

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee February 5, 2024
Rough Draft

CLEMENTS: Thank you for coming. Welcome. Is the recorder going? Welcome to the Appropriations Committee. My name is Rob Clements. I'm from Elmwood. I represent Legislative District 2, which is Cass County and eastern Lancaster County. I serve as Chair of this committee. We will start off by having the members do self-introductions, starting with my far right.

ARMENDARIZ: Hi. Christy Armendariz from District 18 in Omaha, Bennington, and a little piece of Elkhorn.

DORN: Senator Myron Dorn, Gage County and part of Lancaster.

DOVER: Robert Dover, Madison County and the south end of Pierce County.

VARGAS: Tony Vargas, District 7, downtown and south Omaha.

McDONNELL: Mike McDonnell, Legislative District 5, south Omaha.

LIPPINCOTT: Loren Lippincott, District 34.

ERDMAN: Steve Erdman, District 47.

CLEMENTS: Assisting the committee today is Cori Bierbaum, our committee clerk. And to my left is our fiscal analyst, Eric Kasik. And our page today is Ella Schmidt, she's from Lincoln, a criminal justice and political science major at the University of Nebraska. If you're planning on testifying today, please fill out a-- fill out a green testifier sheet located in the back of the room and hand it to the page when you come up to testify. If you will not be testifying but want to go on record as having a position on the bill being heard today, there are yellow sign-in sheets at each entrance where you may leave your name and other pertinent information. These sign-in sheets will become exhibits in the permanent record after today's hearing. To better facilitate today's hearing, I ask that you abide by the following procedures. Please silence your cell phones. Move to the front chairs to testify when your bill or agency is up. When hearing bills, the order of testimony will be introducer, proponents, opponents, neutral, and closing. When we hear testimony regarding agencies, we will first hear from a representative of the agency, then we will hear testimony from anyone who wishes to speak on the agency's budget request. When you come to testify, please spell your first and last name for the record before you testify. Be concise. We request that you limit your testimony to 5 minutes or less. Written material

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may be distributed to the committee members as exhibits only while testimony is being offered. Hand them to the page for distribution when you come up to testify. If you have written testimony but do not have 12 copies, please raise your hand now so the page can make copies for you. With that, we will begin today's hearing with the budget for Agency 65, Department of Administrative Services. Good afternoon.

[AGENCY HEARINGS]

CLEMENTS: The next item-- after this we're going to have-- we'll be switching to bills. The next item is LB1210, and I'll turn that over to Vice Chair Wishart.

WISHART: Well, welcome, Chairman Clements, and this opens the hearing for LB1210.

CLEMENTS: Thank you. There's a handout the page is bringing you that we'll get to in a little bit. Thank you, Vice Chair Wishart and members of the Appropriations Committee. I am Senator Rob Clements, R-o-b C-l-e-m-e-n-t-s. I represent Legislative District 2. I'm here to introduce LB1210. The purpose is, last session I brought LB812 to fund a project to construct a Rotunda gallery on the fifth floor during phase 5 of the Capitol heating and air project. The estimated cost of the project request was \$3.4 million. The committee funded around 45% of that estimate with \$1.5 million, which has not been spent. The fifth floor is one of the Capitol's hidden-in-plain-sight features that the public is sadly not currently allowed to access. LB1210 aims to provide additional funding to this project in the amount of \$1,500,000 additional from the Cash Reserve one time to ensure it moves forward in coordination with phase 5 of the Capitol HVAC project. When complete, this renovation will help provide the public with an opportunity for a unique and up close 360-degree view of the Rotunda dome through the circle of French marble columns, as well as a bird's-eye view of the second and third levels of the Rotunda space below. It will also provide a large new space in the Capitol for a public exhibition gallery to present information about the history and function of Nebraska government for students and the visiting public. Available photos of the original members of the Bicameral Legislature could also be presented, similar to the photos of the Unicameral members currently on display in the first floor hallway. The current situation is this: as a reminder, the fifth floor is currently unused because it opens into the Rotunda and cannot be secured against objects that might fall into the Rotunda from the ledge between the columns. The project will solve this problem by

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installing transparent viewing windows. Some interesting history for context: the fifth floor was intended to be a 360-degree public viewing level by architect Bertram Goodhue during the original building design and construction 100 years ago. State personnel had offices on the fifth floor for 20 years, ending in 1976. However, the last time the fifth floor was publicly opened was from 1982 to 1986 in celebration of the 50th anniversary of the Capitol being built. This unique space has not been utilized for more than 35 years. The design and construction of the fifth floor Rotunda gallery will preserve the historic character of the Capitol, as well as ensuring public safety. It will also ensure compatibility with the current HVAC project as it ascends the tower. Finally, savings should be realized as Sampson Construction already on site for the tower HVAC remodel could be subcontracted by the architecture firm. The Nebraska Association of State Legislators has offered to assist with funding through private donations as well. I have invited former state senators from the association, as well as design and construction team members to follow me to testify and answer questions. At this time, would you please turn to the handout. The first page shows an estimate that was done in December of 2022, and I have not requested an update, but that is where the \$3.389 million number comes from. If you go to the next page, shows you the beautiful columns up there on the fifth floor surrounding the Rotunda opening. The next page is, you can see a ramp going down with a platform that's built up. The idea would be to have that platform go around so that visitors would be at the level-- standing at the base of the columns, rather than about 4 feet below the columns because they would not be able to have much visibility. So that platform would go all the way around a, a walkway and that-- then you can see why glass panels would be needed to prevent falling between the columns. Then the next picture shows you what it looks like up there currently which is in disrepair. Next picture shows the paint coming off of the ceiling. The next picture shows, shows an old steam heat register. So the heating and air does need to be installed there, and as it goes up the tower. I'm in favor of doing that, but would like to coordinate that. You'll see a window then. There is a window that opens in-- onto a rooftop. I am being told that the State Fire Marshal has concerns about only having one stairway exit from the floor. And it's possible that we could incorporate an egress window there to provide a second exit, if that's really required. The, the question is whether we're grandfathered after 100 years or not. Finally, then there's a picture just from my cell phone of the Rotunda ceiling with the different virtues: wisdom, faith, and justice. That's not zoomed in, that's how close you would be to the ceiling there and

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it's beautiful. Next picture shows looking down to the Rotunda floor and leaning over there is a little bit iffy. I was careful. And recently, there's a newspaper article that appeared in the Lincoln Journal and the Nebraska Examiner also. So I thank you for consideration of LB1210. I'll try to answer any questions at this time.

WISHART: Thank you, Chair. Any questions? Senator Lippincott.

LIPPINCOTT: Once this is completed, will there be different things to look at, read, museum things, history, posters, and all that up there?

CLEMENTS: Yes, that's, that's not in the funding here. But the-- one proposal is there are north, south, east, and west-- 4 different directions and 4 displays could be a display of the history of the Capitol Building, then the history of the Governor's office, history of the Legislature, history of the Supreme Court would accommodate museum displays. And the former state senators, that was the part they were interested in working on that proposal. But this would just be building the-- doing the platform and the windows so that it could be a possible space for visitors.

WISHART: Any additional questions? Senator Dover.

DOVER: Senator Clements, I, I remember that at one time they said that they may use it for events. Do you know if there's still any plans to, to be able to hold events up there?

CLEMENTS: No, I haven't heard of any plans. We-- it's too preliminary to know what would be done there.

DOVER: All right. Thank you.

WISHART: OK, seeing no other questions, I'm assuming you're here to close?

CLEMENTS: Yes.

WISHART: Great. We'll now open up to proponents for LB1210. Hi. Good afternoon.

VICKIE McDONALD: Hello. My name is former Senator Vickie McDonald, V-i-c-k-i-e M-c-D-o-n-a-l-d, and I am the executive director of the Nebraska Association of Former State Legislators. And I'm appearing in support of LB1210 on behalf of the Association. As you have heard and

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read, there is an unused area behind the columns that support the dome in the Rotunda. That space, the fifth floor, is unusable in its present form. The fifth floor is not, however, an unusable space. As Senator Clements has said, it can be adapted and made into an exhibit and learning area. The exhibits could also provide content and meaning for the 8-great winged figures representing wisdom, courage, faith, hope, and charity. The space could also accommodate exhibits concerning the history of the Capitol, the Legislature, the courts, and the executive branch. Last year, you supported an initial appropriation. Now, please continue your support of Senator Clements' vision. And as far as the Association's purpose and fundraising, I know we were able to fundraise for the landscaping of the gardens, and then also money to have set aside in perpetuity. We have not taken a position how much because we're not a fundraising organization, but we probably would be interested in doing something with the exhibits. And hopefully as you become former state senators, you'll help us in that endeavor. I'll be looking for you to join the organization when you're term limited out.

WISHART: Thank you, Senator. Any questions from the committee? Seeing none, thank you for being here.

VICKIE McDONALD: You're welcome.

WISHART: Additional proponents? Well, hi, it's good to see you.

BOB RIPLEY: Thank you. Good afternoon, Madam Chairwoman and members of the Appropriations Committee. My name is Bob Ripley. I am a recently retired administrator for the Office of the Capitol Commission.

DORN: Spell your name. Spell your name.

BOB RIPLEY: Yes, indeed. Bob, B-o-b, Ripley, R-i-p-l-e-y.

DORN: Thank you.

BOB RIPLEY: I can use all the help I can get, I assure you. I'm here today to enthusiastically support this measure and I thank the former legislators, and most specifically, Senator Clements for the support of this project. I see it truly as an investment in the youth of our state. It is a magnificent location in the building and I, during my 40 years working at-- 40-plus years working at the Capitol and working under 8 separate Governors, I had the opportunity to take a number of groups through the building. And invariably when I walk into the Rotunda, one of the first questions out of people's mouth is, hey,

what are those columns up there and how do I get there? And I have unfortunately been able-- had to say to people, I'm sorry, that's an area that's not open to the public. It was for a very brief time, as the senator said, from '82 to '86, I believe, at the 50th anniversary, we're now at the 100th anniversary of the construction of the Capitol, not quite to the completion, but this is an opportunity that I have dreamt about for many, many years. When the former legislators came to me during my time as administrator, I said thank heaven, finally we may be able to get this moving. And sure enough, thanks to all those I mentioned we have. It is not only an incredibly impressive overlook of the Rotunda floor, which was part of the original design of this building when it was first constructed in the 1920s, essentially, but it provides the opportunity that is of equal measure, in fact, more lasting benefit to the state by having roughly the amount on an average 100,000 tourists come to this building in a given year. I would pit this building against most any other single building in the region, not just the state, in terms of drawing people in. Speaking of travel and tourism, people who come into the Capitol oftentimes are heads on pillows and meals at restaurants, and it is a draw unto itself. This location as proposed-- and, by the way, we have members of the design team and, and Sampson Construction who's doing the ongoing HVAC work here in the building so if you need specific-- they're in the room here today, if you need specific detail, they would be available should you have such questions. But the chance to, out of that 100,000 average number of visitors in the Capitol every year, 30,000 approximately of them are fourth graders that are here to see the biggest bulge is in the legislative session from usually February, March each year through the end of the school year in, in June, usually. 30,000 fourth graders coming here to learn about Nebraska history, of which this building is the finest 3-dimensional representation of a history book of the culture of Nebraska that I could possibly imagine. And our tour guides customize their tours to coordinate with the State Department of Education's section on Nebraska history so there's an opportunity to augment those what they're learning in the classroom when they come to the Capitol. I see the opportunity for the exhibits on fifth floor to do just the same thing, not only be a great destination for kids who naturally walk in and look up, and with what's planned in the fifth floor renovation, they would see people standing at that level looking out between the columns. So it would be an even greater draw for anyone coming into the building, much less a fourth grader, to want to go to that level and see. Once they're there, the view is one thing, but the ongoing benefit is these, these long-standing and permanent location for all 3

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branches of government to have exhibits to talk about what government does to help educate students, as well as any visitor to the state, and as well an opportunity for the various archival material we have collected in the Office of the Capitol Commission that tells the story of how the building was designed, constructed, and is being preserved. All we've been able to do up to this point are intermittent short-term exhibits. You see them on first floor. The tour staff will put them up. Roxanne Smith is great at doing that, and other branches of government can do short term. This would be an installation that would be there ongoing day in and day out for whoever is here, whether it's during the school year for the fourth graders or it's for the general public beyond. So I, I thank the senator, I thank the former legislators. I'm very enthusiastic about completing this. The only part of the Capitol that I know of, we've done-- we've gotten all the others into use, but this is the only floor in the Capitol designed for public access that isn't available to the public and it hasn't been since 1986. So it's time to get it back into circulation. It's time to make it the kind of natural draw and destination that I know it will become, because people have had that kind of interest from my tenure in government.

WISHART: Thank you, Mr.--

BOB RIPLEY: Now I'll stop talking and give you an opportunity to ask, ask questions if you have any. I hope I can answer.

WISHART: Senator Dorn.

DORN: Thank you. Thank you, Chairman Wishart. And thank you for being here.

BOB RIPLEY: Of course.

DORN: I figured you're a good one to ask. Senator Clements passed out here, I call it, the breakdown of all the costs of this. And I remember last year when we had discussion about this, I don't remember which senator, maybe Senator Clements would remember, somebody talked about, well, they should be able to do this for half as much. I mean, look at the construction costs, they could, and stuff or whatever. But I, I guess explain-- you're, you're probably more familiar with this than the rest of us are. There's two lines in here and they're both contingency. There's one \$220,000 in the construction cost, and then there's \$677,000 down here in the bottom for an overall contingency. Go and explain that contingency and why that is included here.

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BOB RIPLEY: If it were-- if it were a year ago, I could do it with my eyes closed. But as I alluded to, I'm former administrator. However, there are those in the room--

DORN: He has it. Yes.

BOB RIPLEY: --very good--

DORN: Yeah.

BOB RIPLEY: --there are those in the room who are very familiar with the current costs. And so what I would do is defer to them and their expertise. The Sampson Construction is a representative here today. They've been our contractor from the very start of the HVAC work doing wonderful work at the building getting that done. Doing this work in fifth phase will save the state a lot of money versus completing HVAC and coming back 5 years from now, it will add considerable costs to remobilize, bring people in, and then we may not have a contractor with the level of experience that Sampson has doing the work, and the architect and the engineer involved in this work as well are here. So I'm gonna leave this cost estimate here and ask one of them to come forward.

WISHART: OK. Any other questions?

BOB RIPLEY: Yes. Excuse me.

WISHART: OK. Seeing none, thank you.

BOB RIPLEY: OK. Very good. Thank you.

DORN: Thank you.

BOB RIPLEY: And, by the way, your concern over public parking is not a recent concern.

WISHART: Yes.

BOB RIPLEY: It dates to 1974 when I first worked for state government. So it's 50 years.

WISHART: Thank you. Next proponent. And page can-- one of the pages, can we make sure that he has a green sheet?

DAN WORTH: Afternoon.

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WISHART: Hi.

DAN WORTH: My name is Dan Worth, D-a-n W-o-r-t-h, and I'm a retired architect with the firm-- or formerly with the firm of Bahr, Vermeer and Haecker Architects. I was project manager at the time. The master plan was, was done with BVH, and since my retirement I've been assisting the formers with, with this proposed project and helping them in any way I can. Also with me today is Paul Bauman, with Alvine Engineering, who is the HVAC design consultant, and also Ben Richter with Sampson Construction, who could probably answer some of the questions regarding the cost estimates. Last year, we gave a neutral testimony regarding the project and, and gave you quite a bit of detail about the ins and outs of the project, and I won't, in the interest of time, I won't go through that today. I think you've, you've heard quite a bit about it and the benefits of it. I would like to point out, I think it's been mentioned that the window is closing on the, the timing of being able to incorporate the fifth floor project with the larger HVAC project. The design team is in the midst of designing the fifth and final phase of the HVAC project. And that will, of course, begin very soon. So the timing of this appropriation and the completion of the detailed design documents is in perfect alignment right now. So, you know, if there's delays, we'll probably miss that. So with that, I'll, I'll close and entertain any questions that you might have.

WISHART: Any questions? Seeing none, thank you.

DAN WORTH: Thank you.

WISHART: Additional proponents? Welcome.

BEN RICHTER: Ben Richter, B-e-n R-i-c-h-t-e-r, senior project manager with Sampson Construction. So it looks like I, I got deferred for the-- for the budget questions here. So I was the project manager on the main HVAC and window project. I've since moved into a more senior role at the company. But I did put together the cost estimate from the construction side here with the help of BVH for the main estimate, so. The question about contingency and why it's kind of doubled up on there, all the drawings we've had today were very preliminary. Still working through final design including, the, the discussion with the Fire Marshal. So a lot of that contingency was just if the Fire Marshal was requesting X item that we had some money set aside to take care of that. We took care of it both on the construction side and

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then also on the design side if they came up with anything additional that was needed as well, so.

DORN: Is, is some of that-- oh, sorry.

WISHART: That's all right.

DORN: Sorry. Thank you, Senator Wishart. Thank you for being here. Is some of that also an estimated increase in cost providing it won't be done until probably '25 or so?

BEN RICHTER: Correct. So, yes. We also had a cost escalation line item in, in there as well. So knowing how, how coming through the pandemic and all that, knowing percentages and costs were, you know, escalating at the time, we were trying to use our best judgment on what we would expect it to be when we actually get to that portion of the project. Yes.

DORN: Thank you.

WISHART: Any other questions? Seeing none, thank you.

BEN RICHTER: OK. Thanks.

WISHART: Additional proponents?

HEIDI UHING: Hello, Vice Chair Wishart and members of the Appropriations Committee. My name is Heidi Uhing, H-e-i-d-i U-h-i-n-g. I'm here as public policy director for an organization called Civic Nebraska. We bring several students through this building all year long who have an interest in learning more about our unique form of government and how they can participate in it. We also bring several adult groups through, and it's a wonderful opportunity to really focus on what happens here in the building. We'd really hate for, for our students to come through this building and really the, the beauty of the building is so distracting that it's easy for them to, I think, leave with the impression of just it being this beautiful museum and not really focus on what it is that we do here and why it's really relevant beyond just being absolutely gorgeous. So I've been to the fifth floor, it is a stunning space. I'm sure many of you have seen it also. My, my thoughts go out to whoever gets vertigo easily from that space because I think that, that might not be the best spot for them to go visit. But for everybody else, I think this funding is an opportunity to really focus on our unique form of government here. And right now, we really have no physical representation of that in the

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building beyond just, you know, people being able to observe it themselves or hear about it from a tour guide. And people learn in different ways so having exhibits that could really focus on this and tell the story of how we were this, you know, we were a Bicameral system and this is the story of how we became a one-house Legislature. I think those of us who are the beneficiaries of this form of government can take it for granted. And the truth is, it's incredibly unusual. We're the only state in the country that does this. And it's a real gift to Nebraskans to have this system of government to enjoy. So we are all for any opportunity to better educate people about that and for them-- for Nebraskans to really be able to absorb and appreciate that gift that, that they are inheriting as Nebraskans. So we thank you for considering this for your previous support of funding for this project and we're all for anything that is needed to get it done.

WISHART: Thank you, Heidi. Any questions? Seeing none, thanks.

HEIDI UHING: Thanks.

WISHART: Any additional proponents? Anyone in opposition to LB1210? Anyone here in neutral capacity?

BRETT DAUGHERTY: Thank you, Chairwoman and the Appropriations Committee. My name, again, is Brett Daugherty, B-r-e-t-t D-a-u-g-h-e-r-t-y, and I am the interim Capitol administrator here to testify in a neutral capacity, maybe more to answer some of the questions about where we're at in the process and what we've done since you gave us \$1.5 million last year. So we've had several meetings. Once we get the \$1.5 million, we're trying to incorporate where we can be moving ahead with the \$1.5 million. So we've had some meetings with our consultants, and then we met with the Fire Marshal last September. He was less than enthused about what we were planning at that time. We had some discussions about how we could move forward. So we sent our consultants back to come up with some ideas on what we could do to meet some of his concerns that he had. So they, they came up with a few options. We did meet with the Fire Marshal last week, presented those options to him, and we're just waiting to hear back on if those-- which one would be acceptable and which direction he would like us to proceed with. We did ask our consultants to at least get started on a schematic design to see how far we could go with their initial \$1.5 million. If that's all we've got, our goal is to at least get the backbone of the system in while we're there. This will be quite the process as we migrate into the tower as far as getting our

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well-filled water and our refrigerants and everything into the building. So we don't want to miss that opportunity to at least get the backbone of the system in and go as far as we can go with the \$1.5 million, so.

WISHART: Thank you. And I apologize, did you spell your name?

BRETT DAUGHERTY: Yes, I did.

WISHART: OK, great.

BRETT DAUGHERTY: I did it the first time, but I--

WISHART: Any questions? Seeing none, thank you.

BRETT DAUGHERTY: Thank you.

WISHART: Any additional neutral testifiers? OK. Seeing none, Chair, would you like to close? The Chair waives closing, and that closes the hearing for LB1210. Oh, excuse me, it does not. We have actually one additional proponent representing the American Institute of Architects that, that provided a position comment in, in support, zero opponents, and zero neutral. That closes the hearing for LB1210.

CLEMENTS: That will bring us to 3 bills that are very closely related: LB1090, LB1275, and LB1378. All are going to be with the similar subject of radio communications. And so we will start-- we'll have the 3 introducers introduce their bills, and then we'll have proponents regarding all 3, opponents, and neutral. So we'll start with Senator Ballard. We'll open the hearing for LB1090, LB1275, and LB1378 as a combination. Welcome, Senator Ballard.

BALLARD: Thank you, Chair Clements and members of the Appropriations Committee. My name is Beau Ballard. For the record, that is B-e-a-u B-a-l-l-a-r-d, and I represent District 21 in northwest Lincoln and northern Lancaster County. I'm here today to open up on LB1090. LB1090 provides needed funding to ensure that Nebraska volunteer firefighters have the radio equipment and training they need to protect our rural residents and their property from increased threat of fire. The bill mitigates interoperation-- interoperability issues by, by appropriating additional dollars to the Nebraska Public Safety Communication System and bolstering local investment through the establishment of a one-to-one grant program. Grants will be used to provide mobile radio programming and installation of radios, as well as other equipment. The total appropriation under LB1090 is \$5

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million, and grants are capped at a single applicant of \$3.5 million. For context, there are 17 rural fire districts within Lancaster County that utilize county radio system infrastructure. The initial system, implemented over 15 years ago, was funded by a grant with no ongoing funding stream available. Since that time it was installed, the equipment has aged and fallen to many-- fallen out of manufacturer support. According to a study commissioned by Lancaster County, options for addressing the outdated system included replacing with the new equipment but similar technology, upgrading the existing system with improved features, or joining one of the regionals P25 digital trunk systems, such as the, the State Radio System, Omaha Regional Network, and the city of Lincoln Trunks Radio System. Each of these options have its own challenges and prices involved in the county rural fire district. What is certain is that first responders in Lancaster and other counties investing in the interoperability deserves support from the state. The recent fires in the fall of 2022 have brought the needed modernization communication to the forefront in a dangerous way. Almost 300 responders stepped up and helped to contain the wildfires in Lancaster County. While Lincoln, Lancaster, and the surrounding counties work well together, they're limited by outdated communication systems. The stories out about these radio systems that find their way into the news are usually dramatic ones. They are less visible and impact a poorly performance systems that have day-to-day operations of these public safety agencies, and the frustration they cause among personnel who rely on them. Outdated radio systems risk to safety of firefighters and hinder their ability to do their job effectively. Our emergency first responders deserve a robust support as they serve communities, and ensuring interoperability takes a step forward in delivering on this goal. I would be happy to take any questions, but I am going to be followed by some rural firefighters and Lancaster County commissioners.

CLEMENTS: Are there questions? Well, I'm not sure where to proceed. Is there a representative for Senator Brewer or--

WISHART: I saw him here earlier.

CLEMENTS: Pardon?

WISHART: I saw him here earlier, but Senator Dover is here.

BALLARD: I think he is in General Affairs.

WISHART: Oh, OK.

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CLEMENTS: I think we will--

DORN: He was here earlier.

BALLARD: Yeah.

CLEMENTS: --we'll go with Senator Dover next. Senator Brewer is not--

WISHART: I think he has a bill in General Affairs, too.

CLEMENTS: Oh.

DOVER: Sorry.

CLEMENTS: Welcome, Senator Dover.

DOVER: Thank you, Chairman Clements. Thank you, Chairman Clements and good afternoon, committee members. For the record, my name is Robert Dover, R-o-b-e-r-t D-o-v-e-r. I represent District 19, which consists of Madison County and the southern half of Pierce County. I have introduced LB1378 to help obtain funding for volunteer fire departments. LB1378 takes the interest off the 911 Service System Fund. There were some concerns expressed to me, so I'm currently working with the Governor's office to locate a new and different source of funding. I will give an example why this is necessary for my own district. Recently, I became aware that Madison County was able to obtain radios for all first responder services and did so through ARPA funding. Pierce County also used ARPA funding, but prioritized the sheriff's department and the police departments in Pierce County but was able to-- was unable to fund fire. In conversation with the volunteer fire departments in Pierce, they shared at that time they would physically be, be able to see another and yet unable to communicate by radio. Our first responders need equipment that is reliable in emergency situations so they can care for people and do their job effectively. I have great respect for the courage, dedication, and sacrifice of our first responders and I will do all that I can to support them. I have a-- excuse me-- complicated situation in my district where cities with an automatic aid agreement are in 2 different counties. Automatic aid is where one department will automatically cover for another department's area when they are on a call. One county has updated radios and equipment and the other does not, which makes communication a challenge. My goal is for volunteer fire departments to receive funding to purchase radios that will enable them to communicate with one another with our emergency

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service personnel. Thank you for your time. I'll answer any questions that I can.

CLEMENTS: Any questions for Senator Dover? Seeing none, thank you.

DOVER: Thank you.

CLEMENTS: Is there a representative for Senator Brewer? Oh, Senator Brewer.

DOVER: It's kind of weird when you're having multiple, you know, [INAUDIBLE].

CLEMENTS: We have 3 bills that are all regarding the communication system so we're doing-- opening for all 3 bills, and then we'll have people testify on all of them. So welcome, Senator Brewer.

BREWER: Thank you, Chairman Clements and good afternoon, fellow senators-- or senators of the Appropriations Committee. I'm Senator Tom Brewer, spelled T-o-m B-r-e-w-e-r, and I represent 11 counties of the 43rd Legislative District of western and central Nebraska. I'm here today to introduce LB1275 on behalf of Nebraska's volunteer fire departments. LB1275 will appropriate \$22.7 million from General Fund for FY 2024-2025 to the Department of Administrative Services office for the chief information officer. The funding would be used to provide portable and mobile radios to volunteer fire departments across the state of Nebraska so that they would be able to have interoperative communications with public safety communications Statewide Radio Systems. We'll refer to as our SRS. Today, a very limited number of our 400-plus volunteer fire departments across the state have radios and access to connect through the SRS, which means that they have limited capability upon arrival on scenes. They have communications with local law enforcement through the SRS system. The passing of this initiative would allow all of our volunteer fire departments to arrive on scene during mutual aid scenarios with radio compatibility and communication and public safety agencies across the statewide radio-- Statewide Radio System, SRS. Public safety agencies will have the ability to better respond and assist with disasters throughout the entire state of Nebraska keeping our citizens and first responders safe. What is SRS? The state-- Nebraska Statewide Radio System is a collective partnership between the state of Nebraska's Chief Information Officer and the state of Nebraska Public Power Districts, NPPD. These partners jointly built and funded this project through an interlocal agreement by building one statewide shared radio

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system instead of two separate systems. By doing this, they, they save an estimated \$20 million. The SRS became fully operational in 2010. It connects 213 entities together to enable direct communications. When necessary, the SRS provides communications between first responders to protect public safety in Nebraska. Among the 213 entities of the SRS, are 15 state agencies, including Nebraska State Patrol, Nebraska Emergency Management, Nebraska Department of Transportation, 82 local law enforcement agencies, 31 local emergency management agencies, 16 federal agencies, including the FBI, 27 fire and rescue-- fire rescue and ambulances. The volunteer fire departments are critical to our rural communities. There are very few of these volunteer departments that have been equipped with the SRS emergency systems and we feel that this is critical. That is why LB1275 has been introduced. There are a number of testifiers who will follow me that will give you more background on the information. The passing of LB511 in 2023 allocated \$5 million for equipment and services for about 175-plus volunteer fire departments in the state. We have printouts of a map where those departments that receive radios are located. We have spoken to multiple fire departments, which some of you may hear from today, and talked to them about the impact that the SRS has made on them and their operations. I've also spoke to various departments who applied for to receive radios and were not able to receive radios in phase 1 of the building of these systems who will be asking for your support for LB1275 to ensure that we have communications on the SRS system. Subject to your questions, that concludes my opening and I will pass these out. And this is just a breakout again of, of where all the radios went in the first round of distribution. So with that, I'll take any questions you have.

CLEMENTS: Are there questions? Who handled the distribution of the funds? Do you know?

BREWER: That's a good question. Senator McDonnell, can you help me on that one for the radios for the fire departments, the rural fire?

McDONNELL: Went through the--

CLEMENTS: We'll find that out.

McDONNELL: --OCIO.

BREWER: Yeah, that would be my guess.

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CLEMENTS: And is it your understanding that the \$5 million is completely spent?

BREWER: That is my understanding. They spent until they had a zero balance in order to field systems for the existing rural fire. And you'll see in there by county how they were distributed numerically.

CLEMENTS: And your handout says that OCIO will administrate the pro-- administer the program.

BREWER: Oh, OK. There you go. That's why we have handouts.

CLEMENTS: You already answered the question. I'm being advised that there were more applications than there were funds--

BREWER: Yes.

CLEMENTS: --so I'm sure it is spent.

BREWER: That's why we have the, the delta here, the difference.

CLEMENTS: Other questions from-- Senator Dover.

DOVER: Yeah. I don't know if you can answer this question, but in Madison County they received 1 and Pierce received 3. Is that because Madison County used their ARPA funds to, to buy radios for everyone, do you know?

BREWER: No, at, at that level-- I'm not sure how a, a department decided to, to buy radios. I-- that's just a breakout of who got them and a lot of that depends on who applied and when they applied. It wasn't necessarily a first come, first serve because it was a pretty broad casting. Because, you know, even far west got radios, just not the number to, to sufficiently equip the departments across the entire district.

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

BREWER: On, on the way we're doing it here, will there be a close or do we-- or are we done for now?

CLEMENTS: You, you may close if you like, but it's up to you. Senator Dover.

DOVER: I have one other question and it might be for someone--

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CLEMENTS: Senator Dover,--

DOVER: Sorry?

CLEMENTS: --you're a presenter.

DOVER: Well, I didn't know where to say it because he's presenting right now so I'm, I'm, I'm-- I mean, I, I present-- I'm not questioning my bill, but I'm presenting here so I figured he's-- I have the right to, to ask him a question when he's presenting his bill.

CLEMENTS: On his bill? OK, go ahead then.

DOVER: Yeah. Sorry. Well, it's kind of confusing to me, too, but I wanted to be able to-- I don't know if this is for you or for someone else. Do you know how many counties actually took their ARPA funds and purchased radios for the fire or EMS?

BREWER: I was more on the-- on the radio side of it, not on the ARPA side of it to understand who took money, but I could probably try and quickly find out before, you know, we close.

DOVER: Any my understanding-- I talked to a county commissioner in, in Madison County and he said that they took their ARPA funds and purchased for everyone at EMS. I talked to Pierce, and it sounded as though they funded the sheriffs and the police all over the county but weren't able to fund the fire. And they figured-- and the reasoning was, of course, when you're-- when you're police, police, they shoot at you and when you're in fire there's danger there, but they're not shooting-- the fire is not shooting back at you so they, they spent their funds there.

BREWER: Yeah. I can't tell you who, who went with police and, and rescue as opposed to fire. I was just focused on the, the fire part of it, so--

DOVER: Right. Right.

BREWER: --I'll see if I can find out.

DOVER: Thank you.

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CLEMENTS: All right. Other questions? Seeing none, thank you, Senator. We'll now welcome proponents for either LB1090, LB1275, or LB1378. Please step forward. Good afternoon.

JUSTIN SCAMEHORN: Good afternoon, Chairman and committee. My name is Justin Scamehorn, J-u-s-t-i-n S-c-a-m-e-h-o-r-n, and I'm here on behalf of the Waco Volunteer Fire Department, who did receive one of the radios last year with the grant money. We're very appreciative of that money and the grant-- or the radio. The impact it's going to make for us-- about 7 years ago, we were called to the interstate to help [INAUDIBLE] fire. Sorry. It was a really bad day. That call started off just as mutual aid. Go help them out on the interstate. A couple people slide-off in the ditch. It wasn't anything real big. Unfortunately, it was a blizzard out that day, kind of we had a couple weeks ago, conditions deteriorated, and as more and more slide-offs happened and more and more accidents happened, we did not have the ability to talk to the State Patrol, who I could see behind me and say, hey, you need to stop traffic, you need slow traffic down. Didn't have the ability. We can't talk to them. The only we can talk to them is through our dispatch center, which is us radio them, they get back to us, we give them a message, they radio State Patrol, State Patrol responds to them. It's time-consuming. Had we had the radios back then, we probably wouldn't have lost a fire truck, our ambulance wouldn't have been destroyed, and 3 people wouldn't have been sent to the hospital; one life-threatening, two critical. All because we couldn't talk to the guy 100 yards behind us. Moving forward, we have that capability now. We have-- we have one radio, which being the one that goes to every accident call we have on the interstate. And with that radio we are allowed to talk to the State Patrol, who I can see but previously couldn't talk to. Now we're allowed to talk to them, say, hey, I know you can't see us anymore because the conditions have deteriorated, but we really need to slow traffic down up here. It's not just 2 or 3 cars now, it's a couple of semis, it's several cars and maybe we wouldn't lose another fire truck. I'm not saying that the state radio would have helped back then, but it sure would haven't hurt. It would have helped a lot to be able to talk to even the Department of Roads and let them know it was going on back then. So I do thank you for the funding last year, and I do encourage you to keep funding this project so that more and more volunteer departments can get those radios. You're going to hear other people talk about wildland fires and huge area responses, but it's just as important for those of us that don't respond to huge areas. Waco won't respond to a 100-acre grass fire. We won't ever use it for that kind of condition,

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but it is vital for us to be able to talk to the State Patrol, deputies, Department of Roads, other people out there on the interstate with us. So with that, I'll conclude and let everybody else talk about their situations.

CLEMENTS: Are there questions from the committee? I missed what department you're with.

JUSTIN SCAMEHORN: Waco Volunteer Fire Department.

CLEMENTS: Waco?

JUSTIN SCAMEHORN: Um-hum.

CLEMENTS: OK. Very good. Thank you for your testimony.

JUSTIN SCAMEHORN: Thank you.

CLEMENTS: Next proponent.

KENNY KRAUSE: Good afternoon, Mr. Chairman and committee members. My name is Kenny Krause, K-e-n-n-y K-r-a-u-s-e. I am here representing the Nebraska State Volunteer Firefighters Association and the Nebraska State Fire Chiefs Association. I'm here to testify in support of all 3 of these bills that would help local fire departments acquire radios. I'm currently serving as the fire chief of Fairbury Rural Fire Department, which is located in Jefferson County in southeast Nebraska, and also as district director of the NSVFA. The Fairbury Rural Fire Department has become a very proactive and reactive fire department in recent years. We've obtained training that is somewhat outside the box for our response area, but has been beneficial in our response area as well. By this, I mean wildland fire training. I'm here to tell you about a fire that we experienced beginning on the day of April 11, 2023. The fire actually started on the evening of the 10th with a very small land management burn when an ember left the burn unit. The next morning, the fire rekindled and quickly grew to 1,800 acres-- the next-- which is unheard of in our area of the state. Because of our training and responses that we've made in other areas of the state we knew how to react after we exhausted our local resources and initiated a statewide response. This response included 56 fire departments, 10 state and federal agencies, 4 local businesses, and 7 county agencies. I served as a division leader and then eventually as incident command. With this many agencies on the ground, radio communications were difficult. One of our requests for equipment after the Governor's emergency declaration was a cache of

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radios. The reason for this ask was to give us a common link between incident command and the field division leaders. They would have also given us the ability to communicate with the Nebraska State Fire Marshals and the Nebraska State Patrol drone teams, as well as any medical helicopter that may have been needed. Also, a statewide radio in our response vehicle that travels outside our own response area would have been helpful in the days earlier at the Waconda fire and the Votaw Road fire in 2022, and when we responded even earlier to the Post fire in Crawford, Nebraska, in September of '21. The radios in our vehicles were not compatible with the systems they were using. With the types of fires and responses in recent years, it's time for us to find a common ground with communications for these types of incidents. Again, I support the legislation to help us obtain these radios. Thank you. Any questions?

CLEMENTS: Questions? Yes.

WISHART: Well, thank you for being here. And thanks for your service to our state. I mean, ideally, would it make sense to have every single fire department volunteer across the state on one statewide radio system?

KENNY KRAUSE: There's probably others in the room that could answer the frequency things, but it would help divide that up. But I think what we need is the capability when we arrive in different regions to make that connection with the, the departments that we were going to help.

WISHART: Yeah. Yeah.

KENNY KRAUSE: Yeah. So years ago fire departments ran on a frequency of 399 and no matter where you went, it was 399, so, but that day is long gone.

WISHART: OK. Thank you.

CLEMENTS: Other questions? You said you're from Fairbury. Do you have the radio that communicates with the system?

KENNY KRAUSE: No, we do not. I forgot to mention that.

CLEMENTS: All right.

KENNY KRAUSE: We do not have statewide radios down there, and I don't know of anyone in our mutual aid that does.

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CLEMENTS: I have a bill up in another committee.

KENNY KRAUSE: Oh.

CLEMENTS: Vice Chair Wishart will take over.

WISHART: Any additional questions? OK. Seeing none, thank you for being here today.

KENNY KRAUSE: Thank you for your time.

MICHEAL DWYER: Good afternoon, Vice Chair Wishart, members of the Appropriations Committee-- excuse me-- Committee. My name is Micheal Dwyer, M-i-c-h-e-a-l D-w-y-e-r, and I'm here to testify in support of all 3 of these bills: LB1090, LB275 [SIC], and LB1378. I'm testifying also on behalf of the Nebraska State Volunteer Firefighters Association and we would like to thank Senator Ballard, Senator Brewer, and Senator Dover-- if I have this correct, I'm trying to read my scribbles-- for all 3 of the bills. I, too, am not quite just testifying. Two quick things before I start: one, yes, I would appreciate a lot more parking. At the moment, I'm parked about 6 blocks away and paying for parking, so thank you. Two, I-- earlier this morning, emailed all of the offices of this committee with this report on EMS. If you have any questions about that now or later, I would be happy to answer those. That will be important relating to my testimony in going forward. I'm a 40-year veteran of Arlington Fire and Rescue, 2,600-plus calls, and served many of those calls as a command officer. At the risk of stating the obvious, communication on an emergency event is critical. Without it, you can't get information. [RECORDER MALFUNCTION] direct resources and ask for more resources. And you can't push the proverbial panic button if-- to let everyone know that a responder is down. Radios are the tool that supports that communication. In the event of any significant event, which of course, all of ours are, everyone on the scene must communicate across bands, channels and agencies quickly and clearly. 9/11 taught us that; the 2019 floods taught us that; the wildland fires of 2022 that you just heard about taught us that. And one of the worst calls of my career on December 28 reminded me of that. At about 6 p.m. on the 28th, I and members of 7 other agencies responded to a 2-vehicle accident. One of the vehicles was fully involved, and in 7 minutes I went from helping my wife with dinner to what I can only describe as a war zone. I later learned the victim was a community icon, a former employee, and a dear friend. Communication that evening was really difficult, but really good, largely because most of us had radios. While our county lost an

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icon and a friend to so many, we also saved 2 lives that night. However, communication for any event are always rationed through the-- based on the incident command system and the ability of whether or not each of us has radios. Livin-- limiting first responders' ability to effectively communicate, I don't frankly understand why Nebraska doesn't ask NSP or sheriff deputies or police officers or emergency management or the Department of Roads to consider working without radios, and yet volunteer fire and EMS that, by the way, saved the state an estimated \$500 million a year in labor alone, has to continually come here and beg. I understand the ask is a significant one. As a fiscal conservative, I get it. However, public safety is one of the few truly essential functions of government, and I would remind this committee that the framework of volunteer fire and EMS that protects the people, the land, the communities, the highways and the state parks of 78% of Nebraska is protected by volunteers who can use and will use, utilize, excuse me, all the help we can get. I would appreciate your support for all 3 bills and I would be happy to take any questions.

WISHART: Any questions? So I have-- I have one. Following up my question to the previous testifier, just trying to understand, is, is there an opportunity for there to be a system that is completely statewide in which different volunteer entities can connect to it, whether it's the same radio system or not, so that we're not patch-- we're not sort of patchworking this, but that, that everybody can connect to one system regardless of where they are?

MICHEAL DWYER: The simple answer is yes. The simple answer in my world, maybe I've been doing this too long, but yes, absolutely. That would be the end game. The, the situation that Kenny described just a moment ago is a good example of that. One that I had just 4 weeks ago is a good example of that. We need to-- it's just really-- I don't know how to say it anywhere else-- it's just really important for us to be able to say, hey, you, I need this. At the incident on the 28th, I was literally doing hand signals, 3 minutes and helicopter. And because I can't-- I don't have a radio to talk. It is-- did we still make it work and save 2 lives? Absolutely. But it's not perfect. Now, with that said, it's just-- it's not quite as simple as even all 3 of these bills. There's a lot of integration and operability that, even if we have all the equipment, will take us a little while to do. But if your question is, would that be a good end game? Absolutely.

WISHART: OK.

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MICHEAL DWYER: And exhibit A would be NSP or the Department of Roads that, as I understand, can do that now. Maybe I've been, again, doing this too long ago. What we do is kind of important and I think that would be an obvious thing to want to work towards. Doesn't happen overnight, I get that.

WISHART: And with this system, would it be ideal to be able to connect to Department of Roads and other public safety divisions as well?

MICHEAL DWYER: Sure. So I refer to the 28th again. We had NSP, county sheriffs, 3 different-- 4 different fire departments, 2 of us on different systems, radio systems, as well as the Department of Roads and a towing wrecker system that was there as well. The Department of Roads was involved because we had Highway 30 shut down for 4 hours, 5 hours, something like that. Interestingly enough, the next morning we had what we love to call "Pigageddon." We had a tractor-trailer with hogs in the back of it that went down on Highway 30. And the response to that was much easier than it was the night before, but the highway was closed for 7.5 hours or so, and Department of Roads was a huge part of that. But we can't, other than hey, you, we can't-- I can't pick up a radio and tell them. I have to go through a deputy to dispatch who calls someone on the landline and says, hey. I hope that answers your question.

WISHART: Yes, it does. Thank you. Any other questions? Seeing none, thanks for being here.

MICHEAL DWYER: You bet. Thank you.

WISHART: Thanks for your service. Next proponent. Hi. Good afternoon.

JOHN BOMAR: Good afternoon, Vice Chair and members of the Appropriation Committee. My name is John Bomar, J-o-h-n B-o-m-a-r. I am the district 2 director of the Nebraska State Volunteer Firefighters Association, covering northeast Nebraska portion of the state. And I reside in Battle Creek, Nebraska, where I am a member of the volunteer department, and that served as a volunteer firefighter for over 45 years. Actually, this year in January I started my 47th year. I am testifying in support of all 3 bills this afternoon, which would provide funding to supply radios to volunteer fire and rescue departments. For many years, and more so over the last 10 to 15 years, volunteer departments have been faced with critical issues of not being able to communicate on the scene with other departments providing mutual aids. This issue has escalated most recently in

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mutual aids in arriving on the scene from not just the departments in the region where the emergency is taking place, but departments coming from other areas of the state to assist in very large emergencies. There are others, set will be testifying already-- have testified as to the distance some departments have traveled over to assist other departments. In my position as a regional director for the association of northeast part of the state, the association and in its past leadership position as president of the association, during our conferences, training weekends, and other department functions and a fire school held each year in Grand Island, we are made aware of communication barriers presented by that are unavailable to be used to communicate with others. Those others includes at times other volunteer departments, State Patrol, EMS, air support, helicopters and airlines, airplanes, excuse me, and others depending on the emergency. When finances are necessary to pay for fuel, insurance, gear to outfit our volunteers, and supply equipment to volunteers and EMS in Nebraska and those that support them, like fire districts, municipalities are unable to raise sufficient funds for radio capability of communicating with other fields. For those reasons, we ask you to include funding this year to supply additional volunteer departments with radios. Finally, thank you, Senator Brewer and Senator McDonnell and to this committee for your work last year in the legislation introduced by Senator Brewer. It includes by-- included by this committee in the mainline budget approved appropriating \$5 million for radio supplies to volunteer departments. This has been a great first push in supplying radios to volunteer departments. And I want to make sure I thank you all for your effort and hope the committee is able to act again this year. Thank you. Any questions?

WISHART: Thank you for being here. Any questions? Seeing none, thank you for your service.

JOHN BOMAR: Thank you.

WISHART: Welcome.

RICK VEST: Welcome. Good afternoon, Senator Wishart and members of the Appropriations Committee. My name is, excuse me, my name is Rick Vest, spelled R-i-c-k V-e-s-t. I'm appearing before the committee in my capacity as vice chair of the Lancaster County Board of Commissioners. I am here to testify on behalf of the county board in support of LB1090, but actually in support of all 3 bills. Rural fire departments are essential to the safety of Lancaster County. The rural fire department volunteers who serve our community represent the best of

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Lancaster County. They selflessly put themselves in harm's way to protect their friends, neighbors, and the general public. Their dedication and commitment to public service is unmatched. However, all of our volunteers' bravery and sacrifice cannot overcome the funding gap that exists for critical communications equipment. Our volunteers are working with aging radios that operate on an obsolete network that is at the very end of its useful life and can no longer be maintained. The communication challenges that arose during the October 2022 wildfire that ravaged southern Lancaster County served to highlight the need for new radio equipment. Actually, departments responding to the fire could not talk to one another over their radio-- over their radios at the most critical times. To address this significant need, the county board has committed to investing \$500,000 of its American Rescue Plan allocation to update the radio system for its rural fire departments, including funding a study to explore interagency operability of rural fire departments that respond within Lancaster County. That study demonstrated that the cost in Lancaster County to implement a new radio system would be somewhere between \$1.48 million and \$9.15 million. This is the cost for rural fire departments in Lancaster County alone. Lancaster County understands that funding for radios for rural fire departments primarily is a local need. However, it is a local need that has regional and statewide implications for the firefighting system as a whole. Fires do not respect boundaries and rural fire departments routinely honor mutual aid agreements to respond to incidents in neighboring counties. Given the extraordinary costs of addressing the problems and the high stakes for statewide public safety, partnerships between localities and the state is needed. LB1090 creates a program, a grant program that would match on a 1-to-1 basis local political subdivisions' commitment to achieve interoperability with similar parameters as last year's initial appropriation. Lancaster County has already made an initial financial commitment in support of our firefighters, and this legislation would significantly increase our community's ability to address the time sensitive public safety issue. We ask this committee to build upon the great work that you accomplished last year to fund the most critical needs of our rural fire departments, who are so vital to ensuring the public safety of our rural population. In addition, Lancaster County stands in support of related measures that have been introduced this session, including Senator Brewer's LB1275 and Senator Dover's LB1378. We thank Senator Ballard, Senator Brewer, Senator Dover, and this committee for your leadership on this important issue. Thank you for the opportunity to testify and for your service to our great state.

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I'm happy to answer any questions. They tell me I'm happy to answer any questions.

WISHART: Thank you, Commissioner.

RICK VEST: Thank you.

WISHART: Any questions? Seeing none, thank you.

JARED RITZE: Good afternoon. My name is Jared Ritze, J-a-r-e-d R-i-t-z-e. I am with Malcolm Fire and Rescue here in Lancaster County. Also here unofficially with Lancaster County Mutual Aid Association, who represents all the fire departments in Lancaster County and those outside of the county who are responding to Lancaster County also. I'm here in support for LB1090, specifically, but also the other 2 bills. Lancaster County rural fires agencies are currently in the process of seeking a replacement radio system to replace our aging radio system, which is nearly 18 years old and becoming largely unsupported. In 2019 and 2020, we began investigating issues and concerns regarding our aging radio system, which is currently supported and maintained by Lincoln Radio Shop for the city of Lincoln. In 2023, we worked with a consultant to evaluate our current system and potential options. We provide a number of different options with costs ranging from 10 to-- \$5 to \$10 million. However, the rural fire agencies do not have the budgets to even begin to fund these costs. We are beginning to look at funding options, but this grant opportunity in LB1090 could provide us with a solid start moving to an alternate supported system. Some systems that we are looking at include the state radio system, along with the city of Lincoln radio system and some conventional systems which provide us with local and regional interoperability capacities. We just got a-- I think everyone's kind of touched on all the events that have happened lately, but this kind of comes down to being a life safety issue. You know, our main concerns are our coverage, interoperability and, of course, safety again. So we're not-- we're kind of working again to move forward. But obviously with, with LB1090, that would help us significantly or give us the opportunity to help. And we, Malcolm, we were granted radios under the, the grant last year that will help us initially with our interoperability issues. But the more of that, that-- that's out there, it's going to help everybody, including ourselves. But like you alluded to, Senator Wishart, you know, the more firefighters that have radios that can interop between departments, the better. So that's kind of what we're looking for here in Lancaster County amongst our departments is to put

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those in the hands of more fire, fire as we can. So that is all. Any questions.

WISHART: Thank you. Any questions?

JARED RITZE: Thank you.

WISHART: Seeing none, thank you for your service.

MARLENE BOMAR: Good afternoon, members of the Appropriations Committee. My name is Marlene Bomar, M-a-r-l-e-n-e B-o-m-a-r. I am representing the Nebraska Emergency Medical Service Association and the Nebraska State Volunteer Firefighters Association. I am a volunteer firefighter and EMT on the Battle Creek Fire and Rescue. I am testifying in support of all 3 bills this afternoon, which would provide funding to supply radios to volunteer fire and rescue departments. NEMSA's statewide membership is made up of licensed emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics. NEMSA is very grateful to the senators for these bills to support the work of emergency medical services. We need to establish better radio communication between the departments and mutual aids on scene. EMS agencies are experiencing more calls and fewer volunteers. Our existing resources-- existing resources have not kept pace with Nebraska needs. Volunteer departments across the state are underresourced. Any support to help provide the tools required to deliver lifesaving emergency care to our community is appreciated. And I want to thank you for all your support.

WISHART: Thank you for being here. Any questions? Seeing none, thank you.

ERIC JOHNSON: Good afternoon. I'm Eric Johnson, E-r-i-c J-o-h-n-s-o-n. I am here representing with 2 hats. I'm a 40-year volunteer firefighter with Firth Rural Fire in southeastern Lancaster and northeastern Gage. I also have been board-- rural board president for over 20 years, and the budget constraints are horrible. We've been for 25 years-plus under a 3.5% cap on what we can grow our budget. So we reached the unfortunate thing that Lincoln would no longer do transports for us. So we had to interrupt our whole plan, our physical plan, to go into the ambulance business. So all of a sudden, here we are, \$125,000 behind the eightball to buy an old rig that needs to be replaced in the next couple of years. That new rig we have estimated at \$300,000. Our budget doesn't allow for that kind of thing. So as

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far as radios, we just received word that we'll be receiving 2 of the statewide radios, 1 mobile and 1 handheld. Our department presently has 2 stations with 12 vehicles. There's a radio in each one of those, and we have about 40 handhelds. 2 radios is a start, but it's a really small start. And we respond into Gage County so I've been on calls with Myron. And so we have 2 radios in most of our trucks just so that we can communicate with the districts surrounding us. And I know that Adams has 2 radios so when they come up into Lancaster, they can communicate with us. That's a horrible way of doing it. If we want to talk to the sheriff or anybody else, we have to have the dispatch center patch us through, which then ties up a radio channel. And communications is just so important. [INAUDIBLE] You've heard reference to that fire in the southwest part of the county. There was a gentleman went down, and the radio traffic was so severe that they couldn't get help to him. They wound up transporting him in a vehicle to meet an ambulance because there was-- the radio, traffic was so heavy that they couldn't get the ambulance to him. So a new radio system in the county, Jared and a couple of others have mentioned the, the study that was done here in the county, and I served on a committee that helped put that together. There's over 500 radios in the departments in Lancaster County. So this is not just a small thing. It's a big thing because we don't know, depending on the call and what volunteers are available, what trucks are going to go. So only having a couple of radios in a department only marginally addresses the need. So as a board member, the thing that concerns me is in the statutes. 35-508(7) the director's powers that I'm charged is to provide to purchase or lease such firefighting and rescue equipment, supplies, and other real or personal property as necessary to carry out the general fire protection and rescue of the district. My hands are tied with money. I can't do that. So we need help. We need help desperately.

WISHART: Well, thank you so much for being here today. Any questions?
Senator Dover.

DOVER: Yeah. Is there any vehicle for overriding the 3% cap?

ERIC JOHNSON: Yes, we did that last spring. We had to-- we spent about \$6,000 to have a vote by mail to increase our budget by \$60,000, but we found that that's not going to be enough because the example is in June of '22, we ordered a new pumper. So we have 2 stations, and we buy 1 new every 15 years. And of course, we had to rob the capital to get this ambulance in service. When we picked that truck up in September of this year, 15 months after it was ordered, that \$462,000

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truck, they told us if we had ordered it that day would have been \$150,000 more. 3.5% doesn't quite cover that kind of inflation. And constituents, I calculated I think we're 6% of the property tax in the village of Panama where I live. And we had I want to say it was 80-some percent of the people that responded, which was only like 30% of the voters were in favor of it. But when we went to that, we said, we think this is going to get us so that in 15 years we can buy that next truck. But now we realize that that next truck is going to cost over \$1 million. And we've got a sinking fund that we keep adding to. But, when I'm-- I can only grow the budget 3.5%, I can't get there in 15 years.

DOVER: Right. I was just wondering. And then what's the process for getting that vote again? You're kind of explaining that.

ERIC JOHNSON: Well, it can be on a ballot, but the next ballot wouldn't be until this fall. So we felt last spring that we couldn't wait that long so we actually did a vote by mail, which, you know, we had to do a resolution and all that. And then the election commissioner and had to pay, I think we spent about \$4,000 to get the ballots mailed and tabulated. And we had \$1,000 for attorney fees to get the resolution written with all the wherefores and "whofores." And so we spent about \$6,000 to do that vote by mail.

DOVER: All right. Thank you.

WISHART: Any other questions? Seeing none, thank you.

ERIC JOHNSON: OK.

WISHART: Hi.

JASON WHALEN: Good afternoon, Chairperson Wishart and members of the Appropriations Committee. My name is Jason Whalen, J-a-s-o-n W-h-a-l-e-n. I am the fire administrator for the city of Kearney and I'm here to represent the Kearney Volunteer Fire Department and the Buffalo County Mutual Aid Association. Thank you for allowing me to testify today before the Appropriations Committee relative to LB1275, LB1090 and LB1378. First off, I'd like to thank this committee for their support of the first round of the Volunteer Fire Department radio grant project in 2023, which was able to fund approximately 172 volunteer fire departments across the state with the stateride-- statewide radio system kits. I'm excited and looking forward to getting those radios into the hands of those departments to ensure

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that they have some means of interoperability. However, that still leaves at least 300 fire departments that have not received those radio kits. Ever since 9/11, interoperability has become a buzzword that continues to be one of the top issues facing our first responders and public safety officers. Interoperability is the ability to communicate across state and local agencies on demand and in real time. Interoperability is essential for our agencies to alert responders and commanding officers of immediate hazards and provide information to support decisions-- decision making as an incident commander or as a collective group and a unified command. This is particularly true in large-scale incidents. And as you know-- well know, no portion of Nebraska has been immune from those type of incidents, such, such as the massive wildfires and floods that we have experienced in recent years. Interoperability and communication issues are continuously mentioned by the National Institute of Occupational Safety and Health as contributing factors in firefighter line-of-duty deaths. Some of the communication issues often cited are lack of interoperability, lack of training, and equipment issues. These bills begin the process of covering all of those items. First, it gives operability and requires training, and monthly testing of the equipment to ensure that the equipment functions properly and also ensures departments know how to use the equipment. Secondly, it places state-of-the-art radios that are rugged and specifically designed for firefighters into the hands of our volunteer firefighters who proudly serve our communities. I can tell you that I have had the opportunity to work with these radios, and they are game changers for on-scene firefighter communications. I believe that most communication failures in public safety and the fire service are both predictable and preventable. And I applaud Senator Brewer, Senator Ballard, and Senator Dover for introducing these bills so that every fire department in the state of Nebraska has at least the minimum equipment necessary to initiate successful communications and operations should such a major event occur in their fire district. Again, I thank you, all members of this committee for allowing me to testify today on behalf of the Kearney Volunteer Fire Department and the Buffalo County Mutual Aid Association. And I ask that you support all 3 of these bills and fund the statewide radio kits for the remaining fire departments of our great state.

WISHART: Thank you for being here. Any questions? Seeing none, thanks for your service.

GARY SCHUETT: Hello. Thank you for seeing me today. I'm Gary Schuett, G-a-r-y S-c-h-u-e-t-t. I'm currently the fire chief for Hadar

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Volunteer Fire and Rescue. The SRS system would be dramatically helpful for my department for one thing and probably the state. Because between departments, it is difficult to communicate once in a while, even with something as simple as a-- another department, mutual aid department. We have a auto aid with Norfolk Fire right now. They are on the SRS. We are not. It makes this kind of difficult for us to communicate back and forth. Not only that, but our ability to reach to the-- our dispatch center is limited now, very limited. So I guess I'd ask for your support for this bill. Thank you for seeing me today.

WISHART: Thank you. Any questions? Seeing none, thanks for your service. Thank you for coming.

TIM WRAGGE: Good afternoon, Vice Chair and members of the Appropriations Committee. My name is Tim Wragge, T-i-m W-r-a-g-g-e. I'm fire chief for the city of Norfolk. Norfolk is a combined accommodation department. We have around 70 employees, part of which are full time, work 24/48 shifts, and the remainder are fire reserves that act much in the same capacity as a volunteer. I also serve on the Battle Creek Fire and Rescue Volunteer Department, 10 miles down the road from Norfolk, where my family and I reside. I'm hoping to offer a little bit different spin on this today. The crews that have already gone have done a phenomenal job. I get to see things from a couple different angles. I see the benefits that this system has to offer and the new radios have to offer on the statewide radio system. City of Norfolk chose to go after this shortly after the flooding of 2000--2019. It's made a drastic difference for us. And we're actually sitting right smack dab in the middle of an area where part of it is moved over to the SRS with the new radios and the other has not. As Chief Schutte alluded to, they're just a few miles down the road from us. And any working structure fire that we have in Norfolk, Hadar is dispatched to. What it takes for us to access Hadar is the problem. We call our dispatch center in Norfolk, who is right across the street from our fire department, who then calls Pierce County, who then pages out Hadar. In return, Hadar gets into their apparatus, calls in to Pierce County, Pierce County then relays to the city of Norfolk's dispatch center or Madison County Regional Dispatch, who then lets us know they're on the way, which is great, except for we can't talk to them when they're on the way because our radios are dissimilar. Over 20 years ago after 9/11 happened, lots of radios were placed in the hands of firefighters across the state of Nebraska. The goal for that was interoperability at that time. We all had shared frequencies that were going to go into those radios, and it was a great step in the right direction. However, that infrastructure's antiquated and

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outdated, and it just doesn't work anymore. So what I would like to do is just give you a real quick example to kind of put yourself in our shoes. As I said, I live in Battle Creek. I'm fortunate enough that both Norfolk Fire Department and Battle Creek allow me to respond to different calls with each agency. We had a working structure fire in Battle Creek that I was first on scene with my, my Norfolk vehicle and my Norfolk radio, an SRS mobile radio inside that vehicle. I was able to communicate on the same frequency that Battle Creek Fire Rescue would use, which is an older conventional frequency, in my vehicle to dispatch in Norfolk, back to me and so forth. Once I got out of my vehicle with my still statewide radio system handheld radio, I did a 360 around the fire. But because of current infrastructure, antennas and such, I was not able to communicate with dispatch anymore, nor could I communicate with the rigs that were coming in from Battle Creek that were only 8 box-- 8 blocks away. So instead, I had to get in and out of my vehicle in order to communicate with them to give them prearrival instructions and allow them to know where hydrants were, those types of things. This is a common occurrence. A volunteer department right now in our region, aside from Madison County, who is gradually working their way into the statewide radio system, if they were to go on a call right now, leave their ambulance, go inside somebody's home with their portable radios, they could not talk to dispatch, and that is a massive problem. Contrary to popular belief, not everyone is happy to see firefighters and EMTs when you go on rescue calls. But we do our best. So when those things change, it's only fair to the men and women that make up the volunteer fire service to have the right tools in their-- in their toolbox. And that starts with communication. In fact, it starts and ends with communication. They're doing the same job that we are as full-time firefighters, and people have the same expectations of them. So I fully support each of these 3 bills that are geared towards making improvements across the state. I'm grateful to the opportunity to speak to each of you today. The calls are on the rise, and we're responding accordingly with a shorter number of people than we've had. So I would entertain any questions you might have for me.

CLEMENTS: Any questions? Senator Dorn.

DORN: Thank you, Senator Clements. Thank you for being here.

TIM WRAGGE: Yes, sir.

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DORN: So talk about your department again. Norfolk is a full-time, 24/7 paid department but has-- it also has like Beatrice, has a rural fire with that or?

TIM WRAGGE: Yes, sir. Yes. No, the way ours works is we do have the full-time staff. We have 10 per shift that work 24/48 and then we have a group of 32 firefighters that have other full-time jobs. We run about 3,200 calls a year, and we have over 400 callbacks a year, meaning we have all of our staff that are on duty out on calls. So we send out pages for those additional staff that are off duty and those reserve firefighters to come in and help cover the next calls. Each time we do that, there's a potential to engage our mutual aid partners. We do that over 100 times a year where we call in our mutual aid partners that are all volunteer around us. So hopefully that answers your question, sir.

DORN: Thank you.

TIM WRAGGE: You bet.

CLEMENTS: Other questions? Senator Lippincott.

LIPPINCOTT: The statewide radio system, SRS, is it-- what frequencies are they? Is it VHF? Is it FM?

TIM WRAGGE: Well, it's a digital frequency. I know there's folks here, especially the folks in back there from the OCIO that can speak to it more. But, but what I would compare it to the old conventional frequencies like Madison or Battle Creek Fire use right now, it relies on line of sight with towers. As long as you're outside in your vehicle with that mobile radio power, you can talk to the people that you need to. Once you leave the footprint of that vehicle and that mobile radio and take your handheld, there just isn't enough power in that handheld radio to go inside a structure. So this new digital frequencies allows for better building penetration and keeps distance. For example, I turned my, my handheld radio on in my personal vehicle all the way to Lincoln today, and I would say 96 to 97% of the time as I drove to Lincoln from Battle Creek, I could have keyed up my mic and called the fire station in Norfolk from that handheld radio. That's the difference in the power of that radio. The radios that Battle Creek was using before this and many other volunteer fire departments are, I couldn't have got a few miles from my house and done that same thing in Battle Creek so.

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LIPPINCOTT: Different frequencies for all these different areas?

TIM WRAGGE: So the frequency questions. Norfolk fire runs-- we have our own fire ops 1, 2 and 3. We do 99% of our business on our fire ops 1 frequency, which is on the statewide radio system, Madison County, for example, all 5 or so of the departments in Madison County that have gone on to the statewide radio system, they're each going to have their own primary frequency and their channels to use, but we're going to have the ability to change over to each others if we have to go somewhere. If we call Madison Fire to come to Norfolk on a mutual aid, they can turn to our fire ops 1 because it's in that radio and they can communicate with us right away. Prior to that in this system, it did not exist. We could not do that

LIPPINCOTT: It's line of sight, correct?

TIM WRAGGE: Yes, sir.

LIPPINCOTT: Thank you.

CLEMENTS: Any other questions? Senator Dover.

DOVER: I believe that-- I think that aren't you asking for the triband radios, which are UHF, VHF and 800?

TIM WRAGGE: The radios would be a dual band radio for us. And the reason the dual band is so important when we got our radios is so that we could use the new statewide radio frequencies, but we also had the ability to talk on the old frequencies that currently exists in so many of our mutual aid partners. So we paid a lot more money to buy radios so that we could communicate with our partners. And it's still not desirable, because the second we go away from our new statewide radio frequencies over to the old legacy frequencies, there's performance, it's subpar. And that's the challenge we run to. We can toggle over and try to talk to Gary and his team when they're coming from Hadar, which is less than 10 miles away. But if we're at the bottom of the hill, they will not hear us. Won't work.

DOVER: All right. Thank you, Chief Wragge.

TIM WRAGGE: Yes, sir.

CLEMENTS: All right. Thank you for your testimony.

TIM WRAGGE: Thank you. Appreciate it.

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CLEMENTS: Are there other proponents? Please step forward. Good afternoon.

NEIL MILLER: Good afternoon, Senator Clements. My name's Neil Miller, N-e-i-l M-I-l-l-e-r. I'm the Buffalo County Sheriff. I'm here today on behalf of the Nebraska Sheriffs Association, the Nebraska Police Chiefs Association, and the Police Officers Association of Nebraska. I'd like to thank you for allowing me to testify today before the Appropriations Committee, relative to those 3 bills of LB1275, LB1378, and LB1090. I had some prepared statements, but I thought I want to take my time to kind of explain some things. First of all, it's an unusual position because we are in support of all 3 bills. We are, however, in opposition to the funding piece of LB1378 using 911 funds. And I've got a little prepared statement of why we're in opposition to that. But we do support these 3 bills. A lot of questions about frequency, state radio system, interoperability, operability. It's a very complicated area. Most of the time, the fire departments know what they need to communicate with who they need to communicate with. The problem is that a lot of the time, they don't have the funding to do that. We're all aware that I've been to more than one pancake feed or a bake sale to help buy bunker gear for firemen. When you introduce the cost of an expensive radio, there's just no possible way for them to be able to afford to purchase that on their own. In Buffalo County, we used ARPA funds to fund the rural fire departments and volunteer radios so that they had devices that can talk on to the system. And let's talk about what is the system, because I think there's a lot of confusion about that. And they're all good questions. But there is the state rate-- statewide radio system. And that's kind of the core or the brains of how this whole radio system works. Then you can be a-- you can be a subscriber to the state radio system. And basically you'll use the radio system the state put up, or you can be a partner. Buffalo County partnered with the state radio system and the Office of OCIO to put up our own infrastructure. So we're on 800MHz. The state radio system is on VHF. But the brains of the SRS allow those disparate frequencies to talk to each other. That's the beauty of the magic of using the SRS to combine the ability of radios from different systems to talk to each other on a bad day. So most of the time, the operability for the fire department is good, some is not, but most of the time they're able to communicate with who they need to. But they need help buying subscriber units. Then there's those times-- there are those times where we have interoperability and they need to communicate with another law enforcement agency, EMS or another fire department that's not in the same band that they are. That's when we

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come into interoperability, and that's when the first round of funding last year helped get at least one device in as many fire departments as possible. So that when they went out and they had incident command, that one device could talk to everybody that was at the scene, whether that was deputy sheriffs, State Patrol, EMS from another agency, or a different fire agency, this grant system allowed at least 1 device to 170-some agencies to be able to do that. As I see it, what they're trying to do with these 3 bills is increase the amount of money that is available to them to have the ability to do that, again, because they cannot afford to do that on their own. And so I think it's important to note that, again, who, who do they need to talk to? I think they know who they need to talk to. They just need the funds to be able to buy the equipment to be able to do that. As far as the 911 portion, you know, we-- currently the 911 service system fund is used to pay for costs incurred on or behalf of the governing bodies for public safety to provide 911 services. These funds are critical for maintaining and improving the essential service of 911. Ensuring that it remains adequately funded and equipped to respond to emergencies efficiently, we're in the process of transforming the 911 system and how it is delivered by implementing Next Generation 911 services. This transition is approximately 75% complete and should be finished sometime in 2024. We continue to fund the legacy systems, but we need that money because even though there are some excess funds in there, we've been very conservative with that fund. If you look at our neighbors in Iowa, they ran out of money to pay bills and went for a while not being able to pay for things. We don't want to be what Iowa was and not have the funds to pay for the cost of implementing the Next Generation 911 system. So I'd ask you to reconsider the funds and where they come from. But the law enforcement agencies in the state of Nebraska support these 3 bills, and we support our firefighters and EMT and EMS.

CLEMENTS: Thank you. Are there any questions? Senator Dorn.

DORN: Thank you, Senator Clements. Thank you for being here. Senator Dover has LB1378, and he talked about early on there that he is looking for a different source of funding. He realizes that, too. And I think that was your opposition to the source of funding [INAUDIBLE].

NEIL MILLER: That is the only opposition that we have to this. We are-- we are so pleased that there are 3 bills because it shows the support that there is. We drastically need volunteer fire departments in this state, and they are losing numbers at a very high rate. And

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it's all of our responsibility to support them in any way that we can so that they're there for us when we need them.

DORN: Yeah. I just wanted to help clarify that

NEIL MILLER: Yeah..

CLEMENTS: Other questions? Thank you for your testimony. Next proponent.

CANDACE MEREDITH: Good afternoon.

CLEMENTS: Welcome.

CANDACE MEREDITH: Thank you. My name is Candace Meredith, C-a-n-d-a-c-e M-e-r-e-d-i-t-h, and I am the deputy director of the Nebraska Association of County Officials, otherwise known as NACO. Just quickly, I-- I'm going to first talk about LB1275. Absolutely we support that allocation of that \$23 million to support the initiative to enhance public safety and our emergency response capability to our communities. Our volunteer fire departments do play that crucial role in ensuring the safety and well-being of our citizens. So absolutely support that. And I just do want, just kind of bounce off of what Sheriff Miller was talking about on LB1378. We are in support of this bill. However, the funding mechanism, which it sounds like, Senator Dover, you're working on, was a concern with that 911 system fund. So I would be happy to answer any questions that you might have.

CLEMENTS: Seeing none--

CANDACE MEREDITH: Thank you.

CLEMENTS: --thank you for your testimony. Next proponent. Anyone else as a proponent of any of the 3 bills? Seeing none, is there anyone in opposition? Please come forward. Good afternoon.

DAN WATERMEIER: Good afternoon, Chairman Clements. Thank you for having me here today. Members of the Appropriations Committee, I am Commissioner Dan Watermeier, spelled W-a-t-e-r-m-e-i-e-r. I represent the 1st district of the Nebraska Public Service Commission. I'm here today on behalf of the commission to provide testimony in opposition to only LB1378. And I understand the conversation that Senator Dover, I appreciate your concern about where the funding is coming from. And as a past rescue squad member myself, it is hard for me to come up here and be opposed to a bill. But as a commission, I felt necessary

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to show what really we need to be on record what's going on here with the commission. The Public Service Commission is a statewide authority that implements, coordinates, manages, maintains and provides funding assistance to the 911 service system. The PSC is very supportive and appreciative of the people who work in public safety, answering and responding to calls of our citizens in need of emergency help. However, we oppose this bill because we do not believe it is an allowable use of 911 serviceable funds. The 911 Service System Fund is meant to provide funding for the development, implementation and operation of the 911 service system and to support 911 service through the 68 locally operated PSAPs across the state. This includes funding for implementation of the Next Generation 911 system, which the Legislature previously chose not to fund with General Funds in LB938 in 2016, in LB993 in 2018. The 911 service system fund is there-- is there for the primary funding source for the 911 system. The fund also provides support for the legacy 911 system. The 911 Service System Fund consists of surcharge funds that are collected on each postpaid wireless line, and a percentage of the cost for prepaid wireless services. The wireless surcharge rate for postpaid wireless is currently at the statutory limit of 70 cents per line per month, except for Douglas County, which has a statutory cap of 50 cents. Additionally, the prepaid rate is currently 1 percentage point of the purchase price of the prepaid services. The surcharge funds are collected by the carriers and remitted to the 911 Service System Fund. 911 surcharge funds are intended to be used to support the provisioning of 911 service. That means the equipment and services necessary to receive a 911 call from a caller in need to the public service answering point. Any use of a surcharge fund for other purposes could be considered a 911 fee diversion. Each year, the FCC gathers information from states on the uses of 911 fees and submits a report to Congress. Those states that are determined to have diverted 911 surcharge fees are identified as fee diverting states and may become ineligible for federal grants or programs. The issue that previously had been addressed in Nebraska in 2009, the question of transferring funds from the Wireless Fund was presented to the Nebraska AG for an Opinion. The AG opend-- opined that transferring monies from the fund for purposes other than 911 could be considered a diversion. However, if only the prospective interest earned on the fund was transferred, the AG's office said it would be considered a nondiversion. The commission has worked with the local and state representatives to develop a funneling-- funding model and, and rules regulating the use of 911 surcharge funds that benefit the operation of the 911 service system and the 68 [INAUDIBLE] operated PSAPs across

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the state. LB1378 proposes to transfer an unknown amount of money for an unknown amount of time from the fund, for a purpose that could be considered a fee diversion by the FCC and Congress. This would potentially include funds that have been credited to the fund balance. Such a transfer would disrupt the funding model that has been carefully developed over time by the commission and the PSAPs. The Public Service Commission therefore encourages the committee not to advance LB1378. I appreciate your time and I would try to answer any questions if you think I can.

CLEMENTS: Are there questions? Regarding this Attorney General Opinion, prospective interests me-- would mean future interest, but not interest credited previously.

DAN WATERMEIER: It depends on if it had been allocated in the past. If it's still floating in the account, it probably could have been, but we have-- I think the interest has always been used up every year.

CLEMENTS: And there has been mention of Next Generation 911 system. Is that implemented or is still in process?

DAN WATERMEIER: As Sheriff Miller mentioned, about three quarters of that is ready to go. It's up to speed and we're regionalize the states and every region is being transferred. So we're really close to being done with that. And that's why we're really worried about making sure we have the funds to finish it all up.

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

DAN WATERMEIER: Thank you, Senators.

CLEMENTS: Is there anyone here in opposition of one of the 3 bills? Are there any opponents? Seeing none, is anyone here in the neutral capacity? Please come forward. Good afternoon.

CONNIE REINKE: Good afternoon. My name is Connie Reinke from Lancaster County, and that's Connie and then R-e-i-n-k-e. A little bit different concern. A nationwide emergency use network, FirstNet, is being used to connect our elections. This network was first created after 9/11, when you had difficulty communicating with the police and cellular bands. They were congested and clogged so the government decided we needed to have a parallel network and they partnered with AT&T. They tried to build this up across the whole country, but it was focused on the large metropolitan areas. So what they did in this nationwide emergency network, they created a preemptive where it would have

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priority in the areas where there wasn't the FirstNet availability. So you could have priority service from any phone. This first happened about 2017. And just before Barack Obama left office, his Department of Homeland Security had declared election systems as critical infrastructure. Some wondered if he was trying to federalize elections but, but didn't understand how. I think the goal is designating them critical infrastructure. Now, they had legal access to use this nationwide network. So you can make a, a phone call and you can connect to FirstNet, this emergency services. So now it's not just emergencies like fire, police, sheriffs. It's emergencies and elections. A group of researchers, including Dr. Bernard [PHONETIC], reviewed a transcript from the EAC. That's the Election Assistance Commission. They're the federal bureaucracy that's in charge of making sure that election systems across the states and country are properly certified. This group is supposed to, you know, provide policy guidance. As we talk about this nationwide emergency, this-- at this EAC meeting in 2019, before anyone had ever heard of COVID, Daniel Ivey-Soto, a senator from New Mexico, which he's-- it's been written many articles about him accepting bribes and giving bribes and taking money from clients, then acting on their behalf and leg-- in the legislature. He, he mentioned at this meeting that they could-- that they could get nationwide access if there was some type of emergency through FirstNet. They partner with the Center for Internet Security. This is related to our elections. And you may have heard of Albert sensors. These are the individuals that use the Albert sensors. So there has to have been a way centrally across the country when you saw 7 states counting all, all their counting stop at 10:30 at night and people backfilling votes and setting up vans in the middle of the night; Georgia double scanning ballots. The concern is the-- the same FirstNet, our barcode scanners. And what I-- one of the documents I've given you is the Dallas County briefing court order. They were using bar-- barcode scans for mail-In ballots that were connected to FirstNet, this emergency service. So my concern, I hope you'll look at the documents that I presented. The elections are connected to the internet through this FirstNet. There's proof of that. And our major concern is they'll-- the voter registration databases being connected to the internet. The scans, as, as people are scanning in mail-in ballots that they can tell how many Democrats, how many Republicans votes came in early. And, and then looking at the election machines, making sure a ratio is reached for the election. So the centralizing of elections and the centralizing of this emergency band is, is very concerning. And I just wanted to bring that to your attention.

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CLEMENTS: Thank you for your testimony. Are there any questions? Seeing none, are there-- is there anyone else here in the neutral capacity? Welcome.

AMBER PARKER: Hello. Amber Parker, A-m-b-e-r Parker, P-a-r-k-e-r. I want to address-- I'm testifying on neutral here on LB1090. I didn't have time to read the other 2, but I thank my friend for bringing to my attention. I first want to address the interoperability, cybersecurity, communication towers, radiation, and then tying together on the contract side. I believe that it's greatly important that we do support our first responders in communications. However, I do find it greatly troubling with a questionable past or what was brought for-- brought forward to you by the previous testifier here on neutral and understanding how this is the communications that connects pertaining to some troubling outcomes. I think it's greatly important with the focus here on communications with our first responders that they do have the tools that they need. What my concern is, is that we have an area of where there have been things hidden in the state Legislature from the second house. And the question is, is this your way to use them in what they truly need, but to elevate and lift and push 5G in the state of Nebraska? To which what I want to address here, getting as your considerations here and at the forefront, we do need communications with our first responders. We do need to make sure they have that. But proposed what, what companies are there that don't have a past that connect with elections? That needs to be completely separate and divided from our first responders. There's no way that they should be being used as a way or a platform and taking away their needs of what they need to elevate, push 5G or deal with the troubling past of a company pertaining to elections. I also want to address that in LB43. It's an omni-- omnibus bill, excuse me, ER44 addressing in the process about certain records, cybersecurity not being known or being withheld from the public on line 7 to allow certain records relating to cybersecurity to be withheld from the public as prescribed. I want to make sure that whatever company that would go forward to help our first responders and what they need, I think that need comes ahead of any areas of beautifying the Capitol that our first responders, you know, firefighters, ambulance, everything of communications and within the state that they need to have, that's not putting them in danger. However, I believe that there is an alternative and that needs to be discussed. This should not be something that's rushed ahead with a company that you're looking forward to make these communications through, but rather, one that has a proven track record of putting their needs, protecting the lives of

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the people in other states. But again, a very difference in not having anything or connection to elections. Furthermore, the question on when the contract comes forward with that on the interoperability and cybersecurity side of things in these areas to make sure that they are allowed or the communications that are needed and that there can't be a lock up pertaining to or underneath the cybersecurity or CISA that they cannot have or access certain information. This is very important to go through those contracts as well to make sure, again, that our first responders have the communications, the ability that's covered through cybersecurity, interoperability and tying all this together. Furthermore, we want to make sure that in the state of Nebraska pertaining to radiation, it would be foolish of us not to look at certain areas of where 5G is and where the radiation has not been safe for the people, in the radiation levels on those areas. So I just bring those things to your attention and say that we do need communications with our first responders. But we need to make sure we build that foundation right and that there's not a nefarious activity or a push as we know this state cannot even get the cast vote records or source code in areas of election. And now it's questionable if LB43 or ER44 that if they can even be given that or if the state now has totally shut it down. And it's not far from becoming law. And I want to make sure that doesn't happen with our first responders and what their needs are as well.

CLEMENTS: Very good. Are there any questions? Seeing none, thank you for your testimony.

AMBER PARKER: All right.

CLEMENTS: Are there additional neutral, neutral testifiers? Welcome.

DAVE COLLETT: Good afternoon, Chairman Clements, members of the committee. My name is Dave Collett, D-a-v-e C-o-l-l-e-t-t and I manage the statewide radio system for the state of Nebraska. Senator Wishart, you're-- I wanted to just answer a few questions here that you had because I'm, I'm the person who does it. So you, you had mentioned something about it would be great to have a statewide system that everybody could use. We have one. The state of Nebraska about 15 years ago decided that they were going to fund a statewide radio system. And they have done it, much better than many other states have done. I came from the state of Arizona 3 years ago. The state of Arizona has nothing like what the state of Nebraska has right now. There are connections to the statewide radio system across the entire state. 95% of the state is covered for mobile radio coverage. And one of the

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things that some of the responders were concerned about is the portable radio coverage. So one of the things that we have done with the money that you provided last year is we have provided in vehicular repeaters that can allow those portable radios to talk through the vehicle back on to the statewide radio system. So that is partially what we have done with the money that you have provided us. We were able to do that for, now, I think our final count was 186 different volunteer fire departments that we were able to provide radios to. So yes, we do have a system, and it's a really good system. It could be better, but every-- everything can be better. It's just a matter of money and time. There was some-- some talked about the frequency bands. This-- the statewide radio system is frequency agnostic. So you can use any frequency band that you want to. They're on the statewide radio system. We currently have 800MHz and VHF on the statewide radio system. Many of the different fire departments in the state do use UHF, which is in between the 2 of those. The radios that we proposed to provide and that we are providing this year use all 3 frequency bands so they can be used by everybody. Let's see, the-- there was a question about how the radios were distributed, Senator Dover. The radios were distributed. We took a look at the-- at the applications we had. We split them up by the different [INAUDIBLE] districts to, to make sure-- we wanted to make sure that we divided them across the state, that we didn't just provide them in one area of the state or the other so we have provided in all different areas in the state. So we, we split up all those into distribution areas. And then we also took a look at the size of the departments. We wanted to make sure we get to large departments and small departments. We didn't want-- so we divided them into quartiles of the size of the departments and, and split them up that way. So we made sure that we-- that we distributed them as equitably as we could. When it finally came down to it, we did a random number generator, and we randomly assigned them to those that-- because every department that applied for one had a need for one, was within our parameters for getting one. So it basically just came down to just we had to pick somebody. So anyway, those are-- those are my-- that was my statement. Any questions?

CLEMENTS: Senator Wishart.

WISHART: Well, this was very helpful. Thank you for being, being here. And thanks for all the work you did on getting that funding out across the state, because what we're hearing is it was very successful and there was a lot more need than, than we had funded. So it's good to hear there's a statewide system. And so is the-- is the main issue

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then access for some of these volunteer departments to the types of radios they would need to connect?

DAVE COLLETT: Yes.

WISHART: Yeah.

DAVE COLLETT: The, the expense of the radios is the big, big issues. For, for use on the statewide system, we use the national standard, which is project 25, and it is a standard that was developed after or actually been in develop-- in development since the '80s for public safety. But it's a very expensive standard to use for radios. So the, the issue is the expense of the equipment.

WISHART: OK. Has OCIO done a calculation on what it would cost to provide every volunteer station the-- enough radios for, you know, we talked about 2 radios for 12 vehicles--

DAVE COLLETT: Right.

WISHART: --at each station, you know, enough radios to fully equip them for what they need across the state.

DAVE COLLETT: No. No, we have not--

WISHART: OK.

DAVE COLLETT: --done that. The-- I would think that if I came to you with that number, it would be very-- it would probably be in the hundreds of millions.

WISHART: Hundreds of millions?

DAVE COLLETT: Yeah.

WISHART: OK.

DAVE COLLETT: To, to, to supply everybody with a radio that could work on the statewide radio system.

WISHART: OK. But what that tells me is that there's a significant need--

DAVE COLLETT: Yes.

WISHART: --as well.

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DAVE COLLETT: Yes.

WISHART: OK. Thank you.

CLEMENTS: Senator Dover.

DOVER: A couple of questions. So one would be my understanding in Madison County that, you know, Mike Flood has a radio station, and there was a \$650,000 repeater that had to be put on a tower.

DAVE COLLETT: Correct.

DOVER: And so Mike let them use his tower. But obviously if, if he didn't, they would have had to put up a tower. Do you know how many tow-- are there towers that are lacking across the state to implement this system to put the repeaters on? And if so, how many would that be?

DAVE COLLETT: So currently we have 85 separate towers across the state. But every, every county that has put up a tower or anybody that puts up a tower that has-- that has had any funding from the state is required to provide a space on that tower for the statewide radio system. We have looked at what we needed for coverage across the state and, currently that is what we have at our 85 separate towers. If we do have another area-- an area where we have reduced coverage, and there are still a few areas of the state up in the Sandhills and the central Cherry County, some of the areas in there still do not have as good of coverage as I would like to have. And so as we look at those and as we have the funding available to increase that, we look at those areas where we first have a need for coverage and then do we have an available tower? Do we have an available shelter? Is there generator power? Is there other, other things that we need there to create a public safety grade rate of sight?

DOVER: OK.

DAVE COLLETT: Does that--

DOVER: Yeah.

DAVE COLLETT: --does that answer your question or not?

DOVER: Yeah, I think so. And then there was obviously OCO-- OCIO bid that we were given for a number of radios. Are you familiar with that bid?

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DAVE COLLETT: Yes, I am.

DOVER: OK. So what was the basis that, that was-- there-- you were able to derive that numbers of radios? So is that specific? I mean, who are fire department or don't have one?

DAVE COLLETT: So, so the-- for the-- for the LB-- for the LB1275, actually, I'm the one that put together those numbers for the-- for the OCIO. For LB1275, what I looked at is we had 168 or 186 departments that we have currently funded for radios. I looked and said, OK, we could do at least 3-- there's 472, I think, across the state so I was looking at adding about 300 more volunteer fire departments for that. There are also many, many volunteer fire departments that are larger fire departments that could use a second set of radios, as you alluded to, saying that we need more than just a-- just one. So that would be for a second kit for those. And then after those, then looking at starting to provide radi-- individual radios for each one of the-- for, for each one of the users. So that's where I came up with those numbers.

DOVER: And then so, like Madison County where Norfolk's fire department has their radios, at least that's my limited understanding--

DAVE COLLETT: Right.

DOVER: --you adjust it all the way across for those counties that took ARPA funds and gave radios to the fire departments.

DAVE COLLETT: At this point, I did not adjust for those counties. Because many of those, also the volunteer-- yes, Madison County has, has provided their, their users with radios, but they still don't have as many as they need.

DOVER: OK Thank you.

CLEMENTS: Are there other questions from the committee?

WISHART: Just one more.

CLEMENTS: Senator.

WISHART: This type of radio investment to, to allow for these volunteer departments to get onto the statewide network, how long does that radio last?

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DAVE COLLETT: That's a good question. So I-- I've seen these radios last up to 20, 25 years.

WISHART: OK.

DAVE COLLETT: They are actually very good. They are public safety grade. They are some of the best radios made today. And so they definitely have been made for the harsh conditions. We are assuming that they will last a minimum of 10 years.

WISHART: OK. Thank you.

CLEMENTS: Other questions? I had a question, which I think I figured out; 23 million divided by 300 units is \$76,000 per unit. Is that what it cost?

DAVE COLLETT: Actually not quite. The-- for the radio kits that we have been putting out, they are \$26,000 per. So I'm looking at doing more than one per 300. You know, doing more than one for each one of those that [INAUDIBLE].

CLEMENTS: That's more like 3 then. \$25,000?

DAVE COLLETT: Yeah, it's about \$25,000 for, for one of the new kits that we're-- that we're putting out.

CLEMENTS: So that would provide 3 units--

DAVE COLLETT: Yes.

CLEMENTS: --for 300 departments.

DAVE COLLETT: Right. Well, there's 472 departments and we've done 168, but only with a single unit so far. So--

CLEMENTS: I see. And let's see, how many applications have you had?

DAVE COLLETT: This round we had a total of 209 applications. And we had it open for about 25 days. So in 25 days we ended up with 209 applications. We were-- we were a little pressed on time just because of the, you know, funding-- the one-year funding and, you know, have to have it spent by the end of-- by the end of June. It is all spent at the moment. We will-- we will not have any money left over with that. But one of the things in the LB1275 bill is we asked for 2 years

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to do it instead of just 1 because it did take a little bit of time just for the-- mostly just to get the radios in.

CLEMENTS: Any questions?

DOVER: I do. So-- whether it's-- this if for clarification-- so whether it's the handheld triband radio, which then they're front loading the-- the front-- the fees up-front.

DAVE COLLETT: Yes.

DOVER: Right, so you don't have a monthly fee. And then to set up, configure and program, and whether it's really the handheld triband or the mobile triband, which is a single control head for like a truck where you're--

DAVE COLLETT: Right.

DOVER: --somebody is in a truck and there's nobody in back and the mobile triband dual, dual control head, which is like ambulance where you got somebody in front and somebody in back. Or maybe-- I don't know if, if fire would be that way, those all around \$12,000, right, inclusive per radio.

DAVE COLLETT: For, yeah, for, for each-- for each individual radio, yes.

DOVER: OK. I just wanted to clarify [INAUDIBLE]

DAVE COLLETT: Yeah.

DOVER: So. Yeah.

CLEMENTS: All right, I see-- I see fiscal analyst showing me the 12,000--

DAVE COLLETT: Yeah.

CLEMENTS: --dollar number. Any other questions? Seeing none, is anyone else here in the neutral capacity?

DAVE COLLETT: Thank you.

DOVER: Thank you.

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CLEMENTS: Seeing none, do we have comments for the record? LB1090 has 3 proponents, no opponents, none in the neutral. LB1275 has 6 proponents, no opponents, none in the neutral. LB1378 has 1 proponent. 5 opponents, none in the neutral capacity. That concludes our hearing for LB1090, LB1275 and LB1378. Thank you all for coming. If you have conversations, please take them outside the room. We have another bill here.

DOVER: Thank you, Chair.

CLEMENTS: We'll now open the hearing for LB1380, Senator Dover.

DOVER: Thank you, Chairman Clements, and good afternoon, almost good evening almost, committee members. For the record, my name is Robert Dover, R-o-b-e-r-t D-o-v-e-r. I represent District 19, which consists of Madison County and the southern half of Pierce County. I've introduced LB1380 on behalf of Wyuka Board of Trustees to gain additional funding for their capital construction project at Wyuka Cemetery. The funds will be used to fill a gap in the construction cost of the state-owned cemetery stormwater runoff project. WyukaCemetery is the second largest resting place for veterans in the state and is the only state-owned cemetery in Nebraska. However, it is not supported by state dollars. There are plans for Wyuka to have a public park in the southwest corner. An essential part, part of the park is a pond. When there are storms, this pond currently fills with sediment that washes down from the area housing developments. Getting this funding will enable Wyuka to complete a project that prevents the stormwater runoff from filling the pond with sediment. In 2022, Wyuka received a \$1.8 million grant, excuse me, \$1.8 million in ARPA funds for this project. Unfortunately, with rising cost of construction, the project is currently short of funding. LB1380 would provide \$375,000 for Wyuka to close their funding gap and finish this project. Greg Osborn has been selected by the Wyuka Board of Trustees to move this project forward. He will be giving his testimony after me. Thank you for your time.

CLEMENTS: Are there any questions? Seeing none, thank you for your testimony and we welcome proponents.

GREG OSBORN: Good afternoon, early evening, I guess. My name is Greg Osborn, G-r-e-g O-s-b-o-r-n. Chairman Clements and Senators of the Appropriations Committee, thank you for the opportunity to testify in support of LB1380 today. And thank you, Senator Dover, for introducing the bill for us. I'm here as a representative of the board of trustees

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for Wyuka Cemetery and Funeral Home. Wyuka Cemetery was established in state statute in 1869, and the state purchased the first acres and designated the southwest corner of that property, which includes the pond, to be a public park. The control and management of Wyuka is vested in a corporate body known as Wyuka Board of Trustees. There are 5 trustees that are appointed by the governors that set-- appointed by the Governor that sit on this board. Since established, Wyuka has never received any state funding of any type or been part of the state budget until the 2022 Legislature awarded \$1.8 million of RPA funds for a stormwater-- for this stormwater project. I am here today to ask the committee for an additional funds in the amount of \$373,431.85, which is the deficit to complete this project. The stormwater structure is the drainage system for 255 acres of residential and commercial property south of Wyuka Cemetery. Hopefully you all received my email on July 24 that detailed our request and explained the deficit. Also attached to that email was the history of the-- cover letter for the 2022 ARPA funds and the Wyuka pond and stream study, along with the schematic design detailing the complete stormwater project. This was phase 1 and paid for by Wyuka Cemetery in the amount of \$41,900. Nebraska Department of Administrative Services took over the project and assigned Matt Shaw of Building to manage the project. Phase 2 was final engineering design and developing an RFP that was completed in early of 2023 and went out for public bid in July of 2023. The state and JEO Consulting Group estimated the construction cost at approximately \$1.5 million. The cost breakdown of the 1.8 ARPA funds managed by DAS are approximately \$195,000 was used for phase 2, leaving a little over \$1.6 million for construction, well over the estimated cost. Due to dramatic increases in construction costs and material, the low bid of \$1.978 million was much higher than estimated. Through discussions with the state and JEO Consulting Group and Wyuka Cemetery Board of Trustees, the low bid was accepted in August 2023, knowing of the deficit of just a little under \$374,000. The construction phase 3 started in October. Thank you for your consideration of LB1380. Hopefully the history, the deficit explanation, the cover letter and the letters of support and my testimony today will garner your support. The completion of this project will greatly benefit the public by creating a better drainage system for the 255 acres that drain through this structure and also will help reestablish the beauty of the public park that would be first here-- was the first public park here in Lincoln. Again, I ask for your support for LB3-- LB1380 and ask for you to be our cheerleaders when it reaches the floor. If you have any questions about this or Wyuka, I'd sure be glad to help.

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CLEMENTS: Are there questions? Senator Erdman.

ERDMAN: Thank you, Senator Clements. Thank you, Mr. Osborn. How is Cousin Tom doing?

GREG OSBORN: He's doing well.

ERDMAN: OK. So explain to me a little bit about phase 2. \$195,000, DAS had that for-- what was phase 2?

GREG OSBORN: Phase 2 was that-- was that-- in phase 1 we determined what was needed and the project details of, of completing the stormwater run-through situation. The phase 2 of that was an extension of that, but it was the final design, the, the drafting portion, and putting together the schematics to make it work. And then also was to put out or to build the RFP for it to be put out to public bid. So that was phase 2.

ERDMAN: OK. So did DAS hire JEO to do that, that part of it as well?

GREG OSBORN: Yeah. JEO was actually our consultant in the beginning. And when we-- when we got the ARPA funds, DAS has a-- an agreement with JEO as part of their circle. And so they just took that over and we changed the contract to be the state in Nebraska instead of Wyuka Cemetery.

ERDMAN: You may know the answer to this, you may not. And you can answer if you know. Was the over-- overrun, was it a cost in material like piping or whatever you had to use? Is that why it was more money?

GREG OSBORN: Well, the, the only thing that I could probably say on that would be is, is cost, cost of construction material was probably the majority of that. But I wouldn't necessarily be able to say that because there were some sections of the RFP that even the labor, so to speak, was a lot higher than anticipated too.

ERDMAN: OK.

GREG OSBORN: The, the, the element was, is that there was-- there was a dramatic difference after 2020. We started this project in 2017. When the ARPA funds were, were awarded to Wyuka in 2022, it still took us almost another year and a half before we could put it out to public bid. And the next bid up was over \$1 million higher--

ERDMAN: OK.

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GREG OSBORN: --than the one bid that Wyuka took. I, I can't really tell you. You know, it's amazing to me that that amount of cost difference. The hard cost of this is the \$374,000, but actually it was \$575 short. But that doesn't include what we were raising money for was the contingency fund of \$170,000-- that's not in here-- if something doesn't go right in that. But through discussions with, with the Strong Ties who won the award, and things were through the place where additional costs could have happened. So Wyuka is willing to take on the possibility of having \$150,000 area there if need be, and then also our ongoing maintenance and care for, for the pond is going to be the responsibility of Wyuka too. And they-- the board of trustees have accepted that.

ERDMAN: Do you get revenue from people being placed in your cemetery or what-- where does your revenue come from?

GREG OSBORN: The revenue come-- the revenue comes from sales for the-- for the cemetery and then all the funeral services through the funeral home. That's how that, that [INAUDIBLE]

ERDMAN: So when you made the request for \$1.8 million, there was no contingency in there. You didn't have a-- an idea what--

GREG OSBORN: [INAUDIBLE]

ERDMAN: --the cost was over that?

GREG OSBORN: It was.

ERDMAN: Because we have a request for a museum on the fifth floor, and they got a 25% overrun contingency.

GREG OSBORN: Ouch.

ERDMAN: Yeah. Just thought I'd mention that--

GREG OSBORN: Ouch.

ERDMAN: --for the record. Thank you.

GREG OSBORN: Yeah.

CLEMENTS: Are there other questions? I had a couple of questions. Has the city of Lincoln contributed anything to this project?

GREG OSBORN: No.

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CLEMENTS: Have you asked them?

GREG OSBORN: Yes. They did-- they did-- they did a storm-- the stormwater structure that is there was done in 2011 by the city and Olsson's engineering and it failed because it filled our pond up in 7 years.

CLEMENTS: Right.

GREG OSBORN: And the pond was originally 8 to 10 feet deep. So that's when-- that's when we started this in 2017 not knowing what to do. But our issue was, is, is the cleanliness of the water and the people that were around our pond. So that's kind of where it all got started. And then we run into-- started to do this. And, and and the U.S. Treasury Rules of Order that come out in January 2022, they added stormwater runoff capabilities to use some of the ARPA funds. And that's where we jumped into it to see if we could make that happen.

CLEMENTS: So you say the city's design failed or did it? It did succeed for what the city wanted, but it failed for what you wanted.

GREG OSBORN: Yeah, yeah.

CLEMENTS: Yeah, right.

GREG OSBORN: That's probably true.

CLEMENTS: It directed the runoff--

GREG OSBORN: It directed the runoff--

CLEMENTS: --into your pond.

GREG OSBORN: Yeah.

CLEMENTS: OK. Now there's a Lower Platte South NRD that governs Lincoln. Have you requested the Lower Platte South NRD to help with this? They work on water and drainage, don't they?

GREG OSBORN: Yes. Actually, they helped us with the first phase in a-- in a 50/50 cost share program. But once the construction started, and the-- or excuse me. Once the Department of Administrative Services got involved in it and awarded the funds, they won't participate anymore because it has to be done prior to all of that. And they aren't going to share in the \$1.8 million project. But what we were hoping for was

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if there was-- if we were short \$150,000 or, or \$200,000, that maybe we could talk them into doing a 50/50 cost share.

CLEMENTS: How much did they contribute?

GREG OSBORN: 23-- \$21,700 I think it was. I'd have to look back, Senator. I'm not positive--

CLEMENTS: Close enough.

GREG OSBORN: --but it was \$21,700--

CLEMENTS: All right.

GREG OSBORN: --somewhere in there. Yes.

CLEMENTS: I'm sorry to hear that. Senator Erdman.

ERDMAN: Thank you, Senator Clements. \$21,700?

GREG OSBORN: Yes.

ERDMAN: Well, that was generous.

GREG OSBORN: Yeah.

ERDMAN: So I think maybe what you ought to do is go to the city and get some money from their pothole restoration fund, because they haven't been using any.

GREG OSBORN: Well, they said that they filled 700, you know, 700-some potholes a day. So I'm thinking where?

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

GREG OSBORN: OK. Thank you so much.

CLEMENTS: Are there other proponents for LB1380?

STEVE PEREGRINE: Afternoon, Senators.

CLEMENTS: Welcome.

STEVE PEREGRINE: My name is Steve Peregrine, P-e-r-e-g-r-i-n-e. I am the president of the Wyuka Historical Foundation. I support LB1380

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appropriating the \$375,000 to the Department of Administrative Services to fill the funding gap that you've heard about due to increased construction cost for the Wyuka Cemetery's pond and drainage project. As Greg mentioned, DAS is fully managing the project. As you heard, the cost of the project has exceeded the engineer's original estimates and at the lowest bid and now, which was the basis of \$1.8 million. So now we have this funding shortfall. As you have heard, Wyuka Cemetery was established by an act of the Nebraska Legislature in 1869 to provide a Lincoln State Cemetery for the state's new capital city. Wyuka Cemetery is governed by 5 trustees appointed by the Governor and is listed on the National Register of Historic Places since 1982. Wyuka is a public charitable organization and essentially operates as an independent state agency and is self-supporting. However, the magnitude of this project led the trustees to seek financing from the state. The Wyuka Historical Foundation was established in 1997 to support the preservation, interpretation and public use of Wyuka Cemetery. The Foundation has raised funds to assist in the renovation and maintenance of the Rudge Chapel, The Stables, to place simple stone markers on some of the hundreds of unmarked orphaned children's graves, and to begin to address the removal and replacement of some of the over 2,100 trees in the cemetery. But the pond and the drainage infrastructure project is too large a cost for the foundation to be a source to fill the gap. Thank you for your opportunity to provide my support for LB1380.

CLEMENTS: Are there questions? Senator Erdman.

ERDMAN: Thank you, Senator Clements. What-- what's your annual revenue? Do you know how much you take in?

STEVE PEREGRINE: The Foundation?

ERDMAN: No, the cemetery.

STEVE PEREGRINE: No, I do not. I'm on the Foundation Board, not a trustee of the cemetery.

ERDMAN: OK. I should have asked Greg.

STEVE PEREGRINE: Yeah.

ERDMAN: Sorry.

CLEMENTS: Any other questions? Seeing none, thank you for your testimony. Did you ask Mr. Osborn to come back?

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WISHART: [INAUDIBLE]

CLEMENTS: We'll ask him to provide information to us separately. All right. Any other proponents? Seeing none, are there any opponents? Seeing none, anyone here in the neutral capacity? Seeing none, do we have any position comments? We have position comments for the record: proponents, 14; opponents, none; neutral, none. That concludes the hearing for LB1380. Thank you. And that is our last item of agenda. We are adjourned.