

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 26, 2026  
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**ANDERSEN:** Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Bob Anderson from Omaha, representing the 49th District, and I serve as the Vice Chair of this committee. The Chair is unable to be here today. This committee will take up bills in the order posted. The public hearing is your opportunity to be part of the legislative process and to express your position on proposed legislation before us. If you're planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. At the back of the room or they're outside the door, right? Yeah. Please be sure to print clearly and fill it out completely. When it's your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you do not wish to testify but you'd like to indicate your position on a bill, there will also be a yellow sign-in sheet in the back of the room for each bill. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone, tell us your name and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing with the introducer's opening comments, followed by proponents of the bill, then opponents, and finally by anybody speaking in the neutral capacity. We will finish with the closing statement of the introducer if they wish to give one. We'll be using a 3-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the light comes-- turns yellow, you'll have 1 minute remaining, and the red light indicates your time has ended. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It is just part of the process as senators may have bills to introduce in other committees. There's a few final items to facilitate today's hearing. If you have any handouts or copies of your testimony, please bring up at least 12 copies and give them to the page. If you do not have enough copies, the page will make sufficient copies for you. Please silence or turn off your cell phones. You may see committee members using their electronic devices to access more information. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may be cause to be-- for you to be asked to leave the room. Finally, the committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method for submission is via the Legislature's website. Written position letters will be included into the official hearing record but

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only for those testifying in person before the committee will be included in the committee statement. I'll now have the committee members with us today introduce themselves, starting with my right.

**HUNT:** Thank you, Mr. Chair. I'm Megan Hunt and I represent District 8 in midtown Omaha.

**LONOWSKI:** Good afternoon, I'm Dan Lonowski, and I represent District 33, which is Adams County, Kearney County, and rural Phelps County.

**WORDEKEMPER:** Dave Wordekemper, District 15, Dodge County, western Douglas County.

**F. MEYER:** Senator Fred Meyer, District 41, all or part of eight counties north of Kearney and Grand Island.

**ANDERSEN:** Thank you. Senator Rita Sanders is the Chair of the committee. Also assisting the committee today to my left is our legal counsel, Dick Clark. And to my far left is our committee clerk, Julie Cash. We have two pages for the committee today. We have Luke Perry from Gretna, who's a freshman at UNO and majoring in history and political science, and Grace Harper from Loveland, Colorado, who is a junior at UNL and majoring in political science. Thanks, thanks to the pages for your assistance today. And with that, we'll begin today's hearing with LB1081. Senator Meyer, welcome to the Government, Military and Veterans Affairs. The floor is yours.

**G. MEYER:** Thank you, Senator Andersen. Nice to see all your senators here today. My name is Glen Meyer, G-l-e-n M-e-y-e-r. LB1081 is a commonsense bill that requires all Nebraska state agencies and political subdivisions to purchase only flags manufactured in the United States of America. The requirement would stand for flags representing the United States of America and flags representing the state of Nebraska. An exception is made in the bill for flags under the size of 8 inches long and 6 inches high. The primary reason for exempting these small handheld flags is that school teachers and other public employees who want to celebrate our nation's heritage and demonstrate their patriotism may not be aware of the American-made flag requirement. Flags that fly over government buildings and schools, on the other hand, ought to be American-made flags. Requiring that flags be made in the United States of America is a bipartisan issue. For example, in 2015, U.S. Representative Grace Meng, a Democrat representing Queens, New York, introduced a bill in the U.S. House of Representatives to require all American flags purchased by

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the federal government to be made in America. Representative Meng said this legislation is common sense, and an American flag should be entirely made in America. Similarly, in 2017, U.S. Senator Susan Collins, a Republican representing the state of Maine, Senator Sherrod Brown, a Democrat from Ohio, Senator Joe Manchin, a Democratic from West Virginia, and Senator Rick Scott, a Republican from Florida, all introduced the American Flag Act in the United States Senate, which would have required the federal government to purchase only American flags entirely made in the United States. Senator Brown said about the bill at that time, American flags should be made in America, period. Requiring the state of Nebraska and its political subdivisions to purchase products manufactured in the United States is not an idea that is new to Nebraska. In 2011, Senator Heath Mello, a Democrat, introduced LB2-- excuse me, LB923, a bill requiring the state of Nebraska and its political subdivisions to only purchase products made in America. Section 1(4) of that bill said in part that: It is therefore declared to be the policy of the state of Nebraska that all state agencies should aid and promote the economy of the state of Nebraska and the United States by requiring a preference for the procurement of iron, steel, and manufactured goods produced in the United States. Requiring government entities to purchase flags manufactured in the United States would benefit the American economy as well as the economy of Nebraska. The purchase of every American flag and every Nebraska flag made in the USA has a ripple effect on the economy. Purchasing flags made in the USA creates jobs for American workers who made these flags, supports local businesses who sell these flags, and infuses money back in the American economy as well as the Nebraska economy. Flags that are manufactured in the United States of America are typically crafted from superior, high-grade nylon and polyester, which are far more durable and could withstand the harsh weather conditions of Nebraska and sunlight better than foreign-made flags, which are often manufactured from substandard cotton. For example, Allegiance is a company that uses 200 denier nylon and stitches each flag with double needle lockstitching and bar tacking. So if one stitch breaks, the rest of the flag won't unravel. I believe purchasing high-quality American-made flags saves money in the long run and represents the best use of taxpayer dollars. I ask you to please advance LB1081 to the floor. Thank you. I would welcome any questions.

**ANDERSEN:** Thank you, Senator Meyer. Are there any questions from the committee? Senator Cavanaugh? Just kidding. Senator Guereca.

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**GUERECA:** Thank you, Vice Chairman. Thank you, Senator Meyer, for bringing, bringing us this bill. Just kind of looking at the, I'm not going to call it a carve out, but the exception made for the smaller flags. Were you able to look and see if there was any American producers of the, the small flags?

**G. MEYER:** There are some, but, but, quite frequently, as someone reaching out, let's say a school teacher or, or some other individual in the community may go online and, and find those small flags. It's something that's passed out quite frequently by candidates and other folks in parades and things of that nature. I just felt that it would be a consideration that if someone did not find American-made, Nebraska-made flags in that size, it would not be detrimental to them.

**GUERECA:** Sure, but the flags flown in-- for the city halls and--

**G. MEYER:** Certainly, certainly, they, they should be American-made flags.

**GUERECA:** Certainly. Thank you, sir.

**ANDERSEN:** Any other questions? Senator Meyer, thank you very much for bringing the bill. I appreciate your-- the intent, and I, I admire the effort. Did you look at the fiscal note?

**G. MEYER:** There should be no fiscal note. In anticipation of perhaps an increased cost for an American-made flag, that is questionable. And in comparing costs on those types of flags, foreign produced or American made, quite frequently are priced relatively similarly. If there is a slight increase in cost initially that the state would incur or the municipalities would incur the longevity because of the superior quality of the material used and, and certainly the superior construction that's used in making of those flags, the longevity and durability would certainly offset if there would be a slight increase in, in cost by buying the American-made flag. So I, I view it as negligible and, in fact, it's probably to the benefit economically to buy the American-made flag.

**ANDERSEN:** I would agree with your opinion on the quality. I have in my-- I have a flagpole in my house and I have all American-made flags. But if you look in the fiscal note, they talk about their replacement costs in addition to the increased cost when you buy-- you get a new flag when you replace it through attrition, right, [INAUDIBLE]. So the fiscal note, I don't know if you want to revisit it, because it sounds

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like you're looking at replacing existing flags. Is that, is that your perspective or no?

**G. MEYER:** I, I would, I would look at the-- replacing, replacing flags as they need to be replaced.

**ANDERSEN:** By attrition.

**G. MEYER:** I think that makes-- that's a commonsense approach. If we've got something that's currently working right now, I, I, I, I don't see a necessity to go out and tear the flag down and replace it with an American-made flag. I certainly would not, not discourage anyone from doing that, quite frankly. But I, I, I view it as a commonsense approach to replace flags as needed and certainly use American-made flags. I know when my wife and I were looking at flags to place on the front of our house-- and, and I used to have a flagpole that eventually rusted off. We had a large flag-- tall flagpole, and so we would attach one to the house. But just going-- just looking online and, and it was important for us to buy American made and certainly American-made standard that was holding the flag. There's quite a variety out there and I don't believe that there's a substantial difference in cost when, when you look at the quality that you're buying and you're looking at American made as opposed to some, some foreign imported type of flags. I, I think it's very cost efficient for us to, to, to buy the American flag. I, I, I would certainly recommend that, and that's what, that's what we determined when we bought our flag, so.

**ANDERSEN:** OK, I, I would agree with you. I, I think it's self-evident why you buy an American flag from an American manufacturer. But based on the, the fiscal note, it talks about replacing them and then by attrition when you need new ones, a total cost of about \$13,950. But if you take out the, the replacement and just look at attrition, you know, as they get worn out, it takes it down to \$6,000. One recommendation, I guess, I would, I would make is-- are you familiar with the ESUs?

**G. MEYER:** Yeah. Yes.

**ANDERSEN:** So they have a great supply chain. I would consult with them to see if they may be able to help that could, could lower the cost. And I know through conversations last session, they had some relatively low-cost vendors for even the small hand-waving flags that were U.S. made but, but low, low cost, like maybe \$2 a piece or

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something like that. So the ESUs may be a good advisor for your consulting.

**G. MEYER:** And, and, and certainly we can put that information out for the local communities if, if, if they're looking for a, a flag of that type that we can make a recommendation to go to their ESU and, and purchase those flags. So I appreciate that. Thank you.

**ANDERSEN:** Absolutely. Any other questions? Senator Meyer, thank you very much. Will you be staying till-- to close?

**G. MEYER:** Yes, I will.

**ANDERSEN:** Excellent. Are there any proponents to LB1081? Seeing none, anybody in opposition? Seeing none, anybody in the neutral capacity? Seeing none, Senator Meyer, you're cleared back to close. And the online reporting, there were nine proponents, zero opponents, and zero in the neutral capacity. The floor is yours again.

**G. MEYER:** Thank you, Vice Chair, I appreciate that. I really don't have a great deal to add. I think we've pretty much covered everything that, that I felt was relevant to, to this particular bill. You know, if you look at benefits, positive impact on the job market supports our local businesses, stimulates economic growth locally. The American-made benefits, material quality of American made is, is far superior craftsmanship as well. The durability certainly could offset any anticipated increase in cost, which, which I would say in all probability does-- if it does exist it's in a very small part of the market. But it would be cheaper due to longevity to buy the quality from made in the United States. Flag Manufacturers Association of America estimates there's about 7.5 million foreign-made flags yearly purchased in the United States. It's been estimated by the-- by another flag group representing the American flag, that roughly 10 million flags every year are purchased in the United States that are foreign, foreign originated. So, once again, I, I, I would encourage us to move this bill onto the floor. I think it's a, a very positive thing, certainly for the United States and certainly for, for the state of Nebraska and our businesses that we have nationally and locally. So with that, I would welcome any other questions or I, I think I've got an appointment across the hall, so.

**ANDERSEN:** Thank you, Senator Meyer. Any questions? Senator Wordekemper.

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**WORDEKEMPER:** Thank you for bringing this, not really a question, but, but sitting here thinking for as many jurisdictions that might want flags, I would think if there is an increased cost, they could partner together. They obviously know how many flags they're going through a year, the schools or the courthouses or whatever, they could partner together and buy in bulk, reduce their cost to offset any of that, that might be for American made. And I support buying American, so thank you for bringing this.

**G. MEYER:** I appreciate that, Senator Wordekemper. I, I did have a request locally from a, a member of our, our local veterans group. If there would be any opportunity for me to procure a flag that had flown over the, the Capitol, they would very much appreciate that to fly that over our veterans memorial, so.

**ANDERSEN:** Absolutely. Any other questions?

**G. MEYER:** Thanks. Thank you.

**ANDERSEN:** Senator Meyer, thank you for your time. Thanks for bringing the bill. I appreciate it. And that concludes our hearing on LB1081. We will now move on to LB1215. And Senator McKinney, the floor is yours. Welcome to the Government, Military and Veterans Affairs.

**McKINNEY:** Thank you. Good afternoon, Vice Chair Andersen and members of the Government, Military and Veterans Affairs Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y, and I represent District 11. I'm here to present LB1215, the Political Subdivision Contract and Transparency Act [SIC]. LB1215 is a process bill, not, not a preference bill. It does not dictate who, who government contracts with. It does not change award discretions. It does not mandate spending levels, quotas, or [INAUDIBLE] classes. What it does is establish a clear, consistent baseline for how political subdivisions post public contract and opportunities, pay vendors, and communicate basic feedback after awards are made. Today, Nebraska political subdivisions operate under a fragmented procurement landscape. Some cities, counties, school districts, and other subdivisions post opportunities broadly and pay promptly, others do not. Some provide feedback to unsuccessful bidders, many do not. This bill addresses that inconsistency, not by creating new systems, but by standardizing expectations around practices that already exist in pieces across the state. LB1215 focuses on three practical areas. First, payment predictability. Contractors and subcontractors should not be forced to finance public projects out of pocket while waiting

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months for payment on accepted invoices. Second, procurement visibility. A single public-facing procurement calendar for contracts over \$50,000 improves transparency for taxpayers and allows vendors to know when opportunities are coming. Third, basic post-award debriefs upon requests so vendors can improve future bids without reopening awards or disclosing proprietary information. This bill is race neutral, time limited, and includes a legislative performance review prior to continuation. It does not invalidate contracts, does not create penalties, and does not create a new cause of action. Some entities already do parts in this. LB1215 does not replace those efforts, it aligns with them. A goal is not a standard. A standard requires timelines, definitions, and clarity. LB1215 modernizes political subdivision contracting in a way that improves transparency, strengthens competition, and protects taxpayer dollars without expanding government or imposing new procurement mandates. And I also want to comment a little bit on the fiscal note. I appreciate the fiscal analysis that we received, however, portions of the note reflect discretionary implementation assumptions rather than statutory mandates. LB1215 standardizes transparency and payment timelines. It does not create a new regulatory system. I am open to clarifying language to ensure implementation within existing systems and current appropriations. And I also want to say, if helpful, I'm prepared to work on clarifying this amendment, a amendment, or, or face implementation language to reduce perceived fiscal exposure while preserving the transparency objectives of the bill. Thank you.

**ANDERSEN:** Thank you, Senator McKinney. Any questions for Senator McKinney? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Vice Chair. Thanks for being here, Senator McKinney. I'm glad you talked about the fiscal note because I also have questions about the fiscal note. So the bill requires them to create a website where they list out all the contracts over \$50,000. And that's going to cost \$321,000 to make?

**McKINNEY:** Yeah.

**J. CAVANAUGH:** That-- I mean, I'm not-- I don't know how to make websites, but I bet you I could do it for less than \$321,000.

**McKINNEY:** I think so too. I would assume that since they already have websites, it's just adding a new tab or something like that. So I'm not sure why it would cost so much to do something that seems so

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simple. Especially of many of these organizations and DAS already has most of this information.

**J. CAVANAUGH:** Right. Yeah, we had a bill in here about the no bid, we talked about no bid contracts and talked about it, and I spent a little bit of time trying to search, they said every contract is already supposed to be on a website and searchable. I have tried to search that website and unless maybe somebody from DAS will tell me that I'm doing it wrong, but you have to know all the-- you need to know who got the contract and you need to know some of the parameters to search their website beforehand. So they already have a lot of this information on the back end, at least.

**McKINNEY:** Yeah, so really, really they just need to make it searchable, essentially.

**J. CAVANAUGH:** Well, thanks for bringing this bill.

**McKINNEY:** No problem.

**ANDERSEN:** Any other questions for Senator McKinney? I got a couple for you. Why did you set the, the reporting bar at \$50,000?

**McKINNEY:** Because usually that's where most political subdivisions start at as far as, like, their RFP process, so we just did 50 just because most start at that point as far as when they start-- when they put it out for bid.

**ANDERSEN:** So more of the industry norm is what you're saying.

**McKINNEY:** Yep.

**ANDERSEN:** In here, the reporting requirements, it says that there will be a report issued to DAS, but also to, to Urban Affairs. Why to Urban Affairs? I understand DAS but I, I don't--

**McKINNEY:** I put Urban Affairs for two reasons. One, we have a, a contracting transparency bill that is probably going to go into our-- a contract transparency bill, that's going to go into our committee package. And I thought, through the Referencing process, possibly this was going to go to Urban Affairs. I was in Referencing and this was, like, a 50/50, could have went here, it could have went to General or somewhere else and Urban Affairs and it just ended up here. So that's why.

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**ANDERSEN:** OK.

**McKINNEY:** Yep.

**ANDERSEN:** OK. In here you also talk about payment to the subcontractor within 7 days of being paid by the prime and all that. Is that, is that really necessary? I mean, because normally in contracting, it comes out that it's a net 10 or net 30. And, and that's kind of standard practice that when you have a contract, it says the sub will be paid within X number of days. Do we really need to articulate that in law as opposed to leaving it to a contract?

**McKINNEY:** I think when it comes to government contracts, yes, more so because I've, I've spoken with some business owners who do contracting with, with the government, and a lot of them deal with issues about getting reimbursed. And if you make the timeline shorter, it essentially forces government to work a little faster than they do currently, because what we have right now is some businesses going close to bankrupt or out of business because for whatever reason the reimbursement isn't coming as fast as it's supposed to. I understand the standard, though, but that's why.

**ANDERSEN:** Yeah, I don't know if you realize, but I've had a defense contracting business, and probably the greatest risk to starting a defense contracting business is not having the liquid cash, the capital to be able to withstand it, because many times you have, you can only bill on arrears, right? So you work for 30 days, and then you can bill for the previous 30 days. You don't get paid yet, but it's using net 30, meaning that the prime contractor has 30 days with which to get you the money so you really have to be able to bridge a 60-day window and, and that's just part of-- for the way government contracting is. It's not the speed of light, it is slow and steady, I guess may be one way to put it. So it, it may cause additional difficulties by us arbitrating-- stating arbitrary different timelines than what the contracting office is and personnel are, are accustomed to. I, I think that you should get paid in a reasonable amount of time once you do the work.

**McKINNEY:** Right.

**ANDERSEN:** I also understand what the standard practice is too. I was concerned about the fiscal note when I saw the same thing that Senator Cavanaugh mentioned. Yeah, we'll say it's a total of \$500,000 between DAS and DED with most of that up front and some recurring cost. As

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you-- as you're well aware, we-- we're upside down. Any ideas where we-- how we'd pay for that?

**McKINNEY:** Apparently, no, but willing to figure it out. That's why I said in my closing-- in my opening, that I'm willing to kind of work to kind of figure out language that reduces the fiscal note or try to get some clarification from DED or DAS about why they provided those numbers. I know sometimes with bills, agencies may read a bill different than how we read it. So I think that's part of it, too.

**ANDERSEN:** OK, fair enough.

**McKINNEY:** Yep.

**ANDERSEN:** And just-- my last question is on page 2 in Section 1, it says the act is race neutral. Is there a reason why that's in the bill? Everything should be race and gender neutral, right?

**McKINNEY:** Yeah, I mean, yeah, but I think we want to just make it clear more so because I think any time-- me, for example, bring legislation around things like this, there's a lot of assumptions that I'm only doing it for a certain population and I just wanted to make it clear.

**ANDERSEN:** OK, so, OK, so this is a reflection on misinterpretations of you?

**McKINNEY:** Yes.

**ANDERSEN:** OK. Any other questions? Senator McKinney, you staying for close?

**McKINNEY:** Yeah, I am.

**ANDERSEN:** All right. Thank you very much.

**McKINNEY:** All right. Thank you.

**ANDERSEN:** Are there any here to testify as proponents for LB1215? Welcome to the Government, Military and Veterans Affairs Committee. Thanks for being here.

**APRIL HIBBLER:** Thank you. Yes. Thank you, Chairman and members of the committee. My name is April Hibbler, A-p-r-i-l H-i-b-b-l-e-r. I previously served as a business development specialist with the United

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States Small Business Administration overseeing federal contracting firms in Nebraska, specifically our [INAUDIBLE] firms. I also created and led the Nebraska Opportunity Exchange, a statewide initiative focused on procurement readiness and systems level reform. I'm here today in support of LB1215. Nebraska has approximately 188,000 small businesses representing more than 99% of businesses in our state. Through my work, I engage with roughly 1,000 small businesses statewide directly in terms of counseling, on counseling. More than 700 expressed interest in pursuing government or institutional contracts. What I consistently heard was not a lack of capability. We heard three reoccurring systematic barriers: First, inconsistent posting of opportunities across jurisdictions. Second, lack of meaningful debrief feedback after a bid loss. Third, delayed payments, particularly for our subcontractors. LB1215 addresses these issues narrowly and structurally as Senator McKinney outlined. Section 3 establishes clear payment timelines, 30 days to prime contractors after receipt of an acceptance invoice, and 7 days to subcontractors after payment is received. For small subcontractors, predictable payment is not a convenience, it's operational survival. Prompt payment standards are already codified in states such as Texas, Iowa, and Missouri, and Nebraska would not be a novel framework, but aligning with common procurement governance practices. Section 4 standardizes post-award debriefs upon request. It does not reopen awards. It strengthens future competition by clarifying evaluation criteria in compliance deficiencies. And Section 5 establishes a centralized public-facing procurement calendar for solicitations over \$50,000. It does not change procurement methods or eligibility standards. It only ensures visibility and predictability. I would also like to briefly address the fiscal note. I appreciate the work of the Fiscal Office in reviewing agencies. However, portions of the estimate reflect implementation assumptions rather than statutory mandates. Section 5 requires a standardized-- excuse me, Section 5 requires a centralized posting function. It does not mandate a creation of a new proprietary database or a stand-alone IT system. The bill does not prescribe software architecture. Posting remains the responsibility of the contracting agencies. The Department of Administrative Services aggregates visibility and provides an annual report. The bill does not create enforcement authority, investigative duties, compliance auditing or regulatory oversight. Section 6 requires development of a uniform small business procurement readiness checklist and public availability. It does not establish a regulatory program. It does not require annual--

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**ANDERSEN:** Thank you. Please go ahead if you have-- go ahead and finish up.

**APRIL HIBBLER:** Oh, thank you. It does not require annual rulemaking, ongoing adjudication, or enforcement expansion. A checklist is a policy tool, not a regulatory regime. And lastly, LB1215 does not require new software or new staffing. If the committee believes clarifying language is necessary to ensure implementation within the existing systems and current appropriations, I'm open to working on that refinement. Public contracting should operate with consistency, predictability, and clarifying across Nebraska. LB1215 strengthens market participation without expanding government authority. Additionally, the bill includes a sunset provision and legislative review to ensure accountability. I respectfully ask for your support. Thank you and I'm happy to answer any questions.

**ANDERSEN:** Thank you, Ms. Hibbler. Thanks for being here. Any questions? Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair Andersen. Thank you, Ms. Hibbler, for being here.

**APRIL HIBBLER:** Yes.

**LONOWSKI:** At the very beginning, you said that, that there's a lot of maybe like uniformity that's not happening and like things. Is that because businesses or contractors aren't following statute now, or is that just because there's such a difference across the landscape?

**APRIL HIBBLER:** Yes, it's differences across the, the different agencies. We're trying to kind of standardize that to make it easier for them to understand where to find information and bid.

**LONOWSKI:** OK.

**APRIL HIBBLER:** Yes.

**LONOWSKI:** Thank you.

**APRIL HIBBLER:** [INAUDIBLE]. You're welcome.

**ANDERSEN:** Any other questions? Thank you. I've got a brief question for you.

**APRIL HIBBLER:** Yes.

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**ANDERSEN:** You taught the debrief disclosure items. Are these standard-- is this standardized now? This makes it sound like that's not done at all. Section 4 on page 3.

**APRIL HIBBLER:** OK. You said regarding the debriefings?

**ANDERSEN:** Right, so at minimum: evaluation criteria; strengths and weaknesses; aggregate scoring--

**APRIL HIBBLER:** Yes, sir. Yes, Senator, sorry. There's-- informal feedback may occur in some jurisdictions within Nebraska. But there's no uniform statutory requirement for timeline scoring details, strengths, weaknesses or compliance deficiencies. That's why LB1215 standardizes this. They really need that debrief because if they're losing bids and they don't understand why they can't improve or become more competitive in ways that help them improve [INAUDIBLE].

**ANDERSEN:** So it's kind of going above and beyond what the current practice is?

**APRIL HIBBLER:** Yeah-- well, no, no, it's just kind of standardizing if, if they lose just this is why. Just kind of giving them that feedback. It's not-- I, I wouldn't say that it's something that requires like over and beyond some-- because some organizations are doing it because they want to be more intentional about making sure small businesses get these contracts and they don't feel like they're-- I mean, when I say feel, these organizations don't believe that it's going over and beyond. They just have implemented it as part of their practices.

**ANDERSEN:** Well, don't misinterpret what I'm saying, I think it's a good practice and it's great to give small companies the feedback on their proposal and why they, they didn't actually get the contract. So they can, they can better plan for the next contract and, and become successful. The only concern I have is if it's above and beyond the workforce-- workload that's already being done by the agencies, is there additional cost and are we, are we creating an unfunded mandate with the agencies? But if it's standard practice now, then the answer is no.

**APRIL HIBBLER:** No, I mean, the federal government, that was implemented kind of in our processes to increase. I mean, think-- well, I think looking at it relative to a bigger picture when we say 99% of our businesses, our small businesses, and at least probably 70%

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of them are participating in the contracting process and that feeds our revenue and increases our economy, them being able to participate and getting that feedback is pretty necessary to our economic growth here.

**ANDERSEN:** Yeah, agree.

**APRIL HIBBLER:** Yes.

**ANDERSEN:** Thank you. Any other questions? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you. Well, you talked enough that I thought of a question. Thanks for being here. Thanks for [INAUDIBLE]. So you, so you work for the U.S.-- the National Small Business Administration?

**APRIL HIBBLER:** Yes, but I was assigned to the Nebraska District Office.

**J. CAVANAUGH:** Are you aware-- like, how do other states-- do other states do things like this?

**APRIL HIBBLER:** Yes, that's what I mentioned, like, Texas,--

**J. CAVANAUGH:** OK.

**APRIL HIBBLER:** --Iowa and Missouri have-- my research indicated that they have implicated-- excuse me, implemented these processes, and New York as well.

**J. CAVANAUGH:** OK.

**APRIL HIBBLER:** But definitely Texas, Iowa, and Missouri. And I tried to give comparisons of states relative, so our neighbors.

**J. CAVANAUGH:** Iowa's pretty close.

**APRIL HIBBLER:** Yes.

**J. CAVANAUGH:** Thanks.

**APRIL HIBBLER:** Yes.

**ANDERSEN:** Any other questions? Thank you very much, Ms. Hibbler, for being here.

**APRIL HIBBLER:** Thank you, sir.

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**ANDERSEN:** Are there any other proponents? Please, come on up. Welcome to the Government, Military and Veterans Affairs Committee.

**DAVID U. AKPAN:** Well, thank you, sir. Well, Honorable Vice Chair and members of the committee, my name is David U. Akpan, D-a-v-i-d, initial U, last name is A-k-p-a-n. I own a management consulting company considered a small business. The company name is SRAG Management Consulting Services, founded in 2012. And it's based here in Omaha, Nebraska. The SRAG stands for Stop, Reorganize and Grow. So that's the acronym for that. Our focus is in managing the finishing and painting business in the construction industry. And our capacity is of strategic business partnership and functioning as VP operations for any of the companies that we undertake to consult with. So we deal directly with the company and the general contractors and the capacity of subcontractors. So I rise in support of the LB1215. Today, I speak not just on behalf of contractors, but on behalf of Nebraska small businesses, skilled workers, suppliers and families whose livelihood depends on timely payments for honest work performed. Now the problem is across our state contractors and subcontractors do complete projects in good faith, yet wait 60, 90, sometimes 120 days to get paid. Now when payments are delayed, we have payroll is strained, suppliers go unpaid, credit lines are exhausted, projects slow down, small businesses suffer, because they cannot afford to engage in new businesses when payments are delayed. So in the construction and infrastructure, industry is vital to Nebraska's growth. Cash flow is like oxygen. Without it, even profitable companies suffocate and cannot project their future bill. So LB1215 establishes a reasonable enforceable payment standard, payment period not to exceed 37 days. So it's not a radical idea, it's responsible. So 37 days provide adequate administrative processing time while protecting contractors from indefinite delay. It brings clarity, predictability, and fairness to a contractual relationship. So this matters economically and by regulating payments. Just a last note here, second provision, which is the bill transparency. We would like the proponents of the bill to be equally important. So contractors must provide notification if a bid is lost and reasons for not winning the bid in order to prepare companies to improve their opportunities. Thank you for your cooperation.

**ANDERSEN:** Thank you, Mr. Akpan. Are there any questions? Seeing none, thank you very much for your time, for being here today.

**DAVID U. AKPAN:** Thank you.

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**ANDERSEN:** Are there any other proponents? Seeing none, is there anybody in opposition? Welcome to the Government, Military and Veterans Affairs Committee.

**BETH BAZYN FERRELL:** Thank you.

**ANDERSEN:** Welcome back [INAUDIBLE].

**BETH BAZYN FERRELL:** Good afternoon, Vice Chair Andersen, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm appearing in opposition to LB1215. We do appreciate the goals of this bill, increasing transparency, and we do recognize that there are a lot of bidding variations between different subdivisions. The counties are subject to the County Purchasing Act. And so I'd like to talk to you a little bit about that and how the requirements of the County Purchasing Act don't necessarily align completely with LB1215. When counties purchase equipment, supplies, personal property, mobile equipment, and services, they're subject to the requirements of the County Purchasing Act. The act was created in 1985. At the time, there were statutes about county bidding that were all over in, in Chapter 23 and other chapters of statute. When you look back at the transcript from that time, it talks about a crazy quilt of bidding requirements. So counties got together and worked on developing this County Purchasing Act to provide some uniform procedures. The act has been amended a few times, including a bill a couple of years ago that came to this committee that increased the dollar amounts that trigger competitive bidding. Because prices have gone up, that bill, LB938, from 2 years ago set out some new tiers for amounts that triggered bidding. Right now, because of that, counties only need to competitively bid if the dollar amount of the purchase exceeds \$70,000. In the bill it talks about \$50,000 being the triggering amount, so there's \$20,000 of bids there that would need to be addressed in a competitive bidding fashion. Our recommendation would be for this bill if you're going to look at a dollar amount, you say rather than a specific dollar amount, say whatever amount is currently used by that entity for triggering competitive bidding. With respect to the debriefing, we've been to a lot of county board meetings where bids are being opened. We've not heard any bidders request a debrief, that doesn't mean it doesn't happen later. There's language in the bill that talks about creating scoring sheets and things as part of that debriefing process. In a lot of the smaller counties, when we go and, and hear those bids being opened, they may have a spreadsheet that has, you know, the, the specs that the county

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requested for the road grader, the specs for the John Deere bid, the specs for the Caterpillar bid. And they compare those and discuss the pros and cons of those, but they don't necessarily have formal scoring procedures and that sort of thing. It's more of an open discussion. So that's something that we would like to, to consider. There are 11 different elements that are considered by counties when they're purchasing. Those are very similar to what the state follows in the purchasing requirements in 81-1108.55. Anything that is submitted or discussed in a county bid is already subject to public records laws and public disclosure. My time is up. I would just say we'd be happy to work with Senator McKinney on the bill and I'd be happy to take questions.

**ANDERSEN:** If you have any final thoughts, go ahead.

**BETH BAZYN FERRELL:** So I, I think I got them. Thank you.

**ANDERSEN:** OK. Thank you very much. Any questions? Seeing none, thank you very much for your time. Are there any other opponents? Seeing none, anybody in the neutral capacity? Seeing none, Senator McKinney, you're welcome back up. And as he's walking up, online we had six proponents, one opponent, and zero in the neutral capacity.

**McKINNEY:** Thank you, committee, and thank you to those who came to testify. Especially thank you to April. She's the one that brought this to me and brought it to my attention. As far as the opposition in aligning this with the County Purchasing Act, I'll look at it and see how we can get it more aligned. My mission is to just ensure that small business owners have opportunities at government contracting. Many that I've talked to find it hard and difficult to navigate the, the procurement process for whatever reason. And this is an attempt to just try to simplify it a little more for those small businesses so they can participate. And, and that's really it. You know-- and then the mention about it being different in small counties. The, the one thing why I didn't limit this just to Douglas County or Omaha is because every time I do it I get the question, what about the rest of the state? Then when I do a bill that impacts the whole state, I get the, the comments, well, we do it differently on the western side. So it's like I'm, I'm in a catch-22. Do I limit it just to Omaha, or do I not? And I don't know. I, I don't think we should. I think practices should be aligned across the state, but if I have to try to limit it, I'm open to that, but I'm willing to work with the county officials to try and work on language in an amendment and I'm open to any questions.

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**ANDERSEN:** Thank you, Senator McKinney. Are there any questions?  
Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair-- Vice Chair. Thanks for being here again, Senator McKinney. I, I did want to just revisit the, the fiscal note because I was reading it and this is a phrase I don't know if I've ever seen before, which is the Fiscal Office does not agree with this estimate from the Department of Economic Development. So actually the fiscal note does not include the Department of Economic Development's proposal which was to hire a lawyer at \$93,000 a year, give them \$32,000 in benefits, I don't know, \$28,000 in operating costs, and \$9,000 in travel to make this-- I guess it's a tip sheet, or I don't know what the right word was, but the, the sheet-- the, the, the bullet point sheet about what standards people need to follow. But-- so Fiscal basically disagreed with that, but I think we see a lot of times bills that departments don't want to do, and then they create these--

**McKINNEY:** Right.

**J. CAVANAUGH:** --puffed up fiscal notes. I mean, \$9,000 in travel for something that-- I don't, I don't even know what the travel would be.

**McKINNEY:** Me either. I would agree with the Fiscal Office. I was looking at what DED sent over and it just didn't make any sense. I don't know why you'd need to hire a lawyer.

**J. CAVANAUGH:** Yeah.

**McKINNEY:** I don't know why you need to travel and for it to cost \$9,000. I'm not sure why.

**J. CAVANAUGH:** I'm happy our Fiscal Office--

**McKINNEY:** My bigger issue with the fiscal notes that we get, that I don't think a lot of them are ever accurate, and whether you like the bill or not, I think that-- and it's not on our Fiscal Office, I think it comes from the agencies and what they feel as though they need. I don't think it's Fiscal. I think the agencies inflate what is actually needed to implement a bill, and it can harm your bill in a lot of ways, especially in a year like this.

**J. CAVANAUGH:** Yeah, when you have DED trying to maybe keep things a little under the radar, they don't want the scrutiny, they're trying to prevent us from shining some light on their behavior.

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**McKINNEY:** Yeah.

**J. CAVANAUGH:** So they create a puffed up fiscal note.

**ANDERSEN:** Are there any other questions? I have to have one question for you. Senator McKinney, in Section 6, it talks about DED in consultation with the Urban Affairs Committee and the Legislature developing a small business procurement readiness checklist. With DED being part of the executive branch and Urban Affairs being part of the legislative branch, aren't we kind of crossing the streams?

**McKINNEY:** No, I think that is--

**ANDERSEN:** I think DED and the Department of Revenue, and they certainly have a contracting office that I think would be better to control this.

**McKINNEY:** I mean, yeah, I could see it. It could be Revenue, it could be DED, or it could be DAS. And, I mean, I think there's a separation of powers, but I think if they're working together I don't think you're overly muddying the waters because, for example, if this passes that checklist would include these requirements. I think it's more so just ensuring that DED includes this checklist. Maybe it's just-- maybe the wording is a little-- really probably take it out and just say DED shall develop this checklist and solve that issue too. But, I mean, essentially if this committee moves it forward and we pass it as a body then DED would just have to do it anyway.

**ANDERSEN:** Yeah, and seeing I had a question, I had in Section 7 where it talks about Urban Affairs. Now granted, I know you're the Chairman of Urban Affairs, right, and I mean that's the-- because you have great focus on it to like conducting a performance review in 2029.

**McKINNEY:** But I won't be here--

**ANDERSEN:** Right.

**McKINNEY:** --in 2029. So whoever's the Chair at that time could do it.

**ANDERSEN:** Right, because the challenge is you always have to-- all policies and Legislature has to survive the personalities, right? So it has to be good in policy.

**McKINNEY:** Yeah, but I think it's a good policy that is needed and I think a part of the problem with term limits and the way we do things

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is we're not building institutional knowledge but we're also not leaving systems in place that others can come in and pick up and run with. I think when we just only tailor legislation to the time period we stay in this place I think it's more harmful than good. So it's not-- it's really not about me, it's more so making sure whenever I leave, there's still good processes in place and things being conducted to make sure things go smooth, so.

**ANDERSEN:** Yeah.

**McKINNEY:** Yeah.

**ANDERSEN:** All right.

**McKINNEY:** Yep.

**ANDERSEN:** Thank you. Any other questions? Chairman McKinney, thank you for your time.

**McKINNEY:** Thank you.

**ANDERSEN:** This closes the hearing on LB1215. And we will now move on to-- open the hearing on LB1256. Senator Cavanaugh, welcome back to the committee.

**J. CAVANAUGH:** Thank you, Vice Chairman Andersen, members of the Government, Military and Veterans Affairs Committee. I'm Senator John Cavanaugh, J-o-h-n C-a-v-a-n-a-u-g-h, and I represent the 9th Legislative District in midtown Omaha. I'm here to introduce LB1256, which adds snow and ice removal and flood management to the definition of emergency services under the Nebraska Emergency Management Act. The intent of 12-- LB1256 is to make sure that public works employees engage in necessary and often dangerous emergency work are considered emergency workers under the law. As we saw last week with the heavy snowfall across Nebraska, getting streets clear and safe for travel is essential in an emergency. Similarly, with major floods like those in 2011 and 2019, there's no question that managing and mitigating the impact of such floods is an emergency management activity. LB1256 simply clarifies what is already the case. It doesn't change the duties of the Nebraska Emergency Management Agency or local governments. It is a small change that gives clarity to the state and local governments that workers engaged in these duties are emergency workers as well. As you can see from the fiscal note, there's no fiscal impact from this bill. I want to thank the committee for your time and I'm happy to answer any questions.

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**ANDERSEN:** Thank you, Senator Cavanaugh. Any questions for the good senator? Senator Guereca.

**GUERECA:** Thank you, Vice Chairman. Thank you, Senator Cavanaugh, for bringing forth this legislation. So what would be the benefit of categorizing snow removal and flood workers and those engaging in those activities as an emergency activity?

**J. CAVANAUGH:** Yeah, that's a good question. So my understanding is that there's certain budgetary constraints that come-- that, that are basically freed up when money is being used for an emergency, as opposed to just for day-to-day sort of stuff, and so just characterize, making sure that we are-- when we have the need for extra work, that we have the ability to access those funds that are only available for emergency designated situations.

**GUERECA:** Thank you, sir.

**ANDERSEN:** Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair Andersen. Thank you, Senator Cavanaugh, this is very interesting. Do you recall back when, when we had some of those ice jams, how did it affect FEMA or NEMA? How did it-- did it slow down the process? Did it just shortcut the-- you know, shortcut us on money or what happened, do you know?

**J. CAVANAUGH:** Yeah, that's-- I don't, I don't know the answer to that question. And so there might-- I can probably try and find out if there's something.

**LONOWSKI:** Yeah, how, how does this mainstream the process, I guess? I mean, I-- it seems like it's a good bill. I'm just curious more than anything.

**J. CAVANAUGH:** Yeah, it's simple, I have a few folks who do this work behind me, so maybe they'll have an idea of what, what was going on there, but, you know, not an expert when it comes to emergency management. There's a few other people that work in this place that are, but not me.

**LONOWSKI:** All right. Thank you.

**ANDERSEN:** Any other questions? Thank you, Senator Cavanaugh. I assume you'll stay till close?

**J. CAVANAUGH:** I will.

**ANDERSEN:** Anybody here as a proponent?

**SCOTT DOMBECK:** Proponent?

**ANDERSEN:** Proponent. In favor of. Welcome to the Government, Military and Veterans Affairs Committee.

**SCOTT DOMBECK:** Thank you, Mr. Senator-- Mr. Chairperson and other senators. My name is Scott Dombeck, S-c-o-t-t D-o-m-b-e-c-k. I serve as Vice President of AFSCME Local 251, representing public employees across Nebraska. I respectfully submit this testimony in support of LB1256. And I might also note that we had submitted essentially the same testimony online earlier this morning. It's been quite a busy day for us around the state. We weren't sure if anyone would be able to testify in person, but we wanted to make sure to be here in case there are any questions about how this works directly for the employees who are impacted by this. LB1256 aligns Nebraska's Emergency Management Act with how emergency response actually functions in our communities. Public works and critical, critical infrastructure employees routinely operate under declared emergencies. For example, when floodwaters threaten facilities such as Omaha's Papio Wastewater Treatment Plant or the Missouri River Treatment Systems, public works personnel were deployed to protect those facilities. Safeguarding water treatment infrastructure during the flood events is not routine maintenance. It is an emergency response that protects public health and prevents environmental contamination. When tornadoes strike our communities, public works crews remove debris, clear roadways for ambulance and fire access, stabilize damaged infrastructure, and ensure impacted areas are safe to enter. Without cleared roads and stabilized utilities, rescue and recovery cannot proceed safely. During snow emergencies that cripple communities, public works employees are designated essential personnel. They report to duty in hazardous conditions to clear routes for emergency vehicles and to ensure access to hospitals, neighborhoods, and critical facilities. Access is life safety. This role has long been recognized on, on the federal level. In 2002, the Department of Homeland Security acknowledged public works departments as first responders in emergency situations. On December 17, 2003, President George W. Bush formally recognized public works as responders in the Homeland Security Presidential Directive 8. In addition-- in addition, the National Incident Management System requires public works personnel to comply with federal emergency training standards and operate within incident command systems during

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disasters. Public works departments carry responsibilities that mirror those of law enforcement and fire departments in terms of emergency deployment and public safety impact. While their functions-- I have maybe a minute or so to go.

**ANDERSEN:** Oh, please go ahead and finish.

**SCOTT DOMBECK:** OK. While their functions vary depending on the event, they are often amongst the first to secure infrastructure and frequently the last to leave, ensuring that cleanup is complete and safety is restored. LB1256 does not create new benefit categories or alter unrelated statutes. It clarifies emergency management functions, that critical infrastructures are performed during declared emergencies. As extreme weather events become more frequent and infrastructure systems face increasing stress, Nebraska's emergency response framework must reflect modern operational realities. Critical infrastructure protection is inseparable from public safety. And when bridges fall or access routes are, are blocked, the response required is immediate and coordinated. LB1256 ensures that our statutes recognize the integrated emergency response system and the personnel who protect the infrastructure that keeps our communities safe. Thank you and we urge the committee to support and advance LB1256.

**ANDERSEN:** Thank you, Mr. Dombek. Are there any questions? Senator Lonowski.

**LONOWSKI:** Thank you, Vice Chair Andersen. Thank you for being here. So as part of AFSCME-- am I saying that right?

**SCOTT DOMBECK:** Correct.

**LONOWSKI:** So did you help craft this bill or are you just here in support?

**SCOTT DOMBECK:** We're here in support.

**LONOWSKI:** OK. And I'm, I'm trying to put together the-- was the National Guard involved in this or the NEMA people? You're not sure of that?

**SCOTT DOMBECK:** I'm not, I'm not aware.

**LONOWSKI:** OK. All right. Thank you for your testimony.

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**ANDERSEN:** Are there any other questions? Mr. Dombeck, thank you for your time.

**SCOTT DOMBECK:** Thank you.

**ANDERSEN:** Are there any other proponents? Seeing none, any opponents. Seeing none, anybody in the neutral capacity? Seeing none, Senator Cavanaugh, you're cleared to come back. On his way, there were-- online, there were four proponents, zero opponents, and one in the neutral capacity. Senator Cavanaugh, the floor is yours.

**J. CAVANAUGH:** Thank you, Chairman. Thank you, committee. And thank you, Mr. Dombeck, for testifying. So, yeah, basically, you know, with this bill didn't, didn't work on it with NEMA, that they did send fiscal notes that didn't really have any impact on them, was more had a conversation with somebody and said that these folks were left out. And I-- and so I talked to people and said, well, should we include them? And the response was yes. And so if you look at the bill, the section is: Emergency management means the preparation for and carrying out of all emergency functions, other functions for which Military forces are primarily responsible to mitigate, prevent, minimize, respond to, recover from injury, damaging results, disaster emergencies, civil defense emergencies. Emergency management functions include but need not be limited to firefighter services, police services, medical and health services, search and rescue, engineering services, communication and warning, radiological preparedness, hazardous material response, evacuation of persons from stricken areas, emergency welfare service, emergency transportation service, restoration of public utilities and then we're adding snow and ice removal and flood management. So I, I think it's really just updating, recognizing that these, these-- I mean, I think realistically the part that I, I can comprehend-- I don't know honestly about flood management necessarily, and I think a lot of that's in here already, but I think that's just clarifying that flood management should be explicitly included. But the snow and the ice removal we've seen, those of us that drive down here to Lincoln know how important-- I have a recollection of January 10 last year, I think-- oh, no, 2 years ago now, and the number of plows driving down the interstate between Omaha and Lincoln to make it so those of us could get back-- well, other, other people too, but-- and just how treacherous that was and came to realize that those folks were not considered part of the emergency response but were part of just general maintenance and that just didn't seem right to me. So that's why I ended up bringing this bill, is that I thought snow and ice removal folks, and especially in

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those situations when there's an emergency, are actual emergency responders. So that's it. It's one, two, three, four, five, six words added to that. So I said a lot of words to add six words.

**ANDERSEN:** Thank you, Senator Cavanaugh. Are there any questions for Senator Cavanaugh? Does this-- I, I have a question. Does this provide additional protection for the workers?

**J. CAVANAUGH:** I think in the instance-- my understanding would be when there's an emergency declared, it's partly that as, I think, Mr. Dombeck was saying, that these folks get activated as emergency responders under a number of other sections. This would just include those folks in this section as part of the emergency response. And I, I don't know for certain, but I do think that there are additional requirements maybe in terms of amount of hours you can work in an emergency when there is an actual declaration. And I'm thinking in terms of places you can go and things like that. So I think there are additional powers, but I can definitely look and see which specific things that these folks get access to.

**ANDERSEN:** That's OK. I was just curious. Thank you very much, Senator Cavanaugh. Any other questions? Thank you for your time on the bill. This closes our hearing on LB1256 and our hearings for this afternoon.