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Government, Military and Veterans Affairs Committee
January 21, 2009

[LB115 LB139 LB154]

The Committee on Government, Military and Veterans Affairs met at 2:00 p.m. on Wednesday, January 21, 2009, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB115, LB154, and LB139. Senators present: Bill Avery, Chairperson; Pete Pirsch, Vice Chairperson; Robert Giese; Charlie Janssen; Russ Karpisek; Rich Pahls; Scott Price; and Kate Sullivan. Senators absent: None. []

SENATOR AVERY: First hearing of the One Hundred First Legislature of the Government, Military and Veterans Affairs Committee. I am going to first introduce the members and staff to the committee, and then I have a few words about our procedures. On my extreme right is Senator Rich Pahls from Omaha. He is seated next to Senator Charlie Janssen, a new member from Fremont. Next to him is Senator Robert Giese from South Sioux City. And then Senator Pete Pirsch who is from Omaha, and the new vice chair of this committee. To my immediate right is Christy Abraham who is legal counsel to the committee. Senator Karpisek had to go to another hearing in another place; he will be back later. He is from Wilber. Seated next to him is Senator Scott Price, also new to the Legislature from Bellevue. And seated next to him is Kate Sullivan from Cedar Rapids, also new to the committee. And at the very end is Sherry Shaffer who is committee clerk. We have two pages: Nick Bussey from Lincoln and Courtney Lyons from Plattsmouth. If you have any testimony that you would like...printed testimony to distribute when you testify, they will distribute it for you. If you have any handouts, they will take care of that as well. We will take up the bills today in the following order. We will begin with LB115 introduced by Senator Loudon; and follow that with LB154, which is a committee bill; and LB139, which is a bill of mine. These are posted outside the door, and we will follow them in that order. Sign-in sheets are available at both entrances. You sign in if you are going to testify. You give that to the committee clerk. If you are not going to testify, but you wish to be put on record as a proponent or opponent to a bill, there's a sheet for you to fill out at each entrance. And I think that they're easy to locate. When you fill out these forms, please print your name very clearly to indicate who you are representing, and if you're testifying, please spell your name for the record, even if you have a simple name like Loudon. And you think everybody knows how to spell it, but they don't. We have to get that accurately recorded. Introducers will make their opening statements, followed by proponents, then opponents, and neutral testimony. Closing remarks are reserved only for senators. I ask all of you to listen carefully; try not to repeat testimony that's already been given. I am going to be somewhat relaxed about time limits. If you go long, I'll probably ask you to shorten it. We like to keep testimony to about five minutes and not more. I'm going to resist the temptation to put in a light system. Some committees use that. I think that given the nature of the issues that we deal with in this committee, a full discussion of the issues is important, so I'm going to be a little bit relaxed at first. If you get too long-winded, I'll probably let you know. Then again, if you have anything to hand out, let

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us know this, and the pages will take care of that. I'm going to ask you also to turn off your cell phones or put them on vibrate or silent, and pagers; so that we don't disturb people. Okay, with that said, we will open the hearing on LB115. Senator LeRoy Loudon. [LB115]

SENATOR LOUDEN: Good afternoon, Senator Avery and members of the committee. My name is Senator LeRoy Loudon. That last name is spelled L-o-u-d-e-n. And I represent the 49th Legislative District. I'm here today to present to you LB115, a bill that eliminates the Nebraska Veterans Cemetery Advisory Board from state statutes. All reference to this board in the statutes are removed as well as the \$3,000 General Fund expenditure that is included with this legislation. The board was created to have seven members with no specific schedule or number of meetings required. The board does not meet often, and it has not met in quite some time. The purposes established for the board in 12-1301 was to undertake the development of the cemetery system. Fund-raising has been completed with the construction moving forward on a Nebraska Veterans Cemetery at Alliance in October of 2008. Also plans currently have not been submitted for the construction of a state veterans cemetery in Hall County, and Sarpy County has proposed to build a national veterans cemetery rather than a state cemetery. The state of Nebraska created a Veterans Advisory Commission in 1947, and it has served Nebraska veterans well in investigating the handling of veterans affairs under the jurisdiction of the director of veterans affairs and makes recommendations and reports to the Governor or director on such matters. Any possible residual need for advice with regard to the cemetery system will be provided by the Veterans Advisory Commission. There will be someone here from the Veterans Affairs here to follow me in testimony, and he may answer any questions that you may have. With that, I would thank you, and if you have any questions, I would be pleased to answer any questions. [LB115]

SENATOR AVERY: Thank you, Senator Loudon. Any questions from the committee? Seeing none, thank you. [LB115]

SENATOR LOUDEN: And with that, Senator Avery, I will waive closing. [LB115]

SENATOR AVERY: All right. [LB115]

JOHN HILGERT: Chairman Avery, members of the Government, Military and Veterans Affairs Committee, my name is John Hilgert, spelled J-o-h-n H-i-l-g-e-r-t. I'm the director for the Nebraska Department of Veterans' Affairs. Senator Loudon has gone through the bill ably. There's not much to my testimony that I could add to his. We are certainly in full support of LB115. It does eliminate the General Fund expenditure. The system that it was created to make is indeed in place with the establishment of the Nebraska Veterans Cemetery in Alliance. And any oversight at this point would be handled by the Nebraska Veterans' Advisory Commission. The board, again, was to help establish the

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system. That has been done. A little bit of history, too...I suppose I could add was that this was done when Sarpy County was added to the three counties that we have. The other two counties that we had in statute where we had legislative authority to establish a cemetery. Now that Sarpy County has chosen to pursue a national cemetery, they will not...there's no need for this reference for Sarpy County. And I would certainly be more than happy to answer any questions any of you might have. [LB115]

SENATOR AVERY: Thank you. Questions? Senator Price. [LB115]

SENATOR PRICE: Thank you, Chairman. I have a question for you sir. In the removal of this board and the fact that the national cemetery has not come to fruition yet, are we putting the cart in front of the horse? How quickly can we spin the commission up, bring Sarpy County back in. I mean, if that doesn't happen because of the numbers required for the national cemetery, and they can't make that happen, then we have to revisit this again because the need still exists. How quickly can we spin this up? How much time do we lose if we let it go now? [LB115]

JOHN HILGERT: Good question, Senator. And this does not remove any statutory authority to establish a state veterans' cemetery in Sarpy County; only the advisory board that, frankly, is made up of two individuals from each of the Congressional districts...I think one from each of the Congressional districts and one from each of the counties where there is supposed to be perhaps a cemetery. Actually, the legislation says where there's one in existence. So technically, the establishment of the board was, and this sounds like kind of an impossibility, a technical impossibility but we kind of went for it anyway, knowing the intent of the language of the bill. So we don't remove any legislative authority to establish one. One of the ideas, and I believe, I'm not speaking out of turn, I wish Senator Hartnett were here to relay this, but one of the functions of the advisory board was to monitor the corpus of a trust fund that was going to go to perpetual care of those in Sarpy County. There was a plan that there was going to be enough fund-raising that would take place that would be used to put in a trust that the interest could pay for all the operational expenses. And it was convoluted...it was difficult, not convoluted. It was difficult and that's all been gone; it's not part of statute, it's fairly open and straightforward. There's been probably seven or eight changes to this statute I think since Senator Wickersham first established it in '98. One of them, the last one was Senator Loudon that kind of clarified things. We could still progress with the state veterans cemetery in Sarpy County tomorrow should the state and its Legislature and the Governor decide that that's the policy decision. We could certainly execute that policy decision with no further enabling legislation. That doesn't affect it at all. It's a long way to say, and the board itself has only met, I believe, twice. Informational only and the charge is only to establish the system. So this doesn't impact that at all. And we hope that that doesn't happen, by the way, because we certainly support the efforts of the people of Sarpy County in making this a reality for them. [LB115]

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SENATOR PRICE: Thank you. [LB115]

SENATOR AVERY: Senator Janssen. [LB115]

SENATOR JANSSEN: Thank you, Mr. Chairman. Mr. Hilgert, this is a question more for my own benefit, but the \$3,000 a year funds for that; what was that for? [LB115]

JOHN HILGERT: That was for travel. That was for travel and support. [LB115]

SENATOR JANSSEN: Was it being used? [LB115]

JOHN HILGERT: It was used twice. There was no real need to meet because it was just informational only. We had two informational meetings, then Sarpy County decided to go their own way for a national cemetery which we support, as I have said repeatedly, we support that effort. Alliance took the initiative; the community raised half of the up-front money that they needed to establish a cemetery. The state veteran cemetery is paid for by the federal government, the whole thing. They throw us the keys though when they're done. And they say, now you have to maintain it to our standards. There's the catch. And they say that you need about 10 percent of the cost up-front in order to, it's kind of honest, good money up-front, and they will reimburse that 10 percent. And that's for some of the design plans, etcetera. Well, we didn't have the up-front money for Alliance, so the community raised half of that up-front money on their own and donated it to the state. And put it in the construction fund. So the state matched it, and we went ahead with Alliance. At the same time, Sarpy County is going for a national cemetery, and there's been no effort in the Hall County community to do anything like what the people of Box Butte County has done. So we stopped meeting. What was there for the board to do? Certainly, the people of Box Butte County and the Panhandle and Alliance, Nebraska have taken the initiative on the establishment of that cemetery. And certainly the people of Sarpy County have made it clear what their intentions were with Senator Nelson and Congressman or Representative Terry. And so we stopped meeting. But the \$3,000 was put in there to cover expenses of travel. And although \$3,000 may not seem like a lot, in my department--a very small department, under a million dollars, 14 people including myself--that's a...everything is significant. [LB115]

SENATOR JANSSEN: Thank you. A much more complete answer than I really needed. Thank you. [LB115]

JOHN HILGERT: Sure. Well. [LB115]

SENATOR AVERY: Would you be willing to distinguish between the Veterans Cemetery Advisory Board and the Veterans' Advisory Commission? [LB115]

JOHN HILGERT: Sure, the Veterans Cemetery Advisory Board; again, its purpose was

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very narrowly defined to help establish the system. We feel that's been done. The Nebraska Veterans' Advisory Council, however, has its roots back to 1947; and I won't go from '47 on. But it goes back quite a ways. And they're appointed by the Governor and they serve terms, and it's a staggered term. You have to be a member of one of the recognized veterans organizations. And there's five members on the Advisory Commission. They advise our department, they look at our policies and procedures or guidelines or rules and regs and then they also offer advice to the Governor about veterans' policy. They are traditionally focused on veterans' issues of which the state has taken a policy decision on, namely the veterans' homes, the Nebraska Veterans' Aid Fund, and the tasks and duties of the Nebraska Department of Veterans' Affairs. It would not be like a military commission that I saw... [LB115]

SENATOR AVERY: And this legislation does not affect that commission? [LB115]

JOHN HILGERT: I understand that, Senator. [LB115]

SENATOR AVERY: Not at all. Okay, I just wanted that on the record. [LB115]

JOHN HILGERT: Thank you. And I recognize that, thank you. [LB115]

SENATOR AVERY: Any other questions? Okay. [LB115]

SENATOR SULLIVAN: Senator. Just again maybe more just for my own information as well. How and where do the funds come from to maintain these cemeteries? [LB115]

JOHN HILGERT: General funds. We have to pay for the upkeep. Our commitment, in fact, I did influence, I believe, the statute when we said we're going to go by federal regulation. We will maintain these by national shrine standards. We are going to have cemeteries with 243 pound white upright marble tombstones that will be what veterans expect, and we will deliver that product. It was a huge policy decision by this Legislature and our Governor to go ahead with that because we are going to have to fully staff it through general funds. If some of you saw my testimony yesterday on another hearing, I tend to be very conservative with my numbers and so forth as far as fiscal notes and whatnot. We will be able to use a burial allowance that is provided by the federal government to help defray the costs. I don't have any control over how many burials will occur in Alliance. We do not have the skill set yet established to operate it. This is our first. It's a 22 acre cemetery that will have low to moderate usage. So we want to take it slow, and we want to do things right. As a consequence, in the revenue projection, I put zero. Just to be on the safe side. The last thing I'd ever want to do is come back to my Legislature and Governor and say, well, I low-balled this thing. And I know there's that can of WD-40 that someone is going to have to end up buying in the machine shop. There's going to be incidentals that I haven't even thought of yet. So our estimates have been fairly conservative, and we have a high level of confidence that we'll be able to

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provide the product that you and the Nebraska veterans expect with the budget that has been appropriated. [LB115]

SENATOR SULLIVAN: Okay, thank you. [LB115]

SENATOR AVERY: Any more questions? Seeing none, thank you, Mr. Hilgert. [LB115]

JOHN HILGERT: Thank you, Senator. [LB115]

SENATOR AVERY: Any other proponents of LB115? Anyone wish to speak in opposition to LB115? Anyone wish to speak in the neutral capacity? Seeing none, that closes the hearing on LB115. Senator Louden has waived closing. Thank you for testifying. Senator Pahls, you're going to take over. I'm going to testify. [LB154]

SENATOR PAHLS: Good afternoon, Senator Avery. We are ready for LB154. [LB154]

SENATOR AVERY: Thank you, Senator Pahls. My name is Bill Avery, spelled A-v-e-r-y, and I represent District 28. I am here to present a bill on behalf of this committee. This is a bill that did originate in the committee: LB154 which will eliminate certain boards and commissions. This is our opportunity to reduce government. Currently, we have about 250 boards and commissions operating in the state, and every four years, this committee is required by statute to survey every state board, every commission, council, committee, task force, working group that was created by statute. And last year, the committee completed this project after surveying all of these boards and committees and commissions, etcetera. The staff takes all of the responses to the surveys and questionnaires and then sits down and compiles a list and determines which ones of these boards and commissions are still functioning and accomplishing goals. This time, the committee staff looked at whether the board or commission had met in the past four years, and whether or not it could list at least one accomplishment. That's a very, I think a very generous set of criteria. Eleven boards were identified not to meet these criteria, and therefore, were included in the bill. The exception to that is the Women's Commission. The Women's Commission was defunded a couple of years ago, and did not complete the survey questionnaire last year, so it's unclear how many times they have met and what their accomplishments have been. It is my understanding that they have not been meeting, and without any money to fund them; they, for all practical purposes, are de facto...not existing. The other boards and commissions are included in the bill because they have a sunset date, and their work has been completed. You will have in your possession a memorandum from the committee staff. If you turn to page 2, you'll see at the bottom there that a number of these listed for closure or termination do have, in fact, sunset dates established by law. Eleven boards were included in the bill with these provisions. There are 22 boards and commissions on the list for closure, and I ask you to carefully consider these, and advance this bill to General File for discussion on the floor. My hope is that we can get this to the floor by Monday of next week. There

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will be people who follow me who may have some modifications they would like to see in this bill, and I would ask you to pay very close attention to their testimony because some of them will have some good arguments for perhaps a committee amendment to the bill. So with that, I will quit and take any questions. [LB154]

SENATOR PAHLS: Senator Price. [LB154]

SENATOR PRICE: Senator Pahls, thank you. Senator Avery, just one question. Have all these commissions, boards, etcetera been notified of our intent to close them down? [LB154]

SENATOR AVERY: No, they have not. But there has been adequate public notice of this bill. It has been posted. I would say the people who have an interest in these commissions know whether their commission is on the list. But they have not individually been notified. [LB154]

SENATOR PAHLS: Senator Sullivan. [LB154]

SENATOR SULLIVAN: Senator Avery, regarding the survey that was sent; how do you...to whom did you send the survey, if the commission is not active? [LB154]

SENATOR AVERY: Every commission has a contact point person or address, and that's what we did. And we got responses from all of them, I believe, except the Women's Commission. [LB154]

SENATOR PAHLS: Senator Giese. [LB154]

SENATOR GIESE: Senator Avery, is there any funds that we're talking about? Any of these committees are you aware of that had any funds? [LB154]

SENATOR AVERY: Well, actually, most of them spend their money. That's the nature of government. And I think there might be a few hundred dollars that we will save by terminating some of these. One of them, I think, that would perhaps save several thousand dollars, we may want to discuss that one because I believe there will be testimony about why it should not be terminated. [LB154]

SENATOR PAHLS: Seeing no more questions. Proponents? Any proponents for the bill? Opponents? Good afternoon. Please spell your name. [LB154]

DENNIS BAACK: Senator Pahls and members of the Government Committee, for the record, my name is Dennis Baack, B-a-a-c-k. I'm the executive director of the Nebraska Community College Association. I wasn't sure exactly how to sign up; whether I'm an opponent or proponent or neutral because I do understand and I have had some

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discussions with Senator Avery. I understand what you're trying to do and there should be some of them that should be eliminated. But I would like to bring to your attention one of them that is eliminated in there is dealing with the Community College Cash Fund. It's found on...it begins on line 18, page 31 and goes through line 6 on page 48. And this deals with the Community College Act. And it talks about eliminating a cash fund for the community colleges and a committee that oversees this cash fund. And the criteria that the committee counsel used to decide who should be on this list--we fit that criteria; we have not met in four years--but the reason that we want to keep it is because this is the only avenue we have as a Community College System if we want to direct funds to a specific community college through the state from state funding. This is the only way to do that because all of our other funding flows through our formula, and we cannot direct state funds to a specific college through the formula. It has to just be run through the formula. This was...at one time, this was a very active committee actually. There used to be an appropriation of about \$800,000 a year, almost every year for about six or seven years. The committee would meet regularly. There was criteria that these funds; when the Legislature does appropriate funds specifically to a community college, they set criteria that that college must meet before they can get the funds. And what this committee does is make sure they'll review the proposal that comes from the community college, make sure they meet all the criteria the Legislature is asking of them before they release the funds to them. An example of one of the things that was done was a number of years ago, the university and the community colleges and the Lincoln Chamber were trying to get an electronics testing center built out at the University Research Park. And one of the ways...and Southeast Community College was one of the partners in that, and the only way that we could get funds from the state to build that facility was to funnel them through Southeast Community College, and this was the program we used to funnel about \$20 million worth of construction funds for that project out there at the Research Park. We've used it for some special projects for Western Community College. We've used it for Northeast Community College. I think over the years we've probably used some of it for each of the community colleges. But this is one of the ways that we can funnel funds directly to a community college so we would like to see this stay on the books as a possibility for us in the future. I know I have had a discussion with Senator Heidemann, and he's understanding of what we're trying to do because it is one of the ways that the Appropriations Committee can appropriate funds directly to a community college. With that, I'd be happy to answer questions.
[LB154]

SENATOR PAHLS: I just have a question. You mentioned Senator Heidemann. He is proposing that we continue with this? [LB154]

DENNIS BAACK: Well, I mean, he understands that we do use this for that purpose. I don't know that he would specifically say he's proposing that we do this, but I have talked to him about it. And I think he's had a conversation with Senator Avery also about it. [LB154]

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SENATOR PAHLS: Okay. Senator Price. [LB154]

SENATOR PRICE: Senator Pahls, thank you. Sir, a quick question. When you say this is one of the ways; that obviously denotes that there are other ways and other mechanisms to get funding to the community colleges for projects. Are the different methodology for receiving funds predicated on the different types of funding, from which fund they come from? In the federal world where I come from, it's what we call 3800, 3600 so is that what limits it; the type of funds or? [LB154]

DENNIS BAACK: This is actually the only way where we can appropriate funds to a specific community college. We can get funds appropriated to us through the appropriations process, but then all those funds have to flow through a formula and be distributed according to that formula. But if we have funds that...if there's a special project that a community college is doing or some funding needs to go to a specific college, this is the only avenue we have to get those funds to that college. [LB154]

SENATOR PRICE: So to clarify then. This isn't one of the ways to get funds; it is the only way. [LB154]

DENNIS BAACK: No. This is the only way that we have right now. [LB154]

SENATOR PRICE: Okay, I want to make sure because we said it both ways, and I want to be sure. [LB154]

DENNIS BAACK: No, you're absolutely correct. And I stand corrected if I said that, because that's not the case. This is the only way that we can do it right now. Now if we were to, if this were to go away, I would guess that in the future, we'd probably have to reestablish something like it when a project...when a special project came up for a community college. Whether it would look exactly like this, I don't know, but this was one that was established a number of years ago by the Legislature. [LB154]

SENATOR PRICE: Thank you. [LB154]

DENNIS BAACK: Um-hum. [LB154]

SENATOR PAHLS: Senator Giese. [LB154]

SENATOR GIESE: Could you tell me a couple of the projects that you have used this mechanism for in the past? [LB154]

DENNIS BAACK: Uh-huh. I mentioned one of them was the electronics testing center that's out at the University Research Park. Another one was called a seamless delivery

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project for Western Community College that we funneled some funds through them for. One of the things that we ran across was there was a time when we were switching formulas and Western Community College ran into a cash flow problem...is what happened with them in the switching over of property tax from...well, it gets kind of complicated, but we were switching from one property tax levy rate to another and when you do that, you're switching years also in the middle of that because our fiscal year doesn't match up with the fiscal year for property taxes. So what happens is is you've got a...and they ran into a cash flow problem, and we had to direct some funds directly at them. So then what the Legislature did was set criteria that Western had to meet. They had to...it was actually a joint project with Scottsbluff High School, I think, on some seamless delivery of dual credit courses. That was another project that that was used for. [LB154]

SENATOR GIESE: And then is there a project that you may see this being used for in the future? [LB154]

DENNIS BAACK: There may be. I don't know what, you know, I don't know what that might be. Right now, we don't have anything on the books right now and nothing, you know, pending right now that we might use that for. But I'm guessing that...I've been at this job 15 years now, and we've used it five or six times. So it does come up occasionally. [LB154]

SENATOR GIESE: Thank you. [LB154]

SENATOR PAHLS: Senator Janssen. [LB154]

SENATOR JANSSEN: Thank you, Mr. Chair, sorry, Mr. Baack. [LB154]

DENNIS BAACK: Yes. [LB154]

SENATOR JANSSEN: I guess...what was, for me...what, it's tough for you to say, I suppose, but what was the original intent of this committee? Was the intent to be a pass-through account for appropriations or was it a different intent, because I just want to make sure if we do keep this commission, we're not keeping it for a secondary purpose that we found out, and we could get a more appropriate means. [LB154]

DENNIS BAACK: Right. No, it was. It actually was established by...and it was established with a set of funding that went with it. The Legislature at that time was working with the community colleges and the community colleges were having some difficulty...this was before my time with the association, but I can still...I've looked at the history of it. And what happened was...is there were some...there was some special funding that was needed for community colleges for technology upgrades and equipment upgrades and stuff to keep their programs at the cutting edge of technology

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so that the students that we put out are ready to go out into business and industry and work. And they were short of funds...funding, in that area. So the Legislature actually appropriated, I think, \$800,000 the first year, and then those funds went into this and then this committee sat as a review committee and made sure that those funds only went to community colleges that met that criteria. They set the criteria at that point for technology upgrades, for equipment upgrades, and all those kind of things. And then each community college would then have to submit a proposal, and then that committee would decide whether or not they met the criteria to get the funds. So that's what it was originally set up for. So it was set up for special funding at the time, and we've used it a couple of other times. Now, at that point, all six could apply for those funding, and I think all six probably got funding. But as it evolved over the future, then it became the avenue to put money to a specific community college when that was necessary. We try not to use it any more often than we have to, but sometimes things come up. [LB154]

SENATOR PAHLS: Senator Price. [LB154]

SENATOR PRICE: Senator Pahls, thank you. Mr. Baack, a quick question. When I look at the naming; naming being as important as it is, I see where the aid is done. I can read...I can understand grant, but it says contract review. How many contracts have they reviewed in the past year or two or three? [LB154]

DENNIS BAACK: We haven't reviewed any because there hasn't been any money in this program. So we have not reviewed any, the committee has not. But when they...when we do have money in this program, it is like a contract with the college. They have a contract that they have to fulfill before they get the money and that's when we review it. [LB154]

SENATOR PRICE: So it's not any other external contracts that they review. Only contracts that and grant monies that would come to them through this. [LB154]

DENNIS BAACK: No. Only contracts associated with money with this program. Correct. [LB154]

SENATOR PRICE: Okay. Thank you. [LB154]

SENATOR PAHLS: Seeing no more questions, thank you for your testimony. Appreciate it. [LB154]

DENNIS BAACK: You bet. Thank you very much. [LB154]

SENATOR PAHLS: Any other opponents or people in the neutral? Maybe they would feel more comfortable in the neutral. Good afternoon. [LB154]

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KATIE ZULKOSKI: Good afternoon, Senator Pahls, members of the committee. My name is Katie Zulkoski, K-a-t-i-e Z-u-l-k-o-s-k-i. I am speaking on behalf of the Nebraska Association of Airport Officials, and I am here to request that the Nebraska State Airline Authority be removed from LB154. The Nebraska State Airline Authority was created in 1990 by then-Governor Kay Orr, and is now in the statutes under Section 3-801 to Section 3-806. The purpose of the Authority is to work for an intrastate air service which is important for a state as large and as geographically diverse as Nebraska. Governor Orr believed, as we believe, that air service statewide is essential for Nebraska's growth and development. Darwin Skelton, the president of the NAAO, Nebraska Association of Airport Officials, and also the airport director of the Western Nebraska Regional Airport could not be here today to testify, but he has requested that the board not be dissolved. As a side note, Darwin could not be here today. If he could have, he would have had to fly to Denver to then fly to Lincoln. While there is no intrastate air service today, we have had such service in the past, and it is important that this board be in place in order to be able to act quickly in the event that there would be an airline available to again provide intrastate service. If the committee is not available when needed, it would be difficult to resurrect in a timely manner. It is true that the Authority has not met recently and probably even more within the last four years. However, this is in large part due to the fact that there are vacancies on the Authority. The Authority's original members were appointed by Governor Orr but then were pulled by a subsequent governor. Even if the Authority does not meet regularly, the NAAO believes it is essential to have in place in the event that there would be state or federal funding opportunities available. We believe the Authority is essential for greater Nebraska as an economic development tool. That is the end, and I would be happy to answer any questions. [LB154]

SENATOR PAHLS: Do we have any questions? Senator Price. [LB154]

SENATOR PRICE: Yes, thank you, Senator Pahls. Where does the FAA boundaries overlies with an intrastate type commission. [LB154]

KATIE ZULKOSKI: I do not know the answer to that question, but I'd be happy to get that for you. [LB154]

SENATOR PRICE: All right, thank you. [LB154]

SENATOR PAHLS: Senator Sullivan. [LB154]

SENATOR SULLIVAN: How important...I guess I'm trying to figure out, if there was an opportunity because certainly airline issues are big in rural Nebraska--that there was an opportunity to have a new carrier come in--is this the only place that they would go to initiate the communication to get something like this started or where would they go if this weren't in place? [LB154]

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KATIE ZULKOSKI: I'm not sure what the other options would be. According to statutes, this board would operate...they could study the different options that would be available for a commercial airline. They would be able to study the funding sources for that commercial airline and to be more of a resource for anyone that would be available or willing to serve as an intrastate airline. [LB154]

SENATOR PAHLS: Senator Karpisek. [LB154]

SENATOR KARPISEK: Thank you, Senator Pahls. Miss Zulkoski, so this really wasn't intended to draw airlines in? It's more of a regulation or a helping hand when someone does want to come? [LB154]

KATIE ZULKOSKI: When it was created in 1990, I think it was intended to be an economic development tool for the entire state, and to help in the event that there was an interest or a...there would be someone available to serve in that purpose. [LB154]

SENATOR KARPISEK: But rather than to actually go out and try to bring an airline in, that probably wasn't their main? [LB154]

KATIE ZULKOSKI: That's not my understanding. [LB154]

SENATOR KARPISEK: Thank you very much. Thank you, Senator Pahls. [LB154]

SENATOR PAHLS: Senator Sullivan. [LB154]

SENATOR SULLIVAN: Did this commission or authority have any funding initially? [LB154]

KATIE ZULKOSKI: According to statutes, there would be money provided for per diem expenses, but I'm not sure if they had ever received funding. [LB154]

SENATOR PAHLS: Seeing no more questions, thank you for your testimony. [LB154]

KATIE ZULKOSKI: Thank you. [LB154]

SENATOR PAHLS: Do we have any other individuals caring to testify? We're ready for closing. Senator Avery waives closing. That concludes the hearing on LB154. I think we are ready for Senator Avery's LB139. Senator Avery, the floor is yours. [LB154]

SENATOR AVERY: Thank you, Senator Pahls. My name is Bill Avery, spelled A-v-e-r-y, representing District 28, where you are presently located. Welcome. I brought a similar bill last year to this committee to change the name of the Mexican-American Commission. This is LB139. It is my belief and the belief of many others that the name

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change is needed to better reflect the citizens that the commission represents. There are many people in this state who are served by the commission but are not Mexican-Americans. It is true that the dominant cultural group from Latin America in Nebraska is Mexican-American, but they are not the only ones. They come from all over the Latin American region. The current name, I will admit, is perhaps deeply embedded in the tradition and the history of the state, but it does not reflect current reality. Latin America has its cultural origins in the region of Latin America, and that region is largely Spanish. Its history is Spanish. Its history of colonization was tied to Spain. In fact, the region is probably not even adequately labeled Latin America. It is more accurately labeled Spanish-America because only Brazil, which is Portuguese, and Haiti, which has a French colonial background, is anything other than Spanish. So the region itself is largely Spanish. There are, of course, in the Caribbean some countries that are non-Hispanic, but they are traditionally not included in quote, Latin America or Spanish or Spanish-America. The Spanish, who conquered the region and colonized it, imposed its institutions and culture on the indigenous people already living there. I suppose to be truly accurate, we'd have to include Indo-Americans, perhaps Afro-Americans as well in any accurate designation for the region. But it is generally accepted that Latin America is Spanish, and if you consult any academic sources on this subject or any dictionary references, you find that Hispanic means Spanish. In fact, I note that the word Hispanic goes back to the Roman times when the Romans actually used the word Hispania to refer to the Iberian Peninsula which includes Spain and Portugal. And that is an important, I think, origin for the word. It's deep, it's very, very much representative of most of Latin America. It is interesting to note that if you go to the Web site for the Mexican-American Commission, it describes its mission as serving as the voice for Hispanics. So these are their words, to create the opportunity for all Hispanic--their word--Hispanic residents of the state to participate in the good life of Nebraska. The current makeup of the Hispanic population of the state is about three-fourths Mexican, about 18 percent South American and Caribbean and about 6 percent from Central America. So roughly one-quarter of the Hispanic population of the state is not Mexican, and I think that is something that we need to keep in mind in considering this legislation. If you do a Google search on Mexican-American Commissions in the United States, up pops Nebraska's commission; no others. That suggests to me that perhaps we might be kind of out there by ourselves in continuing to label our commission Mexican-Americans. Hispanic is an adjective form of the Latin word Hispania, as I indicated, which applied to the entire Iberian Peninsula. That's an accurate description of what Latin America is largely like today. The word Latin itself is a word from which we get the word Latino, and there will probably be testimony later on today that will suggest the use of the word Latino. The interesting origin of this word is that it was introduced by the French when they temporarily occupied Mexico. I suspect that the people who advocate for Latino might not want to contemplate very much that history on the origin of the word. I would also point out that Latino is a masculine form of the word Latin. Why not Latina? Where is a gender-neutral version of that word? Also Latin, when we refer to Latin America, if you go back to...deep into the history of the origin of that, it includes

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Italians, French, Romanians and Portuguese, so I see no reason why the name should not be changed to more accurately reflect the mission and the people that commission serves. I did some research on other states, and I found that we seem to be alone in the use of the term Mexican-American Commission. Most include Hispanic in their titles. Some...only Iowa, for example, uses Latino Affairs. Some will say Hispanic and Latino. My preference is for Hispanic because I think it has a richer history and a more accurate history in defining the region from which most of the people come. So with that, I would urge you to advance this to General File for debate. And I will take questions. [LB139]

SENATOR PAHLS: Senator Price. [LB139]

SENATOR PRICE: Senator Pahls, thank you. Senator Avery, quite a few questions come to mind. I had the good fortune of growing up on the border, and so things that come to mind is the Mexican-American consulate, have they weighed in on this? [LB139]

SENATOR AVERY: Not with me. [LB139]

SENATOR PRICE: Okay. The other...yes, pardon me? Okay. Was there a perceived advantage by this commission being identified with a single nation versus, you know, they want to think we're working on you because you're talking about a greater community than just one nation? So is that kind of one of the driving factors? [LB139]

SENATOR AVERY: I think when it was first formed, not a whole lot of thought was given to the prospect that we might have other Hispanics in the state of Nebraska that would not necessarily feel represented by a commission that was designated Mexican-American Commission. There will be testimony following me that will make that point probably better than I can. But there is a history in this country where the minority Mexican-American community felt that they needed some advocate organization to represent them before government and agencies of government. And this...the origin of this name goes way back to that time. We now have, though, in the state of Nebraska at least 25 percent of our immigrant population from the region of Latin America is not Mexican. And I think they can...you could understand that they might not feel represented by a group that calls itself the Mexican-American Commission. [LB139]

SENATOR PRICE: Well, that's a great segue to my final question. And as I understand this, and you went through the detail historically, and I'm thinking of the upper Castilian language which is what is spoken in Mexico and that got me to thinking about what language then are we going to be at this...at the commission, and are we going to provide for the different languages? Is that an impact that we need to be concerned with? And flags out front, you know, I wanted to make sure that we don't end up isolating or ostracizing and/or encumbering because there are many languages spoke throughout Latin America, and we want to ensure that we don't create more of a

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problem. [LB139]

SENATOR AVERY: Yeah. I suppose one way to go would be to change the name and the mission of the commission to multicultural affairs. So then you would sweep up the Sudanese and all the other immigrants to this country. In fact, many states are actually moving in that direction where they're...I think one state now has a commission that calls itself the new lowans commission or something like that. Certainly, new immigrants to a state and a community do have needs that are unique to them. And sometimes they want to maintain that identity with their original culture. There is a danger of that. And that is they don't become fully assimilated into our dominant culture. But I believe there's a value to having opportunities to maintain contact with your culture, and to continue to use your language as well as learn the language of the society in which you live. I see this commission as a way to facilitate that assimilation, not to drive wedges in our society, but to assimilate assimilation or to facilitate assimilation so that people can become productive citizens in this country and this state more easily. Now, sometimes symbols like flags really do matter. And on important days like Cinco de Mayo, we celebrate those here in the United States, and I think that's a good thing to maintain some connection to one's original culture. And I don't think that this commission has done anything to drive wedges. I think it does a good job of helping people assimilate and helping them meet their needs, but I think that the symbolism of the name and what it conveys to people is important. And that symbolism right now is that we serve Mexican-Americans, and that we...and the truth is, we have more than just Mexican-Americans of Latin American origin here in this country, Hispanics. [LB139]

SENATOR PRICE: Thank you. [LB139]

SENATOR PAHLS: Senator Giese. [LB139]

SENATOR GIESE: Senator Avery, can you just give me a quick, if you can, history on the Mexican-American Commission, how long it has been in existence? [LB139]

SENATOR AVERY: Senator, if you don't mind, I will defer that question to someone who will follow me that is on staff with the commission. I believe the origin is...it goes back a pretty long ways, '72? That's a long time. [LB139]

SENATOR GIESE: That's fine. [LB139]

SENATOR PAHLS: Seeing no more questions, thank you, Senator. We will have the proponents, then opponents, and the neutral. Just for my own feel of how many people we have to speak, how many people do we have speaking--would you just raise your hands--for the proponents? One. Okay, opponents? And then how many in the neutral? Okay, it looks like we have 1-1-1. You may begin. If you have information to hand out, the pages. [LB139]

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JOSE SOTO: (Exhibit 1) Senators, thank you very much for the opportunity to speak in support of LB139. My name is Jose Soto, J-o-s-e, middle initial J., last name Soto, S-o-t-o. I am a 30-year resident of Lincoln, Nebraska, originally from Puerto Rico, and have decided to make Nebraska my home. I am a resident of District, Legislative District 28. Senator Avery is my senator. And I take this opportunity to testify in support of LB139, a bill introduced by Senator Avery. In essence, the bill simply proposes to change the name of the state-funded Commission on Mexican-Americans. Over the past 25 years, I have felt like, and I have often been, the lone voice on this issue in Nebraska. I have pursued this matter with a very high level of patience, reasonableness, and respect for the commission's staff, appointed commissioners, and members of the Mexican-American community. Unfortunately, my efforts have typically been received with disdain, and doubt regarding motives has often derailed any civil dialogue about renaming the commission. Along with that, I would say that kind of falling back on issues of that's the way it's always been...it's had that name, and tradition tends to move us away from what I think are the central issues on why we should consider renaming the commission. And I want to assure everyone as I have done on other occasions, that my primary objective in seeing the commission renamed is to have the commission be concerned about and to be representative of the diversity that exists within Nebraska's Hispanic and Latino community. I am firm in my belief that this publicly funded, and I repeat, publicly funded commission should bear a name and should fully embrace a mission that is reflective and inclusive of Nebraska's Hispanic-Latino diversity. Regardless, I recognize that change comes slowly, and in this case, over a frustratingly slow period of almost 30 years. I trust, however, that our parallel interests and collective efforts will result in the commission evolving swiftly into a role, a mission, and a composition that are consonant with the principles the commission itself proposes to uphold and protect. Inclusion, participation, fundamental fairness, equal opportunity, reasonableness, logic, and the changing demographics in our population demand nothing less than an evolution of leadership, mission, service, and a name change for the commission. The time is appropriate for changing the name of the commission. The demographics within the population have changed; the commission's constituency has changed; and while some may want to obfuscate the primary issue of inclusion by focusing on what term is preferred or more appropriate--specifically should it be Hispanic or should it be Latino or some amalgamation of Mexican-American-Hispanic-Latino whatever permutation that might lead us to--I doubt that any reasonable person in an objective dispassionate analysis of this issue of a name for a publicly funded entity will argue against the basic logic that should drive the analysis and the discourse in this matter. A publicly funded entity should bear a name that is inclusive and reflects the extent of its constituency. That is why we have the Women's Commission, not the German Women's Commission or the Polish Women's Commission or the Irish-American Women's Commission, that principle is why we end up with the Indian Commission; not the Ponca Commission, not the Sioux Commission, or any other specific group. If the commission's focus truly is on

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...serving Nebraska's Hispanic population, as they admit in word and in deed, if you review most of their documents available online or in print, the word Hispanic-Latino is used to refer to those that they are serving, who they welcome, and who they focus on. All I would ask is that they have a name that reflects their mission, that reflects the constituency that they are serving. Thirdly, to me, it's quite simple. All Mexican-Americans are Hispanic or Latino. Not all Hispanics and Latinos are Mexican-American. I would draw your attention to my footnote with regard to what term to use in the commission's name, and I would only add that the terms Hispanic and Latino are most often used interchangeably, and that people will call themselves what they want because of the time, place, and circumstance of their life experience. Barring a widespread movement in this country and in Nebraska, there will be no lasting resolution on this debate. It will be with us forever. I trust that your deliberations will lead to a name that will be inclusive and representative of the constituency served by the commission. I would want to expand my comments to throw out some alternatives that I think--that I am starting to focus on--because after 25 years of actively trying to move us toward something, a name that is more inclusive, I might suggest that if there is so much tradition to be protected and such a high interest in the Mexican-American focus of this agency, that it be defunded; that no public funds go to it and that private funding from those who would want to support a singular and specific focus fund that effort. As a taxpayer, I take exception to public funds being used to support an entity that through statute excludes me as a beneficiary of their services. If you read the statutory language, it limits what the commission should be able to do: serve the needs of Mexican-Americans; propose programs concerning Mexican-Americans; evaluate existing programs concerning Mexican-Americans; stimulate public awareness to the problems of Mexican-Americans; conduct training; whatever it is. I am not Mexican-American, and I dearly respect and have very good relationships with individuals who are Mexican-American. It is not about the ethnicity, the national origin. This is a matter of principle. This is not a matter of law, necessarily. This is not a matter of fiscal impact. To me, it is a matter of a simple principle. Publicly funded entities should be as inclusive as possible in mission and in name. And I would, for those reasons and those principles, I would respectfully encourage you to advance, support, and enact LB139. It's the right thing to do. And I would certainly welcome your questions, and I...Senator Price, I thought you asked some very important questions to the dialogue, and I'd be glad to address those questions if you would care to ask me them. [LB139]

SENATOR PAHLS: Any questions? Senator Price. [LB139]

SENATOR PRICE: Senator Pahls, thank you very much, sir. And I would just ask you to, as briefly and succinctly as you can, say what services are being provided at the commission for non-Mexican-Americans who are of the Hispanic-Latino community? [LB139]

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JOSE SOTO: My understanding is that they serve anyone who comes to their door, and I think that it is information and referral; certainly, they serve as advocates for the Hispanic population. So it is not necessarily that in deed, in the acts that they are doing, people are necessarily excluded. I don't think that they ask folks, are you Mexican-American or are you Puerto Rican? However, I can tell you from personal experience as a newcomer to this state in 1978, that I never thought that the Mexican-American Commission was set up to serve me as a Puerto Rican. I have talked to individuals, newcomers to the state, who when I say, well, have you tried, you know, contacting the Mexican-American Commission? Their response is, I am from El Salvador, I am not Mexican-American. So you know, it is somehow that we've created...an entity has been created that people start to self-select out of access because they don't see that they are necessarily included in the corpus, if you will, that Mexican-American is quite exclusive, as would be German-American Women or Ponca Native Americans. Because, you know, following that logic, you would have an entity that just, in name and in function, would just have a broad...a name that is more inclusive, that is more representative of what it actually is doing. And in this case, the limitation to Mexican-American I think is extremely narrow, and I would like my tax dollars to go to fund something that is more inclusive and representative of my segment of the Hispanic-Latino population in Nebraska. [LB139]

SENATOR PAHLS: Senator Janssen. [LB139]

SENATOR JANSSEN: Thank you, Mr. Chairman. Mr. Soto, I could never claim, obviously, not being a Puerto Rican, but I can claim my...I lived with one of my best friends in the military for three years who was originally from Puerto Rico. So I also know that I am not to get you mad, because he used to claim he had a horrible temper. So I'll tread lightly on this issue, but the one thing that...well, I know several things about Puerto Rico and that Puerto Rico is a territory of the United States. So the only difference, do you notice, is there any difference here possibly when you say Mexican-American, it's assumed that, you know, you came from Mexico, immigrated here, and now you're an American? Whereas, presumably you were born as an American citizen. [LB139]

JOSE SOTO: Correct, sir. [LB139]

SENATOR JANSSEN: Is there maybe a difference? [LB139]

JOSE SOTO: Oh, it just kind of depends on, you know, I think that there are regional differences within the Latino-Hispanic population. They prefer Latino over Hispanic. Most individuals, if you go to New York, the vast majority of Hispanic-Latinos are Puerto Rican. If you go to Los Angeles, it's of Mexican origin, Mexican descent. And quite often the differences are semantic, and they tend to hover around national pride. And my experience in Nebraska has been that we're all Mexicans. No one has looked, the initial

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reaction to me is that I must be Mexican-American. And it certainly is not anything that I, you know, that I find offensive. But where it really starts to get down is that for the vast majority of the history of the Mexican-American Commission, every single commissioner has been, for a long period, of Mexican-American descent. The directors were all of Mexican-American descent. Any type of diversity has been of recent vintage. I can tell you a personal anecdote that, at one time, I applied...the position of executive director for the Mexican-American Commission was vacant, and I applied and the question that I was asked by the legal counsel who was assisting them in their search process...the question that he asked was a hypothetical about what if a Mexican-American were applying for the executive directorship of the Commission on Puerto Rican Affairs in New York? In other words, telling me that because I'm Puerto Rican, maybe I do not deserve to be a serious candidate to serve the Mexican-American population in this state. And I took great offense to that, and there was an apology issued after that. But it is really that once one has a name, the initial reaction is one of exclusivity. And when people start self-selecting out or acting in a way that is...that lives up to its title, I think that's where it becomes problematic for a publicly funded entity. As a private...if private funds were driving the efforts of the Mexican-American Commission, I would be before any group congratulating them for their commitment of private funds for that exclusive effort. With public funds, I take great exception to that exclusivity. [LB139]

SENATOR JANSSEN: Thank you. [LB139]

SENATOR PAHLS: Senator Sullivan. [LB139]

SENATOR SULLIVAN: Yes, can you tell me any of the past 25 years that you've been here what involvement and connections you've had with the commission? [LB139]

JOSE SOTO: Let me be very honest with you. Initially, my involvement was offered and rejected by members of the staff of the Mexican-American Commission and appointed commissioners. Because it was, I have made no secret that I thought that the commission was very exclusive in its representation and its focus and its advocacy for Hispanics and Latinos in Nebraska. I support...I attend activities that the commission sponsors. I have, on occasion, attended meetings. I certainly, in the past, there have been individuals who have sought my counsel, advice, and consultation on various issues, and I've always been willing to do that. But Senator, let me tell you that it's, it doesn't take too many instances of offering and being flatly rejected or politely rejected or subtly rejected to move me in a direction of where I find myself now that I am an observer of what the Mexican-American Commission does. And neither do I get invited to support their efforts, which I would gladly do, but only if invited. [LB139]

SENATOR PAHLS: Any more questions? Seeing none, thank you, Mr. Soto. [LB139]

JOSE SOTO: Thank you very much. [LB139]

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ANGEL FREYTEZ: Good afternoon, Senator Avery and members of this committee. For the record, my name is Angel Freytez, F-r-e-y-t-e-z, and I'm the acting director of the Mexican-American Commission, here today to testify in opposition to LB139. We recognize that the Mexican-American Commission's name is not a broad enough title to include all Latinos residing in the state of Nebraska, but special consideration has to be taken before making such a significant name change. Number one, our current name has a history that reflects the significant contribution of the Mexican-Americans/Chicanos leader who made possible the creation of this commission back in 1972. They deserve our honor and respect. Number two, a large group of Latinos don't identify with the terminology Hispanics. Right now, the government...the federal government is already using both terms, Hispanics and Latinos. And actually the new form of the Census, the 2010 Census, appears with both terms. Number three, our ten commissioners appointed by the Governor to represent the Latino population across the state of Nebraska have not been consulted on this issue of the name change. They would welcome the opportunity to discuss this with Senator Avery. And number four, there is also a cost involved in a name change. And in that regard, I think I already submitted the fiscal note regarding this name change. We understand Senator Avery's desire for the commission's title to be more inclusive. We simply feel that more time to deliberate will provide us better opportunities to reach consensus on a more suitable name. We look forward to working with Senator Avery in the months to come to reach this goal. I'll be glad to answer any questions. [LB139]

SENATOR PAHLS: Senator Giese. [LB139]

SENATOR GIESE: Is there a reason why the rest of the commission hasn't been contacted on this proposed name change? [LB139]

ANGEL FREYTEZ: No, all the...the rest of our board members? [LB139]

SENATOR GIESE: Um-hum. [LB139]

ANGEL FREYTEZ: They have been contacted. [LB139]

SENATOR GIESE: Why they haven't been? [LB139]

ANGEL FREYTEZ: Oh, well, sorry, sorry. Not from Senator Avery's office. Until this point, they have not received communication from Senator Avery's office regarding this name change. The board members. [LB139]

SENATOR PAHLS: Has this been brought up before, in the past? [LB139]

ANGEL FREYTEZ: Yes, it is my understanding that it's been a long battle between, of

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course, I understand and I respect the point of Mr. Soto. I don't know, it could be a personal issue between Mr. Soto and a few members of the Mexican-American Commission, or several Mexican-American leaders here in Nebraska. It's been brought up before. The bill was introduced last year as well. But I started working for the commission back in 2007, and I have found out that it's been a long battle. [LB139]

SENATOR PAHLS: Okay. Senator Janssen. [LB139]

SENATOR JANSSEN: Thank you, Mr. Chairman. Mr. Freytez, you had mentioned that the ten-member commission appointed by the Governor would welcome the opportunity to speak with Senator Avery. This is a public hearing and public notice is given, Senator Avery is here, and he is very accessible, I can attest to that. I guess are any of your commissioners here today? [LB139]

ANGEL FREYTEZ: No. [LB139]

SENATOR JANSSEN: So I personally find it hard to believe that they welcome this opportunity to discuss a name change when they didn't show up at a public hearing, from my vantage point, sitting up here. I guess that's more of a statement. [LB139]

ANGEL FREYTEZ: Well, I'm representing today the commission, so. I understand your point, but I am speaking on behalf of the commission today. That includes the board members. [LB139]

SENATOR JANSSEN: So it's safe to say they would welcome you speaking for them or they would welcome talking to Senator Avery or welcome you talking to Senator Avery, what you're doing today? [LB139]

ANGEL FREYTEZ: Well, I'm representing the commission. [LB139]

SENATOR PAHLS: Senator Sullivan. [LB139]

SENATOR SULLIVAN: Well, I guess the larger issue then is if you admit that the name of your commission is somewhat limiting in terms of addressing your whole population, but you recognize the tradition behind it, and then thirdly, you said that the commission board members are willing to work on this issue, and you want to be more inclusive; how are you willing to proceed? [LB139]

ANGEL FREYTEZ: Well, let me tell you that we don't discriminate based on national origin. If someone from Guatemala comes to our office, we don't discriminate that service or benefit just because they are from another country and not from Mexico. Mexican-American has a history, and I think one of the founders of the commission, Sam Franco, will be testifying after my testimony, and he can tell you all about what it

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means; the terminology of Mexican-American. It does not represent citizens from Mexico. It has a specific meaning that is broader than just one single country. So we have to understand the context of this situation. [LB139]

SENATOR PAHLS: Seeing no more questions, thank you for your testimony. It is my understanding we have one more individual. Okay, thank you. Good afternoon. [LB139]

SAM FRANCO: Good afternoon, Senator Avery, members of the committee. My name is Sam Franco. My real name is Severiano Franco, but for those of you who are non-Spanish speaking, people refer to me as Sam. I would tell you that I am the author. I am the guy that conceptualized the whole business of the Mexican-American Commission. I started...presented that way back when Governor Tiemann was Governor. I took it to him, and I had occasion to visit with him one time at the Oregon Trail Days in Scottsbluff, and he said, bring it to my staff and show it to them, and I never got a response from the staff. And thereafter, of course, then when then-candidate Exon came up, and I briefly mentioned it to him, you know, and after then-candidate Exon became Governor, we had another conversation that followed that. And then he set it up by executive order and that followed up then with a presentation of a bill then by Senator Carpenter, whom I had visited with, and he agreed to go ahead and to sponsor the legislation. I went to Senator Chambers, to Senator Elrod, Senator Mahoney; we had any number of people that were willing then at that time to go ahead and sign on as cosponsors of the legislation. And in the end, I think it went 48 to nothing. I think there was one senator that was missing. Let me tell you that originally at the time, you know, when I put the commission together and the whole idea of this thing was...there were roughly a third or maybe less than a third of the total Hispano population that we have in the state of Nebraska. At that time, the bulk of the people that were in...of Hispanic or Latino origin, of course, were Mexican or were sons of Mexican parents, immigrants that had come to this country, as I am. I am a first generation born in this country. Let me tell you, if you're questioning and you're wanting to go ahead and to validate the reason for the name Mexican was because the bulk of us that were in the state of Nebraska at that time were of Mexican origin. And that's why we have it. Now I come here as neutral today, and as I testified last time, and I spoke to Senator Avery following the presentation of the legislation, in fact, he sat right over here last time. And I said to him that I didn't have any opposition to this. I hear some of the comments that, of course, are being made with regard to what it is. For your enlightenment and edification, let me tell you that the past chairperson of the commission was from Panama. The current interim executive director is from Venezuela. The staff member that is in there is from? [LB139]

ANGEL FREYTEZ: Guatemala. [LB139]

SAM FRANCO: Guatemala. There are no Mexican, Mexican-American people serving on the staff. There are no services being denied to anyone. So again, as I said, you

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know, I'm not here to oppose, but I'm just here to tell you something. I kind of, you know, I look at the commercials and it says, well, we had Tide. Now this time we have New Tide. And then we have New and Improved Tide. Well, be that as it may, I find the title quite frankly to be immaterial. The greater concern to me that I see, and I bring this thing up as I did last year, I am more concerned with the delivery of service. Let me tell you the reason for the genesis and the creation of this commission was: dropout rates for Mexican-American kids at that time was around 50 percent. We had a school in Lyman, Nebraska, that was about 80 percent; and this was represented by and large in a lot of the schools across the state; education was a major issue. Poverty was a major issue. Housing was a major issue. Discrimination was rampant. Have things changed? Passage on adoption by more than a two to one ratio on LB24 with respect to affirmative action indicates that racism is alive and well. Nobody wants to hear that, and I hear people say, you know, you guys, we're tired of hearing you talk about race. Well, then don't be a racist, and we won't talk about it. That makes it pretty simple. Now, let me tell you that I would prefer to see this Legislature, this august body and, you know, we come here as deferential and respectful as we possibly can, and we ask. It's the Legislature then to recognize that there are important things to do. Senator Giese, your predecessor last year introduced a bill at our behest that would have done something to update the standards of safety for mobile homes for the...that were required for inspection of those things, and I'm sorry I didn't get a chance to meet you before, because I was going to ask you how to do this. The woman and the four children that died in Norfolk, that should be a concern. Anytime somebody's life is lost, that diminishes each of us as a person; particularly in light of the fact that we could have done something about it. I submit to you, that is a consideration to think. There was a report that was just issued just recently again that reiterates the previous activities and conditions as it relates to people in the state of Hispanic, Latino, Mexican; choose your own euphemism as you would like to address them. Poverty is still there. Educational dropouts are still there; their ability to be able to be hired. I see those...the people that fell off of those buildings that were working at Wal-Mart. This whole issue of independent contractors which is nothing more than a ruse to go ahead and exclude and to deny coverage under workmen's compensation to this people; that is something that this Legislature should look at. We find the safety of the homes as I talk about. Being able to go ahead and to provide or to address this whole issue of elimination of discrimination in terms of hiring and providing basics for school, that's what's important. This name change is innocuous. It means absolutely nothing. Now, I would submit to you, and I would ask, and I would respectfully ask, and I would say to you, as we go down this session, there are going to be issues that come up. And all of them in their...issues are designed and they look good on the surface and everything else. Last year, I testified and I said, hey, all of these issues are already addressed in federal law. What are we doing? Are we building a campaign issue or what are we doing? Let's take a look at the facts for what they represent and prove. Let's seek some way to be able to go ahead and to ameliorate conditions that permeate throughout the entire body.

[LB139]

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SENATOR PAHLS: Sam, Sam. [LB139]

SAM FRANCO: Yes. [LB139]

SENATOR PAHLS: I'm going to have to, I understand where you're coming from and I... [LB139]

SAM FRANCO: And I'm getting ready to close here. [LB139]

SENATOR PAHLS: Okay, I feel your passion, but I'm concerned about right now is the... [LB139]

SAM FRANCO: And I'm saying this to you, sir, and I'm addressing it. [LB139]

SENATOR PAHLS: Okay. Okay. [LB139]

SAM FRANCO: And I said I was neutral on the issue of the name change. I support Senator Avery on this thing. I urge you to go ahead and give it whatever name you want. That's not the issue. We talked about your first, the presenter that supported this thing, he went very elaborately into discussing some of the things, you know, and I thought maybe I would be given the same due consideration. And I'm saying to you that there are issues that are much more important, Senator Pahls. And I would ask your consideration. [LB139]

SENATOR PAHLS: And I understand where you're coming from. And I do hear what you're saying that there are other issues, maybe even broader than what the title of an organization is. [LB139]

SAM FRANCO: That's correct. Any questions? [LB139]

SENATOR PAHLS: Senator Pirsch. [LB139]

SENATOR PIRSCH: Other than just changing the name of the commission, the bill as written would purport to, at least from looking at the right copy, change somewhat the scope. Maybe or maybe not, and I'd be interested in getting your point, such as the function of the commission. This is part of the bill shall be to, and what had been: gather and disseminate information and conduct, etcetera concerning Mexican-Americans becomes Hispanic-Americans. That's in line 12 of page 2. In other words, there are certain functions of the commission that are set forward, and does it change, other than name change; are there substantive changes that you see in changing from the term Mexican-Americans to Hispanic-Americans becoming more broad and more inclusive, such that could either be negative or positive in your opinion? [LB139]

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SAM FRANCO: I don't see any, sir. We are dealing with people, and people's lives ultimately, and that makes no difference. [LB139]

SENATOR PIRSCH: Thank you for your answer. [LB139]

SENATOR PAHLS: Any other questions? Appreciate your testimony and thank you. [LB139]

SAM FRANCO: And thank you. [LB139]

SENATOR PAHLS: Do we have any other testifiers? Senator Avery. [LB139]

SENATOR AVERY: Thank you, Senator Pahls. I actually was going to waive closing, but I do have to answer one thing. Mr. Freytez did testify that he speaks on behalf of the commission. What he did not tell you is that he and I have met twice to discuss this issue. And actually we were planning to meet a third time and didn't have time to do it. So there has been adequate contact between my office and his office about this proposed legislation. I do not have time to speak to ten separate commissioners. When I speak with a person who represents the commission, I presume that that person is communicating our conversation to the other commissioners. [LB139]

SENATOR PAHLS: Senator Avery, would you agree that a name change is significant, but there appears to be other issues that we need to discuss at another time? [LB139]

SENATOR AVERY: Oh yes, definitely. [LB139]

SENATOR PAHLS: Thank you. That closes the hearing on LB139. Thank you. [LB139]

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Disposition of Bills:

LB115 - Held in committee.

LB139 - Placed on General File with amendments.

LB154 - Placed on General File with amendments.

Chairperson

Committee Clerk