to compensate these people for the damages that are sustaining. Think about that and put yourself in those people's poli-- position. You raise a crop, you're ready to harvest it, you go out there, and there's only 20 percent that you can get, or 30 percent, whatever it is. Some of those are worse than that. So the issue is managing wildlife like they should be managed, figure out how many you have; and in those locations where you know what the number should be, get the number to that, get it to that number. And so they're going to come up here and they're gonna-- they're gonna tell you that they're doing everything they can and they had a season during the summer and they shot so many elk or whatever, they're going to tell you. The point is, they're not interested in getting the numbers under control in a-- in an expedient manner that solves the problem. And until they solve the problem, I'm going to keep doing what I do. And they very well wait me out, they-- very well because I've got 115 days left and then it'll be free sailing for them because I don't know who else will pick it up. So I'm sick and tired of having to come and introduce bills like this to try to force them to do the job of managing the things they should manage.

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And we're gonna-- supposed to give some money to them to manage a trail. All right. They can't manage what they got. Why would we give them more money to manage a trail? So am I a little frustrated? Yes, I am, because I've been at this thing for a long time and when I get those calls from those ranchers that those cow-- those-- those elk are eating their hay, they're destroying their crops, the antelope the same way, what am I supposed to do? So I'm sorry, that's what I tell them. I'm sorry. What can I do about it? At some point in time, we're going to get to the place where these people are going to start shooting them. That's a fact because when this economy turns down and these people are having a tough time making agriculture and you're paying \$250 for hay and those elk get on your hay and you can't feed it to your cows, push is going to come to shove and they're going to do some things that they're not very proud of. So I'm asking you to take \$20 million in the next two years. Ten each year, set it aside for wildlife damages, that's all this does. And eventually they'll figure it out that once-- once they start doing what they should do, we can ease up on them, but until then, we've gotta put some pressure on them somehow. Thank you.

**CLEMENTS:** Any questions from the committee? Senator Dover.

**DOVER:** Why did you put forward a bill to have 500 ear tags instead of 236 ear tags-- or elk tags, sorry. I mean, I-- probably got more people who'd vote for that, I mean, and for-- it'd be a lot-- every-- there's a lot of hunters like to shoot an elk. And they-- and elk tastes awfully good to eat--

**ERDMAN:** Yeah.

**DOVER:** --especially if they're corn fed.

**ERDMAN:** They have-- they have been charged to-- to manage these wildlife, Senator Do-- Dover, and-- and you'll see I have a document here that shows all the-- all the permits and everything that they've-- they've issued. And so what they're doing is you have 2,100 elk, is what they say we have. We probably have 6,000-8,000. But we have 2,100 elk; we issue 550 permits. This year, they're gonna issue more and their success rate's probably 65-70 percent. So if you have 2,000 elk, say you have 2,000 and 60 percent of those are cows. Sixty percent of 2,000 is 1,200, have 1,200 elk, and-- and say 60 percent of those have a calf that make it. All of a sudden, you've got 720 new elk this year than you had last year and you shoot 380. So how does that decrease the population? You have to issue more permits and you have to kill more elk than are born so you can decrease the

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population. It's not-- it's not rocket scientist. And-- and when I was in business, when I farmed, I could never, ever manage something I couldn't measure. And if you have no idea how many you have, how do you manage it? That's a question we've been asking for five or six years. And so when we had a bill one day, and-- and Senator Chambers was here, he asked Jim Douglas, used to be the director, how many mountain lions do we have? And he hem-hawed around four or five times and Douglas-- and Ernie Chambers finally said, have you ever answered a question without talking in circles? And he said, we have 50 in the Pine Ridge area. Well, I don't believe that for a second. I mean, I have gotten calls in the last couple of weeks seeing them out in McGrew, which is by Scottsbluff, seen 'em in-- in Banner County. These mountain lions are-- are far more normal cases than they all know. When I got this information from this gentleman in North Platte, I was shocked because I thought the elk were all out in my area. This guy's in North Platte. They're moving east. There's thousands of 'em.

**DOVER:** We had elk on our farm ground by North--

**ERDMAN:** Yeah. There's thousands of them. But they'll come here and they'll tell you-- they got some story they want to tell you, and we're-- we're gonna collar some elk now. We've collared some elk, spent a million dollars putting collars on them so we can tell where they go. I mean, hey, get in your pick-up and go out there and look. They're all over out there. I mean, Brewer puts his plane up in the air last Saturday and takes a picture of 60 bull elk in one place. How hard is it to find these things? There's snow on the ground. So it's-- it's just-- it's mind boggling what we're doing. But so that's why I keep harping at the Game of Parks to start managing these things like they should and it-- it falls on deaf ears.

**CLEMENTS:** Are there questions? Seeing none, are there any other proponents for LB744? Seeing none, are there any opponents on L-- LB744?

**TIMOTHY McCOY:** Good after--

**CLEMENTS:** Welcome.

**TIMOTHY McCOY:** Good afternoon. My name's Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y. I'm the director of the Nebraska Game and Parks Commission. In re-- regards to-- to-- to the bill in front of you, I just want to point out a concern, and that concern is this is assigning funds to a program to be used as cash funds. When we look as an agency and all of those cash funds that are identified in the wildlife conservation

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program, none of those have what we can see as authority or-- or at least clear authority that can-- to be able to spend those dollars on wildlife damage, because every one of those funds in statute has-- has, you know, definitions of the-- what the agency can legally expend those funds on. And we refer to that internally on the types of things we do and how we pay for them as funding integrity, and I do think it's really important for us to do with our cash funds to follow that. Now I-- I know this is-- you know, there-- there are-- you know, the other option that's out there is General Funds, which clearly the Legislature can delegate exactly how those funds are spent, but I don't think that's the interest here, and I'm not going to belabor any of those points. I will share, you know, there are questions, questions that I just heard about permits, elk permits and where we've been and where we are. In 2019, when we started really pushing on this and we were-- we were harp-- we were issuing 122 bull tags across the entire-- entire state, 252 cow tags; 2022, we issued 228 bull tags, 745 cow tags, a to-- a total of 973 tags. We have continued to ramp up the [INAUDIBLE] elk pressure and we will continue to do that. The information that I have from my wildlife division, looking at, you know, current population estimates right now, is about 1,964 spread around the state; 793 of those are in what-- what we refer to as the Pine Ridge units, which are Ash Creek, Bordeaux and Hat Creek, with the majority of the elk being in that Bordeaux unit, has the-- the largest herd-- herd size of anywhere in the state. We're serious about staying on this, and-- and we will. I'm happy to answer any other questions the committee may have.

**CLEMENTS:** Senator Dorn.

**DORN:** Thank you, Senator Clements. Thank you for being here again. You said 743 tags total in-- in 2022. What was the success rate?

**TIMOTHY McCOY:** I don't actually have the current success rate because they haven't finalized that. Our elk season just ended at the end of January, and I'm not sought for my wildlife division.

**DORN:** Do you know what it approximately was in 2021 then?

**TIMOTHY McCOY:** No-- no, I-- the-- the success rate, what we've saw happen, as we've increased our number of permits, our success rate is going down in terms of our antlers-only permits.

**DORN:** Probably, but-- but if-- if there- I-- I don't know if Senator Erdman's numbers are right or your numbers are right that, you know, we're having in the neighborhood of 2,000, and yet you have 900 tags

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and then this mess-- success rate goes down and I'm guessing 25 percent, if you use that number, you know, you're only still getting rid of maybe 200 of those, 250 of those, and so yet the population is increasing, I guess, so--

**TIMOTHY McCOY:** We've-- from-- from our-- from our-- from-- from the-- from the estimated counts we do, which they-- you know, there never can be a complete count, you know, we-- we were looking-- you know, last August, we-- we were-- we were looking at about 2,570 elk, and so, you know--

**DORN:** 3,500.

**TIMOTHY McCOY:** Twenty-- yeah, 2,500. We-- we dropped--

**DORN:** Oh, 2,500.

**TIMOTHY McCOY:** Yeah, we-- we dropped down to 1,964, so, I mean, our-- our estimates indicate we are-- we are slowing this curve, but we're not slowing down on continuing this. We're going to be do-- doing some other work. Our wildlife division is going to be changing our elk units, making the ones with the core areas where we've had these number of elk for a lot-- lot-- lot-- lot of times smaller. We're gonna add other units around those where elk have been moving out to and, in doing that, increased our number of bull tags, and in-- especially in those other areas where we get elk occasionally, but sometimes we get groups of elk that cause big problems, and then way more-- and more cow tags in those unit [SIC]. We're-- we're not slowing down on trying to address this.

**DORN:** In our area, which is south of Lincoln down here a ways, where I live, I-- we have-- we have crop loss also from the deer.

**TIMOTHY McCOY:** Yep.

**DORN:** And some of these pictures are very vivid of what we have or whatever. We have basically whitetail, who have about this wide of horns, and yet here you have bull elk that when they go through a cornfield they have this wide of horns and the possibility of damage is, I call it, a lot greater. When you see some of these pictures, though, Senator Erdman had, and especially this one out of the plane and stuff, and-- and if there's a group of 65-some of-- and most of these are bull elk, if that's grouped up in one group-- yeah, thank you there. On the front page, that was the one he was talking about, that--

**TIMOTHY McCOY:** Um-hum.

**DORN:** I'm assuming not everything in ten-mile area come together for that picture or whatever, so there are areas out there where we definitely have a strong population, and I guess that is what I'm asking. How do we control that then, or how are you going to, other than tags?

**TIMOTHY McCOY:** Well, we're-- we continue to try and control it with tags. When we have-- when we have damage complaints, we do offer damage control permits to landowners that allow them to shoot elk and they can utilize other shooters. We've done that. We do-- we've done a lot of work on antlerless elk seasons trying to actually, with many landowners having challenges with elk, try to help guide and direct hunters that are looking to kill antlerless elk if they want them. We're-- we're going to keep-- we're going to-- we're going to-- we're going to keep moving on this. We have to.

**DORN:** Well, and-- and this is just a thought. If we--

**TIMOTHY McCOY:** Yeah.

**DORN:** --charge more to out-of-state hunters to come hunt these elk, now we have that \$10 million to appropriate out, and I'm-- I'm--

**TIMOTHY McCOY:** Well, we-- we have--

**DORN:** --I'm being comical in a way, but I'm not.

**TIMOTHY McCOY:** We have a huge demand among residents--

**DORN:** Yeah.

**TIMOTHY McCOY:** --for elk permits that-- that we can't meet, so we keep pushing-- putting those numbers up. I will say, at this time of the year, with elk, especially with snow on the ground, you actually do get a lot of herding.

**DOVER:** Yeah.

**TIMOTHY McCOY:** They-- they tend to herd up at this time of the year. This is really interesting. And the-- Senator Erdman had shared with-- this with me, I think last week when we talked, showed the-- the picture on his phone, all bulls, which is kind of unique that-- to see that big of a bachelor group, so really curious if-- I-- I assume

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that's somewhere on that boundary of the Bordeaux unit, but I'm not sure what the exact location is.

**DORN:** Thank you. Thank you for your comments.

**CLEMENTS:** Other questions? Senator Armendariz.

**AGUILAR:** Thank you. Thank you. With your current tactics, what date do you expect to have this under control to an acceptable level?

**TIMOTHY McCOY:** What's that?

**ARMENDARIZ:** What date do you have-- expect to have this under control at an acceptable level?

**TIMOTHY McCOY:** Well, I-- I would say the acceptable level is always going to be determined by the landowner indivi-- each landowner has--

**ARMENDARIZ:** Do you know what the acceptable level would be, what-- what an acceptable number of the herd would be?

**TIMOTHY McCOY:** To-- to me, an acceptable level is really, if you're gonna talk from a population level, we are-- you know, that-- that is a hard number to hit. We have landowners that want as many elk as they can have on their property, and you have a neighbor that doesn't want any. So the balancing act is private landowners in many cases have a-- control a lot of how many elk there are going to be in the landscape and--

**ARMENDARIZ:** So when it comes down to dollars being doled out by the state to recoup the damages and we don't want to do that, are we pushed in the direction of getting it under control so that we don't have to expend money to do it?

**TIMOTHY McCOY:** We are pushing every way-- I-- I mean, we've been pushing to-- more and more to get it under control and to get better at-- better ways to address the damage issues when they're occurring. We put damage biologists on the ground to try and, when those landowners contact us, to react, to help with-- them with solutions, which can be kill tags. It can be supplies to fence off or put permanent fences around bale yards or stackyards where they're storing hay. We're-- we're trying to provide all sorts of tools. We can use hazing tools that are called "son" guns that are loud noisemakers that can help scare them out in certain areas. All of those tools work better at different times of the year. Elk in corn is the time that's the most challenging because you really-- they move in, they want to



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stay in those irrigated fields, and they-- they really don't want to come out. And so we're working. We're going to keep working on this. You know, I would say our popula-- our-- the challenge on the population estimate is always going to be what the landowners will tolerate. I can tell you our elk complaints continue to be at a high level, which leads us to continue to pay attention to this. You know, an ideal place would be we didn't have any elk complaint.

**ARMENDARIZ:** So do you--

**TIMOTHY McCOY:** I'm not sure if we can get there.

**ARMENDARIZ:** Do you-- you're not sure that you can get to a goal where there would be--

**TIMOTHY McCOY:** A goal where there would-- there's zero complaints about elk because we always have the issues of-- of a landowner that wants to keep, you know, 100 and fif-- as many elk as he can on his property and his neighbor wants zero, and when they go across that fence, that tolerance line is really hard to narrow down.

**CLEMENTS:** Senator Dover.

**DOVER:** I know there are some out-of-state landowners that like buffalo-- they think that buffalo should roam free, and I'm guessing elk probably falls under there too. Do you see more of a preference of outstate land owners in Nebraska wanting to keep a lot of elk on their property?

**TIMOTHY McCOY:** We have some in Nebraska, although the-- the nonresident elk, the only way to get it's the landowner and they have to own over a thousand-- and I'd have to pull that number out of my head. It's over a thousand acres compared to what a resident would have. But we don't sell any over-the-counter nonresident tags right now in the-- in the state just because we have so much in-state demand that we try to serve the residents before we start opening that up.

**DOVER:** You have that number I quoted earlier, 236 ant-- antlerless or-- yeah, antlerless tags in 2020, but there were 1,700 applications for permits.

**TIMOTHY McCOY:** Right, right, for the-- for the--

**DOVER:** Antlerless.

**TIMOTHY McCOY:** Yeah, for the bull tags.

**DOVER:** Right.

**TIMOTHY McCOY:** Yeah. And-- and actually, we typically, on our analyst permits, on the ones that are available to the public, the other thing we-- I have to point out for you that half, about 40 percent of those tags that are for bulls and for antlerless only go to landowners. They have the-- they have a priority on that for their own separate draws with preference points. And typically many landowners can get a cow tag, you know, every year or every other year depending on the unit.

**DOVER:** Thank you.

**CLEMENTS:** Senator Lippincott.

**LIPPINCOTT:** Yes, sir. Do you need a permit to shoot a deer, elk or mountain lion on your own property?

**TIMOTHY McCOY:** Yes, you do.

**LIPPINCOTT:** Thank you.

**CLEMENTS:** All right. Regarding the 970 tags you said you had, how many applications were there-- or 970 was given out?

**TIMOTHY McCOY:** I will have to pull the-- I don't have the application information with me. I will share that with you and the entire committee on-- on what that breakdown was, because I can get you a better breakdown also on the ant-- on the landowner permits.

**CLEMENTS:** And the-- yeah, the landowner control permit, what's the limit on how many they could kill?

**TIMOTHY McCOY:** Well, we've issued those in a couple of-- couple of different ways. Right now, how we've tried to address it is we go assess the damage and the number of elk that are there and work with the landowner so they get a damage control permit. Sometimes, if there's only a little bit of damage, it may be for two elk, it may be for five, it may be for ten. They can assign-- they can identify shooters typically up to-- usually up to ten. Those are reviewed by our law enforcement officers just to make sure they're OK. There's no charge for those damage-- what we call damage control permits. They're kill tags. And then they have an oppor-- you know, then they-- they or the people they choose have an opportunity to try and kill some of those elk because one thing that we know is that sometimes just trying to get hazed doesn't work very well with wildlife. But when bullets start flying and animals start dropping, it seems to help.

**CLEMENTS:** And they leave-- they leave for other pastures--

**TIMOTHY McCOY:** Right.

**CLEMENTS:** --evidently. And what's your mountain lion control procedure currently?

**TIMOTHY McCOY:** Well, our-- we have a mountain lion response plan that we respond any time to-- to any potential, you know, complaint on mountain lions in terms of especially livestock, of course. We also, in terms of the state statute, try to make sure people are reminded that a landowner does have the right-- has the right to protect themselves and their property and they can shoot a lion if it's in the pro-- it's attacking or appears to be nearing attacking their livestock. But we've, you know, we've been tracking mountain lions and damage to livestock for probably the last 20 years. We've-- you know, livestock attacks are rare, but they do happen and, you know, there's-- one of the things we look at when we look at livestock tags is we-- we-- we do a field necr-- necropsy to really specifically look at how the animal was killed and if it's-- you know, because a lot of that un-- is-- is under the skin and the tissue. Senator Erdman mentioned a comment with a-- with a goat that we thought was a bobcat because it was-- you know, it-- their-- the width of the bite was for a goat. It was from a mountain lion, and I want to make sure that that was one that-- that we missed. There was a lion killed there. When somebody does have a lion attack, we give-- their-- one of the options they-- they can request a tag to try and kill a mountain lion. We always offer to remove the lion utilizing our staff and-- and their skills. So when I look at the nine, nine different incidents that we've had between 2014 and 2022, we've killed seven of those. Seven of those mountain lions were killed, five by-- five by us, one by a-- a-- you know, a landowner and one by the USDA Wildlife Services, which is the most recent one. We also had a couple that, by the time they found the evidence, we provided the landowner a permit, but there was really-- the-- the lion never came back, and so-- and we've had one individual who said he accidentally left his goats out and he-- he-- he-- he did not want us to try to track down the lion and kill it.

**CLEMENTS:** Is there an annual permit issued for hunters?

**TIMOTHY McCOY:** For hunters? Yes, we do-- well, only in the Pine Ridge. We have a population estimate in the Pine Ridge that's 33 lions. We should be getting a new population here soon, a population estimate soon. We know we've got some cats in the-- in the Wildcat Hills south of Scottsbluff because we-- we've got two collared lions that are in

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that area right now. And I think the last report I have is we have nine working collars on the lions in the Pine Ridge and seven in the Niobrara Valley. We've been trying to do work in the Niobrara Valley because we know that there's reproduction happening there and we're trying to come up with population estimates to set a season.

**CLEMENTS:** All right. Other questions from the committee? Seeing none, thank you for your testimony. Is there any other opponent on LB744? Seeing none, is there anyone in the neutral capacity? Seeing none, you're welcome to close, Senator Erdman.

**ERDMAN:** Thank you, Senator Clements. Here is the-- here is the answer for the permits issued in 2000 [SIC] and the success rate. They issue-- they had applications of 5,654 and they issued for-- 147 for bulls and 354 for cows for a total of 501. And the harvest rate, the percentage was 134 on the bulls, 209 on the cows, for a success rate of 343, or 67 percent, 67 percent success.

**CLEMENTS:** What year was that?

**ERDMAN:** 2020.

**CLEMENTS:** 2020, oh.

**ERDMAN:** So the good news is they-- they get applications on 5,654 and there's a cost to make the application and they keep the money. They keep all the money. They don't send it back. So if you send your money in and you don't get selected, they don't send your application fee back. They keep it. Works pretty good. So, Senator Armendariz, you heard him say that they'll probably never get to the place where there'll be no plain-- no complaints. I contend, if these animals belong to the state and a person has ownership of private property and something gets onto that property and destroys what you have, you should be compensated. And the Constitution says you can't take somebody's property without fair compensation. That's exactly what the Constitution says. And if you looked at those pictures, you would conclude that they took some of that guy's property without his permission or compensation. And so at some point in time, we have to figure out how to do that. So they complain about there not being a provision in that statute for them to make that appropriation out of that-- out of that fund. Guess what? You're going to see an amendment. We're going to amend that statute so they can do that. We're going to amend it. I-- I appreciate the hint. So we're going to amend the statute so they can pay for the damages because we'll never get to the place where there's no damages and we'll never get to the place where

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the person who doesn't have any elk doesn't want any. He doesn't want any. If the guy next to him wants 500, that shouldn't be his obligation to take care of those animals because he wants them. I-- there-- this doesn't make sense what we're doing. It doesn't make sense. And so 901 permits, and so if they were successful, 67 percent, that's about 640 head. We have more elk born this year than they're going to shoot. Does the population go down or does it go up? So your question was appropriate. How are you going to get it to the number they need to be? You have to kill more than are born. That's it, simple. I've got a friend nor-- lives north of Chadron. She's called me several times. There's a mile of land lays on a snowdrift north of her house. They used to have about 30 chickens. They got three left. They call the game warden, haven't heard back from him. I wonder what happened to him. Think the mountain lion may have gotten him? I don't know. Maybe not. Maybe so. But you gotta respond when people call in, say, hey, I got a mountain lion. Maybe you should come and look. Had a guy north of Crawford had a hundred turkeys coming, eating all the feed out of his trough when he fed his heifers, trying to get rid of a hundred turkeys out of his-- out of his place. It's amazing how much wildlife we have that these people are supposed to feed so somebody in Omaha or Lincoln or somewhere else could come in and enjoy the outdoors and shoot something. Somebody is making a contribution to keep these things alive, so compensate him for it. So whatever they're doing is not working. OK? And it may be a good start, but they need to ramp it up to where they make a difference because the gentleman in North Platte, when I call him back and say, so sorry, you lost \$112,000, I'm so sorry, oh, by the way, your taxes are \$112,000, he could have paid his taxes with the money lost to the elk. I mean, it just goes on and on and on. But we'll fix that statute so they can-- we can take the money out of that account, and then they'll have something else they can't do that-- can't do this.

**CLEMENTS:** Are there any other questions?

**ERDMAN:** Thank you.

**CLEMENTS:** I had a question. Are you aware of somebody-- of people who want-- want elk on their property?

**ERDMAN:** Have I what?

**CLEMENTS:** Do you know of people who-- who invite--

**ERDMAN:** Do I know of them? Yeah, I do know--

**CLEMENTS:** --invite elk and--

**ERDMAN:** I do know of those.

**CLEMENTS:** Why do they want elk to be on their property?

**ERDMAN:** They like elk, I guess. I mean, there are people that do-- do want more elk. But you know what?

**CLEMENTS:** They're not on the crop land though.

**ERDMAN:** Yeah, they are.

**DOVER:** Oh, they are?

**ERDMAN:** Oh, yeah.

**CLEMENTS:** OK.

**ERDMAN:** Yeah. They're right next-door-- they're right next-door to the guy in Redington, you know, so what they did when they shot 'em over there, they shot him, they just chased him over his place, and he didn't care so it's OK. But in those locations where they shoot at them and they go to somebody else's property, they don't want them, either, you know, and so you go in there-- so they were-- they issued 50 permits back in '18 or '19, and they blamed it on me. I had nothing to do with it, but they blamed it on me. And they went out there with Game and Parks shooters and other people. I think they shot eight. I mean, it's pretty easy to shoot the first one and the second one, not too bad, but the third or fourth and those on down the road, you gotta be pretty sharp to shoot 'em because they're gonna be gone. So they go onto the other neighbor's property and then you can't shoot them over there. Yeah, so-- but it's-- it's a situation that animals belong to the state.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** So you're saying that there are-- are crop farmers that want them?

**ERDMAN:** Yeah.

**ARMENDARIZ:** Don't they have \$100,000 damage and--

**ERDMAN:** Yes.

**ARMENDARIZ:** --it's OK with them?

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**ERDMAN:** It's OK with them.

**ARMENDARIZ:** OK, so we're just trying to address the people it's not OK with.

**ERDMAN:** That's right. I don't know what-- you can't force somebody to not want animals.

**ARMENDARIZ:** Right.

**ERDMAN:** You know what I mean? But the issue is-- the issue is the guy over there in Redington said, they helped me, they chased them off my property, but that doesn't help my neighbors because they're not coming back over there because they shot at 'em. So unless they go shoot 'em at the neighbors' and chase them somewhere else, and that spooking 'em away doesn't work, and it's just-- it's peculiar what we do. But anyway, I will change the statute. I will make sure that-- that we can get the \$10 million out of there and if Senator Brewer gets his bill out of-- out of Natural Resources, then we'll have something to talk about, and maybe we can figure out a way to get these under control, because we're sure not doing it now.

**CLEMENTS:** All right. Seeing no other questions, that concludes--

**ERDMAN:** Thank you.

**CLEMENTS:** --the hearing for LB744 and that concludes our agenda for today.