

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

BREWER: Good afternoon. Welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer, representing the 43rd Legislative District of western Nebraska. I serve as the Chair of this committee. The committee will take up the bills in the order posted on the schedule. Our hearing, our hearing today. Is your public part of the legislative process. This is your opportunity to express your position on proposed legislation before us. Committee members may come and go during the hearing. This is just part of the process. They have bills to introduce and other committees. And we talked just before we started, Senator Conrad has like, three in a row, so she probably won't be with us here today. And Halloran-- Senator Halloran has-- he's in Revenue. OK. I ask that you abide by the following procedures to better facilitate today's meeting. Please silence or turn off your phones or electronic devices. When it's time to present, please move forward. We normally just reserve the front row for those that are presenting on a given bill. We will reserve the close for the Senator making the initial statements. The procedures, as far as order, will go proponents, opponents and then those testifying in the neutral and closing remarks from the opening senator. If you're planning to testify today, please fill out one of the green sheets that's on the back table. Again, we ask that you print, fill it out completely so that we can use it for the official record and we have the information we need. When you come up to testify, give the green sheet to either the committee clerk or one of the pages. If you do not wish to testify today but want to record your name being present for the hearing and indicate your position, there are white sheets that you can fill out at the back of the room. This will also go into the official hearing record. If you have handouts, we would ask that you give us 10 copies. If you don't have 10 copies, we can ask the pages to help us get more copies. When you come up to testify, we would ask that you speak into the microphone and say and spell your name so that it goes into the record accurately. Also, let's get some idea of our headcount today. How many are here to testify on either the first or second bill? All right. We're going to go 5 minutes then. So you'll have 4 minutes till green light, one minute of amber and then the red light. No displays in support or opposition to bills, vocal or otherwise, will be allowed from the audience. This is a public hearing. Committee members that are with us here today will introduce themselves, starting on my right.

RAYBOULD: Good afternoon, everyone. I'm Jane Raybould, Legislative District 28, which is the heart of Lincoln.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

SANDERS: Good afternoon. Rita Sanders, representing District 45, which is the Bellevue/Offutt community.

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

BREWER: Senator Sanders is the Vice Chair. Dick Clark is the committee legal counsel. Julie Condon is the committee clerk. And today, with us-- they took my page note-- we got Logan and Trent. All right. Logan, hold up your hand. Trent, hold up your hand. All right, there you go. All right. With that, we will welcome Senator McDonnell and LB624. Take it away.

McDONNELL: Thank you, Chairperson Brewer and members of the committee. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l. I represent Legislative District 5, south Omaha. Today, I bring you AM688, which is a white copy amendment to replace LB624. When LB624 was created, its original intent was to return the Tourism Commission back to the Department of Economic Development in order to ensure that Nebraska's messaging and promotional efforts are better aligned. Though I must admit, the original intent was not for everyone. That was my joke.

BREWER: Thank you.

SANDERS: Everybody laugh.

McDONNELL: Thank you. I gotta give Tim and Alicia credit you could be.

BREWER: He'll be there all day.

McDONNELL: All right. Don't forget to tip your waitress. However, after meeting with some passionate advocates for the Nebraska tourism industry, we believe we have come up with a compromise that fits the main intent, which is to better align our messaging throughout the state's promotional efforts and that is what AM688 reflects. AM688, which replaces the original bill, simply adds the director of economic development and a representative from the State Chamber to the Tourism Commission. This ensures that the three main organizations responsible for promoting the state of Nebraska are better aligned on messaging and future campaigns. But this also, will help create stronger advocates for Nebraska's third largest industry within DED and the State Chamber. The tourism and hospitality industry accounts for over 3.5 billion in annual tourism sales in our state and it employs over 40,000 individuals. With greater involvement of DED and the State Chamber, I believe that there there there may be more consensus going forward on investing in this industry and perhaps, even an increase in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

available resources to promote our state. The bill helps unify and amplify the great work already being done by various agencies, nonprofits and communities across the state. It also provides us a chance to showcase our greatest assets in tourism and economic development that we can use to promote our state. I believe this legislation will allow us to do just that and I urge you to support it. Yeah, this really did come from compromise and a number of discussions and I, I appreciate that people are going to testify today. And of course, the goal is to make sure that we are all on the same page with our messaging. And we think this bill could help that, with our people working together and communicating better.

BREWER: All right. Thank you for that opening. To kind of make sure everybody has an understanding of how it's, kind of, transitioned to where it's at now, so originally, tourism used to fall under DED?

McDONNELL: Yes.

BREWER: And what year did that change? Ball park.

McDONNELL: I believe, approximately 16 years ago, 2012.

BREWER: 2012 just--

McDONNELL: OK.

BREWER: --echoed into my ear for some reason.

McDONNELL: All right. Perfect.

BREWER: And so, at that point, they became a standalone agency. And this just has it so that they're working closer together, so they're all kind of singing on the same sheet of music.

McDONNELL: Working together, yes. And serving on the tourism board together.

BREWER: All right. Let's see if we got any questions for you. Questions for Senator McDonnell? Yes, Senator Raybould.

RAYBOULD: Thank you for being here. So they haven't been coordinating and communicating with each other before?

McDONNELL: Well, I don't think as effectively and efficiently as they could, going forward. And I think this would help with that.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

RAYBOULD: OK. I just thought they were doing a pretty good job being independent and not necessarily being under anybody's wing. So is there, is there some area that you feel like they weren't doing a good job on or?

McDONNELL: Well, getting-- yeah, getting input from individuals. And, and we're more-- some people say, well, if we're doing OK, that's OK. I don't think so. I think if you're, you're doing OK, that's just what you're doing is OK. We want to do better. And I think there's ways to improve that, through communication. Because meeting with different people, you could, you could tell, when you're having those discussions, that there, there wasn't a lot of organized communication. In the past and serving on the, the board together, I think that helps. Like, we all know this. We all get busy and there's things that happen. Well, it forces people to come together, have discussions and, and work together.

RAYBOULD: OK. Thank you.

BREWER: All right. Any other questions? You'll stick around for close?

McDONNELL: Yes. Thank you.

BREWER: All right. Thank you for that. All right. We're going to start with proponents to LB624. Welcome to the Government Committee.

RICH OTTO: Thank you, Chairman. Good afternoon, Chairman Brewer, members of the Government, Military and Veterans Affairs Committee. I'm Rich Otto, R-i-c-h O-t-t-o, testifying in support of LB624 as amended by AM688 on behalf of the Nebraska Hospitality Association. For those of you that may not be familiar with the Nebraska Hospitality Association, it was formed two years ago when the Nebraska Restaurant Association and the Nebraska Hotel Motel Association merged. Hotel members collect and remit the lodging tax that funds 90 percent of the Nebraska Tourism Commission's budget. And our goal is to see those dollars spent as efficiently as possible. We are appreciative to Senator McDonnell for having that same goal. AM688 provides for greater collaboration between the Nebraska Tourism Commission, the Nebraska Department of Economic Development and the business community. Nebraska hotels have had great momentum post-COVID and this will keep us moving in the right direction. We encourage you to support AM688 and I'm happy to answer any questions you may have.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

BREWER: All right. Thanks, Rich. Let's see if we got any questions. Questions for Rich? Yes, Senator Raybould.

RAYBOULD: I have the same question, so thank you for testifying. Is there something that the previous years that they weren't collaborating and cooperating and working with each other in sync on, on tourism and, and how is this going to be different?

RICH OTTO: Well, the big thing-- I think they are working together and have had communication. Probably the biggest thing is we've seen, with dollars, that the Tourism Commission has their campaign and then DED did their own-- got some money to do their own. And I think one of the things is could we continue to-- whenever we're doing campaigns for Nebraska, to bring people back or to promote tourism, maybe there's some additional synergy that could have happened between the two campaigns.

RAYBOULD: And so, will the funding stay the same for the Department of Tourism? That will not be--

RICH OTTO: That will not change.

RAYBOULD: --compromised or subsumed in the, the budget--

RICH OTTO: No.

RAYBOULD: --on DED.

RICH OTTO: Now-- no. None of that will change. We are-- this is a separate bill in Appropriations, but we are optimistic that Appropriations will lift the lid for tourism. Currently, we're-- it's been so good post-COVID, with remittance from the lodging tax, that we are actually bringing in more than the Tourism Commission is currently allowed to spend. So we are optimistic and our members support Appropriations lifting, raising their spending cap, so that they can spend that the dollars, all of the dollars that the lodging tax brings in.

RAYBOULD: OK. But is that-- you're saying that--

RICH OTTO: But it's all separate. Nothing-- so DED--

RAYBOULD: --this is separate.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

RICH OTTO: --yep. They will just be completely separate still, just a, a little more collaboration.

RAYBOULD: OK. Thank you.

BREWER: All right. Additional questions on LB624? All right. Thank you for your testimony.

RICH OTTO: Thank you.

BREWER: All right. Still looking at proponents to LB624. Welcome to the Government Committee.

BRENT SMOYER: Thank you, Mr. Chairman, members of the Government, Military and Veterans Affairs Committee. My name is Brent Smoyer, B-r-e-n-t S-m-o-y-e-r. I'm a registered lobbyist for the Nebraska Travel Association. I don't know that there's much I can add to Mr. Otto's testimony. Travel Association endorses AM688. We appreciate Senator McDonnell being so willing to work to come to a-- I think, a very well thought out and well-reasoned compromise, to make sure that we are working in tandem. I think we can all agree that various parts of state government, across the board, could stand to have a little better communication and so, this will help that along. With me, I did include a letter from the Nebraska Tourism Commission. They will be coming in as neutral. Usually, you see that happen for most state agencies when it comes to this kind of thing. But I do believe they are also very happy and willing to work with Senator McDonnell into the future on this issue. With that, happy to take any questions.

BREWER: Short and to the point. I like it. Senator Raybould.

RAYBOULD: Thank you, Mr. Smoyer, for coming. So will the Nebraska Travel Association still have a seat in the collective table or the bargaining or the meetings that they have?

BRENT SMOYER: Yes. The Tourism Commission is made up of actually, currently, 11 positions. And I know I will probably misspeak at some point here, so forgive me, but 11 positions by geographical area. A number of those seats do overlap with members that are in the Travel Association. So, yeah, there is a lot of collaboration, a lot of work. You should see some of the calls we have, sometime. It's like the Brady Bunch on steroids.

RAYBOULD: OK. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

BREWER: All right. Additional questions? All right. Thank you for your testimony.

BRENT SMOYER: Thank you.

BREWER: We're still looking for proponents to LB624. All right. Any opponents? Anybody here in the neutral? All right. Senator McDonnell. Oh, and I got to read-- no, I don't have to read any letters, because there's no letters. You have no opposition letters and you have no one speaking in opposition.

McDONNELL: Thank you. Just to clarify, Senator Raybould, when you see the-- with the amendment, there'll be no fiscal impact to the, the-- you'll see that fiscal note coming later on. Again-- God bless you. Again. it's, it's about communication. It's about getting people to work together. It's about improving on what we've done in the past and not, and not stalemating on our successes, but also looking at some of the mistakes that have been made in the past. And I think a lot of those mistakes can be changed, based on just communication and, and people working together. The, the idea of, of people that are already involved, sitting on the board, that won't change. It will just be added to, with the, the person from Department of Economic Development and the Nebraska Chamber.

BREWER: All right. Let's see if we have any questions in closing. Questions for Senator McDonnell? All right. Thank you for your testimony. That will close the hearing on LB624 and we may have a bit of a delay for LB474.

[BREAK]

BREWER: You powered up? All right. Everybody, welcome back. We are now going to hear the opening from Senator Wayne on LB474. Senator Wayne, take it away.

WAYNE: Thank you, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. Today I am here to introduce a very simple bill, LB474, which I had labeled as "preserve the third." It's part two of a-- of a bill. The first bill was just heard in Appropriations about rail spur and increasing economic development here. Today, this part of the "preserve the third" is to preserve the cultural and historical significance of the Third

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

District. This is an important bill because it focus on some really great intersections of rural history, Nebraska history, African-American history, and Native community history, and overall, our country history. I believe this bill is one of the most significant and far-reaching cultural preservation bills this session. Time is also of the essence because one of these sites are at risk of being lost altogether, and another one is at risk of being left behind and largely forgotten about by this body. All of these sites affected in this bill are worthy of our attention and are worthy of the effort and resources necessary to preserve and improve them. First, I'm going to talk about the Mayhew Cabin. The Mayhew Cabin is something that ever since I started going down to Nebraska City for our Legislative Councils I would always go by there, visited the first couple of times. But last year I noticed when we went down there, it was closed. And so I started doing some research on it. And the reason why this, this cabin is so important is ab-- abolitionist James Kaig [SIC-- John Kagi], I think it's-- might be spelling it wrong, I mean, saying it wrong, but it's K-a-g-i, for several years operated this cabin as part of the Underground Railroad. He was one of John Brown's top lieutenants fighting against slave owners in Kansas. He ultimately gave his life for this cause during a raid on the Harper's farm in 1859. While this was the home and shelter for many runaway slaves escaping slavery, this house was also one of the ways they snuck to further themselves-- to better themselves in the North. This south-- this site has been a tourist attraction in Nebraska City since the 1930s. And at times there was questions about the historical accuracy. But in 2013, there was enough documentation and proof, or 2003, that it officially became part of the National Underground Railroad Network to Freedom, a program listed under the National Park Service working to identify associated sites with the Underground Railroad. And this moment from here, it's only 700 sites across the country and we have one right here in Nebraska. In 2010, it was added to the National Registry of Historic Places. This is a very vulnerable spot that we need to fix, because in 2013, a disaster struck. Heavy rain and flooding severely damaged the site. Mold and mildew and foundation issues followed. It has been a saint-- in a shameful state of disrepair and neglect since. There has been a lot of blaming going on if you read the newspaper articles and lawsuits going back and forth. But for me, as a state and as a state legislator, we have the ability to fix this problem. I have been waiting for history-- I've been waiting for History Nebraska to act. They haven't. I've been waiting for Nebraska City to act. They haven't. I've been waiting for the county to act. They haven't. So today I leave it up to this committee

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

to act. Bringing this back into the history of Nebraska or into the Game and Parks will ensure that the Mayhew Cabin can live for another 100 years. Now, turning to Fort Robinson. That was my first year of going out there during the turkey hunt with Senator Brewer, and he said you should go west and go visit Fort Robinson. And I did. And during that time, I learned about the Sioux wars that were fought from 1876 to 1890 and the historical significance of that area. The fort was originally built in 1874. It was initially small, a third-rate outpost with no right-minded person would live in that area at that time, but they still had people there. Eventually, permanent structures were built. The infrastructure would arrive and it would be-- become one of the busiest bustling fortresses in America. And it was the key to Western expansion. The relationship between the United States Cavalry and this fort cannot be emphasized enough. Soldiers from around the country were sent there, were trained, lived there. Their horses and mules for the U.S. Cavalry were trained there. It is one of the best horses in the cavalry were brought there and bred there to help support local livestock in the area. And we still see those beautiful horses out there until this day. The Cavalry facility became the largest of its kind in the world, not just in Nebraska or in the United States. And its local communities paid great respect to it, especially during the First World War. In 1885, the 9th Cavalry was stationed at Fort Robinson, and the fort underwent significant expansion and investment by the federal government. For those who don't know, the 9th Cavalry was one of the nation's few segregated all black regiments. The famed units became collectively known as the Buffalo Soldiers, and the reference came from actually Natives who saw their short hair, curly hair, traditionally African-American hair, and compared it to the buffalo. And that's how the nickname was coined. Adoption, that actually became the common of which I would refer to as, I always knew them as the Buffalo Soldiers. I never knew their actual cavalry name until I started researching for this bill. The 9th Cavalry was one of the most famous regiments in the American history, fighting bravely in various plan wars and fighting alongside of Theodore Roosevelt at the Battle of Saint Juan Hill during the Spanish-American War. After distinguished members of this regiment were honored by the-- were honored-- were honored by being among the very first crop of plank-- park rangers to be hired in the National Park Service. No doubt, as members of the 9th Cavalry Regiment living in that area had an established-- they expired and they still stayed in the area. In fact, there are still many cemeteries up there bearing the name of the individuals who were in that cavalry. Chadron became one of the largest population to African-Americans during this time.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

Outside of Omaha, almost up until the 1940s it was one of the largest areas of African-Americans. Serving as one of the long-term homes of the 9th Cavalry is reason enough that this is a sacred site for me. Now, you add into the Native American history and Crazy Horse surrendered and died at this location. It was the site of the Fort Robinson breakout or massacre, where 60 Natives trying to escape for their freedom were hunted down in what the Supreme Court described as a shocking story. As a side note, this was not while the 9th Cavalry was stationed there. The Buffalo Soldiers did not participate. But it was one of the worst massacres in Native American histories in this area. In one of the last acts before the 19th-- before it closed in 1947, it was used for several years as prisoners, as to keep a war camp for prisoners from Germany during World War II. Many people don't know about that. It played a significant role in our Western [INAUDIBLE] as it helped the local community, and it made sure that we can keep our nation active in the war. After World War II, the Army ended its operation and the U.S. Department of Agriculture took over. After some time, the USDA demolished several buildings, outraging many of the people who wanted to preserve that area and the local activists. But by 1955, the History Nebraska acquired its first building on the site, and it was added to the National Register of Historic Places in 1966. And History Nebraska gradually increased its holding there until 1971. That's when the USDA officially transferred ownership to the state of Nebraska. We are fortunate that senators from many sessions ago solved this issue by bringing it into the state hands. But now the state must invest in these facilities and make sure they're preserved. The structures need to be preserved, the facilities are inadequate, and it's time for us to make sure we do better. The Fort Robinson needs new lodging, updated RV park, and just modern amenities. A couple of years ago, I called Senator Brewer from South Dakota and I called him and said, What the hell are we doing in Nebraska? I'm up here and I see campers, RV's. I see thousands of people at a-- at a hillside or a mountainside that isn't even completed yet, touring it. We have the same history in Nebraska and we are missing out on the economic opportunities, in my opinion. Then we started having a conversation about why don't we have a museum of Standing Bear, one of our biggest and most notable civil rights activists in the world, let alone this country. I said, before we leave, we will put money aside for a museum. And that is the third part of this section of the bill. I think it's important to not only honor his life, there is a connection to Omaha where the trial was, but for not to have something where he was buried and where he is from is just mind boggling to me. I believe people behind me are standing

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

ready and willing to help build this museum and honor his life. This appropriation bill is somewhat vague and flexible because, as you know, it's complicated to write a bill this year with Bill Drafting. And I'm not blaming Bill Drafting, but also how it should be distributed with Fort Robinson being owned by different people. So I'm willing to work with committee counsel to figure that out. And I'm willing to work on the floor as this keeps moving to have amendments. But I do think this has to be done now this year, while we have the ability to do so with our extra funds. I think by having matching contributions at Fort Robinson and contributions at Standing Bear also make sure that the local people buy into it. I will probably be introducing an amendment on the floor, not in this committee, just to make sure I coord-- add some language to make sure it coordinates between Nebraska History and Game and Parks to fulfill this objective. Again, I'd like to thank this committee for their time and their patience for-- for listening to this history. But I think it's important because this is one of the biggest acts that I think we can do to preserve the third history, its culture, and I think the American history that we as Nebraskans sometimes take for granted. And with that, I'll answer any questions.

BREWER: All right. Thank you, Senator Wayne. And so we got everybody thinking the same here, the Mayhew Cabin is going to need some restoration, and then we need to establish some type of a facility there that tells the history of why it is significant. And so, again, going back to the reason why you don't want to box us in with too much detail in the bill, at this point, we just want to figure out a way to do all three tasks effectively. And we just need to figure out what that looks like. And because that was the one comment someone made to me was, well, there's not enough detail. Well, the detail will come. It's the concept and the need that we're trying to establish. Right?

WAYNE: So at the time we were writing this bill, we were still trying to figure out who actually owned Mayhew Cabin and then what we got from Game and Parks who visited with us and history, historic [SIC] Nebraska is parts of Fort Robinson are owned by different parts. And so coordinating that plan while doing two-day committee hearings and all that just, it wasn't going to get done in time. But I'm sure by Select-- Select, if this gets to the floor, by Select we'll have that worked out with an amendment.

BREWER: Well, I did have a chance to talk with Tim McCoy and he has offered to open Fort Robinson up for us to take a-- a senator trip out and-- and get a tour from front to back downrange to the whole place

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

to better understand and see what's there and possibly where a footprint if we expand where that could go. But your-- your point on the history of the fort, the Cheyenne breakout, they-- they have a monument to that there. All of these events that you described were exactly part of the history of Fort Robinson. The problem is no one's ever really sat down and taken, whether it be the POW part of it or the dog training part of it or the cavalry horse training and breeding part of it or-- or the Buffalo Soldiers or-- or the Sioux War part of it and ever put it together into something where someone could walk through it and go, oh my gosh, look at all this wonderful history that unless you just happen to be a student of that particular area, you wouldn't ever know it was even there.

WAYNE: Correct.

BREWER: And then Standing Bear kind of speaks for itself. I mean, if we made the decision to make it one of the two statues that represents the state in Washington, D.C., maybe we ought to have somewhere where you could come and know more about it.

WAYNE: I mean, so I'm not Native, but I felt disrespected being at Crazy Horse and seeing the story of Standing Bear being told there and I can't come to the state and see the same thing. I felt like we're doing a disservice to our own-- our own citizens of Nebraska, that we can travel to D.C. or travel to South Dakota to learn about one of our own.

BREWER: All right. Thank you. Questions for Senator Wayne? Senator Lowe.

LOWE: Thanks and thank you, Senator Wayne, for bringing this. How many millions of dollars have you put into bills this year that you would like to have come out?

WAYNE: I put a lot in. But what I would like to come out to answer more directly is this is on my, I would say my official ask and priority list. And I'm looking for possibly another \$100 million for North and South Omaha economic recovery. But we found a vehicle that this can go in and I made this a priority for us. So the other priority probably is going to be the other bill that you guys kicked out, which is the felony voting, which doesn't cost anything. But yeah, I do more for the 3rd District than I do my own so.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

LOWE: I appreciate you [INAUDIBLE] and all the bills that you bring. And we struggle sometimes collaborating on them. But the Mayhew Cabin, does it-- is it in a bad location? Will it suffer from flooding again if it stays there?

WAYNE: Well, it's next to a state park facility or cabin. I think that could be worked out. I think it was just a once in 100 or once in a 500 year flood. But I think it's because the plumbing and everything, my understanding, the plumbing and those things weren't updated, which helped cause the flood. So I think once we do all that-- and the estimate, just understand we think it's under \$1,000,000. So the rest of this is truly going to Fort Robinson, which is that \$27 million. And we estimated the museum to be around 50, and that's how we're requiring this match. So we think we can get it all done.

LOWE: OK. Thank you.

BREWER: All right. Additional questions? All right. Thank you for that.

WAYNE: Thank you.

BREWER: And will you stick around for a close or are you going [INAUDIBLE]

WAYNE: Yes. I'll be right back. Close there, come back and close here.

BREWER: All right. And I may be coming your way. I'm supposed to be there at some point here. All right. We are now going to take proponents to LB474. Proponents. Nobody? Anybody who wants to speak in the positive. All right. Welcome to the Government Committee.

SHANNA CARPENTER: Hello. Good afternoon. My name is Shanna Carpenter, S-h-a-n-n-a C-a-r-p-e-n-t-e-r, and I am with the Ponca Tribe of Nebraska's Tribal Council. I am representative of our District 3, which is the Lincoln area. And I'm actually speaking on behalf of Richard Wright, Jr. He's our director of culture affairs and he's in Norfolk in inclement weather and couldn't make it here today. So he's prepared something and I'm going to read it for him. Good afternoon, Senator Tom Brewer and the Government, Military and Veterans Affairs Committee. Aho, Ponca Izhazhe witake Wazingapa and waxe izhazhe witake Richard Wright, Jr. My Ponca name is Birdhead and my English name is Richard Wright, Jr. I currently serve as the director of cultural affairs for the Ponca Tribe of Nebraska and am an enrolled member of the tribe and a lifelong Nebraskan from Norfolk. I am here today to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

support LB474. Firstly, it is important to note that Ponca Tribe history is Nebraska history, and we cannot grasp the complete picture of either unless we educate our citizens about both. Our past leader, Chief Standing Bear, has become more than just a prominent figure for the Ponca people, but a revered leader and civil rights activist for our great state of Nebraska and the rest of our great nation. On May 12, 1879, a day that will forever be memory-- memorialized in Nebraska and United States history, in Omaha, Nebraska, Judge Elmer Dundy declared that Native Americans were considered people under the federal law, and it is directly due to those brave actions of Standing Bear, as well as Nebraskans, that Native Americans across the country were finally beginning to be granted the rights and privileges that our great state and nation has to offer for all of their citizens. A Ponca and Standing Bear Cultural Center will allow us to better preserve our history for future generations of Poncas and Nebraskans. We currently have some of Standing Bear's personal belongings housed in our Ponca Museum in Niobrara. We are having active discussions on repatriate-- repatriating more of the artifacts soon and a Ponca and Standing Bear Cultural Center would allow us to provide a good home for those repatriated artifacts and ensure their preservation and safety for many years. Since our termination in 1965 and our restoration in 1990, the Ponca Tribe of Nebraska has grown exponentially, and I believe that at this point we are more than capable of sharing our history and educating visitors on the legacy of Chief Standing Bear and the Ponca people. I believe that constructing a Ponca Cultural Center will be valuable in educating Nebraskans and tourists about the heritage and importance of Standing Bear in Nebraska's history. And I urge you to vote in favor of LB474. Wibthaho. Thank you, Government, Military and Veterans Affairs Committee for allowing my voice to be heard, and I will do the best to answer any questions you may have.

BREWER: All right. Thank you. OK. Questions? Well, I thought that Senator Wayne did a very, very good job of explaining that empty feeling to go up to the memorial at Crazy Horse in South Dakota Monument and see the area there dedicated to Standing Bear. And then to think about us being the home of Standing Bear and not having something like that, that you can recognize his accomplishments. So we got a statue in D.C. so we got to start, but we're not there yet. All right. Thank you. All right. Next proponent. Come on up. Welcome to the Government Committee.

BRYAN BEQUETTE: Thank you. Thank you, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. I am Bryan

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

Bequette. That's Bryan, B-r-y-a-n, Bequette, B-e-q-u-e-t-t-e. I'm the mayor of Nebraska City, and I've been blessed to serve in that position since April of 2015. I want to thank the committee for the opportunity to be here today to voice my full support of LB474, specifically, the portion of the Nebraska State Historic Society purchasing, upgrading and managing the Mayhew Cabin historical site. Nebraska, as you're probably aware, is a very historic town. With Mayhew Cabin being one of them, we have 11 period homes or museums within the city. One of those is also owned by the city, the Wildwood period House. We have an active Museum Association. The city funds part of the Museum Association director's pay because we have one of those facilities, so we help with his stipend each year. We also use some of our economic development funds each year to help fund the Museum Association so they can pay docents at each of the museums and period homes to expand the hours that they're open so our residents can enjoy them and bring their guests in with them as well. We also have a history of working with the state and its departments on preserving historic sites and natural resources, specifically the Arbor Lodge and State Park. In 2013, 2014, when the department was looking for possible closures because of budget, the Friends of Arbor Day Lodge, which is mostly made up-- it's a nonprofit made up of mostly Nebraska City residents, worked with the state for a small time. The city became, and I forget the exact term, receivership or whatever, the state owned the park, but the city can take responsibility for it to keep it open. And then the Arbor Day Foundation came in and entered into a contract with the Game and Parks to manage and manage the park and to keep it updated. And they've done several refurbishments. I drove through there this morning because my wife wanted pictures of the big snowflakes amongst all the trees. So that is operating and going very well. But again, I thank you for the opportunity to come here. We want to have the Mayhew Cabin refurbished, open for the public, that it can continue to tell that piece of history that Nebraska needs to tell. And I look forward to working with the State Historic Society if this bill goes all the way through to become a reality.

BREWER: All right. Well, thank you for bringing that perspective from the city.

BRYAN BEQUETTE: Certainly.

BREWER: All right. Questions for the mayor? Yes, Senator Sanders.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

SANDERS: Maybe not a question, but an official statement. Welcome, Bryan, to the Legislature. When I served as mayor, we were able to travel and work on a couple committees together. If the cabin gets refurbished, who then maintains it for the rest of its life? Is that city? Is that--

BRYAN BEQUETTE: I believe that would have to be worked out with the society as to what kind of management that would be worked out through that at the state level.

SANDERS: Thank you.

BREWER: All right. Any additional questions? All right. Thank you for your testimony.

BRYAN BEQUETTE: Thank you, Chairman.

BREWER: Welcome to the Government Committee.

ANGELA STARKEL: [INAUDIBLE] I'm Angie Starkel, the vice chair of the Ponca Tribe of Nebraska. I'm-- today I'm going to read a--

BREWER: Spell that?

ANGELA STARKEL: Oh, sorry. Angela Starkel, A-n-g-e-l-a S-t-a-r-k-e-l. My apologies. Today I'm going to read a statement from Stacy Laravie, who is also Ponca, as well as our tribal historic preservation officer. Stacy is a third time-- three times great-granddaughter of Chief Standing Bear. Unfortunately, because of weather, she was not able to be here. Good afternoon, Senator Brewer, members of the Government, Military and Veterans Affairs Committee. Izhazhe wiwit I ke' Stacy Laravie. I am the tribal historic preservation officer for the Ponca Tribe of Nebraska, a Ponca member, a Nebraskan, and a three times great-granddaughter of Chief Standing Bear. In my position as a tribal historic preservation officer, my honor and sacred duty is to preserve and protect the Ponca ancestors, traditions, language, ceremonial objects, and sacred places. This honor is not only limited to these duties. I am as well the steward and caretaker of artifacts and heirlooms that belonged to Ponca relatives. As honor-- irony has it, some of these items belonged to my grandfather Standing Bear. In my eyes, not only am I preserving and protecting a part of Ponca and Nebraska history, I am preserving my family's history as well. The story of my grandfather and the Ponca people goes beyond the history books and his trial. The story of Standing Bear and the Ponca people's extraordinary ancestry needs to be shared. Everyone on this committee

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

has an opportunity on sharing that story. The passing of LB474 will aid in preserving and protecting our family's heritage and culture, such as Chief Standing Bear's tomahawk and will tell the untold parts of Ponca history along with Chief Standing Bear's story. You all will be a part of that starting today and what you vote on for this-- when you will vote on this. The Standing Bear Museum will also educate and empower Ponca people in knowing whom and where they come from, healing trauma, and preserving our language and culture. The building itself is a means of preservation of what-- of most of what we have housed in archives, artifacts, audio and oral histories and needs to be protected in a controlled environment. The Standing Bear and Cultural-- Ponca Cultural Center will educate Nebraskans and the world about the greatness that can come from unity, resiliency, and the preservation of people. The story of the Ponca people is a true Nebraska history. We have seen this time and time again, Nebraskans coming together to do what is right. I was taught to think seven generations ahead. LB474 will do just that to support, preserve, and protect the Ponca history and the livelihood for the next seven generations. Thank you for allowing me to use my voice. Wi Btha ha. I wanted to add just an additional comment on behalf of myself and the Ponca Tribe that have you-- you've heard me previously mention that we have these artifacts at over 100 years old from Standing Bear. These artifacts will help tell Standing Bear's story. And they need to be protected in a controlled environment so that it can be shared with all Nebraskans. And this story of-- of Standing Bear and the Ponca people is really about our civil rights. And this hits home for all Nebraskans on protecting our rights. And that's the rights of having to be able to have-- make a livelihood, to take care of a family and be part of our communities. And by telling a story, it's going to help to remind Nebraskans of our past history that we don't repeat again, that we protect all Nebraskans' rights, and we can go forward with that. So it's imperative to tell this story. It's good to have it with the actual artifacts that can bring home that story and that it can be in the homelands of where Standing Bear and Ponca people come from. And with that, I appreciate your time today listening to our statements, and I'm open for any questions.

BREWER: All right. Thank you for that testimony. Senator Raybould.

RAYBOULD: Thank you, Ms. Starkel, for coming here today. So do you and the Ponca Tribe members have a location or where would you envision the Standing Bear and Ponca Tribe Center to be located?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

ANGELA STARKEL: Yes, we definitely think it would be imperative to have it up into the Niobrara area. That's where our homelands is. It's a beautiful area. It's, you know, we have a lot of hunting and fishing. There's a lot of people that come to enjoy that area from around Nebraska and outside of Nebraska. There is-- you'd be surprised at how many people come to that area to enjoy the beauty and the different attributes of hunting, fishing, and the outdoors. So I think it really makes it a good addition to the area.

RAYBOULD: Thank you very much.

BREWER: And for those that don't know, we-- we actually went through a series of unveilings of Standing Bear, of course, here on the Mall in Lincoln. Then we had a ceremony on the traditional grounds. So there is a statue identical to the one here on the Mall that is already on traditional ground there. And then, of course, the third one was when we unveiled it in Washington, D.C., in the Rotunda. So now we just need to be able to tell his story so they can see the statue and understand everything that goes with it. All right. Additional questions? All right. Thank you for your testimony. Welcome to the Government Committee.

KENT ROBERT: Good afternoon, Chairman Brewer, members of the Government, Military and Veterans Affairs Committee. My name is Kent Rogert, K-e-n-t R-o-g-e-r-t, and I'm here as a registered lobbyist for the Ponca Tribe of Nebraska. I just have a few things that we would like to in the wording of the coming amendment, we would assume and, Mr. Chairman, you are correct in your original statement, the details will come and I'd be happy to work with Mr. Clark when we go to put those together. But one of the things we want to make sure we do is we-- we direct the funds towards the Ponca Tribe. The opening part of the bill goes to Nebraska Historical Society. We think we'd rather have it, you know, in a little more controlled environment for ourselves. There's a "may" in there on page 2, line 7, "may" use those funds. We would like to see the word "shall." And then we have a new name. It's not going to be probably the Standing Bear Museum, but rather the Standing Bear and Ponca Cultural Center. So there'll be lots of-- lots of different things going on in there. And they had some preliminary plans on-- on how to build that and what it would cost. And, you know, anywhere from, you know, upper-- upper-- upper single digits to lower double digits in the millions for that type of museum. Happy to answer any questions you might have.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

BREWER: All right. Well, I'm glad you clarified this. This is kind of the broad stroke what we need it to look like.

KENT ROBERT: Yep.

BREWER: And now we're starting to fill in and getting details. So, yes, some patience on getting it perfect. I think the concept is hopefully the committee looks at the concept, the end state of what this should be. And then as the bill travels through session, we'll-- we'll figure out how to get the detail that we need there. But we need all the players to-- to come in and share their wisdom on what right looks like so that we don't end up putting something in into the bill that hurts our ability to actually accomplish that.

KENT ROBERT: Correct.

BREWER: OK. Questions for Kent? Questions?

KENT ROBERT: Thank you.

BREWER: All right. Thank you. OK. Next proponent to LB474. Welcome to the Government Committee.

SUSAN BAKER: I thank you. My name is Susie Baker. I'm a tribal secretary at the Ponca Tribe.

BREWER: Can we have you spell that?

SUSAN BAKER: And I get a little nervous so bear with me.

BREWER: Ah, don't worry about it.

SUSAN BAKER: So I'm here to testify in behalf of the bill, LB747 [SIC LB474] And you said to Shanna, we're not there yet.

BREWER: Can we have you spell your name so we get it in the record?

SUSAN BAKER: Oh, I'm sorry. B-a-k-e-r. Just have to [INAUDIBLE] we're not there yet. So my question is when? When will they be there? We-- we-- we went to-- we went to Harvard, to Peabody to get the Standing Bear's [INAUDIBLE]. So we were shown a room downstairs full of southern Ponca and northern Ponca artifacts, including Standing Bear's beaded moccasins. So we are trying to build our event center and culture center and possible museum where we can bring it home. A lot of museums throughout the United States are given back the American

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

artifacts, including the hair of children [INAUDIBLE] So we need a help of our government, government to government to be able to do this. So you say we're not there yet. Standing Bear is Nebraska. Nebraska is Standing Bear. I happen to be a member that came back from California and joined my council. More members are coming from out of state back to Nebraska because we're Ponca. So if we're-- if-- if you guys are not Standing Bear and we're not Nebraska, then when do we merge in partnership so we can be there? That's my question. So I support this bill because I think it's important for Nebraska as well as it is for our tribe, the Ponca. It's a full history. This is civil rights. This is a civil rights case. It's civil rights for Nebraska. It's a right for our tribe and other indigenous people. So when do we bridge that gap? I mean, the gap was bridged when he went to trial and was released. And he offered his tomahawk in payment. He had no money. So we get it back. So when do we partner back up and fill in the gap of the civil rights?

BREWER: OK. And this may be my fault that I didn't explain that better. When I said we're not there, what I mean is we are going to make a law. And if we do it wrong, we will do the project. So don't think that it's not because I don't think it shouldn't be done. I think we have to carefully write the law and-- and secure the funds so that this opportunity we have to do it, we do it as close to perfect as we can. So I'm sorry if I-- I misstated that. It's not an issue of whether we think it should be done or needs to be done. It's how do we do it so that we-- we do it right? And that's I think the true concern we have is--

SUSAN BAKER: I understand that. Sorry. We missed out last year when we came before for the bill. And we just-- we need this to be done to where we could display. It's history. It's tourism. It brings a lot. And people need to know who we are and what this case was all about, including Nebraska.

BREWER: Well, I think if you were to ask folks within the body if you wanted a champion for a cause, there's no better champion than Senator Wayne. And I'm there with him. And there may be better champions than the two of us, but you have two very good ones. So trust me, we are-- we are going to do everything humanly possible to figure out what this should look like so we can get it done.

SUSAN BAKER: Thank you.

BREWER: All right. Questions? All right. Thank you for your testimony.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

SUSAN BAKER: Thank you.

BREWER: All right.

SUSAN BAKER: We appreciate it.

BREWER: I'm being given a warning order that I'm going to Judiciary quickly here, so don't be upset if I leave. Senator Sanders will take off and do a great job. OK. And that was my second warning. OK. Judi, welcome to the Government Committee.

JUDI GAIASHKIBOS: Oh, thank you. Since you said you were leaving, I apologize, but I decided I've got to get up here so I have Senator Brewer, Chair and committee. Thank you so much. I am Judi gaiashkibos, the executive director of the Nebraska Commission on Indian Affairs. My name is spelled J-u-d-i g-a-i-a-s-h-k-i-b-o-s, and I'm testifying in the capacity as the director of the Commission on Indian Affairs. I have been the director for 27 years. This is the beginning of my 28th year, and I am a proud member of the Ponca Tribe of Nebraska. And never in my life did I believe that we would be sitting here today contemplating this legislation. So I want to thank the leadership, Senator Wayne, and I agree with you. The two of you are amazing and what you can do together. So oftentimes it's just the timing of life that things come together and that we have the leadership and the diversity that we do that wants to celebrate all of Nebraska's history. And as you said, Senator Brewer, Standing Bear is up at Niobrara. And that was partly due to your leadership in LB807 when Standing Bear went to Washington, D.C., after he was dedicated over here in 2017. So since he's there, I think we need to have the cultural center there. And the devils are in the details, as they say. I'm a little concerned about a lot of this language, but I understand I'm open to, as everyone said, working with you to get where we need to go so that this is a priority bill that may include the NMIP priority, that status. I want both of those to be there. On behalf of all of the tribes in Nebraska and the Indian Commission, we are committed to helping save lives and to give a voice to the voiceless and to protect our missing and murdered indigenous people. And until the trial of Standing Bear, we weren't considered humans. And yet today we're still not treated with the dignity that we always deserve or should have. So I'm trying to think. There was something in the fiscal note that maybe the History Museum's going to talk about. But you do know there's a museum down in Oklahoma, the Standing Bear Museum. It is not the intent of this bill to give any of that money to the Oklahoma Standing Bear Museum. And as the Ponca Tribe has

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

testified, this would be located on trust lands up in Niobrara. And I believe, as the bill reads now, the funds would have gone to History Nebraska, and I'm sure they're going to testify about whether they want to oversee Mayhew and all that and understanding they have divested themselves of properties and I'm not sure that they want to take on more. But I think last year your bill for the museum, the Poncas didn't get any last year. The money went to the movie and I think that movie is going to be so amazing when it happens that will really put this story front and center. And I think that it would be important to use that same mechanism for funding to have it go to the Department of Economic Development rather than History Nebraska. And then they directly work with the Ponca Tribe. So that that's what I think would be preferable because I understand it is state funding and you are in charge of that money. So however this plays out, I think this is going to be a first in our history and it's time to tell his story. So thank you all. I hope this moves to the floor. And I-- if I'm assured that our NMIP going to be a part of the priority, I'm going to trust all of you and be flexible and be willing to work with the tribe, with you, with the Mayhew people, with Fort Robinson, because all of those stories are threaded together to be a part of our people's history. And we have been left out for far too long. And I know you all want the children in our state to not have to go to South Dakota and other places to learn our history when they could come here and go to the Ponca Cultural Center. So with that, I would say thank you again. And Senator Halloran, it's nice to see you. And I'd be happy to answer any questions.

BREWER: Judi, so if those are-- those that might not be familiar with the movie, can you just give a quick synopsis of-- of the Standing Bear movie that is in development?

JUDI GAIASHKIBOS: OK. Yes. There's a few new things that I'll-- I guess I can say these things. I feel a little bit like I hope I'm not violating anybody's confidentiality, but--

BREWER: Well, you can just give us [INAUDIBLE]

JUDI GAIASHKIBOS: As you know, you funded \$5 million for the Standing Bear movie, and that was working with Andrew Troy. And that money has been funded. And so they have a script and they're working on that. Recently, another film company came to Nebraska and that was Jim Sheridan and Bart Daly from Ireland, from Dublin. And Jim Sheridan is the director of My Left Foot with Daniel Day-Lewis and other amazing movies. So he met with the Ponca, they met with the Ponca Council,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

they met with me and the Governor. Today they're in California meeting with Andrew Troy. They're in discussion to try to merge the two movies into one movie that will, with Jim Sheridan's body of work, he's won-- been nominated for many Academy Awards. He's an elder respected director. So it could work out that there'll be one movie That is not it. I have no control over that. But I do think that that will really be something that will bring a lot of attention to this story, to Nebraska. And so that's-- that's the best I can tell you. Jim Sheridan is planning his calendar. With or without Andrew Troy, he will do a movie and it will start in the next summer of '24. He has another movie he's working on prior to that. So that's pretty cool, don't you all think?

BREWER: And on the issue of Fort Robinson, we really have a number of stories to tell there. One is the Cheyenne Breakout, which Senator Wayne described just briefly, and then, of course, the history of the Sioux Wars and how the fort was used there. That's kind of why when the idea started to come about between Senator Wayne and I, it just seemed like there was a good chance that the Mayhew Cabin could be forgotten and lost to history. And nobody was scheduled to really do anything to help develop Standing Bear and tell the story and have a place where you could go to-- to see and hear and-- and-- and just have the history of what Standing Bear had done in a place. And then we got to looking at what we're trying to do at Fort Rob. And it was the idea of capturing all this history is what brought us to where this bill is the way it is. And so a lot of folks, well, they ought to be three different bills. But I think what we're trying to tell and what all of these will end up having is a-- is an end product really flow together. And the piece of history we're trying to cover is all together and it's all Nebraska history and it's all about civil rights. So you kind of see why it was all bunched together. I mean, if you're maybe on the outside looking in, you think, nah, it's crazy. They all could be. But if we-- if we dice them apart and-- and any one of those didn't get a priority, didn't get any love, it would probably fade away and not be a part of what we were hoping to be able to accomplish.

JUDI GAIASHKIBOS: I agree. Strength in numbers and the more the better. I totally think that's a great idea. And, you know, with the creation of the Black Commission, like our agency, maybe that-- their leadership can lend some support to the Mayhew working with the History Nebraska. Over the last 20, well, starting in 2006, we started celebrating the Standing Bear breakfasts where we had 600 people and on and on and on. And in this coming May, there will be a U.S. stamp

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

for Standing Bear. So that's coming out May 12. And the Standing Bear footprint is growing. It just keeps growing. And the more people know the story. So Nebraska, every time you see a news feed on what's happening in D.C., the position of where Standing Bear is in the U.S. Statuary Hall. You see our chief there, and that always makes me feel so proud. So-- so I hope that we find a way to get this. Everybody else, if they're all as supportive as you are, then I feel confident the \$35 million, is that the number we're talking?

BREWER: Well, it's a number that we're working with. And again, what we need to do is, is be sure that that's a number that can do what needs to be done; that-- that-- that we have the right support from the right folks. If we need a little more that, you know, we have options to do that. So that's a number we're working with, but we shouldn't be absolutely, you know, fixed on that because we-- we need to figure out how to do it right. And we're not absolutely sure what right looks like when it comes to the money piece of it either. So--

JUDI GAIASHKIBOS: Sure.

BREWER: What--

JUDI GAIASHKIBOS: The Standing Bear Cultural Center would play into your STAR WARS up at the Niobrara State Park. So I think there's a-- could be a win-win. There's lots of reasons why the Ponca Tribe is an important partner, and I hope that they aren't given the least amount of money. I hope that they're given a good amount that they can find matching funds, too, and have it on their trust lands so that they control the narrative.

BREWER: We like to use STAR WARS money so.

JUDI GAIASHKIBOS: Sure.

BREWER: We're going to-- we're going to figure it out.

JUDI GAIASHKIBOS: OK.

BREWER: All right. Well, thank you. Any other questions for Judi? Yes, Senator Lowe.

LOWE: Thank you. And thank you, Judi. Every year, the senators get stamps for the interim session while we're not here. Could you make sure that those are Standing Bear stamps?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

JUDI GAIASHKIBOS: Sure. I think I can do that.

BREWER: I think the Clerk does that, but OK.

LOWE: Well, you put [INAUDIBLE] to do that.

BREWER: All right. Any other questions? All right. Thank you, Judi. OK. Next proponent. And I'm probably going to be leaving during your testimony. So please don't-- don't take it personal here. I just got to be somewhere else. Welcome to the Government Committee.

DREW GRAHAM: That's just fine. Good afternoon, Senator Brewer, members of the Government, Military and Veterans Affairs Committee. My name is Drew Graham, D-r-e-w G-r-a-h-a-m, and I am legal counsel for the city of Nebraska City. And I'd like to thank you for the opportunity to come and testify very briefly in support of LB474 on behalf of the city. Really, I guess I'm just here to offer a little bit of context to a few of the things that I've heard thus far, specifically related to Mayhew Cabin and the Mayhew Cabin site as it relates to this bill. First and foremost, the-- the site itself where the cabin is located and then an adjacent parcel where the, I'm going to call it the museum structure is located, are both owned by a private nonprofit foundation. So that foundation has a board. They have owned and operated those sites for a number of years. As has been mentioned by Senator Wayne, in 2000-- May 2019, there was an substantial flooding event that occurred that did result in the flooding of both the museum structure and the-- the ravine that sits immediately adjacent to the Mayhew Cabin. The cause of that flooding was a blocked drainage tube at the end of the ravine. And I guess the best way I can state it is the ownership of that drainage tube is a point of contention between the foundation that owns the site and between the city. The city has no record of ownership of that drainage tube. The foundation is adamant that it was and is owned and to be maintained by the city, which led to a claim being presented to the city. Given the allegations and the amount of the claim that was made at that time, a decision was made by the city to deny the claim and let the matter resolve itself legally in the courts. The initial claim that was presented to the city was for just over \$3.9 million. So that would be for the reconstruction and replacement of the building, all the infrastructure, everything, and included a \$3 million punitive damages ask from the cabin or from the foundation of the city. So again, my advice at that time I was representing the city, my advice was to just deny the claim and let it resolve in the courts. Unfortunately, for clarity sake, the resolution never came. The-- the final lawsuit that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

was filed by the Mayhew Cabin Foundation against the city was ultimately dismissed for lack of prosecution. They had an attorney that was working pro bono who had to withdraw for personal reasons. They were not able to secure additional counsel. So the case was dismissed. So for the four years interim, the city did, I guess, weather all of the-- the public statements and disparagement that came along with, you know, denial of this claim and and defending of that lawsuit. The city shares in the disappointment over the closure of the cabin, both as a historical site and a tourist attraction for the city. I'll reiterate, as Mayor Bequette said, the city is one of the oldest in the state of Nebraska, and there is a great deal of history and extremely old history for the state of Nebraska, including the cabin and the site there. That said, again, given the litigious nature of the foundation and the manner that it was handled publicly, the council has, I guess, had no interaction with the foundation as it currently exists towards-- I know that it's been mentioned, you know, who-- who's going to purchase it or who's going to maintain it or who's going to manage it. And those discussions have not had, as there is, I would say, currently no relationship between the foundation and the city. The site is incredibly important from a historical-- historical standpoint, and it would be the hope of the city that the state could take ownership and secure the funds to reopen it for future generations. So with that, I would open up for any questions that you have.

SANDERS: Are there any questions? Senator Lowe.

LOWE: Is the foundation, are the members from Nebraska?

DREW GRAHAM: So I believe that there are members of their board that are from Nebraska. But as far as all of them, I do not know.

LOWE: I was just--

DREW GRAHAM: There are several members of their board that are from Nebraska, yes.

LOWE: All right. Thank you.

SANDERS: [INAUDIBLE] Senator Raybould.

RAYBOULD: Thank you for your testimony, Mr. Graham. Do you envision the possibility and opportunity for Nebraska City to work with the foundation and work with either the Nebraska Historic Society or whoever is the recipient of the funds to do the restoration of the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

cabin? Because it seems like it would have to be something very collaborative--

DREW GRAHAM: For sure. For sure.

RAYBOULD: --and cooperatively [INAUDIBLE]

DREW GRAHAM: I obviously cannot speak to, you know, the council and their desires as an independent body. I do know that the city, as the mayor indicated, currently works with several other museums, agencies, the state in-- in different regards to do that. I think the-- the current tension that we're seeing or have been seeing over the last number of years had to do with the-- the foundation board as it exists so the members and the tension that the city was feeling from them. So there was never necessarily an approach for a collaborative solution or a way to address it. As I said, you know, the first ask that we got was \$3.9 million. Three million of that was quote unquote, punitive damages for whatever that's worth. So I think that, you know, given that the city has kind of taken more of a defensive and hands-off standpoint from a legal and again, given the case than progressed for three years following the flooding event. So up until just under a year ago, there was still ongoing litigation. So, again, under my advice, there really hasn't been any reach out to that end just due to the litigation.

RAYBOULD: OK. Thank you.

SANDERS: Thank you. Any other questions? See none. Thank you for your testimony.

DREW GRAHAM: Thank you for your time.

SANDERS: Are there any other proponents? Any opponents? Any in the neutral? Welcome.

JILL DOLBERG: Oh, thank you. I'm dropping things. Good afternoon. I'd like to thank the members of the Government, Military and Veterans Affairs Committee for letting us come speak about this. My name is Jill Dolberg, J-i-l-l D-o-l-b-e-r-g, and I'm the interim director of History Nebraska, the State Historical Society. I want to thank Senators Wayne, Brewer, and Hardin for introducing this bill and the emphasis that it places on Nebraska history. We don't often see bills that are so enthusiastic about history, and so we get tickled by that. And we're grateful for the trust that this bill shows in History Nebraska and our care of historic sites. I'm here testifying in a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

neutral capacity, but only because I have so many questions about the ramifications of the bill should it be passed. But first, I'd rather tell you what I'm not neutral about. My agency and I are passionate about historic properties. We own, maintain, and operate Chimney Rock, Neligh Mill, the George Norris house. We own and maintain, but don't operate the Neihardt Center in Bancroft. And as you know, we already own, maintain, and interpret about a dozen buildings at Fort Robinson. It's long been our goal to-- to undertake a project that would update the interpretation of Fort Robinson. It is old and tired, admittedly, and it doesn't tell the full story of the site. Senator Brewer is right. There's layers of history at Fort Robinson and mostly they're told well in books. But we could do a much better job of coordinating with Game and Parks and with the university to tell all of the stories. So if I was allowed to dream a little bit, I would love to coordinate all of the work with them to coordinate all of the historical interpretation about Fort Robinson. So if that's part of what this bill is about, we're very enthusiastic. But it also mentions, too, an intent to upgrade and maintain Fort Robinson, which covers a lot of ground, like literally 2,500 acres. So-- and a bunch of that is owned by and operated by Game and Parks. So we'd be really excited to learn more about what the intentions are for the improvements that would be made there. So just part of that dialogue, want to be part of the conversation. As for the Mayhew Cabin, I'm very familiar with the cabin and its historical significance. The cabin, sometimes referred to as John Brown's Cave, was listed in the National Register of Historic Places in 2010. It has two periods of significance. So the first is from 1855 to 1859 when the cabin was used as a stop on the Underground Railroad. And then the second is from 1937 to 1959 when the cabin was moved and it became something of a tourist attraction. Although there were other stops along the Underground Railroad, no others in Nebraska are known to remain extant. The sites may exist, but the buildings do not. So I-- I know about the flood damage that happened in 2013. I think they said 2013. I didn't realize it was that long ago. But specifically, I'm not sure how extensive the damage is. I've learned a lot from this hearing that there's mildew problems and-- and definitely some collapse of the-- the cave tunnel system that ran underneath. So I presume that's part of what the-- well, actually, I presumed that a lot more of the funding from this bill would go towards that than-- than is apparently earmarked for it. There are a few points that could use some clarification about the intent of the bill regarding the Mayhew Cabin. Is it the intent of the bill that we would purchase the cabin outright or do we need to follow a regular process for acquiring the property

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

that is in state law? Is it the intent for us to acquire the cabin alone or to include the associated buildings on the site, which includes a modern administration building as well? And as he said, those were damaged as well by the flood. This might impact the scope of the updates that are required. And finally, is it the intent that we would own the cabin and contract with the existing Mayhew Cabin Foundation to operate the site as we do the Neihardt Center? Or is History Nebraska intended to operate it? So clearly we've got more conversations. The bill also mentions funds for the Standing Bear Museum. I had not heard plans for a Standing Bear Museum or Cultural Center. I want to correct myself, but I am certain that it is worthy of having a museum and would be more than happy to work in whatever capacity is needed to help that be accomplished. So you will notice that we submitted a fiscal note that did not outline a fiscal impact to our agency. We found it a little difficult to figure out what the impact might be because there were so many unknowns involved. We also, by the way, I was pretty sure we weren't planning to send money to Oklahoma City, but that ended up in there from my entire accounting team. Sorry about that. We are more than happy to meet with anyone that seems appropriate to make plans and talk through ideas. We're grateful to you, Senators Wayne, Brewer, and Hardin, for recommending a bill that has so much potential to emphasize the importance of Nebraska's history and help us to interpret more of it for our citizens. There are so many cultural perspectives that can be shared from this variety of historic properties, and we're eager to talk more about it. So thank you for your consideration and I'd be happy to answer any questions that I can.

SANDERS: Thank you very much for your testimony. And I think Senator Brewer mentioned this was a broad scope.

JILL DOLBERG: Right.

SANDERS: And then the devil's in the details, which hopefully you'll be part of.

JILL DOLBERG: Yes.

SANDERS: I'm excited to hear more and more as this evolves.

JILL DOLBERG: Me, too.

SANDERS: Yeah. Let me check to see if there are any questions. I see none.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

JILL DOLBERG: Very good.

SANDERS: Thank you for your testimony.

JILL DOLBERG: Thank you.

SANDERS: Are there any others in the neutral? Seeing none, is Senator Wayne here to close? Oh, and I do need to read for the record letters. For proponent, we had five; opponent, zero; and one in the neutral.

WAYNE: Thank you, Chair Sanders and the Government Committee. I'm glad we had this hearing. I have wrote for Senator Lowe and Senator Halloran some very, very long and complicated bills down here, some dealing with money, some dealing without. This was by far the hardest bill for me to write because my office reached out to the nonprofit multiple times and haven't-- did not get any feedback. So figuring out who owned Mayhew was one thing. And I'll be very blunt. The reason we put these packages together was about how to get votes. Looking at the time, I didn't know Senator DeKay and now he's on my committee. So I thought a new senator would probably want something in his district. So [INAUDIBLE] should put something up there with the-- with the Ponca Tribe. Brewer was very instrumental on the Fort Robinson, and we actually got an estimated cost after the bill was introduced and then working with Senator Slama. So it was about if I could bring them three together and this little guy from Omaha, we might be able to pull this off this year. So as far as the details, we've already started outlining an amendment in the back when we were sitting there listening to all of this. We started out with \$75 million, legal counsel, then we went to \$50 million and then we put a bill in for \$35 million. And my goal is to get this to the floor. One, if I don't prioritize it, I think we have a vehicle to do so. I know we have a vehicle to do so. But two, I would ask this committee to trust me in this regard. We voted out LB1024 on the floor with the \$450 million package. The first amendment on that bill lowered it to \$100 million. And then since then, we went up. So whatever is on the floor, I have no problem working with. And if it's only \$5 million this year, then it's only \$5 million. I just ask that the bill get to the floor so we can work on it. I'm not a fan of interim hearings, interim studies. It isn't till you get a bill introduced that actually people come down and talk about it. And so we got a lot of information. I do want to work with Nebraska, the city, to talk about some of these issues on infrastructure and see if there's any funds available that they could help out with. These are all conversations that can-- that really don't take longer than a week to have. I know I can get that done. But

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee March 9, 2023
Rough Draft

I would ask the committee to vote it out as is, and I'll work with legal counsel and amendments on the floor to figure out the price and where it's at. Part of the reason the price is confusing or the price tag is confusing this year is I really don't know how much money we have on the floor. This is kind of the first year. We've heard everything from \$300 million to a billion. So I don't want to start negotiating against myself before we even get to the floor. But we will. You have my word. If it's only \$5 million, I have no problem doing that, if it's only \$1 million. The point is, is that we as a state have to start preserving some of this culture and history before we lose it. And these particular sites, these three are, I mean, you can't get more historic, not just in time and length, but in the amount of change these three were-- these three represent in our culture, in our Nebraska culture. And so I think it's historic not just from a history perspective, but for what it meant for Nebraska. And I think we should make sure we preserve that. And with that, I'll answer any questions.

SANDERS: Thank you, Senator Wayne. Let me check if there are any questions. See none.

WAYNE: Thank you. Thank you all.

SANDERS: Thank you very much. This closes the hearing on LB474.