

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 23, 2023

**BREWER:** Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer, representing the 43rd Legislative District of western Nebraska, and I serve as Chair of this committee. The committee will take up bills in the order that they were posted on the agenda. Our hearing today is your public part of this legislative process. This is your opportunity to express your position on the proposed legislation before us. The committee members may come and go during the hearing. It's just part of the process. We have bills to present in other committees. And I have a note here that Senator Conrad is presenting two bills in other committees so she may be in and out. I ask you to abide by the following procedures to better facilitate today's meeting. Please turn off or silence any electronic devices. As your bill comes up that you're planning to speak on, remember that the first row is reserved for the testifiers for that bill. We'd ask that as those chairs become available, if you're planning to speak, just keep moving forward so that we see who's all going to be speaking. The introducing senator will make initial statement followed by proponents, opponents and those in the neutral testimony. Closing remarks will be reserved for the introducing senator only. If you're planning to testify, please pick up one of the green sheets over on the table. I'd ask that you'd fill it out. Please write legibly. It asks for your phone number. Do not fear that we're going to give that out to anyone. That is simply to call you in case there's confusion with your testimony to make sure that it goes into the record properly. Let's see, if you want to record your presence here, but not testify, there are white sheets that you can sign up on the table and it will also give you a chance to identify yourself as a proponent, opponent or in the neutral. If you have handouts, we ask that you provide ten copies. Please give them to the page when you come up with your green sheets. And if you don't have enough copies, let us know and we'll have the pages make some copies. When you go up to testify, please speak into the microphone and clearly state your name, then spell both your first and last name. We'll be using the light system today. How many are here to testify today? Yeah, I'm going to roll the dice. We're going to go five minutes. All right. Four minutes, green; one minute, yellow; and then when the red goes on, you have completed your testimony. No displays of support or opposition in bills, vocal or otherwise, are allowed during a public hearing. Committee members with us today will introduce themselves, starting on my right with Senator Conrad, who is here.

**CONRAD:** Just in the nick of time. Hello. Good afternoon. Danielle Conrad from north Lincoln.

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**RAYBOULD:** Good afternoon, everyone. I'm Jane Raybould, Legislative District 28, the center of Lincoln.

**SANDERS:** Good afternoon. I'm Rita Sanders. I represent District 45, which is the Bellevue-Offutt community.

**AGUILAR:** And I'm Ray Aguilar, represent District 35, Grand Island.

**LOWE:** John Lowe, District 37: Kearney, Gibbon and Shelton.

**HALLORAN:** Steve Halloran, District 33, which is Adams, Phelps and Kearney County.

**BREWER:** All right, Dick Clark is the legal counsel. Senator Sanders is Vice Chair. Julie Condon is the committee clerk. And today we have, for our pages, Lauren-- or Logan and Sophia, is that right? Good. I like being right. OK, let's go ahead and move to LB712. Senator Hardin, welcome to the Government Committee.

**HARDIN:** Thank you. Thanks, Chairman Brewer. Good afternoon, fellow senators of the Government, Military and Veterans Affairs Committee. I'm Senator Brian Hardin. For the record, that is B-r-i-a-n H-a-r-d-i-n and I represent the Banner, Kimball and Scotts Bluff Counties of the 48th Legislative District in western Nebraska. I'm here to introduce LB712. LB712 creates the Ground Based Strategic Deterrent Deployment Fund. This will be a one-time transfer of \$26 million from the Cash Reserve Fund to the Ground Based Strategic Deterrent Deployment Fund. First, I'd like to explain how we determined the format for this fund. We used the same format used in the past for funds that were intended to be used at Offutt Air Force Base. This fund will be under the care of the adjutant general of the Nebraska National Guard. We felt this was appropriate because if you can imagine Offutt and the operations that happened there to be a spear, then the ICBM facilities in western Nebraska are the tip of that spear, the very pointy end that keeps our enemies up at night. It may come as a surprise to some of you that there are intercontinental ballistic missiles located in western Nebraska. In fact, there are roughly 150 missile launch facilities and 15 missile alert facilities in the Colorado-Nebraska-Wyoming tri-state area. Nebraska is home to 80 launch facilities and nine alert facilities. These facilities were built in the 1960s and '70s. They currently housed the Minuteman III missile with technology that was developed when JFK was the President of the United States. The federal government has decided it's time to update these facilities with the latest and greatest in the world of ICBMs. We are expecting roughly 3,700 workers to be brought to the

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area for this project. While the official location of the home base camp for all these workers has not yet been officially announced, all indications, according to the military, are that the home base will be located in or very near the city of Kimball, Nebraska. Now, let me put that into perspective. According to Google, in the year 2021, the total population of Kimball was 2,258 people. The workers alone for this project will cause the population of Kimball to swell to 1.65 times. This does not include any workers that may bring some family members with them to the area. The Panhandle of Nebraska is a beautiful area and a wonderful place to raise a family. Some workers may bring their families with them when they see our gorgeous landscape and meet the wonderful people of Kimball, Banner, Cheyenne and Scotts Bluff Counties. All this is to say I believe the true number of people coming to this area is higher than the 3,700. I'd like to direct your attention now to the colorful pamphlet handout labeled, "Exhibit A." This is a breakdown of the identified ways the money would be used, as well as showing how state funding will be combined with local and federal funding to accomplish the goals of making sure the communities of the Panhandle are not harmed by the massive influx of people. Most cities can typically handle 3 percent growth year to year. The Panhandle, specifically Kimball, is looking at a 165 percent population increase quickly. That's a scary number, but the people of Kimball, Sidney, Scottsbluff and Gering are up to the task. But I know they would not only appreciate some help from the state, but would also like to not be forced to tax and bond their way and their neighbors through the missile project. I won't bore you by reading through the entire pamphlet you've received, but from a 100,000-foot view, the identified areas of need for these funds are public safety, water, wastewater, electric roads and trails, recreation, regional public transport, childcare and economic development. I'd like to mention that one of the testifiers that will follow me today is Christy Warner. Christy is the director of the national award-winning Kimball County Transit Service and I strongly encourage you to ask her questions about that wonderful service for the Panhandle. Next, I would like to direct you to the one-pager you have labeled, "Exhibit B." This will give you a brief description on Panhandle development, the Sentinel Weapons System-- that's the system that will replace the Minuteman III that's currently there-- and a snapshot on Panhandle schools. A couple things I would like to specifically draw your attention to would be the bullet points under the Sentinel Weapons System. No state or local money will be used on the military project itself. This project is getting completely and separately funded from the military. It's noted the military project is approximately \$86 billion-- yes, that's with a "B"-- For the full

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deployment. But I can tell you that after my trip to Vandenberg Space Force Base two weeks ago, that the \$86 billion is no longer correct. That number is growing. In fact, it has grown so much that the military basically said we have stopped counting. I've been told this. This will be the biggest expenditure on a domestic project in the history of the United States. The final handout to discuss is "Exhibit C." This is an economic impact study that was prepared by Dr. Ernie Goss from Goss and Associates. It's a very detailed study and I believe Dr. Goss is here today to testify and he can answer any more of the technical questions far better than I can. But I would like to direct you to page 5, Table EX1 under the executive summary. From this study, it was found that the state of Nebraska can expect a \$1.29 return on investment for every \$1 spent on this legislation. I believe it's important to point out that this study was done for a projected period of seven years. The missile project is now projected to be a 10- to 12-year project. Tell me, when was the last time the federal government finished anything on time or on budget? I think Dr. Goss does very good work with this impact study. I believe it's possible that the ROI for the state could end up being more than the identified \$1.29 by the time this project is over. You will also find a letter from Deb Cottier of Chadron, co-chair of the Nebraska Economic Developers Association. Due to the distance from Chadron and Lincoln and sometimes we get weather out there, Deb was unable to be here in person and I asked that I-- and she asked that I share her letter of support. I think it's important to remember that regardless of what happens with LB712, the military is sending 3,700 contract workers to the Panhandle. No matter what we do in this body, the Panhandle is going to have to find a way to manage through the challenges that come with this type of project for at least a decade. For Lincoln, growth of 1.65 times would be going from about 290,000 people to 475,000 people in a short period of time. For metro Omaha, they would go from 860,000 people to 1.4 million in a couple of years. Behind me we have several testifiers from the community of Kimball, including some high school students who are here to share their stories and passion for the community of Kimball, as well as a representative from Sidney who is here to testify. I want to thank the committee for its time today and will yield to any questions you may have. Thank you, Mr. Chair.

**BREWER:** Thank you, Senator Hardin. Could you share with us a little about your experience as far as being able to go out and see some of the area that's going to be going through the construction and then where all did you get to go to, to better understand the overall mission?

**HARDIN:** Two weeks ago, along with some of the people sitting behind me, we went on a civic-oriented trip as leaders and the Department of Defense invited us to travel from Warren Air Force Base to Ellsworth Air Force Base on out to Vandenberg Space Force Base, then back to Warren over a period of three days. They let us get up at four in the morning and usually they put us to bed late at night. And it was a meaningful trip on a C-130, hit my head on it. If you get that chance, pass on that. The pinnacle of the trip and what was interesting is that, as you may recall, we had some balloons floating around that week. And the main reason for the trip at that time was to witness the launching of a Minuteman III, the types of missiles that are in the ground out in our area. Frankly, that was not in response to those balloons that were flying around. That missile launch was actually scheduled five years ago. They do those missile launches two times a year, in February and in August. And essentially they pull a couple of missiles out of the ground and they take the nuclear loads out of them. They put dummies in there. They fire them 7,000 miles down into the South Pacific. And it's amazing technology to watch, particularly if you look at-- the one that we saw was actually manufactured in 1974. It's a signal to our enemies and to our friends that we can shoot something 7,000 miles and 23 minutes later, it comes down and it hits a target the size of a car. North Korea fires something and they hope to hit something the size of Alaska and typically they do not succeed. So it's impressive, even though it's old technology. Part of what we learned during that journey was the fact that we actually built a system to replace the one that's 50 years old. We gave it away because we felt that was wise for the safety of the world. So that peacekeeper system that we built to actually replace these missiles went to NATO and our allies in the last few years. This new one is called the Sentinel System. It's the latest and greatest technology and that went up. We learned lots of things on the trip, including BESPIN represents the B-21. That will be the replacement for our B-1 and B-2 bombers. It will be a stealth aircraft, one of these flat things that is very stealthy and those will be built in the South Dakota area, in-- near Rapid City at Ellsworth Air Force Base. We got to see lots of interesting things there, including their cold spray unit. It's basically 3D. It's amazing what is being done. And they wanted to impress us. They did. They impressed us. And I was most impressed with our military, from the lowest private to the generals I had the opportunity to meet. These are professional people who know why they are there. They have a sense of mission and vision and values. I work in that area, in the world of mission vision, values, performance management in the corporate world and what I experienced was second to none.

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**BREWER:** Of the 3,700 workers, they'll all be civilian or how many would, would be military that would be a part of the actual construction?

**HARDIN:** That number, we are told, will be the civilian workforce.

**BREWER:** OK. All right, let's see if we have questions for you. Any questions? Senator Raybould.

**RAYBOULD:** Thank you, Senator Hardin. I'm really curious about the timing of this programming. When is the award going to be announced and enacted on? Because I think you also prefaced it that the government works pretty darn slowly, but I know this has an emergency clause and so I'm trying to get my hands on a better understanding of the project timeline--

**HARDIN:** They started--

**RAYBOULD:** --and award.

**HARDIN:** They started the planning for the project many years ago. And so truly, we probably would have been in the same seat had they not given our last system away. And so it's actually been in process for many years. I spoke with someone from the FBI who is going to have a hand in watching what goes on from a security standpoint and they said that they had personally been involved in the development of the project for at least five years.

**RAYBOULD:** So I was curious that you had an emergency clause, that this requires an immediate transfer of \$26 million.

**HARDIN:** Correct. An interesting piece of that is that the timeline has essentially moved. And I'm not sure it's moved as much as it has been a timeline that has shown in places 2026, 2025, 2024, 2023. It seems to me, as I piece it together, that the timeline on all of it has to do with who you're speaking with and when do they come in to do their part of this gigantic journey? So it's not that the numbers are on the calendar have been incorrect. It's that you have to put it into a context of they indeed may be coming along two or three or four years after someone else, but literally, we're told to expect people on site this year.

**RAYBOULD:** Well, again, that goes back to my-- because it does say to declare an emergency on the distribution and transfer of the funds. Does that--

**HARDIN:** Right.

**RAYBOULD:** --seem realistic or--

**HARDIN:** Yes. There-- and you can see inside the exhibit or the document we gave you, they have performed an environmental impact study. It's on the edge of the town, about 80 acres. And so these folks are going to need infrastructure. They're going to need sewer pipes around it. They're going to need water provision. They need electricity, so on and so forth. At this point, the cost of those streets, the cost of everything that goes into that is falling to the town to provide that for these federal contract workers and here they come.

**RAYBOULD:** So this would be an assistance to the city of Kimball to allow them to the-- to do the infrastructure. But again, when-- is there a timeline placeholder when we'll hear definitively for, for doing something like this? I know it's-- you're saying it's a very-- it's like a moving target. But --

**HARDIN:** Right.

**RAYBOULD:** --I'm-- I just get focused on then why do we have to declare it an emergency and shouldn't there be a sunset clause? So if this doesn't happen, I mean, we can have a placeholder for it, but it should be probably held in escrow or reserve until there, there is definitive word that they're going to implement this with 100 percent certainty.

**HARDIN:** Well, we know, we know with 100 percent certainty that the federal government, the military is coming because the missiles are already there. So it's not like we're hoping to build something. They're coming. And so there are those behind me who I think can probably speak to the timeline more definitively than I can.

**RAYBOULD:** So the current missile system hasn't been there-- I think you said 50 years?

**HARDIN:** Right.

**RAYBOULD:** OK.

**HARDIN:** Yeah.

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**RAYBOULD:** I'm kind of struggling with the emergency issue on it because it may-- and I'm, I'm certain probably someone else can testify to the timeline. Thank you.

**BREWER:** Yes, Senator Conrad.

**CONRAD:** Thank you, Chairman Brewer. Good to see you, Senator Hardin. Welcome to Government. I think maybe this is our first chance to welcome you.

**HARDIN:** It is my first opportunity.

**CONRAD:** Very good. Very good. Well-- and thank you for all this helpful information. I'm really old school and I like to marker up everything and drill down and read it. So I'm quickly glancing through things right now, but will read it in greater detail throughout the course of the hearing. And if I don't get it all today, over the weekend, what have you. But I wanted to ask a couple of questions. So \$26 million is a fairly sizable request in terms of appropriation. So-- and I know that this ship has sailed, but I do have some questions and concerns about why an appropriation of that magnitude is before the Government Committee instead of the Appropriations Committee. But we'll deal with that another day, I suppose. Do you have a sense-- and maybe other folks might know-- if it's not the full amount, I see that there is a proposal here. A certain amount is dedicated for different aspects of infrastructure or childcare or wellness center, what have you, kind of what would be the top priority amongst that array of, of different ideas that are presented if the full amount is not available? Do you have a sense about that?

**HARDIN:** The prioritization I do not have sense--

**CONRAD:** OK. OK.

**HARDIN:** --in terms of what order do they-- they come in as most poignant.

**CONRAD:** OK.

**HARDIN:** My sense is that what we really wanted to try to do was to keep our town from being harmed--

**CONRAD:** Sure.



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**HARDIN:** --since it's growing by that magnitude and that quickly. Our ability to bond our way out of that amount of money is essentially nil if we do not get some help.

**CONRAD:** OK.

**HARDIN:** There were not dollars for this included in the Governor's budget. We are in constant conversation with Senator Deb Fischer's office--

**CONRAD:** OK.

**HARDIN:** --sitting on armed services.

**CONRAD:** Yes.

**HARDIN:** We're in constant conversation with Congressman Smith since this is a part of the Third District.

**CONRAD:** Yes.

**HARDIN:** We've been in constant conversation with the FBI. And that's kind of where a lot of this got started was-- I guess I shouldn't say a lot of this got started. One of the first questions I had was how do we stay safe when you more than double, maybe even triple the adult population in a small town? What do we do then? And so that's kind of what got the ball rolling on some of this was just to make sure that all is well and is good and that our town remains whole through all of this.

**CONRAD:** No, I, I understand and appreciate that. But I'll tell you, just a quick glance at the thoughtful materials that you shared this afternoon, I mean, one thing that really jumped out at me was the recognition, of course, and the need to build up our childcare infrastructure across the state and how that really impacts working families in every corner of Nebraska. And it's kind of a recurring theme, I think, in regards to a lot of different economic development and workforce challenges. So I was, I was pleased to see that identified as, as kind of one of the top pillars of this plan and was thinking that perhaps if we, you know, had to make challenging and difficult choices, you know, to try and figure out kind of what might be something to help out as part of some broader strategies in terms of workforce. And then the last question, just because we're starting to get to that point in a session where, you know, we're trying to kind of sort through all the different bills that are coming before our committees, we're trying to kind of figure out where we are with

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our personal legislative agenda. And I know that-- and obviously this is a very important measure that you've brought forward and been working hard on with a lot of different stakeholders, but you've prioritized another measure regarding legal challenges for religious discrimination. So--

**HARDIN:** Right.

**CONRAD:** --do you put that measure that you've prioritized above this?

**HARDIN:** I have someone else who's prioritized this bill.

**CONRAD:** Oh, OK. Very good. Thank you so much.

**BREWER:** Senator Raybould.

**RAYBOULD:** You know, reading the bill, I hope you can help me understand because it starts out the State Treasurer shall transfer \$54,700,000 on or after, but before June 15. Is-- so is this a continuation of, like, transferring these-- and then the next section shall the-- transfer \$215,580,000 and it goes on transfer \$53 million. And so help me understand--

**HARDIN:** And if you--

**RAYBOULD:** --the language. Yeah.

**HARDIN:** --and if you skip to the end where the punchline is, it comes down to \$26 million is the, is the total ask.

**RAYBOULD:** OK.

**HARDIN:** Yeah.

**RAYBOULD:** Then why, why would they include all those--

**BREWER:** That's the existing law.

**RAYBOULD:** That is existing law?

**LOWE:** Um-hum.

**RAYBOULD:** It is? Oh, OK.okay.

**BREWER:** OK.

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**RAYBOULD:** So that's already in place and so-- thank you. Go to the punchline. punchline is \$26 million.

**CONRAD:** Yeah.

**RAYBOULD:** OK.

**BREWER:** All right. Any additional questions? Senator Halloran.

**HALLORAN:** Thank you, Mr. Chairman. Good to have you, Senator Hardin. Thanks for bringing this. You're quite a cheerleader for Kimball and the Panhandle. I'm proud of you. That's a lot of enthusiasm.

**HARDIN:** You should see them step kick.

**HALLORAN:** Anyway, so getting to the impact on the community, positive impact, but yet it has to be dealt with with that exponential growth, right? I can't give specific numbers, but at advent of World War II, Naval Ammunition Depot was built near Hastings, Nebraska, some 50,000 acres. It took several years to-- well, it wasn't complete even at the end of World War II. But it was a massive-- point I'm trying to make here is-- and I don't have specific figures, just anecdotal stories about the impact that it had on Hastings with that sudden influx, influx of population. And it was, it was quite overwhelming. I suspect, at that time-- I don't know again. I suspect at that time, Nebraska wasn't in any kind of position to do what you're asking the Legislature to do for you here and that is to help build up some of that infrastructure to manage that. Because I can tell you, for Hastings at that time, it was overwhelming and, and, and really was not manageable from the perspective of a local community absorbing the-- absorbing that kind of growth. So I applaud you for this. You're anticipating this and, and I think it's a worthy ask.

**HARDIN:** As I recall, that's a naval yard outside of Hastings--

**HALLORAN:** Correct.

**HARDIN:** --which is an interesting experience to drive through Nebraska and find a naval yard.

**HALLORAN:** Yeah. Well, you know, and there were bases built around Sidney as well, throughout the state, Grand Island, similarly for ammunition depots. This was an ammunition depot that happened to be for the Navy. People think it's-- well, it is quite odd that you'd have something like that, but it was centrally located and logistically located in the center of the country, which meant it, it

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was as easy or is difficult to go either direction with the ammunition. But overriding at that time was they didn't have missiles that could reach the center part of the U.S., continental U.S. And so it was a relatively safe place to build those things. But bottom line is, it was overwhelming for Hastings. They made it through it, struggled through it, but it could have been a lot smoother if there would have been some anticipation and some foresight, so.

**BREWER:** All right.

**HALLORAN:** And that was not a question, I'm sorry, but that was a statement.

**BREWER:** Senator Sanders.

**SANDERS:** Thank you, Chairman Brewer. Senator, thank you for bringing this bill forward. I appreciate it. Offutt Air Force Base is in my district and they're so connected. And when you're, when you're in my district, west Nebraska seems like a long ways away. Depends who you're asking, right? But there's so much connected to what they do out at Offutt or particularly STRATCOM, what happens in your district. My question actually is the infrastructure that you're asking for support, will that stay in place for the citizens to benefit from once the project is complete?

**HARDIN:** My understanding is yes. And again, there are those following me who can speak to that more definitively. On the housing front, what we've been told is that the military plans to roll in the houses, the trailers and then they'll roll them out when they're done, but these streets and all of the infrastructure in and around them will remain.

**SANDERS:** Right. OK so, so eventually, maybe we can use them--

**HARDIN:** Yes.

**SANDERS:** --in Kimball as-- thank you. I always-- when we have a possible mission or capstone that comes through, I always use that as an opportunity to recruit. We want a workforce. They're a great workforce. And if they perhaps want to stay, we'll show them a house. But what a great way for western Nebraska to host the military and the civilians in your community.

**HARDIN:** We're very proud of them and look forward to it.

**SANDERS:** So thank you for that.

**BREWER:** Any other questions? Senator Raybould.

**RAYBOULD:** So, Senator Hardin, I don't know if you know this answer, but I'm guessing there's got to be other missile sites throughout the United States. And so probably several of those need upgrades too. So are we competing with other communities in prioritization to-- like, this is--

**HARDIN:** We're the first and there are essentially three main sites, as I understand.

**RAYBOULD:** OK.

**HARDIN:** So this is the first of those three to be built out.

**BREWER:** Senator Conrad.

**CONRAD:** Sorry. This interesting discussion piqued two more quick questions. Thank you for your indulgence, Senator Hardin. We're-- I think we're all trying to dig in and get our heads around this, but-- so let me ask this question. If this committee does not advance the measure or doesn't end up as part of a budgetary package, what happens if no money is provided this year? What happens to the project?

**HARDIN:** Well, my sense is that--

**CONRAD:** If you know, if you know.

**HARDIN:** --that I don't know.

**CONRAD:** Yeah.

**HARDIN:** I can guess as well as anyone in the room and say that there might be those who would say, well, the town just has to go out and go into debt through bonding and figure out how to come up with, you know, how to pay these costs of building out this infrastructure.

**CONRAD:** OK.

**HARDIN:** The problem is that a town that is that small simply doesn't have the ability to do that. And so--

**CONRAD:** OK.

**HARDIN:** --that's, that's kind of our backs up against the wall. And so it's, it's been an interesting process to--

**CONRAD:** No, that's--

**HARDIN:** --to watch it, it come about and, and--

**CONRAD:** Yeah.

**HARDIN:** --so forth.

**CONRAD:** No and it's helpful to know. I mean, obviously you did a good job extolling the virtues of the project and the vision and the plans. And I'm just trying to kind of think on the other side of the coin. You know, what happens if this appropriation doesn't move forward either in this amount or this year with, with that vision kind of piece. And then-- and maybe a testifier after you can dig into this or maybe it's deeper in the materials, but I'm also wondering, you know, if you have any information about the considerations in regards to, like, the siting of this project. If the local infrastructure doesn't exist to support this kind of project, why, why is it sited as a priority? I mean, I would think that that would be something that would be very important to the people who are-- I mean, the missiles, I guess, is your, your foot hole or anch-- foot hold or anchor in regards to the siting of it. But I'm just trying to kind of get my head around that. If we feel like we don't have the infrastructure, that just seems problematic.

**HARDIN:** My sense is-- and, and I'm speculating.

**CONRAD:** And I'm not trying to be argumentative. I'm just trying to figure it out.

**HARDIN:** I'm speculating when I say this.

**CONRAD:** Yeah, OK. That's a good thing. We can--

**HARDIN:** I think the military looks at this and says we have to secure America and these are the biggest guns in the world. And I think they're looking at this and saying, this is so sensitive that-- I know that they have considered multiple sites--

**CONRAD:** OK.

**HARDIN:** --for where this workforce would live because I know they're deeply concerned about the integrity of the entire project.

**CONRAD:** OK.

**HARDIN:** If you were our enemies, our enemies would be crazy not to be deeply interested in what's going on. And I can share more later, but we know they're very interested--

**CONRAD:** OK.

**HARDIN:** --in this-- what's going on.

**CONRAD:** OK.

**HARDIN:** And so multiple sites for this workforce have been considered. Our sense is this is where it's at mostly because this is where the environmental impact study has taken place.

**CONRAD:** OK.

**HARDIN:** Those take a long time.

**CONRAD:** Sure. Absolutely. Thank you. Thank you very much.

**HARDIN:** Yeah.

**CONRAD:** I'm really eager to continue the conversation with you and hear from the, the other testifiers, but those were, I think, some of the questions that percolated during your opening. So thank you for your graciousness.

**BREWER:** I guess, just so you understand too, the job I had at Offutt was aboard the airplane that made the decision to launch not just the ground based thermonuclear weapons, but our submarine based and our bomber fleet that has nuclear weapons. All of that is woven into the mission of STRATCOM. So this is an extension of STRATCOM and that's probably, you know, the more Nebraska connection--

**CONRAD:** OK.

**BREWER:** --there because ultimately, as they go up the food chain, that's where it ends for the folks that are in the silos in western Nebraska. OK, any other questions for the senators? Senator Lowe.

**LOWE:** Thank you. And not to belabor the opening here, but we're talking about infrastructure. So infrastructure has to be in place before everybody else moves in because once they move in, you can't put infrastructure in, correct?

**HARDIN:** That is correct.

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**LOWE:** OK. Thank you. And that's-- hence the E clause. Thank you.

**HARDIN:** Thank you.

**BREWER:** All right, one more time around. Any questions? All right, let's see-- and General Bohac, are you, are you speaking on LB712? OK, I'll invite you to be next up, if I could.

**DARYL BOHAC:** I'm testifying in neutral though.

**BREWER:** You're testifying on--

**DARYL BOHAC:** Neutral.

**BREWER:** Oh. OK. Well, that threw me for a loop. All right, Senator Hardin, thank you for your opening. All right, so let's see, Ernie, you're speaking in the neutral or-- OK, got a lot of neutrals. OK, we're going to start with proponents to LB712, come on up. Welcome to the Government Committee.

**ANNETTE BROWER:** Thank you. Good afternoon, Chairman Brewer, committee members. I'm Annette Brower. For the record, A-n-n-e-t-t-e, Brower, B-r-o-w-e-r. I'm the city administrator for the city of Kimball in the beautiful Panhandle of Nebraska and I'd like to thank you for the opportunity to talk to you about our side of the state. Kimball's future is very different than its past. We are no longer in a Cold War era, nor are we on a decline. In fact, we're steadily growing, along with facing an even larger growth ahead of us with The Sentinel Project. We've spent the last two years working with Department of Defense, Northrop Grumman and civic leaders throughout the city and county to help prepare for this national defense project. The ground based strategic deterrent, now referred to as the Sentinel Missile Project, moving into the Panhandle region is an absolute. As written into the Air Force environmental impact study, the location for the workforce housing hub will be located in Kimball, with construction planned for 2024. During the January 24, 2023, public town hall meeting held in Kimball, hosted by the Air Force in partnership with the Army Corps of Engineers, the public was told that it was not a matter of if they were coming, but when they are coming. I've had the opportunity for personal discussions with colonels of the 90th Missile Wing who advised us that we could not discuss the Northrop Grumman housing location details until the next step of a DOD contract was finalized. However, we at the city should look for a formal letter of intent by May of 2023. Air Force plans for shovels in the ground, quote unquote, Summer 2023. As noted in the EIS, the short-term



increases in population would exceed the historic annual average change. The construction activities would have significant beneficial effects on socioeconomics, from increases in expenditures and employment. The Air Force and their contractors will be coordinating with local employment agencies to post opportunities with the goal of hiring a minimum of 20 percent of local workforce from the region of the Panhandle. These are workers spending wages on goods and services, resulting in beneficial effects on our local Nebraska businesses. Kimball has no choice but determine how we will brace for the impact and how we can take advantage of this historic event that will literally double our current population. The benefits and struggles facing Kimball will also overflow into our surrounding communities of Sidney, Gering, Scottsbluff and smaller towns. We must ask ourselves what do we want to accomplish? We have already been working towards capturing permanent, sustainable growth, working with local businesses and partnering with engineers to set plans for building neighborhoods that will last decades beyond us. We are investing in our community with long-term planning, implementing infrastructure upgrades, annexing land and working with developers to drastically increase our housing supply. And yet still, this does not meet the demand that we are facing. We have already expended significant resources with planned upgrades to our power generation plant and wastewater treatment plant. We've conducted multiple studies, including a housing need study and economic impact study specifically related to the Sentinel's project's impact on our community to determine the absolute best route moving forward. Along with these significant expenditures, the City of Kimball has been diligent to pay off bonds early, put reserves away in high-interest accounts and have saved our ARPA funds to prepare for the projects that need to be completed to meet the demands of the Sentinel Project moving forward into our area. These funds we are requesting will be used for emergency response essentials such as increasing law enforcement and allowing our current all-volunteer fire department to have the necessary equipment and permanent staffing required for timely lifesaving response, along with the long list of necessary community improvements needed to sustain such growth. Most of the local funds will come from community working with developers and utilizing federal grant opportunities. However, with all that we've done to prepare, the truth is that we are just too small to tackle it all on our own. We need additional help to match the funds necessary to complete these projects. We need assistance to help in other places besides infrastructure. We need to be able to support our local small businesses and help them prepare for the growth that they too will be experiencing through added economic development funds. We need to expand and strengthen our childcare in

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our town and continue to find ways to support the demand for rural workforce housing so that we can keep our employees and families in Nebraska long after the Sentinel Project is completed. All these pieces play a pivotal role in the breadth and scope of growing our community. We are not here asking for a handout. We're here asking for a partner. Is \$26 million for our region a lot to ask for? When faced with an historic \$86 billion national defense project moving into the state of Nebraska, I politely say to you, no, it is not. This is a small investment by the state to ensure that we turn a ten-year project into a 100-year multi-generational positive impact for the Panhandle region, all while supporting our national defense program and our armed forces personnel. I thank you for your time. I have also handed out a very small, condensed version of the Air Force's economic impact study in draft-- in a small form. It's 1,800 pages so I didn't want to give you it all. So I am open to any questions you may have.

**BREWER:** We, we appreciate you not giving the 1,800-page version of this.

**ANNETTE BROWER:** I read it so you're welcome.

**BREWER:** All right. So we take a look on page S-2. This is the diagram that shows basically the middle of the United States, shows the missile fields that launched from Malmstrom, Minot and F.E. Warren. If we take a look at the Nebraska notch, Kimball sits right in the middle of the dots, roughly.

**ANNETTE BROWER:** That is correct. And on the very last-- second to last page is a much better map, albeit a little small, of the actual Panhandle's impact with the missile locations. And on the final page is the notional hub-- housing hub.

**BREWER:** Well, all right. Thank you.

**ANNETTE BROWER:** You're welcome.

**BREWER:** OK, questions for Annette? Senator Lowe.

**LOWE:** Thank you. We're putting an E clause on LB712 because the money needs to start flowing as soon as possible. Are there people on the ground already in Kimball moving things around and preparing for what's going to happen later this year?

**ANNETTE BROWER:** On the ground as far as the defense side of it?

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**LOWE:** On the ground as far as building and getting in preparation for everything.

**ANNETTE BROWER:** We've already started seeing growth. We've broke ground on a second grocery store this, this week. We've had several retail companies move into town as well and we've got three different housing developments that we're working through with developers right now. So we're already starting to see an influx. To say the military is in town, military is always in our town. They're always moving through so they're sort of partners with us already. We are expecting to start feeling an impact summer 2023. So we are trying to get moving as fast as we can. One of the issues with the emergency of it is we are going to have to put some things in place. And as far as infrastructure is concerned, things take a long time. I mean, we-- we're looking at some electrical components for upgrades to our power generation that are 50 weeks out. I mean, that's a lot of time. So that's another portion of it is just that global supply and knowing that we have to be-- we have to have that forethought now because things are going to take a little bit longer.

**LOWE:** Kimball, western Nebraska. We always hear western, western Nebraska communities are, are growing smaller. Are you seeing that in Kimball?

**ANNETTE BROWER:** No, we are not. That is exactly what I'm talking about. We had a brand new Ace Hardware built. We've had two other retail stores that are opening. And again today, we opened up our second grocery store. That sounds crazy, but that's a big deal in town. We are working really hard to get some economic development funds to a proper daycare in town. Currently, we have three small daycares that are a home. They only house eight children and that is not enough even for where we are now. We have businesses outside of town that are also growing and expanding and doubling in size. And that in itself is putting some pressure on us. So we are actually steadily growing and we're actually happy about that, so--

**LOWE:** Can you talk about that business that's south of town?

**ANNETTE BROWER:** I could if you'd like me to. South of town is Clean Harbors Environmental Services. They are a \$4 billion national-- nationwide company. They have decided, after all of their locations within the United States, to make Kimball their nationwide hub. They are doing a \$200 million expansion that will bring in over 200 employees alone, just employees. They're expecting 70 of those by fall of this year. They're also spending money and investing in housing in

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our town at the corporate level to help the city. They're big proponents of the town of Kimball. They chose us because of all the other towns that they have businesses in, we are friendly and the state of Nebraska has always been great to them. So that business alone is putting some pressure on us as well, but it's exciting. And along with that, we are going to see-- in 2024, they're putting in a rail spur as well to help with that nationwide hub. So exciting things happening. And again, that's not just going to affect Kimball. It's in Kimball, but it'll affect Sidney, Gering, Bayard, Morrill, all of the towns surrounding and Scottsbluff. So it's actually great because several of those employees actually come from those communities into ours.

**LOWE:** Thank you.

**ANNETTE BROWER:** You're welcome.

**BREWER:** Aren't you also building a new hospital?

**ANNETTE BROWER:** We are building a new hospital, a \$42 million hospital with a helipad. It is set to open October 2023.

**BREWER:** All right. Thank you. Senator Hunt.

**ANNETTE BROWER:** So thank you for noting that. I appreciate that.

**BREWER:** No problem. Senator Hunt, did you have a question?

**HUNT:** Thank you. I have some questions and I hope I don't see too many eyes rolling because these might be really ignorant, normal civilian-type questions, but this nation-- this notional workforce hub, the plan of the workforce hub for this project, what happens to this after the completion of the project?

**ANNETTE BROWER:** So that'll be a decision of what they call the stakeholder. The, the city and/or, you know, property owners on that land. We will have the decision when the letter of intent comes out and we actually sit down and have those conversations. Our decision will be, do we have them build it and then tear it all down and turn it back to grassland or would we like to keep it and turn it into something? Obviously, we're not going to have it go back to grassland. It could be a-- could turn into something just fabulous. It could be, you know, a college campus on the west side of town. It could be housing. It could be a training facility. It could be so many things. So those are decisions that we're going to have to make in the near future, but we don't have those answers just yet. But I can tell you

from the city standpoint, we will not, we will not let go of something that could be great for growth in the future.

**HUNT:** OK. And then I'll also pose the question to you-- it's a similar question to something Senator Conrad asked. If Kimball doesn't-- if Nebraska and Kimball doesn't have the infrastructure currently-- and I'm looking at this other handout talking about public safety, the need for police officers and fire operators, water, wastewater, electric, roads and trails, public transportation, recreation, childcare, economic development, if, if these resources aren't enough for what is needed for this project, why is the, why is the federal government pursuing this project? Like, what if, what if the bill doesn't pass? What are, what are they going to do if there aren't enough public safety officers and things like that? What's their plan?

**ANNETTE BROWER:** I don't think it's going to stop the federal government.

**HUNT:** Uh-huh.

**ANNETTE BROWER:** The federal government, Department of Defense, they have their mission and they are-- they have their location. It's us asking for help as we grow because let's be honest, we don't know what kind of ancillary services are coming with this. You know, when a, when a aerospace type industry moves into a town, you've got all kinds of different growth opportunities and businesses that follow with them. So what we're trying to do is brace for that extra impact, the different housing units that are going to come along, the different businesses that are coming-- going to come into town and say, hey, we want to be part of this as well. You know, where do we put them? How fast can we build that infrastructure to expand where we need to expand to?

**HUNT:** OK. Thank you.

**ANNETTE BROWER:** I hope that, I hope that answered your question.

**BROWER:** OK. Senator Raybould.

**RAYBOULD:** Thank you, Ms. Brower. Could you talk a little bit about this handout that--

**ANNETTE BROWER:** Sure.

**RAYBOULD:** --this is from the town hall meeting and they, they talk-- on the last page, they talk about the DCIP project life cycle. Could you talk a little bit about that and, and where--

**ANNETTE BROWER:** So you're talking about the Defense Community Infrastructure Pilot Program, the very last page?

**RAYBOULD:** It's this handout.

**ANNETTE BROWER:** Um-hum.

**RAYBOULD:** The last page? Yes.

**ANNETTE BROWER:** So this is, this is one of the new programs that's available. It's something that we are working on already. I've had contacts with F.E. Warren Air Force Base and at the Capitol. And this is a program that will help assist military communities or communities affected by military move-ins to help with these kind of projects. So I just wanted to let the committee know that we are looking at all options of revenue sources. So we will also be reaching out to the OLD-- it's called the OLDCC and going for this grant as well. So we are going to do everything that we can to try and get funds and as, as any grant comes along, you're going to have to have matching funds as well. So that's another thing that we're concerned about is making sure that we just have enough for those matching funds so when we go for those grants, that we can complete these projects as planned.

**RAYBOULD:** So that's-- so this handout is for a different funding source.

**ANNETTE BROWER:** That's a-- it's a-- this handout was actually given out in one of our public town hall meetings. Part of it is what the Air Force itself presented to, to our local public and our local community. And I just wanted you to see that so you can see in there where those locations are and that the housing hub is planned for Kimball, Nebraska, up to 3,000 employees and several staging areas, which also includes Sidney, Nebraska.

**RAYBOULD:** OK. Thank you.

**ANNETTE BROWER:** You're welcome.

**BREWER:** All right. Any additional questions? OK, thank you for your testimony.

**ANNETTE BROWER:** Thank you. Appreciate your time.

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**BREWER:** Next proponent for LB712. Welcome to the Government Committee.

**GABE INGRAM:** Thank you. Name is Gabe Ingram, G-a-b-e I-n-g-r-a-m. I am the city of Kimball city council president here on behalf of our mayor, John Morrison, who was not able to attend. We are in complete support of LB712 and offer our unconditional support. The Air Force and the city of Kimball have long been partners and have a good relationship. This dates back to the 1960s and '70s, as what's been spoken before, where Boeing came in and put in the Minuteman III. And now, after 60 years, it's time to retire that and bring in the Sentinel Project, which will help boost our national security right in our backyard. And as what's been said before, \$86 billion is quite a bit. And in today's day and age, national security is huge and things can change at any moment. With that being said, back in the 1960s, 1970s, Kimball was around, I believe, 7,000 people. So we've experienced this before and there are members of our community who were around at that point and know the challenges that we faced back then and are still around here today and welcome this project coming to our community. As what's been said before, 3,700 people, ten years. We've been in-- working in concert with the county commissioners, the school and everybody to make sure that this project goes off as smooth as possible within our community. With that being said, we've looked at already revising our zoning, planning, the infrastructure needs, as what Ms. Brower has mentioned before, with wastewater and power plant upgrades. We also know that with additional people, it will require more investment in the public safety sector. The Air Force, when-- you know if something happens, they expect us to be out there and respond ASAP and that's what part of this ask is for. As you've seen in your packets, we can't do this alone. You know, we're asking for a partnership with the state. This is going to be a lot of sales tax dollars come back into our state coffers. This is a significant project and the demands can't just be met by the city of Kimball. We ask that you be our partner in helping us get this funding here. We're, we're, we're ready to respond to this challenge. And we ask, like I said, that the state helps us out. Oh, let's see here. We're proud to support the United States of America, our military and the contractors that are working on this project in conjunction with the Air Force to bring this all to completion over the next ten years. In summation, I, I ask for your support of LB712 and our national security for this project, as it lays down the foundation to bring our national defense to the next level as the arms race always is ever increasing. With that being said, I'd open to any questions you guys might have.

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**BREWER:** All right. Thank you. Let's see if we have any questions for you. Senator Raybould.

**RAYBOULD:** Thank you, Mr. Ingram. Fellow city-- I was a former city councilperson too, so. The question I posed to you is, so how large is, is Kimball's current work-- police enforcement force.

**GABE INGRAM:** Police force, we have chief and four officers. I believe that's correct, right? Yep. We have chief, four officers and the sheriff's department as well. They work in conjunction with one another, as all small municipalities and counties must.

**RAYBOULD:** Do you have any vacancies or openings right now?

**GABE INGRAM:** Yes. On the sheriff's department side, we do. I believe we have two, three. We have three right now. Right now, we just hired two new police officers and we'll be sending them to academy here shortly.

**RAYBOULD:** OK, great. Thank you.

**BREWER:** All right. Additional questions? All right, thank you for your testimony.

**GABE INGRAM:** All righty.

**BREWER:** Next proponent. Welcome to the Government Committee.

**CARL STANDER:** I'd like to-- before I get started, I wear hearing aids and sometimes I have a hard time understanding. So I might be screwing with my phone and I'm not texting if that's OK, that's OK. Thank you. Carl Stander, C-a-r-l, Stander, S-t-a-n-d-e-r, and I'm a Kimball County commissioner. The U.S. Air Force has been a great neighbor for over 50 years to the Kimball County. I was in high school when they first came in and built the Minuteman missiles so I am greatly aware of the impact that it will have on the county. It will impact our law enforcement, our emergency services, our county roads and it will put an extra workload even inside our county courthouse. Don't know, I lost my-- OK. The U.S. Air Force is giving us an opportunity to upgrade our infrastructure, to strengthen our school systems, to create new jobs, to build new affordable housing, to support our local small businesses and to attract new small business to the area. This project is so important not only to the Panhandle of Nebraska, but the state of Nebraska and our great nation. We cannot afford to mess this up. Although this-- with the population growth, it will impact the county, but the real burden is in the city of Kimball. The Kimball



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County commissioners strongly support this military project and we strongly support the hub of the workforce to be with-- inside the city limits of Kimball. The Kimball County commissioners stand side by side with our city leaders. Thank you.

**BREWER:** All right, thank you for your testimony. Questions for Carl? Senator Lowe.

**LOWE:** Thank you and thank you, Mr. Stander, for being here. And you being on the county board, most of these missile silos aren't on paved access, are they?

**CARL STANDER:** I'm sorry. Say that--

**LOWE:** Most of these missile sites are-- they're not on paved access. They're not on a highway or a paved street.

**CARL STANDER:** The missiles? Yeah.

**LOWE:** So what does that do to your country roads?

**CARL STANDER:** OK. You're right. The missiles aren't on the highways. They're scattered all over. They're-- currently, the system is set up that-- we call them missile roads. And back when they put these missiles in, they've designated certain roads that when they transport missiles to the site, they use these specific roads. Those roads are-- have better base. They're wider, better maintained. The-- and the Air Force, currently cost-- not cost share, but they help maintain those roads. They put gravel on them. We're actually the ones that maintain them, but they help keep them up. When you bring in over 3,000 workers, that's a lot of people going out to these sites on a daily basis. So these roads will get-- even the better county roads will get tore up. So there will be some extra maintenance and possibly more county expense for maintainers and to keep these gravel roads up.

**LOWE:** Thank you.

**BREWER:** All right, additional questions for Carl? All right, thank you, sir.

**CARL STANDER:** Thank you.

**BREWER:** Next proponent to LB712. Welcome to the Government Committee.

**CHRISTY WARNER:** Thank you. Good afternoon. I am Christy Warner, C-h-r-i-s-t-y W-a-r-n-e-r, and I have a unique perspective. I am first

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a 16-year military wife. I also am the-- Kimball County's public transit administrator and I sit on the city council. Along with most communities in rural Nebraska, the city of Kimball has suffered a decline over the last 40 years, causing us to tighten our belts along the way. But times are changing and we must adjust and refocus on what it takes to grow a community. I've spent the last five years embracing innovative ways to use public transportation to address critical needs in our communities. We've seen success. We're giving our elderly population the opportunity to stay in their homes by taking them to Scottsbluff and Sidney for appointments. We support our working parents by taking their preschoolers out of county and out of state to reach their childhood education due to not having the availability in Kimball. We assist the local businesses in transporting workers into the community who cannot find local housing. And I'm the only Panhandle transit agency to cross into the Wyoming and Colorado borders, making this regional connection between the villages and cities just to meet the most human basic needs. This has led the transit to see a significant increase with a mere 7,000 boardings five years ago to looking at 30,000 boardings this fiscal year, traveling over 1 million miles and bringing 4 million federal dollars back into Kimball alone. That's before the Sentinel Project. Now, you may be asking yourself, what does public transportation have to do with nuclear missiles? Imagine reading the 1,800 pages of the full EIS to see a housing hub with 3,000 living spaces and only 600 parking spaces. This indicates there is no intention for every worker to have their own vehicle. Other than a cafeteria and a convenience store to pick up a soda, a quick bite to eat, those workers are going to need rides to restaurants, grocery stores and recreation. We're already in the process of a massive expansion of public transportation just to keep our current services running efficiently in our communities. We have access to federal dollars but need matching funds to put the necessary infrastructure to take on the extra 3,000 people between Sidney and Scottsbluff to access major retailers, specialty healthcare and regional airports. We already see our Denver International Airport shuttle growing by leaps and bounds. I can only imagine what that looks like with the increased population. The Sentinel Project is both an exciting time and a huge challenge for the people of our area. We are on the brink of a once-in-a-lifetime opportunity to inject the community and the region with the largest social economic progression we've seen in over half a century. This is not just about the housing hub. It's about all the additional workers that more than double our population of Kimball. And the additional people can bring small business opportunities and quality-of-life options to the region, which attract permanent residents. The region cannot take this huge

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influx on a loan. We need funding for growth that will impact the surrounding villages and the neighboring cities for generations. LB712 provides a way to match several grants and nearly \$24 million in federal funds, allowing us to provide basic infrastructure to bring new worker housing throughout the Panhandle region, which grows the tax bases. It allows for our children to be close to home, with daycares running locally, and it allows for a work-life balance with local recreation such as wellness centers for all age groups. We need to have transportation easily accessible to all, coordinating stops and building transfer stations to move the volumes of people daily. These benefits allow ancillary services to move into the area and not only support that \$86 billion project, but the people that are imported from the front range of Colorado and Wyoming and across the nation to stay long after the ten-year project leaves. And yes, it is happening. We are already experiencing the new grocery stores, the two retail centers and a Japanese restaurant. The houses that once sat empty for years are sold in days. We cannot do it alone and we cannot tax enough to meet this growth. We are reversing the trend and need your support. Building partnerships throughout the region and the state is the way to make this an optimal win-win solution for not only Kimball, the Panhandle, the state of Nebraska and showing the rest of the world as they watch this project take place, that Nebraska is the good life. And I will take any questions.

**BREWER:** All right, thank you. Questions? Questions? Senator Lowe.

**LOWE:** The airport that's south of town, is it going to be improved at all? Do you know?

**CHRISTY WARNER:** I do--

**LOWE:** Because I'm sure there's going to be a lot more flights coming in and--

**CHRISTY WARNER:** Sure. Absolutely. So our local airport already does service some of the Air Force with fuel. They do have a project scheduled-- it started a little late-- to do the runway. And after that, I don't want to speak just because I'm not aware of the future projects of that particular small airport. We also have the Sidney airport that helps handle that in the region. And then most people, you know, we're, we're taking them to Denver.

**LOWE:** OK. Thank you.

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**BREWER:** And just kind of FYI. There is an air wing out of Warren that is a helicopter wing that's dedicated to the security on the silos. And so they, they utilize the airport quite well, too, because that's the quick, easy way to get to where they need to be with the missile silos there in the middle of western Nebraska.

**CHRISTY WARNER:** That's correct.

**BREWER:** Almost said nowhere, but I'm from nowhere. OK. More questions? All right, thank you for your testimony. All right, next proponent. Welcome to the Government Committee.

**DAVID SCOTT:** Thank you. My name is David Scott, D-a-v-i-d S-c-o-t-t, and I'm the current city manager of the city of Sidney, Nebraska. And I want to thank you for allowing me to be here today and testify as a proponent, proponent for LB712 and talk a little bit about our city and how we come into play in this situation. As you know, in 2017, I guess most of you probably are aware that Bass Pro had bought out Cabela's and began moving their headquarters from Sidney, Nebraska, to Springfield, Missouri. At that time, many people thought Nebraska-- or that Sidney would, would shrivel up and would no longer be there. Well, I'm here to tell you that, that rumors of our demise were greatly exaggerated. Here we are in just five straight year-- five short years, stronger and better and more diversified than ever before. Sidney now has the same problem that every other community has, including Kimball. We need, we need employees and we need houses for them to live in. Where at 1.5 years ago, we had over 200 homes on the market, today-- or at least the day before I left to come here-- it was only 23. So Sidney has the same problem and we, we got there by relentless recruiting of businesses. And also-- obviously we have the skilled talent that people wanted so we were able to recruit those businesses to come and set up shop there. Sidney is very resilient and the reason I bring a lot of this up is one of the things that we can do to help, before Cabela's left, Sidney had three housing districts that we were putting together and-- or three subdivisions that can have over 160 lots, most with most of the infrastructure in place now. So we stand ready to help and we know our partners in Kimball are grateful for that. We had a housing study done. It was just two years going ago-- or in 2021-- that showed that Sidney on its own would need 219 houses, either single or multiple family homes in the next five years. So we know that this is going to be an even greater need now and we do stand ready to help. We just needed a little, a little assistance from LB712 to get those lots prepared and ready to go and we've already done most of the work. Another thing I'd like to mention is I don't know if you've been through Sidney, but our Exit 59 off

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I-80 is, is kind of a famous spot there. We have everything. It's like a city up there. We have two major truck, truck stops. We have trucking businesses. We have eight hotels that can house over 500 travelers. We have restaurants, a dentist office, doctor facility. We have everything up there. So I-- like I said, it's like a small city up there. But the one thing we didn't do when we were planning that is we didn't plan for the-- how people would communicate or, or move between all those different facilities. So two years ago, Sidney hired RDG out of Omaha to do a design and give us cost estimates to improve that because quite honestly, it's a, it's a safety hazard. We have people, truckers and families that are crossing five lanes of street just running across them. We need to do better and prepare that and make it a more beautiful entrance to, to Nebraska that people can be proud of. We did do that study and we did get cost estimates for that. We have been applying for grants ever since then to try to get that project done. Sidney is one of only eight cities in Nebraska that were awarded money from the Safe Streets for All program, which is out of the infrastructure package. We were awarded \$300,000, but that is to do a study on our entire city and not just the, the east Old Post Road corridor off of I-80 where we know that the business is going to pick up exponentially because we do have those, those facilities up there. What we're wanting to do now is maybe partner with, with the state and LB-- thorough LB712 to maybe get some matching funds to move forward quicker on that project and at least get that portion of it done. We feel both these things, both the housing that will be needed in the area will be sustained long term because our housing study tells us that, right, tells us that we need a loan without this project more than what we have already. And then we also think that the improvements to that interstate exchange will also provide a wonderful beacon to the other three states that border us on that side of the-- of, of Nebraska coming through and will see something that they can be proud of. Like, wow, this, this is really great. We can walk to this restaurant and walk to this hotel and we can go get a check up if we want and it's all very safe and Nebraska is a fantastic place. Look how beautiful it is. I want to be here, you know? And so with that said, I guess I don't have any other items to talk on other than I would be more than happy to take questions on anything that has to do with Sidney and how this project would affect us.

**BREWER:** All right, thank you. Let's see if we have any questions. Questions? Questions? All right-- oh, Senator Lowe.

**LOWE:** What's the distance between city and Kimball-- or between Sidney and Kimball?

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**DAVID SCOTT:** Maybe about 35 miles, is that right? Thirty-five, 40 miles? We're very close.

**BREWER:** OK. Any other questions? All right, thank you for your testimony.

**DAVID SCOTT:** Thank you.

**BREWER:** All right, next proponent. Welcome to the Government Committee.

**ANGEL HELMS:** Thank you, members of the Government, Military and Veterans Affairs Committee for having us here. My name is Angel Helms, A-n-g-e-l H-e-l-m-s. I'm a senior at Kimball High School. Before writing this, I talked amongst family members, friends, business owners and school staff. I asked what they think would be the most detrimental factor when we almost double in size. Each said the same two things: capacity and appeal. At the current size, our town is sufficient. Sure, we could definitely use a Walmart and some more fast food, but about half of the residents in Kimball have been born and raised there and have been accustomed to this lifestyle, the lifestyle where any other food other than Pizza Hut and Subway is an hour away minimum and a clothing store is the same distance. To emphasize that point, everyone I know, except for the older generation, will not buy any groceries or household items from in town unless it is truly urgent. The people would rather drive an hour away for a roll of toilet paper and McDonalds than stay in town. Now, while cost is a part of this problem, another issue is the demand. The town has very little money to help meet the demand of people in Kimball. Shoes, shirts or even a phone charger for less than \$25 is almost mythical in this town. How are we supposed to convince the youth and others to stay in a town that is slowly dying? Now, perhaps that is over exaggerating just a bit. But as someone who was born and raised in this town, there's not many reasons I would choose to stay. Even if I wanted to, where would I live? The current average wait time on just an apartment is six months to a year. Statistics show that there are 23 homes for sale and 19 places to rent in Kimball and that is not including the ones that they're currently planning. The missile project isn't-- or sorry, the missile plan is anticipated to last a decade and ten years is a very large amount of time. If the people and families involved in this project decide to stay past that finished goal, they will need a place to stay. And I'm sorry, but we're anticipated to get 3,700 people for the military plan and 150 people for the Clean Harbors expansion. How in the world are we going to accommodate nearly 7,000 people when we can't even accommodate 2,000?

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So let's say that all gets fixed and we're able to build a few more homes and get a couple more businesses to help meet the community's needs. What about the appeal? Kimball is a cute town, but how many students have you met that would rather hang out in town rather than go home and watch Tik Tok? Personally, I used to be obsessed with the park and pool in Kimball, but recently I haven't seen anyone at either of these locations. Sadly, we have no workers at these locations that can make a difference simply because there's no money to spare for these projects. My hope is that with the passing of LB712, Kimball will have the opportunity for kids recreation, job opportunities and perhaps another workout facility. The influx of people will be very helpful for morale and business in town, especially local businesses who are currently suffering. I'm very excited to see this journey take place in Kimball. I feel like the expansion and missile project will bring a lot of benefits and action to our quaint, yet wonderful town. LB712 is a bill that has the potential to ensure that there are opportunities for students like myself who may return and those involved in these projects may stay. Thank you for your time. I hope you can vote this bill out of committee and see my perspective. You have the power to make a real difference in an entire Panhandle, a change that can really last.

**BREWER:** All right. Thank you, Angel. Now, I am assuming that you're one of Ms. Ferguson's students?

**ANGEL HELMS:** Yes, I am.

**BREWER:** Very good. You weren't forced to endure my speech a couple of years ago, were you?

**ANGEL HELMS:** I was not. I was currently living in Sidney.

**BREWER:** All right. Any questions for Angel? Senator Lowe.

**LOWE:** Thank you, Chairman, and thank you, Angel, for coming all this way and testifying. You are 17, 18 years old now?

**ANGEL HELMS:** I'm 18 years old, yes.

**LOWE:** Eighteen years old now. Do you realize the next time that they revamp these missile silo sites, you will be Carl's age? Maybe we ought to do it sooner.

**ANGEL HELMS:** Yeah.

**BREWER:** OK. Any other questions? Thank you for your testimony.

**ANGEL HELMS:** Thank you.

**BREWER:** All right, next testifier. Welcome to the Government Committee.

**HANNAH SCHILDHAUER:** Thank you, Senator Brewer and members of the committee for being here today. I'm Hannah Schildhauer, H-a-n-n-a-h S-c-h-i-l-d-h-a-u-e-r, and I'm a senior at Kimball High School. First off, I'd like to thank Senator Brewer for coming and seeing us in our class and telling us, telling us his amazing story. It's nice to see you again. I've lived in Kimball, Nebraska, my whole life. I grew up walking everywhere downtown and spent most of my summers at our community pool and parks. I've seen many families and people come to our community and either stay or leave. Don't get me wrong, this town is my forever home and I have so many amazing memories here, but I have seen our town and community go through various ups and downs due to lack of resources and money. I have seen many businesses flourish and continue to do so, but I have seen our local businesses struggle and slowly disappear. Once I knew we were getting this amazing opportunity to come and testify for this bill, I instantly knew to speak to my dad. My dad was raised in Kimball and decided to raise my brothers and I in Kimball as well. He was a founding member of starting a local chapter of Red Knights, which is a group of men who do things for a community with their own funding. He was a fight-- a volunteer firefighter for around ten years and he now owns his own successful trucking company. As a trucker, he is everywhere every week. He drives to many small towns like Kimball and many huge ones like Lincoln and it seems the biggest difference is parking availability close to the exits. Truck parking is very limited in Kimball, causing many people to just pass by. I feel that if we spent more effort and funds towards our visitors' point of view of Kimball, we could potentially grow just from that. Growth is possible within the smallest things, but with this huge ten-year missile project that will soon come to Kimball, it'll bring many workers as well as their families. One major issue I feel that Kimball faces is our schools. Our schools fit our population pretty snug already. And with the boom we are expecting, I feel we will not be able to effectively fit everyone in our current facility. Our high school could possibly afford some growth. Not much, as we have extra classrooms, but our elementary is at capacity. I feel that if we put money towards upgrading and adding on to our current school or deciding to just build another school in place of it, it would improve our educational capacities immensely. As well as our school, this bill would help tons with infrastructure. Without, without a solid structure, what can a town build off of? Even though our town is small, I feel that we are



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very compact and condensed. As a senior leaving for college soon, I would love to come back to my hometown and possibly be a teacher there and I would personally just love to see us expand more than adding in what small space we already use. With great power comes great responsibility. And I feel that as people that hold such big power over Kimball and the town's future, accountability should be the biggest responsibility. In Section 2, subsection (1), it says the fund shall only be used pursuant to this section. Accountability for this generous amount of funding and the uses is critical. As residents of Kimball and the 48th District, we need to hold our leaders accountable for such power. I want to thank all of you for giving us your time and attention. I really hope you take our observations and opinions to heart. We truly love our town and hope that you consider helping us to keep us on the map. Thank you.

**BREWER:** Thank you, Hannah. And to put things into perspective, when we would travel to Kimball from Gordon for sports, we looked forward to going to Kimball, the big town. So anyway, let's see if we have questions for you. Any questions for Hannah? All right, thank you for your testimony.

**HANNAH SCHILDHAUER:** Thank you.

**BREWER:** Next testifier, proponent to LB712. Welcome to the Government Committee.

**MADISON EBELING:** Good afternoon, Government, Military and Veteran Affairs Committee. My name is Madison Ebeling, M-a-d-i-s-o-n E-b-e-l-i-n-g. I'm from Kimball, Nebraska. I have lived in Kimball for eight years. If I'm being honest, my first impression of Kimball was, wow, mom, there are a lot of abandoned buildings here. I was kind of disappointed when I realized this is the town I'll be living in. At the time, I was ten years old and I had just moved from Nevada. But then I realized many of my classmates have lived here all their lives and this is all they've known. So to them, the abandoned buildings and the bad roads are normal. I would hate for new community members and their families to think of our beloved town the same way I did when I first moved here. The town now has begun a 180 and we're turning these buildings into small businesses and restaurants. The people who live in Kimball are trying to make this town beautiful once again. This money could help us with building more houses and adding onto our elementary and high school and so much more. To tell you the truth, Kimball is growing. We need daycares and new community buildings. We have so many projects that have been unfinished or not even started due to the lack of money in this town. For example, the Kimball

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Information Center should be the highlight of this town, where new people and visitors can stop by and learn about Kimball. But instead, there are no owners and no business. If we were to get this money, we could replenish the information center and make it more than what it was. We could get a newer building and even add a bigger parking lot for truck drivers to stay overnight or whatever they need. My stepdad is a truck driver and parking these huge semis and their loads are really tough. We have one parking lot for all of them to park and most nights and weekends, it's full. We have to drive-- he has to drive all the way to Bushnell, Nebraska, which is 20 miles away from Kimball, to park his truck because the parking lot is full. My mom and I have to drive 20 miles there and back to pick him up just for him to leave the next morning. The round trip would be approximately 100 miles for my mom and I to pick him up and drop him off every week, which can cost, which can cost quite a bit with constantly changing gas prices. If I'm worrying about it as someone with just my small Chevy, then I cannot imagine the stress that might be put on military vehicles when they're finding places to park while they're working. With the military project headed to Kimball, we do not have the resources to support these workers and their families. Kimball has a grand total of 23 houses currently available for a ten-year plan. How are we going to care over 3,700 new residents? With being involved in the Clean Harbors expansion, their goal is to build up to 25 additional houses. But not even this plan can go through without additional funding. Whether or not this bill passes, there will be double the amount of people moving to town. We have no way to support them. I really love this town and so does everyone else in Kimball. Everyone wants to see this town succeed. I'm heading off to college to get an elementary education degree and I would love to come back to Kimball to teach and start my family, but I can't do that if this town is overpopulated without housing or bigger schools. We are in desperate need for a bigger elementary school. We already-- we are already at our maximum limit and with the boom we are expecting, there is absolutely no way we can fit any more elementary students. Just like the elementary, this little Panhandle town and other surrounding towns need to be able to grow and flourish, but we can't do that without your help. I hope you can take the time to consider this bill and the impact you have on each of our lives. Thank you for your time.

**BREWER:** Thank you, Madison. OK, let's see if we have any questions for you. Questions? Senator Hunt.

**HUNT:** Thanks for coming today, Madison. Did you guys drive all the way here?

**MADISON EBELING:** We did.

**HUNT:** You didn't take the helicopter this time?

**MADISON EBELING:** Not this time, no.

**HUNT:** What are your-- are you in college now or high school? What are you--

**MADISON EBELING:** No, I am a high school student.

**HUNT:** What are your plans after high school?

**MADISON EBELING:** I plan to go to Hastings University and major in elementary education.

**HUNT:** Very cool. Well, I wish you the best. And--

**MADISON EBELING:** Thank you.

**HUNT:** --you and your classmates did an amazing job and I'm glad you're here today.

**MADISON EBELING:** Thank you.

**HUNT:** Thank you.

**BREWER:** All right. Anything else? All right, thank you, Madison, for testifying.

**MADISON EBELING:** Thank you.

**BREWER:** Welcome to the Government Committee.

**KEARA O'BRIEN:** Thank you. Good afternoon, Chairman Brewer and members of the committee. My name is Keara O'Brien, K-e-a-r-a O'-B-r-i-e-n. I am a senior at Kimball Junior-- Senior High School and I've lived in Kimball for the entirety of my life. Growing up in Kimball has left me with many memories like riding my bike down to the pool or to the Dollar Store to get snacks, hanging out at my family's business and annoying my grandpa while I show him I can count to 100. Celebrating Farmer's Day with various activities such as the pancake feed, parade and my personal favorite, the demolition derby, or even just hanging out at the annual fair. These experiences have really molded me into the person I am today. Kimball is a wonderful little town with some of the best people, but just passing through it, it looks like a ghost town. Many buildings are abandoned or condemned. Kimball has a lot of

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potential. We just need the funding. Growing up in Kimball, I have seen many of my friends and their families come and go due to better opportunities somewhere else. I've also experienced many local stores either thrive or fizzle out. Take my family's business, Monograms in More, for example. My grandpa's uncle, Bernie O'Brien, started the business as a laundry and dry cleaning back in 1953 during Kimball's major oil boom. A year later, he sold the business to my great grandpa, John O'Brien, who owned and managed the store until 1973, when my grandpa, Jim O'Brien, took over. In the late 1990s, the business started to struggle and so my dad, Robert O'Brien, introduced screen printing and embroidery. This helped the business stay afloat, but with large companies having cheaper prices, we slowly lost business and had to sell. In the early 1960s, Kimball saw its first big boom. My grandpa gave me newspapers from the Western Nebraska Observer that he had saved from this time period. Those articles said that between the first missile project and the discovery of oil in Kimball County, Kimball saw growth of 27 percent in population during this time. History tends to repeat itself and with the new missile project, as well as the growth of Clean Harbors, Kimball does not have the means to house an estimated 3,700 more people, or the 10 percent of permanent growth. Take our daycares and schools, for example. In the town of Kimball, there are only two daycares which are full. Many families send their young children to Pine Bluff, Wyoming, 23 miles away, for childcare. Our schools, elementary and high school, have amazing atmosphere and staff, but our schools don't have much room for growth. The elementary school is at the point where it is overcapacity. Our fifth and sixth graders have to have class in a modular outside of the school. The Kimball High School, on the other hand, has many rooms that are vacant or being used for storage. In the high school, we could hold approximately, approximately 200 more students, but we are low staffed and struggle holding teachers in their positions. Kimball acts as a stepping stone for many people, including teachers, medical professionals and police. It's a good starting place for many people to get the experience in their profession and move on to something better. With the funding, our community could grow, ensuring people who want to make Kimball their forever home and the final step in their profession. As a senior, I have started thinking about my future and what it holds. I'm going to further my education at Chadron State College and plan to major in elementary education. I would like to come back to Kimball and give back to the community who helped raise me. But without this funding, I am unsure if there will be a Kimball to come home to. As Kevin Costner said in the movie, Field of Dreams, if you build it, they will come. Thank you.

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**BREWER:** A nice, nice, nice ending there. All right, questions for Keara? All right, thank you for coming in and testifying.

**KEARA O'BRIEN:** Thank you.

**BREWER:** Ms. Ferguson, welcome to the Government Committee.

**JERI FERGUSON:** Thank you. Senator Brewer, it's good to see you again.

**BREWER:** Good to see you.

**JERI FERGUSON:** Good afternoon, Chairman Brewer and committee members. My name is Jeri Ferguson, J-e-r-i F-e-r-g-u-s-o-n, and I grew up in the Panhandle of Nebraska; for the first 16 years on a farm north of Potter and then the summer before my junior year, my parents moved us into Kimball. During those two years in high school, I fell in love with Kimball and my dream and goal was to come back to Kimball and teach and by God's grace, that came true. I still love this town, even though it has gone from my class of 92 graduates to this year's graduating class of 23 or I hope. My oldest son chose teaching as his profession. And like every mother, I would love for him to become a teacher at Kimball Public Schools. As of now, that is not very likely because Kimball is not an attractive town for young people raising a family. As my students have said, our elementary school is old and outdated and crowded. Our swimming pool is outdated. There's no place to play basketball except some outdoor courts at the park. And in the winter time, there's not much playing outdoors, especially this winter. Despite these difficulties, the town I love is fighting to improve things and some things to be proud of like a strong teaching staff-- and yes, I might be a little biased on this one-- solid administration and a superintendent and school board that are working hard to make long-needed improvements. The transit system. If you have a chance to sit and visit one on one with Christy Warner, I agree, you should. She took an idea that people were literally rolling their eyes at around town, but she stuck with it and it has become the role model. We were the-- I truly believe we were the first town in the Panhandle to have this and now you can't go to any small town without seeing similar vehicles. And I truly think she started it and you should visit with her. It's amazing. Our multimillion-dollar hospital and clinic that is to open this year. Our largest employer, Clean Harbors, which people have already mentioned, is growing and is going to add the jobs and along with the influx of workers everybody's talked about with the missile project. There are people in town in our community already interested in trying to build houses and apartments to accommodate this growth. But there's no such-- there's so much

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potential and all we need is a little help to support our infrastructure, which LB712 could provide. Now, I know people roll their eyes at my saying a little help because \$26 million is not little. It is possible that some senators that are not from the Panhandle area or not knowing Kimball's situation might hesitate to support it. Well, to them, I would like to say, well, let's talk about LB1024 that was passed during last year's session, the North Omaha Recovery Act, which went to help a specific area in Omaha. The ask of LB1024 was \$450 million. And if I understand reading-- and that's a big if-- understand reading fiscal notes, it ended up being \$449 million. Now, I know this came from different income sources, but the precedent has kind of been set. And let us not forget the benefit Nebraska is going to get back from your investment in our community and your state sales tax and income tax. I believe the state will more than recoup this \$26 million investment in the Panhandle and to my beloved Kimball. Please vote for LB712 out of committee and help to get it through the main body. Thank you for your commitment to serve and let me share.

**BREWER:** Thank you, Ms. Ferguson. And I thank you for, one, being willing to, to bring the kids all the way across state to testify. When I came out, I was very impressed, not only at the school and how organized and professional everything was, but how well your, your students were behaved. They were very respectful and it was, it was one of those trips that I was so glad I went out there for Veterans Day to be there for that because you made Veterans Day special. So thank you. All right, questions for Ms. Ferguson? I have, I have to say that because you're a teacher and it just doesn't seem right if I don't show that. Just so you know, last year we also passed \$55 million, which was for Offutt Air Force Base to help with non-military type projects and mostly for quality-of-life things to help the base. So this isn't a, you know, out of norm that we do in order to help that part of Nebraska that is, is utilizing the military or using the military, so. All right, well, thank you for your testimony.

**JERI FERGUSON:** Thank you.

**BREWER:** OK. We're still looking at proponents to LB712. All right, now we'll go to any opponents to LB712. And now neutral, General, please come on up.

**DARYL BOHAC:** Thank you, Senator.

**BREWER:** Thank you for your patience.

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**DARYL BOHAC:** Of course. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. I am Major General Daryl Bohac, D-a-r-y-l B-o-h-a-c, the adjutant general in Nebraska Military Department here today to testify in a neutral position on LB712. I'm not going to read all my testimony because it's repetitive to what's been said. I will say this: while I believe in and see the value of capitalizing on efforts to increase modernization, especially related to national security, I also believe that expenses related to the implementation of the Ground Based Strategic Deterrent Plan are best funded by the initiating entity such as the Department of the Air Force. The Nebraska Military Department provided an indeterminable fiscal note because we do not have a clear understanding of what is expected of my office as the administrator of the fund. For example, the language does not provide a personnel appropriation to hire staff to manage the cash transferred into the fund, which means the Military Department would be obligated to reallocate already fully allocated personnel and fiscal resources to fulfill a financial obligation, which I think is important, created by the fund-- by the establishment of the fund. Again, the program to modernize the ground based missile defense system is critical to our national security and to our national defense strategy, which is a responsibility of the federal government. Thank you and I'm available to answer any questions you may have.

**BREWER:** All right. Thank you, sir. So right now-- and suffice to say, you've got your hands full. You got the Army Guard busy doing stuff all over the place. You got the Air Guard busy doing stuff all over the place. You have the Military Department you're trying to manage and now we're wanting to add a little more to the plate. But with adding that to the plate, we're not giving you any resources. So everything is going to be a little more difficult if we don't include that.

**DARYL BOHAC:** That's correct, sir.

**BREWER:** I think it was an oversight that, that needs to be considered. If we could identify the personnel that would be needed to manage this as an amendment, would, would that be something? Because I think when they, when they were thinking through this so that who is best to handle it--

**DARYL BOHAC:** Sure.

**BREWER:** --and it really doesn't fit-- fit into the veterans realm and Health and Human Services. I mean, wherever you go, the only place

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that I think they thought it fit was, was with you because quite frankly, you've got the knowledge and understanding the significance, the issues of, of clearances and--

**DARYL BOHAC:** Right.

**BREWER:** --so. And I haven't talked to the, the, the sponsor of the bill, but I think, I think if I'm tracking this right, if we can figure out how to do that so it doesn't put a burden on the stuff you're already trying to keep in here, that would be reasonable.

**DARYL BOHAC:** Yes, Senator, I think it would be. I mean, in addition to all that you mentioned, we also-- I'm also responsible for emergency management for the state of Nebraska. And this Legislature has entrusted us with all the coronavirus relief funds, emergency rental assistance funds, homeowners assistance funds and ARPA funding is flowing through my agency as well. So that additive burden is a bit more than we could take on, I think even over a ten-year program for \$26 million. So some additional help and structure. And then I think this would be in partnership with the good folks from Kimball and Sidney and the region about what are, what are the expectations? I think-- I was sitting here reading a note from the Auditor of Public Accounts because I have some exit briefings coming. We will be held accountable for all these funds, not anyone else. And we'll have to provide all the documentation and supporting evidence that the funds were appropriately administered and that's what I'm asking. I-- or that's what I'm highlighting here.

**BREWER:** Well, I could see how that would get one's attention.

**DARYL BOHAC:** It does get one's attention.

**BREWER:** All right, questions for General Bohac? Senator Lowe.

**LOWE:** Thank you. Thank you, General, for being here and are any of these programs sunseting anytime soon that you're now managing so that--

**DARYL BOHAC:** Some, some will phase out, Senator Lowe. That's, that's certainly true. The, the ARPA funds will be around for several more years, I think three to five more years in terms of the federal funds that have flowed into the state and that were appropriated through the Legislature. Coronavirus relief funds have largely ended. We're closing out the Emergency Rental Assistance Program and then homeowners assistance should be around for another year. But I'll just offer this: if we have another epic flood like we had in 2019 with



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somewhere in the neighborhood of \$580 million worth of damages that we support the recovery process for, that-- you know, those things come and go. So I just want to be responsible about that part too. Thank you.

**LOWE:** I understand.

**DARYL BOHAC:** Yep.

**BREWER:** So probably more than likely you would have to have a dedicated team or whatever you want to call it that would be focused pretty much on this full time. That would kind of be their mission in life because it's really not a part-time task to manage those.

**DARYL BOHAC:** No, sir. I think that's correct, Senator. I-- and I think we would want to work to scope that appropriately, right.

**BREWER:** Yes, Senator Raybould.

**RAYBOULD:** Major General, thank you so much. I think you're trying to tactfully say in your remarks that it's customary-- I don't know if that's the right way to say it-- customary and normal for the initiating entities to fund the infrastructure improvements required to handle the capacity of a project like this.

**DARYL BOHAC:** Well, I don't have the advantage that the good folks of Kimball had in the discussions with the 90th Wing out at F.E. Warren so that-- and that's, that is their natural partner, so. But I would say that, one, the missile silos aren't moving. That's not the project. The project is to improve the missile silos and the launch facilities and the structures around them. Yes, that's going to require workforce, but that seems to me to be a responsibility of the federal government to facilitate, right? But, but clearly, listening to the testimony, which was very informative for me as well today, there's-- it seems that they've expressed an expectation that there will be a partnership through matching funds.

**RAYBOULD:** OK. Thank you.

**BREWER:** OK, additional questions for the General? All right, sir. Thank you for coming in.

**DARYL BOHAC:** Thank you.

**BREWER:** All right, Ernie, welcome to the Government Committee. I always enjoy reading your wisdom.

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**ERNIE GOSS:** Well, thank you, Senator Brewer and thank you to members of the committee. Thanks for allowing me to testify today and I'll be testifying on a study that I did. My name is Ernie Goss, E-r-n-i-e G-o-s-s, and I'll be testifying on the study that I did examining the impact of this environmental-- in the Air Force Global Strike Command, Command Environmental Impact Statement. Now, I have to say, I come at this with a little bit of bias. I was-- I'm an ex-military-- or ex-military and I was involved in a few deployments myself. Nothing as large as this, I might add, but this is obviously a large impact. And I first want to say that Nebraska and everyone here understands clearly that Nebraska suffers from brain drain, we call it. Over the last five years, only six states and the District of Columbia have lost more to brain drain than Nebraska. So this, this program, I would argue, supports brain gain rather than drain. And for those of us who live in the metropolitan areas, we hopefully understand clearly the pressures this put on the rural areas of the state and small-town Nebraska. So this is-- this program is supportive of small town and rural Nebraska. And I want to say also that Cheyenne, Wyoming, is only 58 minutes from Kimball so in terms of impacts, in terms of those who can drive in. And 58 minutes is not a long commute for Nebraskans. And I'm sure those of us here, here from Omaha can attest to that. We're here in Lincoln, of course. So the population gained, it's-- that we estimate, my team and I, is about 12 percent permanent, 12 to about 12.5 percent permanent population gain after the military has left. And that's the deployment the first five years and then the later on, the population gain and 112 jobs with that. Now, that's assuming the \$26 million from the state of Nebraska to support the deployment. Now, absent that, there will be some cost and you'll not get those impacts. In economic development parlance, all of you've heard this term, "but for." But for this revenue, what would happen? But we're-- that's what we're showing here. But for what-- in this case, what would happen with the \$26 million? And we're-- our estimate is about \$1.29 for every dollar that the state of Nebraska invests. And as dems-- as testified before, a lot of money is being spent across the state of Nebraska. And as I'm a resident of Omaha-- and I think, again, we have to support-- I think we have an obligation to support the entire state of Nebraska. And this is particularly, again, focusing on brain drain and that's-- is coming from the nonmetropolitan areas. And, and as testified to the students that talked and earlier individuals that talked about what's happening to individuals and that graduate from our universities, our colleges, our high schools. Well, we would like to-- I would like to see them stay. And we, we heard that from the students that we need to provide a more-- and environ-- a more livable place. And that's what our study, this study examined is what about

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the livable place? What about the fiscal cost? What about the revenues? Now, we looked at it from the state revenues. In other words, that's income tax, of course, income taxes and state sales taxes. We did not look at it from the impact of the local taxes that are collected, for example, in terms of property tax. But as all of you know, there's a significant stress in nonmetropolitan areas of this state in terms of support for schools and others and I think this goes a long way toward that. But I'll be happy to answer any questions. Hopefully you have a copy of our study, which I'd like to thank the folks at Kimball for, for providing data that came-- the data initially came from the Air Force, of course, and then we put this through a-- what's called an IMPLAN model. So we modeled the impact using a, I think, a widely accessible model. So I'll stop there and answering questions you might have. Yes.

**BREWER:** All right.

**ERNIE GOSS:** Oh, sorry.

**BREWER:** Thank you. Questions for Ernie? Yes, Senator Raybould.

**RAYBOULD:** Yes. Thank you, Professor Goss. So the question on your analysis and study, was it focused exclusively on the funding of the \$26 million or did you take into account some of the other funding sources? I know that in one of the handouts, there's a number of grant programs that they're all trying to collaborate with, like the Defense Community Infrastructure Pilot Program, city general obligation bonds and Rural Fire District-- that's just on the public safety side. There is, you know, a really impressive list of projects and programming and partnerships and grant funding and collaboration, which is really commendable. But since I haven't had a chance to dig into your study is, is that all kind of-- all those additional funding sources factored in here as well or was it just focused on the General Funds commitment from the state?

**ERNIE GOSS:** Senator, no, they're not. We focused-- our team focused on the \$26 million. And of course, we made the assumption that it would be funded. Now, obviously, that's in your hands, not mine. So, no, it did not consider those.

**RAYBOULD:** Thank you.

**BREWER:** All right, Senator Hunt.

**HUNT:** Thank you, Chairman Brewer. Professor Goss, if, if the Legislature doesn't pass LB712 and this funding is not injected into

the community from the Legislature, but perhaps they do receive federal funding-- you know, in this exhibit, they were talking about lots of local funding, federal funding, grant funding, different things. Could the positive outcomes outlined in your study still come to fruition if the funding is coming from a different source?

**ERNIE GOSS:** Those impacts-- if the \$26 million is the term used-- the term we call fungible, it's federal dollars versus a state dollar versus a local dollar. If they-- if those dollars come from other sources, we would see those impacts as well. And we looked at commute patterns, for example, from Sidney to Kimball and from others. And that's-- and as was-- Mr. Scott testified before in terms of Sidney's impact and we saw what happened in-- when, when Cabela's left Sidney and I for one did not expect the positive outcomes that did happen there, but they, they may have been positive. But this would be, would-- you would have individuals-- if, if there is no funding in other words, but for-- the but-for condition. I hate to use that term, but that's what economic development folks use-- but for that. Now, in other words, if you get federal monies that support, they would obviously have the same positive impacts, assuming there are no strings attached to that funding.

**HUNT:** So-- well given that, as other testifiers have said, the feds are coming in to do this project. Whether we give them the cherry on top of the state funding or not, they're coming in to do the project. So-- but this study that we're looking at from you is only analyzing state funding, correct?

**ERNIE GOSS:** That is correct.

**HUNT:** OK. How do you think that affects the validity of this study for the impact of the project, you know, writ large?

**ERNIE GOSS:** The project writ large, as I understand it, will go forward irrespective of the funding. The question is what happens once the, the deploy-- once the construction is over? And that's my concern, not just as an economist, but as a citizen of the state of Nebraska. What happens then? That's the real concern. And, and that would be-- absent that, there wouldn't be the 112 jobs, OK? We're talking 112 jobs, about 12.5 percent growth in population. And that's if, if the-- upon exiting, the military exits. And we've-- I don't know if you've been part of when the military exits, it's a very painful process. I mean, it was a painful process when I exited and when I was in my military days. Now, I was not there to see what happened after we left, but it's, it's not always a pretty picture.

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And unfortunately, the states, in many cases, are left with the costs of that. And not to get off the topic-- I've already gone too much off topic, but, you know, state funding for education is another big, big, big issue. And as all of you know, that's been, in my judgment, discriminatory to certain parts of the state and this would help to offset some of that. Now, I'm off topic here. I realize that.

**HUNT:** Sure. So in this plan that was handed out to us, for spending, it looks like it's expecting \$24 million federal dollars. And so if the state did not pass this bill, but the \$24 million came from the federal government, some of the findings of your study could still hold, correct? You know, talking about the 112 jobs. And, of course, all this just being an educated guess, but that could still--

**ERNIE GOSS:** We'd call it a projection.

**HUNT:** Yeah. I'm familiar. Thank you very much.

**ERNIE GOSS:** No--

**BREWER:** Senator Raybould.

**ERNIE GOSS:** --correct. You're absolutely correct. Thank you. Sorry for interrupting.

**HUNT:** Thank you. No, it's OK. Thank you.

**RAYBOULD:** Professor Goss, I was just thinking, you know, Major General brought up a really good point then-- and I think Senator Hunt was kind of honing in on federal dollars, an expectation of federal dollars. And I don't know if it's something that you factored in. I know that Major General mentioned some of the initiating entities like the Air Force. It's, it's their project, it's their silos, it's their missiles. I don't know if you were aware, was-- were they planning on injecting a certain amount of funds to help the community? Or maybe that might be a question for Ms. Brower or certainly Senator Hardin to answer.

**ERNIE GOSS:** Well, thank you, Senator. And I had the invite here. What I-- this is all based on is the Air Force Global Strike Command Environmental Impact Statement. To the degree that they factored that in, we factored it in. To the fact that it was outside, we did not examine that. And on, on the-- and the military and the federal government has not asked me to testify to anyone. I don't know what the intent from the federal government is, but I'm always concerned about the vicissitudes or the what comes from the federal government.

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What, what they giveth, they can taketh away. And so that again, I did not-- we did not-- only to the extent it was in the impact-- environmental impact statement from the Air Force. That's, that's-- the \$26 million was over and above that so we examined the impact of that.

**RAYBOULD:** OK. Thank you.

**BREWER:** And did you read that the federal money was matching the money so that if we didn't put up the money, there wouldn't be any way to match the money so that-- therein lies the challenge.

**ERNIE GOSS:** Right, right. Correct.

**BREWER:** And on your issue of when the military ceases to use a facility, in many cases, it's simply handed over to-- you know, in the case of Germany, it was normally handed over to the government. Then the government then decided what to do with it and how to do it. But they're more than happy to-- once, once they're done with the hot potato, let it go, especially if it needs a lot of maintenance or anything like this. So yeah, sometimes that transition can be challenging. I don't know. Looking at the design on this facility there, the housing might be something that they look at moving or doing something else with. I don't know, the main facility looks like that probably is permanent infrastructure that would be relatively new if it's just a decade that it's used. But as we all know, the best of plans with the military tends to always be a lot longer than we thought. So it might be an old building by the time they get done. Who knows? All right.

**ERNIE GOSS:** Absolutely. Sorry. Senator. We, we assume beginning in 2023. We examined it through the year 2033 so that's the period we looked at. But obviously, the impacts go far beyond that, assuming that, that we as Nebraskans or Nebraska and the citizens in that area provide a conducive place to live. And that's, again-- as, as Mr. Scott and-- as David Scott said earlier and Annette Brower as well, this is very important. And I guess, I guess I'm sounding like I'm not neutral on it, I'm positive, but I am trying to, trying to be as neutral as I can.

**BREWER:** Sure. Well, and what we're doing is, is putting another town besides the town that's there, there and having to do-- how do you, how do you have streets, how do you have sewer, how do you have water? How do you have electricity? How do you have all of this for this new town that doesn't exist now and wouldn't exist if it wasn't for this

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project? And so trying to figure out what right looks like, that is, is our challenge.

**ERNIE GOSS:** Senator Brewer, a question was asked earlier, what if it's not? What it is the-- what happens if it's the burden of the citizens of, of the county and the city and the area? Well, it's a bond issue. That's, that's typically how it's done. And we all know how, how that figures into your property taxes and other taxes, local option sales taxes as well. So there, there-- they would probably--there would have to be some bond issuance, in my judgment. Now, I didn't, I did not-- we did not look at that issue. If there's not funding, what would have-- what would be-- would it be bond issuance? And I'm, I'm-- just as I sit here, I don't know for certain, but it's very likely there would be bond issuance and that burden would fall on the property taxpayers in the county and city.

**BREWER:** And the, the challenge with that, of course, is that it was the United States government made the decision to build the silos where they built them. You're going to put the burden of, of that national security on the backs of a small town in western Nebraska and, you know, it may be more than they can bear. I mean, that's going to be the reality of our situation here. OK. Questions for Professor Goss? Thank you, sir.

**ERNIE GOSS:** Thank you for allowing me to testify.

**BREWER:** OK. We are still on neutral testifiers on LB712. All right, seeing none, we will invite Senator Hardin to come up and give us a close. We do have letters to read in: two proponents, one opponent, no one in the neutral. Senator Hardin, welcome back.

**HARDIN:** Thank you. Some of the colonels welcomed me when I arrived at Ellsworth Air Force Base. They said, what's it like to be on the front end of a \$1 trillion expenditure over the next several years? That's what we have going on. It's not just what's going on in Banner and Kimball Counties, but there's an enormous amount of investment in the security going into it. And-- and when they put it in that way, it kind of opens your eyes. I would love for the federal government to pay for this and for this to be an irrelevant discussion. That'd be awesome. So far, they haven't stepped up. As we've just talked about, in a nutshell, even if and when they do step up, it's going to be predicated upon the notion that those are matching dollars that have to take place. And so we need to be prepared and that's why we're having this discussion. It's obviously a once-in-a-lifetime kind of experience for people involved with it. It's also-- and I kind of

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chuckle because we-- if some of the members of the committee take exception with-- with \$26 million, there was no such exception taken regarding a conversation about Omaha and \$150 million just two days ago. So I look at this and say this is a once-in-a-lifetime experience and the country needs it. It's coming our way, and so we would really like for our community to be protected before, during, and after this happens, and that's what this request is about.

**BREWER:** OK, we've got questions. Senator Raybould.

**RAYBOULD:** So, Senator Hardin, thank you. And I think what we're just trying to do is clarify all the sources that are involved and that should be involved. I think Major General brought up the idea that probably the Air Force should be part of it, and I-- I really appreciate this because it does break it down to each of the important components of being able to handle this, this new infrastructure that will be happening very soon. But it does seem like that there's a number of programs that have been outlined that there is matching fund-- funds from the Department of Defense with their-- their program, the Defense Community Infrastructure Pilot Program. And I know on some of the literature it made it pretty clear the projects must be construction ready. All of their funding must be secured, which would probably help with our General Funds. But the DCIP funding must be the last in to allow the community to complete the project, and I think all the administrators from Kimball are incredibly resourceful and are-- are on top of this. So I just-- I think it's important that-- I don't know if you can explain a little bit clearer that there are other funding sources that are going to be partnering. And it does sound like Kimball is going to have to take out some general obligation bonds for part of this and the rural fire district will be involved. And of course, I-- I know that Ms. Warner talked about the transportation system and, you know, federal transit dollars are involved, along with Kimball, so it's a whole cast of characters. But I know that the-- the money coming from the state would be incredibly helpful. But I guess I go back. The missiles and the silos are-- they belong to the federal government, correct?

**HARDIN:** They do not belong to the people of Kimball.

**RAYBOULD:** OK.

**HARDIN:** They're coming.

**RAYBOULD:** And then so I guess it goes without saying that if they didn't do this upgrade, where would that leave us? And if they are--



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if they are doing the upgrade, it's something that they're initiating?  
Is that correct?

**HARDIN:** Of course, the federal government is initiating the military project. And I think when-- when-- when we ask the question "Where does that leave us?" it leaves the community devastated. We have, as they said, four police officers, all four of them for a group of people, you know, that requires many, many more than that. So whether you're looking at-- at that or the effect on any of the pieces of a community that we outlined today, it's all found lacking. And so at the end of the day, we're asking the basic question, how do you survive this? And then on that continuum, is there a way to prevail in this? And the problem is even survival doesn't happen in a community if we don't get help. The easy thing, I think, for anyone who doesn't live there is to say, go bond your way out of it; here, go take on some debt, you'll figure it out. And the problem is that, as I think our young ladies articulated very well, we need to have a picture in mind of a small town that has experienced boom and bust over the last many decades. They watched it in the oil world of the 1960s. When the 1970s came, it was the original building of these missiles. And so we've watched the town grow. We've watched it shrink. And so when you ask what would happen, we've got a pretty good idea what that looks like. We've lived it. And so this time we would like very much to come into it proactively with some help. I completely agree with the General that we need to come up with a management team to make sure that this is properly-- has proper oversight, and so, you know, look forward to making sure that those types of things are in place so the general doesn't need one more thing to do.

**RAYBOULD:** Do you know, Senator, has-- has the Air Force been approached with being a partner and a funding source for this project?

**HARDIN:** Keep in mind that the Air Force has been leading this entire project, so there have been multiple community events going back years. And so when we talk about the 90th Missile Wing, the 90th Missile Wing that oversees this project, and we're working directly with Colonel Barrington, that she and her team are housed at F.E.Warren. So there has been constant conversation, and it's not only a-- an event. It's been a theme--

**RAYBOULD:** OK.

**HARDIN:** --basically saying, you know, we'd sure like to not pay for this ourselves.

**RAYBOULD:** Good.

**HARDIN:** So, yeah.

**RAYBOULD:** And, you know, I know we've been fortunate to have the Offutt Air Force Base. We're very lucky to SA-- have SAC, Strategic Air Command, here. I mean, that is incredibly beneficial. I know that they use the Lincoln Airport and-- but that rehab of the Lincoln Airport was paid for federal dollars. We did have to spruce up and-- and beef up some of our infrastructure buildings there. But-- but the-- the majority of that task and the funding for that came from the federal government for that very specific project. I'm not saying that-- that it's-- this is a great project. I am convinced everybody's done a great job. But I also want to see that there has to be the partners that are responsible that-- for this project should be stepping up in--

**HARDIN:** I think one of the interesting things about this, Senator Raybould, is the-- as Senator Brewer was saying, it's kind of a challenge of, you know, who do you go to, to help wrestle with this one, because it's--

Yeah.

It's an-- a pro-- a project of an-- an enormity, such a huge size. And since it's well beyond once in a generation-- we've had a few generations, if you will, that have gone by since we've last tackled this-- that it becomes a challenge for everyone involved, saying, you know what, there's a uniqueness about this because Offutt is going to be here in 20 years. Those missiles will be there. This workforce in large measure will move on, but here they come. And so there is a unique aspect to what this is. And in our situation, they didn't go do it in the two other communities before they came to ours. We're the first one.

**RAYBOULD:** Thank you.

**BREWER:** All right. And just kind of as a reference, normally, military, if it's ground they own, they'll put in the infrastructure, sewer, water, electricity and all that. If it's ground that is temporary, then they're-- which is exactly what this is, then they're not as willing to give those things up because at the point they're done with the mission, then they move on and it's left behind, so it's a part of that community. Therein lies the difference in a fixed base that is there for the foreseeable future and one that they're

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temporarily using for the project. OK. Other questions? All right. Seeing none, thank you for your testimony. OK. That will close the hearing on LB712. We are going to take a break for about-- a quarter till we'll fire back up again, and we'll give a bathroom break because we're only one bill down on four. [LAUGHTER]

[BREAK]

**SANDERS:** [RECORDER MALFUNCTION] on LB642.

**BREWER:** All right, let's-- all right, guys. We're going to go ahead and start.

**HALLORAN:** Oh, come on.

**SANDERS:** We have three more hearings, so we're going to go ahead and open on LB642. Senator Brewer, the floor is yours.

**BREWER:** Thank you, Vice Chair Sanders, and good afternoon, fellow Senators of the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer; for the record, that is T-o-m B-r-e-w-e-r. I represent 11 counties in the 43rd Legislative District in western Nebraska. I'm here today to introduce LB642. Now I'm going to condense this speech considerably because, from the time the bill was written and speech was written, I've had a chance to talk with General Bohac. Actually, things have changed, nationally and state, and so, consequently, I guess what I'm saying is it's a bit dated. And so General Bohac is going to be able to kind of share where things are and help everyone to understand, you know, how we got here and what the current situation is. So, again, I'm going to run through this kind of real quick, give some overview to it, and then we'll allow the General a chance to kind of share where we're at. So with that, I'm introducing this bill on behalf of members of the National Guard, both Air and Army, who have suffered through the COVID vaccine mandate situation. In a memo dated 24 August 2021, Secretary of Defense directed members of the United States military to take the COVID vaccination or to be processed for discharge. Eighteen months later, on January 10, 2023, the Secretary of Defense issued another memo rescinding the vaccination mandate. That 18 months saw a lot of issues where lives and careers were affected. Trying to repair the damage done and the policy is something that we're now trying to look at and see how we can best handle that, and some of that the General will have a chance to clarify too. I think, for everyone's sake, we need to have folks understand the difference between Title 32 and Title 10. These are two different statuses that you can be in as a National

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Guardsmen-- well, actually, as a Reservist too. Title 32 is your standard drilling soldier on the weekend or during their two-week annual training. If for some reason the federal government decides that they need you-- it can be for a special exercise, it can be for deployment overseas-- you can be moved into what's Title 10. So title 32, you answer to the Governor. Title 10, you answer to the President. And-- and that's where a lot of folks might be a little confused about different statuses. Just so everyone understands, General Bohac is the Adjutant General. If you are a Nebraska National Guardsman, Army or Air, he is the commander of-- of both forces. He works directly for the Governor, who is that commander in the Title 32 status. Some people get that confused. I want to make that clear. What I want to do now is-- is, like I've said, him and I have talked and-- and I think what he has to share is going to help kind of complete the story of-- of the vaccine requirement and how we're handling things now. And then I'll-- I'll close and we'll kind of wrap that up so everybody kind of understands it, and there will be some people, I think, that testify and kind of discuss the impact of the-- of the mandate. So with that, I'll take any questions.

**SANDERS:** Thank you, Senator Brewer. Are there any questions? I see none. Thank you.

**BREWER:** All right. I'll be around.

**SANDERS:** Proponents on LB642? Opponent-- oh. Proponent?

**ADAM CASSIDY:** Yes.

**SANDERS:** Welcome to the Government Committee hearing.

**ADAM CASSIDY:** Good afternoon. My name is Adam Cassidy, A-d-a-m C-a-s-s-i-d-y. I'm a 17-year veteran of the United States Air Force in the Air National Guard. I most recently served as the commander of the 155th Aircraft Maintenance Squadron at the Lincoln Air National Guard Base and am both an Iraq and Afghanistan veteran. Generational recruiting is a key component to how we keep our-- our force the right size. According to the Pew Research Center, 60 percent of veterans under 40 have an immediate family member who served. Among new recruits, 30 percent have a parent in the military and 70 percent have a family member in the armed forces. I serve because my grandfather and father served. Each of my three siblings serve in uniform for that exact same reason. As soon as the injection mandate hit the Nebraska National Guard, I filed a religious accommodation request. I was led by my Lord and Savior Jesus Christ to not receive the injection,

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regardless of the cost to my career. As soon as I filed that accommodation request, everything froze. I was in a state of limbo. I couldn't travel. I couldn't attend in-person drills and I was being told that I could not safely do my job. I was issued a letter of counseling by the wing commander and did not receive a signed copy of that letter for several months despite repeated requests. This was the first such document I had ever received in my entire career. It came about a year after I was promoted to major, in about a year after I received a Meritorious Service Medal. The fact that I was required to sign it and did not get to keep a copy of it set off alarm bells. Fast-forward a year. My request had not yet been adjudicated. I was being openly, publicly mocked by senior wing leaders in the 155th Air Refueling Wing, as were all others that had requested an accommodation. Eventually, my initial request for an accommodation was denied. At that point in time, I was informed of three things by Colonel John Williams, the wing commander. One, my willingness to request an accommodation and express my religious views in a private setting was detrimental to good order and discipline. Two, I had the right to appeal, and, if further denied, which it later was, I would lose my career. Three I had no need or right to seek legal counsel and that our area defense counsel had no standing to discuss this issue with me. More alarm bells were going off. This bill is an important piece of legislation and takes necessary steps to help rectify the damage done to our state's guard forces, the same forces we rely on in floods, hurricanes, tornadoes, any natural disaster that can hit the state. But flatly, this bill comes too late and does not begin to account for the true damages done. The true damage of this mandate comes as a result of service members resigning without being discharged, like me. I recently resigned my commission with an effective date of just last Friday. Had it not been for this mandate and the follow-on treatment, I had at least three more years to give to this state and to this nation. I'm no longer willing to serve under the leadership of those within the state or those in Washington. And frankly, I'm embarrassed to have once been a member of the leadership team of the Nebraska National Guard. The impact on generational recruiting of this mandate and the leadership catastrophe that followed is very real. My line of Cassidy men is done serving in this military. Now, even after my resignation, the negative treatment continues. The National Guard refuses to take the necessary steps to fully approve my resignation, leaving me and my family-- I have a wife and three young children-- without the appropriate official documentation to request health insurance through my civilian employer. I can't prove that I have a qualifying life event. Any report provided by the Adjutant General to this committee needs to

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account for those who are-- who will-- willingly exited the organization, in addition to those punitively discharged for injection refusal. Furthermore, the report should provide a comprehensive account of the measures taken and disciplinary actions implemented to avert any future instances of leadership shortcomings. Our response as a nation and as a state to this mandate continues to be abysmal, filled with personal opinion, bias and a complete lack of respect for our members' religious views, concerns and rights. Thank you for your time today. This bill is an important, necessary first step.

**SANDERS:** First of all, thank you for your testimony and thank you for your service to our country. Are there any questions from senators? See none. Thank you.

**ADAM CASSIDY:** Thank you.

**SANDERS:** Welcome.

**MATTHEW DOWNING:** All right. Hello. Thank you. My name is Matt Downing, and I'm a 41-year-old Nebra-- Nebraska Guardsman. It's Matthew, M-a-t-t-h-e-w D-o-w-n-i-n-g. I'm an instructor/evaluator pilot on the RC-135 at Offutt Air Force Base, and I've been there for over ten years with about 4,000 hours of flight time. I've been on multiple deployments and training operations and have served the Air Force, both active duty and now as a Nebraska Guardsman, for a combination of about 15.5 years. I'm a father of five and, like everyone that's speaking with me today, for the most part, filed for a religious accommodation as well. There are two very important loopholes that I want to bring up this afternoon regarding this bill. The first one is that many servicemen and -women have stayed in through the mandate have had their careers severely damaged regarding this vaccine mandate, and currently the protection that LB642 provides is very limited in scope. The second is that many people go out-- got out before and making it to the denial stage of their religious accommodation, similar to Major Cassidy, and, therefore, were not discharged but, rather, separated of their own volition. With regards to the peoples [SIC] whose careers have been hampered, if not severely halted, the bill states that, and I'm paraphrasing here, that any member who is prevented from training, promotion or career advancement opportunities before the pandemic should now be given the opportunity for these things. The bill needs to be amended to say before, during and after the pandemic-- pandemic; and furthermore, what the bill does not say-- does not consider is that even if these members were allowed to go back and accomplish training or get promoted, it does not take into account the fact that their careers are now about a year or two

delayed compared to their peers. In future career progression opportunities or follow-on assignments, this will leave a proverbial black eye on the record, not to mention all the negative stipulations and connotations that will still follow them around. They will be remembered by many people as those who did not fall in line, and this is a very different-- difficult obstacle to overcome. The bill needs to sharply state that the records need to be backdated to the original normal timing of career-- typical career progression. Furthermore, this bill does not make any mention of financial or monetary reimbursement for these men and women. For those who were delayed promotion, that means money in their pocket that they could have received. Perhaps the most frustrating aspect of all is that these men and women paid money out of their own pockets to try and keep level with their surrounding peers. As an example, the army was not paying for unvaccinated members to travel for training necessary for career progression, but they were allowed-- allowing unvaccinated members to travel if they paid for it out of their own pocket. Effectively, this created an unfair advantage for career progression and required men and women to pay expenses, out of pocket, in an unjust manner. Secondly, the bill does not take into account those members who separated of their own accord from the oppression they were receiving. The problem with the bill is that it does not capture this aspect of the mandate. I will boldly tell you right now that in the state of Nebraska, it's likely that five times more people flat-out left the service as a result of the mandate than those who were actually discharged. To my knowledge, I have a lot of great connections with people all over the state in Army and Air Guard. I don't know if one person that's actually been discharged in the state of Nebraska. I could be wrong about that, but a lot of people have left. Adam is just one of the many. Senior Master Sergeant Sherri Bejvancesky worked in the front office of Colonel Williams, the wing commander of the 155th Aerial Refueling squadron. After daily being harassed in our front-- in her-- in the front office amidst her peers and spending close to many hours on the phone with Colonel Williams manip-- trying to manipulate her to get the vaccine, she ended her 25-year career as a senior master sergeant who had actually been selected to be the chief-- be a chief master sergeant, which-- which was one of her dreams. Major Aaron Karpisek is a tanker instructor pilot in the same wing under the oppressive leadership of Colonel Williams, and he's set to separate April 5, after 12 years of service, his-- has over 2,000 hours, 400 sorties and 4 deployments, and his only reason for leaving is due to the vaccine mandate and the oppression he received during that. There's a couple other examples there, but the man-- mandate created a certain type of anxiety in people that is difficult to

confront. For me personally, I have six-- you know, five children. I have to look them in the eyes every night and con-- I had to confront the fact for a while that I may not have the-- the same job that I needed to provide a meal for them every night. These people all served in a time period where equal opportunity complaints were being silenced and dismissed behind closed doors. Complaints against commanders were being brushed under the rug and concealed, and fair treatment was a pipe dream. I personally am fortunate enough to have had great leadership throughout this that was supportive of me. But I know that when the time came to it, they would have had to follow the Air Force guidance and discharge me when that-- when that part took place. So thank you for your time. I'm out of time, and I appreciate you guys hearing us out today.

**SANDERS:** Thank you for your testimony, and thank you for your service. Questions? Senator Raybould.

**RAYBOULD:** Yes, thank you, Mr. Downing. And so my dad was in the military, but I-- you know, we weren't raised in a military family, so forgive me if I'm asking you a very dumb question.

**MATTHEW DOWNING:** No, that's fine.

**RAYBOULD:** So I apologize in advance. But in-- in-- in your service, is there any other area where you can be given a religious accommodation, are you aware of?

**MATTHEW DOWNING:** There's many things you can get a religious combination for.

**RAYBOULD:** OK.

**MATTHEW DOWNING:** So some religions have, you know, beard request, as an example, a shaving waiver where they can grow a beard for their religion, so vaccine is just a small piece of the pie for that. Is that what you're asking?

**RAYBOULD:** It is. And then, I mean, do you have to have-- are you required to take other vaccines?

**MATTHEW DOWNING:** Oh, yes. Yes, absolutely.

**RAYBOULD:** Like if you deploy somewhere, do you have to get malaria treatments?

**MATTHEW DOWNING:** Yes.



**RAYBOULD:** OK.

**MATTHEW DOWNING:** So there's-- there's a whole host of different vacc-- vaccination requirements for different locations that you would deploy to.

**RAYBOULD:** And-- and can you get a religious exemption for any of those vaccines?

**MATTHEW DOWNING:** You can apply for one, certainly. So it's-- a religious accommodation is not a guarantee. So you-- you basically have to request that you will be accommodated. Sometimes they will not accommodate you, which was the case for about 99 percent of us that made the request Air Force-wide.

**RAYBOULD:** And then I guess this is a tough question. Are there-- are there any orders that you can refuse to follow as a member of the National Guard?

**MATTHEW DOWNING:** Not to my knowledge, no.

**RAYBOULD:** OK.

**MATTHEW DOWNING:** Yeah, we would be required to follow the-- the vaccine mandate or essentially get out until the NDAA was passed, which is, you know, why this bill has come-- come into play.

**RAYBOULD:** OK. Thank you.

**MATTHEW DOWNING:** Yeah. Thank you.

**SANDERS:** Any other questions? Thank you for your testimony.

**MATTHEW DOWNING:** Thanks.

**SANDERS:** Welcome.

**JOSHUA WELTER:** Hello. Hello. I'm Joshua Welter, J-o-s-h-u-a W-e-l-t-e-r, and I am currently serving as an active-duty master sergeant in the United States Air Force. I'm part of the total force piece of this, as you've heard from the Guard and the Reserve. I'm stationed here at Offutt Air Force Base, Nebraska. I come from a long lineage of military members serving our country, to include both of my parents serving in the Air Force. I have an outstanding 15.5 year career as an aircraft mechanic. The past roughly 18 months has been the worst and most mentally taxing, physically draining, spiritually

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exhausting in my career. With the August 2021 vaccine mandate, I was away from home station, here at Offutt, no support from chaplain, legal office, or my chain of command. I was the highest-ranking member leading a 30-day, 56-member team supporting an aircraft inspection. Senior leaders inside of my chain of command accused me of leading a coup against them in the mandate while off station. This was the first of many coercive tactics to force an injection while exercising my religious rights and freedoms. Upon returning to Offutt Air Force Base, I was immediately segregated in social status and work duty from my peers, along with the other members requesting a religious accommodation. Those members that were junior in rank and I endured verbal harassment and treat-- and threats of our career-ending implications if we did not comply with the mandate, all while our religious accommodations were being considered. My chain of command sabotaged my religious accommodation by intentionally leaving out official documents supporting my sincerely held beliefs. Why not go to the IG or the Equal Opportunity Office or address the issue in my Surgeon General rebuttal? I did, and they did not help. They referred me back to my chain of command that was already corrupted with these actions against me. The Air Force global strike commander denied my religious accommodation based on readiness and a doubt of my personally sincerely held beliefs relayed to him by a chaplain over a nine-minute phone call with me during the initial religious accommodation request process. My beliefs have since been affirmed in writing by another military chaplain. My beliefs are endorsed by a signed letter from my pastor of over 19 years, who also married me and my wife. My outstanding career is proof that I have always been prepared to answer the call of duty, and I've only been stopped by the restrictions imposed by the mandate. The most recent mandate rescission clearly shows it was never about a readiness issue. These examples of tyrannical leadership, blatant abuse of power, blanket and unfounded denials of religious freedom requests, may never be corrected or fixed for members that endured these times of betrayal by the Department of Defense. I believe that LB642 is a step in the right direction in protecting Nebraska and could help in repairing military members' damaged careers as those members were willing to sacrifice their lives for freedoms that they were denied.

**SANDERS:** Thank you for your testimony and your service. Let me check if there's any questions. See none. Thank you.

**JOSHUA WELTER:** Thanks.

**SANDERS:** Welcome.

**MARK FREEOUF:** Senator Brewer and members of the Government, Military and Veterans Affairs Committee, my name is Mark Freeouf, M-a-r-k F-a--F-r-e-e-o-u-f, and I'm a sergeant in the Nebraska Army National Guard and have been a member of the Guard for 24 years. I also work for Senator Clements. However, I am here on my own time and own accord, and my comments don't necessarily represent those of my boss. I want to thank Senator Brewer and Tony for their work on this bill. It's greatly needed. I love my part-time job in the Guard, being a musician in the 43rd Army Band. I tried out for the band and made it as a senior in high school. I joined the Guard because of family tradition-- my dad was in the same unit-- and to be able to support my state and country in a unique way. In 24 years, I've been through some things in the military experience that make for good, ordinary military life lessons and stories, but nothing compares to the last couple of years since this vax mandate started, which have been hell. I have come to this hearing because I feel compelled to speak out and tell the Legislature and anyone listening what soldiers like myself, who did not wish to receive the vaccine, have been through. After 24 years, the last two of which have felt like a hostage situation, I believe I'm entitled. I have been appalled with the unnecessary, harmful, illegal, morale-reducing nonsense the Biden administration has dragged myself and many other soldiers in my unit through with this so-called vaccine mandate. Just because we don't want to take an experimental injection for an illness that is largely dangerous only to unhealthy or older soldiers, 4 soldiers in my unit of 40, including myself, submitted religious exemptions. Four or five others did not want to get the jab, but finally capitulated because they were afraid of what might happen or didn't have the patience or legal chops to face the tidal wave of paperwork, nonsense and restrictions associated with fighting the military. I don't hold anything against those soldiers. I think it's a tragedy, however, that they were essentially coerced by the tricks of Biden administration into taking an EUA vaccine against their will. My religious exemption packet which protected me from this madness was nearly 40 pages long before it was done, included my own letter, two pastoral support letters, a military chaplain letter, and counseling from military medical provider and my commander, just to name a few of the parts. Now that the new Congress has taken over and Speaker McCarthy mandated that the DOD rescind the vax mandate in the Defense Authorization bill, I can finally start to breathe a sigh of relief. However, not everything is automatically OK now. My career is potentially affected by this situation. Last year, I was not allowed travel orders due to my pri-- to my primary military education training, called ALC. This could affect me when the retention board looks at my packet next month, sees I'm technically

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not-- a nonpromotable E5, and then decides whether or not to retain me. I was also not allowed to do annual training with my unit last year and missed out on pay and retirement points due to that. I will be allowed to do AT this year. I'm still waiting on guidance for when travel orders will become available again this year to do training. I have handed out a large packet which includes some key documents which came to light in this experience. The first is Secretary of Defense Austin's original vax mandate memo from 21 August 2021, also referenced in the bill. I highlighted the sentence that states: Those with previous COVID-19 infection are not considered fully vaccinated. With that one sentence, Austin bypassed Army regulation in a memo. The part of the reg essentially repealed by this one memo can be found in AR-40-562, section 2-6, which I also included, which allows for a medical exemption based on serologic test, documented infection, or similar circumstance. You can read this on page 6 of AR-40-562, and it's mentioned two other places in the AR as well. I had COVID in November of 2020 and tested positive for antibodies a year later, October 2021. And I'm running low on time, so if I run out, if somebody could yield me a little time, I'd appreciate it. If we are following policy instead of bypassing it, I would have already passed the requirement based on prior immunity. The next document is the first few pages of a FRAGO from TAG, which laid out 30 June 2022 as the deadline for all M-Day soldiers to be vaccinated. It also claimed that the Pfizer-BioNTech vaccine had been FDA approved on 23 of August 2021, the day before Secretary Austin's memo came out. Many legal groups book dis-- dispute this claim. Comirnaty was the actual approved and legally licensed vaccine and BioNTech, which the military was using, was legally distinct and remained emergency use-- use authorized vaccine only, meaning that we had the right to refuse it. I have an article following the FRAGO which explains this, and you can see this man-- in many other places. I ran out of time. If somebody could yield me a little more time. I'll finish and I won't filibuster.

**SANDERS:** We'll allow that.

**MARK FREEOUF:** Thank you. The point is that the FDA did a magic trick with a rabbit and a hat to make the Pfizer-BioNTech pseudo-FDA approved, and the very next day, DOD and Secretary Austin did another magic trick and put out his memo with the mandate for an FDA-approved vaccine. Finally, I have the January 10, 2023, memo from Austin which rescinds the vaccine mandate, thank God. The tone of the memo is quite disconcerting. No fault is admitted. Instead, the secretary is deeply proud of the department's work and speaks of the lasting legacy his-- of his vaccination efforts. On the following page, you can view some of that legacy. A lawyer named Thomas Renz is suing the

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administration. Key to his 200-page lawsuit is data pulled from DMED, Defense Medical Epidemiology Database. The database is very accurate military health data, far more accurate-- accurate than the VAERS system. The statistics are shocking. I won't read all of them. Out of 1.2 million active-duty members in the USA and almost 800,000 reserve troops, 863,000 developed nervous system diseases in the six-month period between August of 2021 and this past January 2022. That's 43 percent of troops and a 1,048 percent jump over average. I'll let you read the other stats. There's a nice little chart in there that he included in his lawsuit, which is 200 pages long. Another lasting legacy of this illegal effort has been the discharge of 3,700 Marines, 2,041 Navy, 1,841 Army, and 834 Air Force service members. I don't have the local Army National Guard statistics, but I'm sure someone at this hearing does. To temper my comments a bit. I'm grateful for the command for slow-walking this and protecting us from the same kind of sudden career death that many full-time soldiers faced right at the end of 2021 when they were-- refused the vax or had their exemption-- exemption rejected. Most processed exemptions were rejected. As best as I know, my religious exemption is likely on an electronic pile somewhere at the Pentagon and, per the latest vax mandate recension letter from Sen-- Secretary Austin will now probably just be blindly approved, which is better than blindly rejected. However, as a Title 32 soldier and, as such, mostly under the command of the Governor of the state of Nebraska, I do wish Governor Ricketts would have outright rejected the va-- vax mandates for any soldier in the state military, similar to what Oklahoma or Florida governors did. I feel this bill is the least the state can do to make up for affected soldiers. And quite frankly, the report that is required by this bill would be a good exercise for command to have to go through, to really take a full tally of the kind of career damage which was inflicted on the Guard soldiers, which is an important step to making sure those participating will think twice before ever letting anything like this happen again. I do have one suggestion for the bill. It refers to individual members of Nebraska Guard who were discharged due to refusing to receive the COVID vacc-- 19 vaccine. A refusal has a specific military meaning and refers to soldiers who outright refuse the vax without an exemption. Many soldiers like myself had pending exemptions, but we were also negatively affected. I would suggest you add this class of vaccine objector to your bill so there's no ambiguity. Thank you for your-- chance to testify. I'll take any questions.

**SANDERS:** Thank you for your testimony and thank you for your service. Questions?

**MARK FREEOUF:** Yes,

**SANDERS:** Senator Raybould.

**RAYBOULD:** Thank you, Mr. Freeouf. You know, this is a lot of very interesting information, so thank you very much for providing it to us. And I know one-- one thing you've highlighted, and I-- I want to get your opinion on it, it says roughly 99 percent of active-duty troops in the Navy, Air Force and Marine Corps had gotten the vaccine, and then they said 98 percent of the Army, but they did note that the Guard and Reserve late-- rates are lower, but generally are more than 90 percent. And so, I mean, your circumstances, obviously you had concerns about taking the vaccine, but why do you think so many other of your colleagues got vaccinated?

**MARK FREEOUF:** Well, I mean, there's various reasons. Some of them thought that it-- it was good for them. Some of them just were indifferent and decided to just go along with it. And some of them, like the ones I mentioned, the four or five others in my unit, just didn't want to fight it. They fought it at first, but then realized the long haul they were up against. So I guess the other reason it's 90 percent in the Guard is we had a longer deadline. The Army deadline was, I believe, December 2021. We had till June the following year.

**RAYBOULD:** OK. Thank you.

**MARK FREEOUF:** Yep.

**SANDERS:** Senator Lowe.

**LOWE:** Thank you. And thank you, Mark, for testifying today. Do you think that some of those thought, OK, this is my job, I need to do this for my job, I don't want to do it, but I have to do it?

**MARK FREEOUF:** Absolutely. Yeah. Some, I mean, some were coerced. It was kind of an arm-twisting situation, and that's what it felt like, especially with the magic trick, with the-- the Corminaty turning into the BioNTech vaccine. They-- I know they could not mandate the vaccine until it was FDA approved and by that magic trick, which the person who did that, by the way, is-- is now-- I have an article about her. She's stepping down. By that magic trick, they-- they essentially made it possible to mandate the vaccine through that memo. And also in that memo, they went against Army reg because they wouldn't allow prior immunity to count. A soldier can actually, for any illness, they can show that they have prior immunity and bypass vaccines. They don't normally do that because we're not normally concerned about the flu

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shot or whatever, but you have the right to and some do. But, you know, this is probably maybe the first time it's become an issue since maybe anthrax, which was before my time.

**SANDERS:** I don't think there are any other questions. Thank you for your testimony.

**MARK FREEOUF:** Thank you.

**SANDERS:** Are there other proponents? Welcome.

**ALLIE FRENCH:** Good afternoon. My name is Allie French, A-l-l-i-e F-r-e-n-c-h. I am here today representing Nebraskans Against Government Overreach. We are absolutely in support of LB642. Some of you may know, but Nebraskans Against Government Overreach largely got started with the mandates that surrounded the COVID-19 pandemic, and we were a strong voice in passing LB906, which provided protections for Nebraska employees. At that time, hundreds asked for the extension of protections to students, as well as to our Nebraska National Guard. We helped countless-- I can't even tell you how many people emailed and messaged Nebraskans Against Government Overreach, asking for help to file exemptions for their loved ones, for whether it be their husband or their son or their daughter, that were serving here in the Nebraska National Guard. And it was an extremely emotional period of time. These people were targeted. They were harassed. They turned in every piece of documentation they were supposed to, and they were just left in limbo, no communication, no justification for the discrimination that they went through. And then we come to find out, just in recent months-- well, for the layperson, not necessarily for those of us who were advocating for their respect and right to choose, that it didn't amount to anything. In fact, Dr. Birx just announced, what was in the last couple of months, that she knew that the COVID shot would do absolutely nothing to help prevent infection, to help prevent the contagion factor here, which meant that every mandate we did was as exactly as we said, nothing more than a discriminatory act to impart control and push for-- I'm not even sure what the goal was, but it didn't help. We have countless, countless people across this nation who are severely injured, some dead, many dead from taking this injection. And those who chose not to were, therefore, subjected to all sorts of ridicule. It was completely improper. And as Mark mentioned, we were talking about an injunction that was emergency use authorization only. They should have had the right to refuse this shot. But because of tricky words and memos and dodging around regulations, they were able to push this mandate onto individuals that were once the most respected individuals of our country. People who

had the choice every other day of the week were suddenly discounted because they were going against the mainstream media, and today we find out it was all for nothing. Today we find out that the PCR tests were exactly as we said. They were fraudulent. They couldn't detect whether or not you had an active infection or not and yet they were the driving factor in determining and imparting these policies. We've discovered that masks did nothing to reduce infection, and now we've discovered and know for a fact that the vaccines were the same, and yet we continue to push them as if they're safe and effective. We continue to sit here and discuss them like they have some legitimacy in healthcare, and yet they don't. Today we push them on infants and-- and six-months-old. The CDC has added them to the recommended schedule, doses every single year. So despite the fact that we've gotten rid of the mandates and now people could join and be without, we have people who were discriminated against, people who were harmed, and we continue to push them as if there's something that they aren't. These aren't vaccines. They were experimental injections and they didn't work. They harmed more than they helped. And this bill, LB642, is a simple but small step in rectifying those discriminatory acts that took place. It helps some of the members who went through nearly two years of jumping through hoops and fighting for their own personal religious convictions, one of the biggest violations I could imagine in this country, and it was completely thrown out the window. They could apply for these accommodations for any other injection, any other procedure, and most often those were-- were accepted. In this case, when these exemptions or accommodations were put forth, only a select few were accepted, and often those were only for members who were near retirement, who were already leaving service and weren't going to be a part of what is going to be happening for the next several years. But those who intended on continuing their service were thrown to the wayward; those who were just joining were thrown to the side. So I ask you guys to support LB642. It's the right thing to do. It's one step towards rectifying all of the discriminatory acts that took place on so many Nebraskans over the last few years. Thank you.

**SANDERS:** Thank you for your testimony. Let's see if there's any questions for you, See none. Thank you.

**ALLIE FRENCH:** Absolutely. Thank you.

**SANDERS:** Are there any other pro-- proponents? Welcome.

**ROBERT KERCHER:** Thank you, Senators, for allowing me to speak today. My name is Robert Kercher, R-o-b-e-r-t K-e-r-c-h-e-r. I'm a 24-year veteran of the Army National Guard of Nebraska. I'm in the 43rd Army



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Band, along with Mark Freeouf. And that's how I knew about this today, that I could share a portion that you haven't really heard. Understand that the soldiers did not really have any recourse. The day I submitted my religious exemption, I was ordered to stay in the office because the Adjutant General was speaking to my unit and they did not want the embarrassment of having one soldier standing out front without a mask on. After that, I was sent home without pay. I initiated an inspector general report. They provided the pay eventually. The next summer-- now I'm a sergeant first class, which means when we go on AT, I'm the one that signs to rent vans, things like that. My specialty is in charge of transportation. So I was allowed, I was given orders to do the transportation stuff for everyone else, and I rented the van, but I was not allowed to do transportation orders for myself. Again, I submitted something to the inspector general. He said, there's no point in even pushing forward, you have no recourse here. Now, during my 24 years of the Army National Guard, I was five years with the medical detachment as ADOS. That's part-time, kind of in the wind. You never know if your contract's going to be extended or not. But I did it for five years and I enjoyed my job there, and I learned a lot about the medical procedures for the Army National Guard. And several of those procedures, because the medical detachment gives the inoculations, they give the flu shot every year, they give the MMR, all of those, and I was in charge of the medical records, so I had to write down everything that was taken care of, then when soldiers retired or moved on, made sure those records went with them. And there are so many regulations that were in place before 2020 that we had to adhere to, before even giving the most simple flu shot, that were thrown out. When that MMR injection-- and it's not a vaccination according to military regulations. They had to change the wording because it does not include any parts of a virus, does not include a dead part of the virus, and does not include a weakened part of the virus, which were the three standards for it actually being a vaccine. They changed that. When they provided the shots to the soldiers, required them of the soldiers, they also violated regulations that they did not give the informational handout that is supposed to accompany every single vaccine you give to soldiers, so the soldiers could not look to see what is being stuck in their arm, how it was produced, how it was tested, or if there was any testing. The laundry list can go on and on for the number of violations of Army regulations in the medical handbook, and also just the general regulations for religious exemptions, following actual support of soldiers by the commanders. And I could have had a handout, but I don't think there's a point to that. The point I'm trying to press to you is there was no recourse.

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The inspector general would do nothing. And then after I found the medical violations, I tried to submit something to the Judge Advocate General, which would have initiated a court martial, except for the fact that the lawyer representing the Judge Advocate General said, well, they're Title 32, so we can't court martial M-Day soldiers. So the state surgeon, the deputy state surgeon, who are the ones that are pushing forth the memos, they're free and clear. There are no recourses for the soldiers in that vein either, so no inspector general, no judge advocate. So I called up several local lawyers. Can I sue them on the civilian side to stop being treated this way as a soldier, just let me do my job, let's follow the science and move on, and the lawyer said, you can't-- you can't sue them, either, because you have not been denied yet. The slow walk, although keeping us from being kicked out, also took away the third and final choice for soldiers to actually try and get somewhere. It's kind of a two-edged sword. I appreciate the slow walk, but at the same time, this is all we have left. What you guys can do right here for the soldiers and the airmen, because we have nothing else except to say goodbye to our careers and possibly receive a less-than-honorable discharge through it. Thank you for allowing me to speak.

**SANDERS:** Thank you for your testimony and thank you for your service. Looking for questions. Senator Raybould.

**RAYBOULD:** Thank you, Mr. Kercher. So it sounds like this was an incredibly frustrating journey that you went on. But I did hear you say that, you know, you reached out to civil attorneys to see if you could sue, so I guess, if they go through-- the military goes through that third and final step of actually denying you officially, does that open the floodgate for a potential lawsuit or--

**ROBERT KERCHER:** It does not. After--

**RAYBOULD:** It does not.

**ROBERT KERCHER:** --it's denied the first time, you have to go through the appeals process. And the current timeline on our current-- as Mark Freeouf said, digitally somewhere in the Pentagon is about another year and a half, and then if we submit an appeals, that could be another two to three years before that would be denied and we could look for a civil lawsuit.

**RAYBOULD:** Thank you.

**SANDERS:** Any other questions? Senator Halloran.

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**HALLORAN:** Thank you, Vice Chair. Sorry for-- I'm sorry for all you folks that had to go through this. I think it's egregious. Don't know that there's anything this bill or anything else can do to make up for that. Quick question: Would you encourage anyone to enlist?

**ROBERT KERCHER:** Under the current administration and atmosphere in the military, I would not. And I am a teacher in my civilian capacity and get to talk to a lot of students in various schools because I also do a lot of history work with reenactment. And when they ask me, I tell them the truth. It is a very difficult job right now that is being made difficult, not because of what the job we have to do, but what's on the outside being expected of us.

**HALLORAN:** OK. That's too bad. Thank you.

**ROBERT KERCHER:** Because I-- I truly love my job, the Army National Guard. I mean, the band is kind of a special type of unit. We get to do a lot of traveling and see more of Nebraska than any other unit. Last summer we were in Chadron and around that area; summers before that, all over the state. It's an amazing job and I don't want to give it up over something so silly as the shot.

**HALLORAN:** Thank you.

**SANDERS:** Thank you. Senator Lowe.

**LOWE:** Thank you, Vice Chair. Thank you, Sergeant Major, for coming and testifying today. Does the band ever play in the Rotunda that we might listen to them?

**ROBERT KERCHER:** Sir, the Rotunda is kind of small, so what you usually get is a brass quintet or a woodwind quintet for the Guard birthday in December or any other special events. Last time we had a small band in there was '23. That was for the quasiquicentennial in the state. And thank you for the promotion, but I'm only a sergeant first class.

**LOWE:** Oh. Sorry. Well, let's hope.

**ROBERT KERCHER:** Yes, sir.

**SANDERS:** Are there any other questions? See none. Thank you for your testimony.

**ROBERT KERCHER:** Yes, ma'am.

**SANDERS:** Are there any other proponents? Welcome.

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**MEGAN MINGONET:** Thank you. My name is Megan Mingonet, M-e-g-a-n M-i-n-g-o-n-e-t. I waited till last because I am not a Nebraska resident. I'm also not in the Nebraska Guard. I'm a U.S. Air Force officer's wife who is currently stationed at Offutt. We do live in Iowa, however, over the past year, 18 months, have become good friends with most of these men who have spoken today as our lives have been thrown into a mess together, dealing with the persecution in the-- that has come from these illegal shot mandates. My husband did have a medical exemption for vaccines in general. He deployed with a medical exemption for the Afghan troop withdrawal two months after our baby was born. He flew, you know, those missions over there, came home to then face the-- the vaccine mandate, thrown into all of that, so, yes, that kind of touches on the-- the medical side. As that happened and we walked that path, first medically, we quickly realized all his previous medical exemptions for vaccines were-- were now gone. In light of COVID, everything was done away with; and not only was he supposed to take the COVID shot, he was also supposed to take the flu shot, both of which-- I'm an RN. I knew it would probably cause some harm. So we pursued that route while simultaneously pursuing the religious accommodation request route. Both were a nightmare. I don't need to bore you with those details, but that's kind of my background. Two real points I want to drive home. Behind every one of these men, there's a wife and there's children. They've been dragged through the mud as well. Who was it the past year, 18 months, when these men met their promotion boards but were denied promotion, who was it that was talking to them late at night when they came home and they said, what was it all worth? Why did I deploy so much? Why did I sacrifice so much for my country? My husband came home after three years, back-to-back deployments. My oldest son looked at him one night and said, are you actually my dad? Do I have one of those? I thought I just had grandpas. He didn't really know. This is back before we could really Skype or do FaceTime or whatever. It's been the wives, the parents, the-- the extended family members and the good friends that have stood with these men this past year and 18 months, so I really wanted to thank you. I really wanted to thank Senator Brewer's office. You guys have taken all my calls. You've talked to me. You've-- you've done everything. You've been so supportive. So I really wanted to come, and just two points. There's a family behind these men and women, second thank-you. Thank you. I wish my husband was Guard. I wish that there was a place where these men or, you know, as my children grow, they can go and they can serve their country while still having their medical and their religious freedoms protected. So thank you so much for considering this bill. Please push this bill. Thank you so much, Senator Brewer.

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**SANDERS:** Thank you for your testimony. Hold on. There may be a question. Are there any questions from Senators? Senator Lowe.

**LOWE:** What did you promise your children? They have been perfect back there. They're-- they're so wonderful, and thank you for bringing them in.

**MEGAN MINGONET:** Thank you. Thank you.

**SANDERS:** Thank you. Thank you for your service as well.

**MEGAN MINGONET:** Thank you.

**SANDERS:** Thank you. Are there others? Proponents? Opponents? Any in the neutral? Welcome.

**DARYL BOHAC:** Well, good afternoon, Vice Chair Sanders and members of the committee. I am Major General Daryl Bohac, D-a-r-y-l B-o-h-a-c, the Adjutant General of Nebraska National Guard. I'm here today to testify in a neutral position to LB642. So I appreciated the conversation with Senator Brewer two days ago to provide some clarifying guidance that we have received, not only with the rescission memo that Secretary Austin published in January, but subsequent guidance that we received from General Hokanson, the chief of the National Guard Bureau, and then the vice chief of the National Guard Bureau General Sasseville, which he has copies of those memos and I believe intends to share them with the committee. Those memos essentially, while could not begin to heal the frustration and the pain and the trauma that you've heard today by some of the members today, and-- and I appreciated the last testifier in the sense that I fully acknowledge that the frustrations and the challenges extended through into the families, not just the service member themselves. Throughout the COVID-19 vaccination conversation, Nebraska was intentional in our decisions to be as amenable as possible to religious and medical accommodations while adhering to federal guidance, as directed by the Department of Defense. And as Senator Brewer pointed out, while we are a Title 32 force, during the preponderance of our service under the command and control-- or under my command, but under the control of the Governor, but federally funded, we are still subject to the same entry standards and qualifying conditions to continue to serve in the-- in the military service as established by the Secretaries of the services and the Congress of the United States. Under then-Governor Ricketts' leadership, a shared understanding was established that no Nebraska National Guard member would be separated for vaccination refusal under

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any status besides honorable or general under honorable if there were other conditions. This agreement was then carried over with the new administration, Governor Phil-- Pillen's team and, fortunately, has not been applicable to any of our members. The Nebraska National Guard has not discharged anyone related to vaccination refusal. There have been, however, and I acknowledge some of the previous testifiers-- testifiers, some who elected to separate at the end of their enlistment contract or retire rather than accept the vaccine. And as you heard Major Cassidy talk about, he elected to resign rather than continue his service. I think we've done a good-- a relatively good job of trying to navigate the federal oversight on this issue and in-- and-- and in a way that allowed members to make choices all along the way, but the reality is we were subject to those federal guidelines and we couldn't-- we couldn't ignore them. And in fact, the Oklahoma lawsuit was actually dismissed because the courts tend to show a great deal of-- of deference to the services in terms of training and-- training and conditions for service. However, the courts did acknowledge that, in the case of the request for religious accommodation, that the process was flawed and implied an injunction to prevent anybody from being discharged because of-- of not-- it was not clear that due process was allowed to proceed in terms of those accommodations and those were halted, so the courts have had various opinions on this. I thank Senator Brewer and the committee for their consideration of the well-being of our National Guard members. I and my office will continue to comply and adhere to federally mandated guidance on this topic, but we are also committed to sharing relevant information when applicable. And perhaps, for consideration, the language of this bill could be a legislative resolution conveying the intent of the body, because we are still subject to the federal guidelines. Thank you and I'm available to answer any questions you might have.

**SANDERS:** Thank you, General Bohac, for your testimony. We will see if there are any questions. General [LAUGH] Ray--

**RAYBOULD:** I'm a general. Thank you, General, for coming. So did any servicemen or -women, did they opt for the honorable discharge during this ti-- period of time?

**DARYL BOHAC:** So in the--

**RAYBOULD:** Was that a choice for them?

**DARYL BOHAC:** So the characterization of discharge is not a service member's choice.

**RAYBOULD:** OK.

**DARYL BOHAC:** It's based on the character of their service. So at the time of their discharged, separated or retired, then we-- we characterize their service, but no one's-- anyone that's-- unless there are other issues with their conduct, right, they've been discharged under honorable status.

**RAYBOULD:** So-- so help me understand. So you're discharged basically when your-- your term of service is up. Correct?

**DARYL BOHAC:** That's correct. An enlisted member signs an enlistment contract for a period of-- usually initial period of six to eight years and can extend those contracts in various length. At the end of each of those contracts, at the end of that term of service, they have an option to sign up, or we also have the option not to allow them to renew, but--

**RAYBOULD:** OK.

**DARYL BOHAC:** But in those cases where they elect to separate, those have typically been honorable separations.

**RAYBOULD:** Can you tell me, has there been other situations or circumstances where people have been granted a religious exemption for taking other vaccines? I think-- I think one service member mentioned the-- you said MMR. I assume that meant measles--

**DARYL BOHAC:** --mumps, rubella.

**RAYBOULD:** --mumps and rubella. OK. All right.

**DARYL BOHAC:** I-- prior to this, quite frankly, Senator, I'm not aware of-- of a religious accommodation for vaccinations that-- that any have been granted or requested. I am aware of at least one service member who had a qualifying medical condition that exempted them from vaccin--vaccinations and continues to serve today.

**RAYBOULD:** So are the National-- is-- the National Guard members, are they required to get the flu vaccine?

**DARYL BOHAC:** They are.

**RAYBOULD:** They are.

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**DARYL BOHAC:** It's an annual seasonal flu vaccine that's structured for each, you know, flu season, attempted to be structured. They are required to do that.

**RAYBOULD:** OK. Thank you.

**SANDERS:** Thank you, Senator Raybould. Are there any other questions? Senator Halloran.

**HALLORAN:** Thank you, Vice Chair Sanders. Welcome, General.

**DARYL BOHAC:** Thank you.

**HALLORAN:** Glad you're here. It's an awkward situation that a lot of people were put in, not only the enlistees but those overseeing them. Can't reverse some of that, but I just ask a question. In 2020, when the pandemic was first announced, what was the assigned strength of the Nebraska National Guard Army and Air?

**DARYL BOHAC:** The-- you're gonna push my memory a little bit here, but I-- I could probably give you percentages more accurately because that's what I track.

**HALLORAN:** OK.

**DARYL BOHAC:** So out of approximately 3,400 Army National Guard authorizations in the state, we were at about 93 percent filled. And in the Air National Guard, with about a thousand airmen, at that time, we would have been about 102 percent filled.

**HALLORAN:** Where-- where are-- OK. Thank you. Where are we now?

**DARYL BOHAC:** Today in the Nebraska Army National Guard, we're at 90.8 percent filled. And in the Air National Guard, it's a-- this is artificially deflated because we gained some new authorizations in the state that we're filling now, but we're at 96 percent filled.

**HALLORAN:** OK. So there's been a-- a drop [INAUDIBLE].

**DARYL BOHAC:** Yes, sir, there-- there has been, and-- and I would offer that it's not just the vaccination. It's all the implementation, however-- and this is a different question in the sense that access to schools, etcetera, which is a prime recruiting source, high schools, for us, during the-- particularly 2000-2021 was difficult because it broke our relationships with our recruiters for not having contact with students, so that was a consequence.



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**HALLORAN:** So recruitment's more of a challenge than ever.

**DARYL BOHAC:** Particularly for the Army National Guard, actually, for the United States Army across the nation. It's not only Nebraska; it's across the nation.

**HALLORAN:** OK. Thank you.

**SANDERS:** Thank you, Senator Halloran. Any other-- Senator Lowe.

**LOWE:** Thank you, General Bohac, for being here.

**DARYL BOHAC:** Of course.

**LOWE:** Appreciate the service. How many do you estimate that may have not re-enlisted because of the COVID vaccine? I mean, has there been a down-- a-- a number that is kind of higher than normal of those not re-enlisting?

**DARYL BOHAC:** Well, I could tell you this, Senator, that in the Army National Guard, in June of 2022, when the deadline approached for either being vaccinated or request exemption, either religious or medical, we had 109 refusers in the Nebraska Army National Guard; 34 of those-- a handful of those elected to become vaccinated. Now, with the elimination of the mandate, another 29 have returned to service, and we're actively recruiting those folks back in that, because of federal policy, could not attend drills or training and be paid. So we're actively recruiting them back in. I-- we won't get them all back. I mean, just to acknowledge Major Cassidy's point earlier, he-- he feels like his faith with the services have-- has been broken, clearly, and there will be those that won't return for those purposes. I think it's a little harder for us to de-- to determine how many elected to separate at their end of service or retire in lieu of getting the vaccine, but we know we've had some of those.

**LOWE:** Thank you.

**SANDERS:** Thank you, Senator. Senator Halloran.

**HALLORAN:** Thank you, Vice Chair Sanders. That raises a question. Are there exit interviews?

**DARYL BOHAC:** We-- we do, do exit interviews. I don't know that we specifically-- we usually ask, why are you separating or--

**HALLORAN:** All right.

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**DARYL BOHAC:** And-- and, Senator, my experience has been we get mixed results with exit interviews. They're-- people are always not willing to say their actual reasons and often just say, it's my time to leave, so we don't-- I don't have good data to answer that question.

**HALLORAN:** OK, appreciate that. So how do we make this up, or is it a federal issue? How do we make this up for lost promotions--

**DARYL BOHAC:** Yeah.

**HALLORAN:** --lost income?

**DARYL BOHAC:** Well, part of it is-- part of it is going to be my direction and-- and the ongoing direction to the force, which is we will accommodate people back into qualifying schools as quickly as possible and move them along. But there is, as previously noted, there is the issue of lost time, which we can't replace. I-- there's nothing I can do with that. But what I can try to do is to help people get back on-- as-- as far along back on track as we can. There's been the conversation, at least in some circles, about compen-- financial compensation. The Department of Defense has signaled fairly strongly that they will not be considering that for back pay for missed-- you know, if you didn't show up for work, we're not going to pay you for not showing up for work. But what I can do, what we can do within the rule sets, and there are some limitations, but we can offer people the opportunity to come in and perform additional dill-- drill to make up some of that time. But when we start crossing fiscal years, it becomes more difficult because the money doesn't follow from year to year. It expires.

**HALLORAN:** OK. Thank you.

**SANDERS:** Senator Lowe.

**LOWE:** Thank you. I know when we're trying to recruit people in from other states, we try to look for those well-qualified people to come in.

**DARYL BOHAC:** That's correct.

**LOWE:** And I would think those that have left would probably be the most qualified to come back in.

**DARYL BOHAC:** Yes, sir.

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**LOWE:** And I think extra effort ought to be given to hiring those and putting those men and women back to work again.

**DARYL BOHAC:** Yeah.

**LOWE:** And I-- I appreciate that.

**DARYL BOHAC:** Yep, and I'm very willing to do that.

**LOWE:** OK. So how far short are you from meeting recruiting goals at this time?

**DARYL BOHAC:** Well, I can tell you that last year-- last year, from the period of 1 October to 30 September of '22, we met 50 percent of our recruiting target, which is unprecedented. We were looking to recruit 400 folks into the Army National Guard and we had 200.

**LOWE:** The-- if you don't follow the federal guidelines, do you lose federal funding?

**DARYL BOHAC:** We do. We can. We're at risk for that.

**LOWE:** But if you didn't, you might not have lost it?

**DARYL BOHAC:** I would-- I-- I can't answer that question, Senator, because that's-- you know, that's a hypothetical, and-- and it's what I will tell you, that in-- in the Nebra-- in any Nebraska-- any National Guard state, right, 95 percent of our funding comes from the federal government. That produces all the equipment, the pay, etcetera. The funds are Nebraska National Guard. The Legislature and the Governor appropriates approximately \$7 million a year to support the Nebraska National Guard, so it's about 5 to 4 percent of our total budget. Willfully disregarding federal policy and rules would put that funding at risk and the-- and could lead-- theoretically could lead to withdrawal of federal funding for our units.

**LOWE:** Thank you.

**SANDERS:** Thank you, Senator Lowe. Senator Raybould.

**RAYBOULD:** Are you-- General, are you able to get back into the high schools now to help recruit?

**DARYL BOHAC:** We are improving our access and--

**RAYBOULD:** OK.

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**DARYL BOHAC:** --and getting back into-- we generally-- by-- by the way, we-- we generally have very good relationships with the schools in the state of Nebraska in terms of access. And when we do have some resistance, usually a visit by myself or other senior leaders to discuss the challenges and the approaches solves the problem.

**RAYBOULD:** OK, great. Thank you.

**SANDERS:** Are there any other questions? See none. Thank you for your testimony.

**DARYL BOHAC:** OK. Thank you, Senator.

**SANDERS:** Appreciate it. Are there others in the neutral, testify on LB642? If not, Senator Brewer can close. We do have some position comments for the record: proponents, 35; opponents, 1; neutral, 0.

**BREWER:** All right. Well, that should have been an eye opener for you if you haven't kept up on some of the challenges. The-- the two dates are separated by roughly 18 months. So what's happened to those who did not take the-- the shot: no schools, no drill, no annual training, no promotion, no awards. In the military world, that's pretty devastating. Now General Bohac has been good about sitting down and saying, all right, there are some things we can do. One is, if you've missed drills in this fiscal year-- and keep in mind what he said there. We can't jump back years. You don't get credit for not being at drill, even though you weren't allowed to go to drill, but you can possibly make up that drill or make up the annual training if you should have missed that. Schools are an issue because there's only so many opportunities to go to schools for promotion. If you're not promoted over a period of time, as you come before boards, you can be eliminated because you haven't attended the school. So it's-- it's-- it's this cascading effect where you weren't able to go because you weren't allowed to go and now you'll be discharged because you haven't done school. So you have to understand why-- why folks get discouraged and say, you know, I like to wear the uniform and-- and I'm proud of my service, but there's a point where I gotta-- I gotta walk away. I can't-- I can't do this anymore, and that's the part I found most discouraging about the conversations with many of the folks that you heard today. And please understand, this is just a small piece of many who have given up, and some have-- some have stayed around and-- and I think they'll have a chance to-- to get a school in and-- and make up some drills. And I hope we're able to go back and tap those that-- that got out because it's too much of an investment for us to lose. You know, if you've got five, ten years, however much in, you know,

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the-- the-- the taxpayer has invested a tremendous amount in you. So if you read through the bill and you understand why it was necessary to write the bill, some things have changed because from when we actually wrote the bill till now, 10 January rolled around. So I guess what I'm asking at this point is to give me some time to work with General Bohac. Let's try and figure out what the-- the reality of-- of the situation is, and then figure out what we need to do next. Does that sound fair? I'll take any questions.

**SANDERS:** Thank you. Are there any-- Senator Lowe.

**LOWE:** Thank you, Vice Chair. And thank you, Chairman Brewer. You're-- you are the Chairman. You can decide how much time you need to offer this bill.

**BREWER:** OK, well, that is a good point, Senator Lowe, appreciate that. But just for situational awareness, that's probably, I think, our best course of action.

**SANDERS:** Are there any other questions for Senator Brewer? See none. Thank you.

**BREWER:** [INAUDIBLE]

**SANDERS:** And this now closes the hearing on LB642. We will change over to LB731.

**Speaker 2:** Louisville. OK. Thank you.

**Speaker 3:** Some. Yeah. I did. But I see you don't mind it.

**Speaker 5:** I haven't just.

**Speaker 1:** OK.

**Speaker 5:** Visit.

**Speaker 1:** Gotcha.

**Unidentified:** Thank you. Thanks.

**SANDERS:** OK, we'll go ahead and open on LB731. Senator Brewer, welcome.

**BREWER:** Thank you, Vice Chair Sanders. And good afternoon, fellow Senators of the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer; that's T-o-m B-r-e-w-e-r, here representing

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the 11 counties of the 43rd Legislative District. I'm here to introduce LB731. Under state law, we have a lot of laws to prevent public officials from violating the public trust. We have a duty as Legislatures to help prevent double dipping, conflict of interest, corruption, poor performance by public officials. One of our laws along these lines say that you cannot have another job as a director of different agencies. And of these 12 agencies, the code agencies-- let me run down through them just as a reminder: Ag, Labor, Transportation, Natural Resources, Banking and Finance, Insurance, DMV, DAS, DED, Corrections, State Patrol, and HHS. Being a agency director at any of these agencies is a lot of work and responsibility. It also involves a lot of big decisions about how taxpayers should resource and use money. We need to keep our agency directors on mission and free from conflict of interest. However, I do not believe that service to the Nebraska National Guard, Air or Army, or to the Army Reserve creates a conflict of interest. It is not a conflict of in-- interest for an agency director to serve as a guardsman or reservist. But this bill, what we're doing here is-- is identifying the fact that the way Nebraska law currently is, is in conflict with federal law. In 1994, the United States Congress enacted the Uniformed Services Employment and Reemployment Rights Act. This act by Congress says that employers cannot discriminate against military service members or veterans. So this act applies also to those that are in positions of leadership. Right now-- and there's a letter that's going around, and the one in question here is Jason Jackson-- as a director, he would not be eligible to be a member of the Nebraska, in this case, Army National Guard. He is assigned to the JAG section. And so it's really an oversight and it just needs correcting. I mean, we're already in violation of federal law, and I don't think it does impact their ability to do their job, because, again, it would be on the weekends that they-- they drill. So with that, I would be open for questions, and that's all I have.

**SANDERS:** Thank you. Are there any questions for Senator Brewer? I see none.

**BREWER:** I'll stick around for close.

**SANDERS:** OK. Do we have any proponents on this bill? I see none. Any opponents? I see none. Any in the neutral on LB731? See none. Senator--

**LOWE:** Maybe he'll waive.

**RAYBOULD:** He's waving at us.

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**SANDERS:** You're going clo-- you're going to waive closing.

**BREWER:** I'm going to waive closing.

**SANDERS:** OK. This now closes-- no, before we close, position comments for the record: proponents, who-- two; opponents, zero; neutral, zero. So we will now close on LB731.

**BREWER:** All right. And we will open on LB771. Invite Senator Sanders to the chair. Senator Sanders, welcome to your Government Committee.

**SANDERS:** I need a booster seat in this. Sitting on the edge here. Good afternoon, Chairman Brewer and committee members. For the record, my name is Rita Sanders, R-i-t-a S-a-n-d-e-r-s, and I represent District 45, which includes much of the Bellevue/Offutt community in eastern Sarpy County. Today I'm introducing LB771 to establish a one-year pilot grant program for a partnership between the University of Nebraska and the Defense POW/MIA Accounting Agency, also known as DPAA. I'd like to thank Senators Aguilar, Albrecht, Holdcroft, Linehan, and Lippincott for co-sponsoring LB771, and I'd like to thank the University of Nebraska for their support crafting this legislation. LB771 establishes a pilot program that would grant \$200,000 to a qualifying postsecondary institution. The monies would be used to establish or expand programming that assist the DPAA in its mission. LB771 is a pilot program and it will last for only one year. The Department of Veterans' Affairs will administer this grant. As you know, supporting Offutt Air Force Base and the U.S. Strategic Command in Bellevue, in the middle of my district, has been a priority of mine. The base contributes as much as \$3 billion annually in economic impact in Nebraska. Offutt and STRATCOM together are the fifth-largest employer in this state. The members and civilians-- civilians that serve there, along with their families, are a core part of our community. To sustain this, Nebraska and Bellevue must continue their efforts to recruit, retain and grow new missions. Missions are the lifeblood of military base. We have one mission particularly that brings great pride to the entire country. Following me, you will hear from Dr. Franklin Damann, lab director of the DPAA, who can tell you more about the work they do and identify-- retrieving and identify those who gave their lives in defense for our country. You may have heard of their work. In 2021, they completed a project to identify over 360 soldiers from the USS Oklahoma at Pearl Harbor. The DPAA has created a partnership with the University of Nebraska, both at Omaha and in Lincoln. Students at the universities help in a var-- variety of ways. For example, UNA-- UNO students helped to create a data system to organize the DPAA's finding. These partnerships provide

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students with once-in-a-lifetime opportunities, and it provides the DPAA with extra manpower and recruitment. Dr. Damann will speak to this partnership, and we will also hear from the University of Nebraska about the work they do currently. Let me expl-- now let me explain why I ask for your support. As I mentioned, each potential mission looking for a home always has competition. Military bases all around the world compete for these missions to come to their community. Strength-- strengthening existing partnerships between our community and these missions increase the odds that they will stay right here in Nebraska. As a state, we should focus on making our community invaluable to missions because the missions are invaluable to us. We have a connection so tight that no one can break it. It also goes without saying that opportunities afforded to our university students through the DPAA are priceless and perhaps even life changing. This pilot grant help-- could help the university create system infrastructure to support this partnership. LB771 may be a one-time expenditure. That does not mean there would be only a one-time benefit. If the Legislature is pleased with the work done in this partnership after the grant program has expired, we could always consider renewing it on a permanent basis. However, that is not the request that I am making today. Instead, I hope this one-time spend can create a lasting impact, show Nebraska the jewel we have in Bellevue. Thank you for your time and I welcome any questions that you might have.

**BREWER:** All right. Thank you, Senator Sanders. All right. Let's see if we have questions on LB771. All right. And you'll stick around to close?

**SANDERS:** We'll be right here.

**BREWER:** All right. First proponent to LB771. Come on up. Welcome to the Government Committee.

**WILLIAM BELCHER:** Thank you, sir. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is William Belcher, W-i-l-l-i-a-m; last name, Belcher, B-e-l-c-h-e-r. And I am an associate professor at the University of Nebraska-Lincoln's School of Global Integrative Studies and the Department of Anthropology. I'm appearing today in an official capacity in support of LB771 on behalf of the University of Nebraska System. I want to thank Senator Sa-- Sanders for introducing this important legislation. For a little background on me, I joined the faculty at the University of Nebraska-Lincoln in August of 2019. However, in July of 2019, I retired from the Department of Defense as



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a deputy laboratory director of the Defense POW/MIA Account-- Accounting Agency's Hawaii laboratory after 21 years of service as a forensic anthropologist and forensic archeologist. I am currently engaged in setting up an anthropology program that will interface with the DPAA in terms of research, employment and internships for our students. I want to discuss some of the current interaction that we do have with the Department of Defense. So during the last nine months, I've led two teams of students and UNL professionals and one Nebraska State Patrol retiree to excavate World War II U.S. aircraft crash sites in Germany and also in northeastern India. We just got back just a few weeks ago from India. This experiential learning provided opportunities for almost 20 undergraduate and graduate students. Since 2020, I have graduated nine students in our master's program, seven of whose research was directly related to or focused on the identification issues of missing U.S. service members. Additionally, as Dr. Damann will state, we have numerous University of Nebraska students currently interning and employed at the DPAA's Offutt Air Force-- Offutt Air Force Base facility, either as DOD contractors or postgraduate fellows. The University of Nebraska System supports LB771 because we believe it makes our forensic anthropology work more attractive, assists our UNL, UNMC, and UNO campuses in recruiting high-quality students interested in careers that support our defense agencies, and providing unique research opportunities that are focused on research that is directly related to MIA identification and recovery operations. On behalf of my colleagues at UNL, UNMC, and UNO, who all have or are currently engaged with the DPAA in this work, I want to urge the committee to advance LB771 to support Offutt Air Force Base and the Department of Defense DPAA's collaboration with higher education institutions in Nebraska. So thank you for your time today, and I would be happy to answer any questions.

**BREWER:** Thank you for your testimony. Fascinating program. All right. Questions? Yes, Senator Lowe.

**LOWE:** Thank you, Chairman Brewer. And thank you for coming to Nebraska. It's a wonderful place, much better than Hawaii. Sorry, Senator Sanders, but you moved here, too, by the way, so it must be. The DPAA at Offutt Air Force Base is an incredible facility. How many-- I-- well, maybe I'll ask you later, but what was your decision for moving to Nebraska and teaching at UNL or UNO?

**WILLIAM BELCHER:** Basically, it's time to train the next generation. I'm not going to be able to do this forever, particularly going to India. It's not for everyone. I think we've heard that before. But it's-- it's-- I'm getting older and it's-- it is time to train the

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next generation. And the proximity to Offutt Air Force Base and the DPAA's facility here was a natural choice for me to come to Nebraska.

**LOWE:** All right. And you graduated nine students so far, is that correct?

**WILLIAM BELCHER:** So far.

**LOWE:** How many of them are staying in Nebraska?

**WILLIAM BELCHER:** Approximately six of them.

**LOWE:** Six of them, a good percentage.

**WILLIAM BELCHER:** Yeah.

**LOWE:** Thank you.

**WILLIAM BELCHER:** You're welcome.

**BREWER:** All right. Additional questions? Yes, Senator Raybould.

**RAYBOULD:** Thank you so much, Mr. Belcher. I think Senator Lowe stole my question because--

**LOWE:** Oh, sorry. You can have it back.

**RAYBOULD:** --I was going to ask the same question. So after they graduate from your program, what type of work do they do? Do they continue to research, in-- investigative work or do they teach or--

**WILLIAM BELCHER:** All of the above, so--

**RAYBOULD:** All of the above.

**WILLIAM BELCHER:** But they-- right now, we just have a master's program, but there is a-- that is the base of what is conducted as forensic anthropology in the United States and people with master's degrees. But a lot of them go on to other institutions for a Ph.D., and we now have been approved to have a Ph.D. program in anthropology or School of Global Integrative Studies. And so we're going to retain some of those students, and they have students that are employed working with the State Patrol here in Nebraska. Archeologists are staying on, working with different companies that do cultural resource management or continuing to do-- build up other aspects of that, but primarily they come here because they want to have some kind of a relationship with the DPAA.

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**RAYBOULD:** OK. Thank you.

**BREWER:** So does President Carter take a personal interest in what you do? Because it seems like this would be right up his alley. Well, he's here. I'll ask him.

**WILLIAM BELCHER:** Yeah.

**BREWER:** Sure. Oh, we've got a thumb's up.

**WILLIAM BELCHER:** Yeah.

**RAYBOULD:** OK.

**BREWER:** All right. There you go.

**WILLIAM BELCHER:** But I think a lot of the-- you know, the federal government has taken a lot of interest in what we do, so--

**BREWER:** Yeah.

**WILLIAM BELCHER:** --particularly a lot of the members that were military service members, so--

**BREWER:** Yeah, well--

**WILLIAM BELCHER:** --they certainly do.

**BREWER:** --he-- he was definitely that, so I can't believe the admiral wouldn't be excited to see what we're doing with the program, especially here at UNL and UNO. All right. Well, thank you for your testimony.

**WILLIAM BELCHER:** OK. Thank you, sir.

**BREWER:** All right. Next proponent to LB771. OK. Anybody here as an opponent of LB771? Anybody here in the neutral? Come on up. Heath [PHONETICALLY], we're going to go and mark you down as a proponent.

**HEATH \_\_\_\_\_:** OK.

**BREWER:** OK, good. Welcome to the Government Committee.

**FRANKLIN DAMANN:** Thank you, sir. Good afternoon, good evening, Chairman Brewer, members of the Government, Military, Veterans Affairs Committee. My name is Franklin Damann; that's first name, Franklin, F-r-a-n-k-l-i-n; last name, Damann, D-a-m-a-n-n. I'm here today in my

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official capacity as a member of the Defense POW/MIA Accounting Agency. I'm here to provide background on the DPAA mission, the DPAA Nebraska laboratory. Our mission is to provide for the-- just to provide the fullest possible accounting of our missing service members from our nation's past conflict. This extends from World War II to our first war in Iraq. There are over 80,000 missing U.S. service members from these conflicts. We are a small Department of Defense agency in personnel. We are about 700 active-duty service members, civilian-- government civilian duty employees, contractors, volunteers and student interns. We have a global mission. Our men and women are lost around the globe-- around the globe from our prior conflicts. And our headquarters are located in the D.C. area. Our main operational arm is in Hawaii, where they have been under various names ever since the-- the end of the Vietnam War, starting in 1975 at the location and exists there today. We have detachments around south-- all over southeast Asia. We have a detachment in Germany. Our laboratory in Wright-Patterson, Ohio, is in the process this week of closing and relocating to Offutt Air Force Base to conjoin with our small facility here at Offutt Air Force Base. Here in Nebraska today, we have 50 members of our scientific staff. These are forensic anthropologists and dentists, support staff. When I started at the program in 2015 here in Nebraska, we had eight people on staff, which included our interns. We have grown. The majority of our scientific staff have come from elsewhere. I'm happy to say that today roughly 20-25 percent of our staff are from Nebraska. They are graduates of a Nebraska or Iowa program, and two of those, in fact, are some of our former interns that we have had through-- through the university program. The DPAA at Nebraska is a new entity to the entire organization. In the early 2000s, the organization-- JPAC at the time-- was looking for a mainland facility. I think it was mentioned in one of the hearings earlier about brain drain. Hawaii would experience the same. Everybody would come to Hawaii. I was one of them. We would work. We would get trained. We would live in Hawaii. We would travel the world doing this amazing mission, and then we would miss home. I was one of those. I ended up back in the mainland working for the Armed Forces Institute of Pathology in Washington, D.C. A love of the mission is what drove me back here, always hoping that someday there would be a mainland facility. When the-- the folks at JPAC at the time did the national search. It was a national search across all-- all places and spaces to find where they were going to place their-- their new laboratory. They were looking-- among the many characteristics that they were looking for, the ones that rang true to me, and what I'm seeing here today and have seen over the last eight years that I've been here, first was proximity to a runway strip, which is what we have at Offutt Air Force

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Base, because the Nebraska lab receives all evidence that comes out of Europe. Anything that comes from Europe, as well as some larger projects that come out of-- out of the Indo-Pacific region, all end up here at the laboratory in Nebraska. The second reason is to have access to a community that is supportive of the Department of Defense and specifically the mission of DPAA. And the third was to be in an area where we had access to R1-, R2-level institutions so that our scientific staff could continue to grow their science and technological expertise through our collaborations with-- with students, with the graduate programs, with professors, to-- to help us stay on the front-leading edge of the science that we apply every day to return our service members to their families. With that, I'm-- ends my statement and I'm happy to answer any questions that you may have.

**BREWER:** Thank you and thanks for that orientation so we kind of understand a little of the history. It's-- it's fascinating. I'm really glad you guys are here because I love the mission. I love the fact you're here in Nebraska. So let's see. I didn't do that. Yeah, I'm going to need some help with the watch. It's one of the page duties, OK? OK. Questions? Any questions? John Lowe.

**LOWE:** Thank you. Is there any more you'd like to say, just to inform us?

**FRANKLIN DAMANN:** I-- the one other piece, one other item I would like to mention is that when DPAA was formed through the NDAA of 2010, it gave us a remarkable opportunity to grow partnerships. Part of this, this initiative, was to-- it included the-- the requirement that we build the capacity and capability to account for 200 missing service members a year. Years prior, we would do 80 to 100 a year. At a small organization-- it was 700 people-- the-- the other thing they gave us, Congress provided to us, was the ability to form partnerships. There are over 100 existing partnerships with national, international universities today that help us do our mission. What you just heard from-- from Dr. Belcher and the work that he's doing with the students in Germany, as well as northeast India, is-- is a small snapshot of the work that is going on around the globe every day, with the exception of Christmas, usually, that's taking place now not just by our organic staff but through our partnerships. So it is the University of Nebraska-Lincoln and the field work that they're doing, the-- the students who come in to provide us with some-- some in-office, in-laboratory opportunities for their-- their training and support to us. Through the University of Nebraska at Omaha was one of our first partnerships that we had here in Nebraska in the College of Information Science and Technology. From that, we have built out a

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web-based application to help us manage the data that we collect. This was born off of the USS Oklahoma project, where we had over 13,000 individually identifiable specimens, bones that-- that were part of this large collection that was received. And through our-- our relationship and partnership that-- that has extended into today, we built this web-based application for our scientists to be at the bench, collect the data, multiple people. We've-- we've taken the quality assurance steps and front-loaded those to as far to the left as possible so that then we know that the data that we're getting is good data and that we can use that to help support and facilitate the identifications in-- in a much faster manner than we've done before. And what we do at DPAA is not unique to us, is the last piece I'll say. It's-- there are missing people all over the globe. And I think what is really fascinating, through our partnership initiatives and what we've done, is that other organizations outside of Nebra-- outside of this country are now realizing the benefit of this software and they're using it. The programs at University of Milan in Italy are engaged with us in using this program that is built through the partnership of DPAA and the University of Nebraska. All right. You go to the website and you see the two logos, they are conjoined on this joint effort, and they're using it to sort out migrant deaths that are coming up from the-- from North Africa to help sort out and identify the remains of-- of these men and women.

**LOWE:** You said that Wright-Patterson is closing their facility. Are you gaining any materiel or-- or people from that facility?

**FRANKLIN DAMANN:** Over the last number of years, yes, sir, we've-- we've migrated five. When a billet becomes vacant, unencumbered, we've moved that billet here, so we've acquired five and we have two more, encumbered, that are moving. In fact, Monday is the last staff member who will-- who-- I guess the phrase is management-- management-directed reassignment here to Offutt. Along with that comes the mission. These are our life science equipment laboratory technicians. They help us primarily in our excavations. If you find-- they're-- these are the experts that will find a small bit of webbing and will tell you that's the nape strap off of a particular type of helmet, and that helmet was used by this particular unit. And in fact, that helps us because we know that this is the unit and that you know the type of F-4 aircraft we may be looking for at that one site. We're not there to-- to find all of the wires and oxidized aluminum. But the thing-- the-- the men themselves, the women, and what-- when we find the things that are on them, it helps direct the archeological effort at that site.

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**LOWE:** Thank you.

**BREWER:** All right. Any other questions? All right. Thank you, sir, for your testimony. OK. Let's see, we are in the neutral on LB771. Anyone else in the neutral? Senator Sanders, come on up. And we got not a lot of letters to read in, but no one in opposition, no one in the neutral, but one proponent, so it's a good place to be, proponents.

**SANDERS:** Thank you, Senator Brewer and committee, and staying late this evening. I think the DPAA lab is so much more, if you could see it for yourself. Each one of you did receive an invitation for us to tour STRATCOM and Offutt Air Force Base, and DPAA will be on that tour as well. I had the great opportunity many years ago, 2016 or so, at that time, Senator--

**CONRAD:** Krist?

**SANDERS:** No. U.S. Senator Dave Nelson-- Ben Nelson called me and there was a family that had been waiting in line for remains to be identified for many years. And Senator Nelson had heard about the DPAA in Hawaii and how small that lab was, and they didn't have the capacity. So he was looking at recruiting them, had heard that they were looking. Offutt would probably be a good location for them. They needed support of then-mayor of Bellevue. I just happened to be going to Hawaii in the next few weeks, so I made an appointment to stop and see the DPAA lab, and what an amazing facility and professionals and the respect that they showed for the remains. So Congress mandates that we return every soldier that goes to war, that they will be brought home, recovered, brought home and identified and returned back home, and that is what they do. And sometimes it does take longer because some of these crash sites are in areas that we are just now getting permission to go into, and they're up in mountainous areas. So it takes-- it takes a crew and it takes money and it takes expertise, so what they do is absolutely incredible. But more importantly, that's what our country does and we have it here at Offutt Air Force Base. And the partnerships we are growing with the university just retains those professionals here in Nebraska, and it also grows the mission, so bringing the lab from Ohio is part of that growth of that mission. So I will answer any questions you might have.

**BREWER:** All right. Questions for Senator Sanders? All right, seeing none, thank you.

**SANDERS:** Thank you.

**BREWER:** That will close our hearing on LB771, and we'll clear the room and go into--