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Government, Military and Veterans Affairs Committee  
November 06, 2009

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[CONFIRMATION]

The Committee on Government, Military and Veterans Affairs met at 1:15 p.m. on Friday, November 6, 2009, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Bill Avery, Chairperson; Robert Giese; Russ Karpisek; Bob Krist; Rich Pahls; Scott Price; and Kate Sullivan. Senators absent: Charlie Janssen. []

SENATOR AVERY: My name is Bill Avery. I chair the Government, Military and Veterans Affairs Committee. We are convening today for the purpose of a public hearing to consider six nominees to two departments and two commissions. Before I start, I would like to introduce the members of the committee. Starting on my right over here, Senator Pahls from Omaha; Senator Janssen from Fremont will not be with us today. He had another commitment. He is...next to him is Senator Robert Giese from South Sioux City. And I am pleased to introduce the newest member of our committee, new to the Legislature, Senator Bob Krist from District 10 in Omaha. Welcome. And sitting next to him is Christy Abraham, our...the committee legal counsel. On my immediate left is Senator Russ Karpisek from Wilber. And to his left is Senator Scott Price from Bellevue. And he is next to Senator Kate Sullivan from Cedar Rapids. At the end down there is the committee's clerk, Sherry Shaffer. So we are going to start with the Military Department. We invite Senator...excuse me, we invite General Judd Lyons to take the seat here. He has been appointed by the Governor to serve as Adjutant General for the state of Nebraska. Welcome, General Lyons. [CONFIRMATION]

GENERAL JUDD LYONS: (Exhibits 1 and 2) Thank you, Chairman Avery. Copies of my testimony is being handed out as we speak here. Chairman Avery and members of the Government, Military and Veterans Affairs Committee, I'm Brigadier General Judd H. Lyons. That's spelled L-y-o-n-s. It's my honor to be here today testifying on behalf of my appointment by Governor Heineman as the 32nd Adjutant General for the Nebraska Military Department. I'm proud to have served my entire career in the Nebraska National Guard for the last 29-plus years. I enlisted into the Nebraska Army National Guard in March of 1980, and upon graduation from Missouri Military Academy, I completed basic and advanced individual training as an infantryman at Fort Benning, Georgia. Upon my return, I served as an enlisted soldier until my acceptance into our Officer Candidate School at Camp Ashland in 1982. I was commissioned a second lieutenant in May 1983, as an infantry officer and then served as a traditional part-time guardsman until March of 1990. In March of '90 I began my full-time career with the Nebraska National Guard in our federal technician program. In January of 1991, I entered into the Active Guard and Reserve, or AGR, program and served in that status until my assumption of duties as the Adjutant General on 23 August 2009. My military experience includes command at the company level as a captain, training site command as a lieutenant colonel, and two commands as a colonel. One of those colonel commands was the 209th Regional Security Assistance Command during deployment in Afghanistan from 1

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November 2006 to 1 June 2007, where my command was responsible for training and mentoring the Afghan National Army and National Police in northern Afghanistan. I served in a coalition environment in Afghanistan with military forces from Germany, Sweden, Norway, and Croatia, among others. My second colonel command was with 92nd Troop Command here in Nebraska from 13 April 2008 to 22 August 2009. I have staff officer experience at the battalion and squadron level in our 92nd Troop Command and in our joint force headquarters, serving in both personnel and operations assignments. I served as the operations officer for Task Force Lincoln during the winter ice storm of 1997, on the Nebraska Joint Force Headquarters staff during Hurricane Katrina's response operations in 2005, and led the Nebraska State Support Element in Louisiana in September 2008, during Hurricane Gustav response operations, providing vital liaison between our deployed Nebraska units and the Louisiana Joint Task Force Headquarters. My last assignment prior to appointment as TAG was as the chief of our joint staff of the Nebraska National Guard. I believe that I'm well prepared to serve as the Adjutant General for the state of Nebraska, based on my background and experience. My family's membership as traditional guardsmen also gives me unique insight. My spouse, Amy, is a lieutenant colonel JAG officer with Nebraska unit deployments to Macedonia in 2001 and Iraq in 2005-2006. My stepson, Alex, served with our 267th Maintenance Company, here in Lincoln, in Iraq in 2004-2005, and he's currently a member of the South Dakota Army National Guard. My son, Ben, is a Nebraska guardsman, had his military intelligence specialty training in Fort Huachuca, Arizona. My family and I are deeply invested in our Guard. Both of my predecessors led during unprecedented times. Our soldiers, airmen, and state personnel responded time and time again to the call of duty here in Nebraska, in the Southwest border states, Louisiana, and Texas, to name a few. Indicative of our transformation to a truly operational Reserve, we deployed soldiers and airmen around the world in historic numbers in support of contingency operations. Our Guard can all take great pride in our service to our state and nation over the last eight years. As I look ahead into 2010 and beyond, I'm convinced that this reliance on our Guard will continue. We have numerous ongoing individual deployments, both Army and Air Guard. Our Air National Guard is midway through its Air Expeditionary Force "cycle" with deployments in support of the U.S. Southern Command and an upcoming deployment in support of U.S. Central Command. The Nebraska Army National Guard currently has our 1195th Transportation Company in Iraq, and that's based out of Kearney, Lexington, and McCook. And our Lincoln-based 313th Medical Company is at its mobilization station currently for their second deployment for Operation Iraqi Freedom. We are at a low point in terms of units, soldiers, and airmen deployed. This will change dramatically as we progress into FY '10 and into '11. I anticipate, based on current sourcing requirements for Operation Iraqi Freedom and Operation Enduring Freedom, that we will mobilize and deploy the largest number of soldiers for overseas contingency operations since 2001. I frame my vision for the Military Department under these words: "Can't never did anything." All too often we are confronted by those who are quick to tell us what can't be done. We may even tell ourselves this. At times it is simply easier to decide that we can't do something. I

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believe we must not allow ourselves to be paralyzed by what we can't do. Instead, let's focus on what we can do. In fact, the times ahead demand it. Now, to be clear, I'm not advocating ignoring rules, regulations, and policies that are set forth to guide our actions in a legal, moral, and ethical manner. Rather, I am advocating that we adopt a proactive approach that focuses our efforts where I believe they are needed most. This landscape serves as the driver for my three priorities, with a firm conviction based on my confidence in our skills and abilities of what we can do. We can provide the best possible support to our families and our employers. I am requiring all leaders, at every level of the organization, to keep our families and employers informed of activities and educated on support programs that are available to them. This requires a holistic approach over the entire deployment cycle, before, during, and after deployment. Creativity and proactive, engaged unit leadership is the key here. Commanders must be decisively engaged in active partnership with our Unit Family Readiness Groups and the State Family Program and Employer Support to the Guard and Reserve offices. Our commanders will also balance training with the needs of our families and their employers. We can remain relevant and ready to respond. I believe a healthy organization will take an introspective look at itself periodically to assess if we have relevant force structure, capabilities and training facilities that support our state and our federal missions. We do not change simply for change sake but must always posture ourselves to be relevant and ready to respond to meet the Governor's needs and those of our nation. In conjunction with the well-supported and integrated Nebraska Emergency Management Agency, or NEMA, our CBRNE Enhanced Response Force Package, called a CERFP; our CBRNE Consequence Management Response Force, called a CCMRF; our weapons of mass destruction civil support team, quick reaction forces, and firefighting entities are important response capabilities to be sustained. We will continue, through NEMA, to build relationships and partnerships with external agencies, our local manage...emergency management personnel, and our community leaders to enhance our response capabilities. We have always excelled in training our Nebraska Guardsmen for missions both at home and overseas. I will continue to emphasize improving training facilities to enable premobilization and predeployment training right here at home to the maximum extent possible. This is good for our people, their families, and their employers. As we experience an increase in mobilized and demobilized service members, we will remain engaged in programs aimed at maintaining the physical and emotional well-being of our force, including posttraumatic stress syndrome, traumatic brain injury awareness, and suicide prevention training. This is our responsibility to our soldiers and airmen, their families, and employers. And it maintains our readiness posture. As we look at new and relevant missions, I'm very excited about our continued progress with a proposed bilateral relationship with Afghanistan. We must keep the momentum going to mature this initiative with an important first step of Army National Guard and Air National Guard nurse rotations to assist the Afghan National Army and National Police nursing curriculum development, training, and education. Finally, we can make the Nebraska National Guard the service of choice. I'm convinced that we can grow in end strength in both the Air and the Army

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National Guard. We can do so in a welcoming and inclusive environment reflective of the communities in which we serve, where our diversity is our strength and all have an opportunity to succeed. Nebraskans are ready, willing, and able to serve. For those who seek service, we want them in the Nebraska National Guard. We offer something that no other military service can--the opportunity and responsibility to serve our state and our nation. This makes us unique. The Nebraska National Guard is always ready and has always been there. We need to deploy our story into our communities, with our main effort focused on our schools. We can focus our message on service and less on incentives. This is smart business in today's environment of reduced and fluctuating fiscal resources. We won't ignore incentives and will use every one available. But they are the icing on the cake. Our Quality Boots Initiative incorporates this concept and also focuses our efforts to retain our best service members. These are my priorities and some amplifying thoughts on what they mean for the Nebraska Military Department. We can work together to meet the challenges ahead and accomplish our missions and support each other, our families, and our employers. Thank you very much for this opportunity to meet with you on behalf of my confirmation. I'd be happy to answer any questions. [CONFIRMATION]

SENATOR AVERY: Thank you, General Lyons, for that very comprehensive statement. Any questions or comments from the committee members? [CONFIRMATION]

SENATOR SULLIVAN: Just a quick one. [CONFIRMATION]

SENATOR AVERY: Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Thank you. I really appreciate your overview of what you're...you believe in, what you intend to do. And it just...I think when I went to Girls State I was appointed adjutant general. [CONFIRMATION]

GENERAL JUDD LYONS: Oh, okay. [CONFIRMATION]

SENATOR SULLIVAN: So it's been a few years ago. (Laughs) [CONFIRMATION]

GENERAL JUDD LYONS: Congratulations. Thank you. [CONFIRMATION]

SENATOR SULLIVAN: That's all I have. [CONFIRMATION]

GENERAL JUDD LYONS: Thank you. [CONFIRMATION]

SENATOR KRIST: You know, I had the honor of serving with General Heng and General Lempke. And I guess from an active-duty...by the way, my uniform still fits. So, call anytime. [CONFIRMATION]

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GENERAL JUDD LYONS: Okay. [CONFIRMATION]

SENATOR KRIST: But the point I'd like to make is that one of the things I saw from an active-duty perspective in working for those men and for the Governor of Nebraska is that you have an organization that has an incredible amount of continuity. You're strong because of that, because of the experience level that you're able to retain. I remember taxiing a 135 up and finding a senior master sergeant as a crew chief on an airplane, which is unheard of on the active-duty side. Proof of that is the desire for the people at Offutt, who depend upon your people, 120-plus, who are integrated into the active-duty side. My comment is that just like you need the continuity below you, the continuity of leadership in your position is extremely important. And my hope is that you're not lured away someplace else, that you spend time here. I know you're dedicated to Nebraska--I can tell by your record. But we need continuity of leadership at all levels to maintain that force structure and the integrity that you have. [CONFIRMATION]

GENERAL JUDD LYONS: I appreciate that. Thank you, Senator. [CONFIRMATION]

SENATOR KRIST: Good luck. [CONFIRMATION]

GENERAL JUDD LYONS: Thank you. [CONFIRMATION]

SENATOR AVERY: Senator Pahl's. [CONFIRMATION]

SENATOR PAHLS: General, I just have a question, because we've had some e-mail communications, and I...just let me read part of this. Because this is one of my constituents, I received from one of my constituents. It said their son is part of the medic unit that is at Fort Hood right now. And the question they had...that their unit was supposed to get passes...I know this may all have changed by now. Because it was sort of told to them by...on September 13 by the major in charge that they would have these passes to visit their family. And now recently they have been told that that's not possible. They can meet them out in the parking lot. And my concern is that a number of these families have already purchased, probably, plane tickets. And I'm just wondering where we were with that. [CONFIRMATION]

GENERAL JUDD LYONS: Yes, sir. In fact, I have a response for your office. [CONFIRMATION]

SENATOR PAHLS: Okay. [CONFIRMATION]

GENERAL JUDD LYONS: But to address your specific question, I am familiar with that situation. You know, I would offer that as units deploy, you know, the desire is always to have some time off prior to them getting on an airplane and actually departing their mobilization station. That's always the desire. As a unit enters into its mobilization

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station training and expected dates for them to arrive in theater are set and then airlift is set in relation to those expected arrival dates, that can cause turbulence in those dates. And that's the case here with this particular unit at Fort Hood, whereby their transportation dates scheduled to take them from the station into theater were established in such a manner that the company commander was unable to provide that intended time off. And that's, I would say, that turbulence in the post-mobilization schedule is not entirely uncommon. You know, it's unfortunate that that occurred. But in having my deployment and my family members' deployment, I'm very sensitive to the angst that that causes to family members. But that is, you know, a fact of the circumstances. [CONFIRMATION]

SENATOR PAHLS: And I do...I understand... [CONFIRMATION]

GENERAL JUDD LYONS: Yes, sir. [CONFIRMATION]

SENATOR PAHLS: ...because we're talking about a complex organization here and things change. The only thing that...as I read from this constituent...and part of my responsibility is to serve my constituents... [CONFIRMATION]

GENERAL JUDD LYONS: Yes, sir. [CONFIRMATION]

SENATOR PAHLS: ...in my district. They...for some reason, they have picked up on the...on this apparently like a promise. And I understand the movement. But this...the person in charge, this particular major...I don't know if he made it clear enough to them that this is...still is a little bit of a gamble if you're going to go ahead and buy airplane tickets and things like that. That's my only concern. [CONFIRMATION]

GENERAL JUDD LYONS: Yes, sir. [CONFIRMATION]

SENATOR PAHLS: I mean, I understand that it's a complicated operation and things like this, you know...this happens. [CONFIRMATION]

GENERAL JUDD LYONS: Yes, sir. [CONFIRMATION]

SENATOR PAHLS: But, you know. Okay...and but I must say this, I...my e-mail was responded...you responded that day saying that you would come with a response. I...your turnaround was unbelievable. [CONFIRMATION]

GENERAL JUDD LYONS: Yes, sir. [CONFIRMATION]

SENATOR PAHLS: Thank you. [CONFIRMATION]

GENERAL JUDD LYONS: In fact, I have sent...signed a letter today for the parents...

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[CONFIRMATION]

SENATOR PAHLS: Okay. Okay. I appreciate that. [CONFIRMATION]

GENERAL JUDD LYONS: ...of your constituent there. So. [CONFIRMATION]

SENATOR PAHLS: Okay. Thank you. Thank you. [CONFIRMATION]

SENATOR AVERY: Seeing no more questions, thank you, General Lyons.  
[CONFIRMATION]

GENERAL JUDD LYONS: Thank you, sir. Appreciate the opportunity.  
[CONFIRMATION]

SENATOR AVERY: That ends the hearing on confirmation of General Lyons. I'm kind of rushing here because Senator Cornett has to get to another meeting. I will, however, if someone wishes to make a statement on behalf of General Lyons, I will come back to that in a minute. We are moving now to a nomination of Ronnie Mitchell to the Department of Aeronautics. He is in the hospital and cannot be here. He has submitted a written statement. And his Senator, Senator Cornett, has agreed to come and address us with that. Thank you. [CONFIRMATION]

SENATOR CORNETT: (Exhibits 1 and 2) Thank you, Senator Avery. For the record, my name is Senator Abbie Cornett, C-o-r-n-e-t-t. I'm here today to offer a written statement from Ronnie Mitchell. Good afternoon, Chairman Avery and members of the Government, Military and Veterans Affairs Committee. My name is Ronnie Mitchell, R-o-n-n-i-e M-i-t-c-h-e-l-l. I wish to appear before you today to discuss my appointment and seek your confirmation as Nebraska's Director of Aeronautics. I came to the state of Nebraska as a second lieutenant in the United States Air Force in July 1968. My assignment was as a pilot flying the RC135 reconnaissance aircraft, some of which are presently flying in Iran and Afghanistan today. Nebraska was to be my home during 18 of my 23-years Air Force career. As Air Force...after the Air Force, I was fortunate enough to be hired by the United States airline...pardon me, United Airlines and flew both domestic and international flights during the next eleven years and two months, commuting from Nebraska to domiciles in San Francisco, Washington, D.C., Chicago, and Denver. I left United seven years ago when I was hired as an executive pilot and editor of a bimonthly aviation newsletter for the Nebraska Department of Aeronautics. On August 8, 2009, Governor Heineman appointed me as director. Governor Heineman appointed me because of my aviation experience--over 13,000 hours of flying time--and for my familiarity with the department and its workings over the past seven years. As a result, he expects me to work closely with the FAA, our 81 public-use airports, and our five-member Aeronautics Commission to fulfill the department's statutory mission: providing for the protection and promotion of aviation safety in Nebraska. I am fortunate

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to be able to work with the professional staff of the Department of Aeronautics in accomplishing the duties of our agency. I am grateful to Governor Heineman for appointing me to this important role, and I look forward to working with the Governor as a member of his cabinet. I appreciate the opportunity to come before the committee today to discuss my appointment and confirmation. I would like the committee to know that if issues arise related to airports in your legislative district, please do not hesitate to contact me. Thank you for your time, and I will be happy to, he says, answer any questions for you. At this time, obviously, he is not here at this time. But...  
[CONFIRMATION]

SENATOR AVERY: Well, I...we do have in the audience Andre Aman, who is the deputy director and legal counsel to the department. And if anybody has questions they would like to direct to her, we can do that. And thank you, Senator Cornett, for...  
[CONFIRMATION]

SENATOR CORNETT: And I will leave the written testimony... [CONFIRMATION]

SENATOR AVERY: Yes. [CONFIRMATION]

SENATOR CORNETT: ...with the committee clerk. [CONFIRMATION]

SENATOR AVERY: Thank you. Thank you for coming. [CONFIRMATION]

SENATOR CORNETT: Thank you. [CONFIRMATION]

SENATOR AVERY: Do you have any questions of the deputy director? Senator Krist does. Would you please come forward. Thank you. State your name...  
[CONFIRMATION]

ANDRE AMAN: Yes. [CONFIRMATION]

SENATOR AVERY: ...for the record. [CONFIRMATION]

ANDRE AMAN: My name is Andre Aman. That's A-n-d-r-e A-m-a-n. And I'm the deputy director of the Department of Aeronautics. [CONFIRMATION]

SENATOR AVERY: Senator Krist. [CONFIRMATION]

SENATOR KRIST: The paper made a point of selling all the state airplanes off, you know, in an effort to balance the budget. And I think, in my background, that's ill-advised. And I know that you run the operation...aviation operation in support of the state in the most economical manner. Do you do that by a policy or procedure that's established within the state? Do you have a written guide...written guidance?



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[CONFIRMATION]

ANDRE AMAN: We do not have a mandated guidance. We...for our maintenance we use model-specific factory maintenance programs. The operating procedures are developed in-agency, in-house. There is nothing that is regulatory or statutorily mandated to the department in that area. [CONFIRMATION]

SENATOR KRIST: I just would recommend, and I'd say this to Ronnie if he were here, to look at the OMB circular--Office of Management and Budget, on the federal level--A126... [CONFIRMATION]

ANDRE AMAN: Okay. [CONFIRMATION]

SENATOR KRIST: ...and Appendix A and B. It ensures that an airframe that's used by the government in any capacity is run as efficiently as possible. [CONFIRMATION]

ANDRE AMAN: Understood. [CONFIRMATION]

SENATOR KRIST: And it gives you documentation that it is done that way and there's not a waste involved with it. I support what you've done, and I've run into it many times on the road, and they do an excellent job. And did he have to do anything more than arthroscopic, or was it... [CONFIRMATION]

ANDRE AMAN: No. [CONFIRMATION]

SENATOR KRIST: Good. [CONFIRMATION]

ANDRE AMAN: He was fortunate. [CONFIRMATION]

SENATOR KRIST: Good. [CONFIRMATION]

ANDRE AMAN: Just arthroscopic this morning at seven. [CONFIRMATION]

SENATOR KRIST: Good. Thank you. [CONFIRMATION]

SENATOR AVERY: It still hurts, by the way. I know. [CONFIRMATION]

ANDRE AMAN: I thank you so much. I am sure it does, Senator. [CONFIRMATION]

SENATOR AVERY: This morning, in the Appropriations Committee...  
[CONFIRMATION]

ANDRE AMAN: Yes. [CONFIRMATION]

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SENATOR AVERY: ...your agency was testifying, and I believe the question came up of the age and safety of the state planes. [CONFIRMATION]

ANDRE AMAN: Yes. [CONFIRMATION]

SENATOR AVERY: And I was called away and couldn't hear the answer. Would you mind addressing that issue? [CONFIRMATION]

ANDRE AMAN: Okay. The age is not an issue, as far as safety goes. It is, however, an issue when it comes to parts. Trying to find parts for the Cheyenne, for example, can...might become difficult. When they quit making airplanes, they quit making the parts to support them, after a time. And that is a problem or potentially a problem. At some point we're also going to need to...those engines will need a complete overhaul. That's an expensive proposition. And it's best to replace the plane before it reaches that stage. And that's an economic decision. [CONFIRMATION]

SENATOR AVERY: Um-hum. Any other questions from the committee? Seeing none, thank you... [CONFIRMATION]

ANDRE AMAN: Okay. [CONFIRMATION]

SENATOR AVERY: ...for your testimony. [CONFIRMATION]

ANDRE AMAN: Thank you so much, Senator. [CONFIRMATION]

SENATOR AVERY: I will now...you may leave. I will now...this is a bit irregular to go back to a previous nominee, but I had to get Senator Cornett up here, because I knew she had to go to another meeting. If anyone is here who would like to speak on the nomination of General Lyons, I'll give you that opportunity now. Seeing none, we will move then to the nomination of John Baroni to the State Emergency Response Commission. This is a new appointment. [CONFIRMATION]

JOHN BARONI: Good afternoon. [CONFIRMATION]

SENATOR AVERY: Welcome. [CONFIRMATION]

JOHN BARONI: (Exhibit 1) My name is John Baroni, B-a-r-o-n-i. I'm relatively new to the commission. I'm...right now I'm a commissioner to Cass County, First District. My background is 26 years military. I retired from Offutt and ended up staying here. Started a small business in Plattsmouth--we have about seven employees. And my son and I run that. I have a background in government. I was on the Plattsmouth Planning Commission for seven years, and I held a city council seat for four years prior to being

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elected to the county commissioner office and was appointed to this position in January, if I remember, and attended one meeting. And it was kind of a surprise. I didn't know that we had to come here. (Laughter) All right? [CONFIRMATION]

SENATOR AVERY: We don't bite. [CONFIRMATION]

JOHN BARONI: You don't bite, yeah. And other than that, that's pretty much in a nutshell...I'm originally from Pennsylvania. My parents came here from Italy. My dad was a coal miner for 46 years. I worked as a dairy farmhand for a few years until...I could see no future in coal mining and joined the Air Force to seek further things. And once I got here in 1970--some of you have heard a lot of military already--they say once you get on Offutt you can't get off it. So, you know. And I think it's a benefit to the state of Nebraska, because if you look around in all the communities, there are a lot of ex-military. [CONFIRMATION]

SENATOR AVERY: Did you serve in the Lincoln air base at all? [CONFIRMATION]

JOHN BARONI: No, I did not. [CONFIRMATION]

SENATOR AVERY: You didn't. [CONFIRMATION]

JOHN BARONI: No. My last nine years I was in logistics on Looking Glass. Prior to that, I was a crew chief. And in 1961 we received the aircraft that are at Offutt right now, as a...I was an E-3 at McGuire Air Force Base, and that airframe came brand-new from Boeing. So you were talking about how long airplanes last. As long as they replace the parts and repair them, they last forever. Offutt still has...the recons are the original C135 A's and B's that were converted. They've been around a long, long time. [CONFIRMATION]

SENATOR AVERY: B52s also? [CONFIRMATION]

JOHN BARONI: Yes. [CONFIRMATION]

SENATOR AVERY: Let me ask you: What is it that the State Emergency Response Commission actually does? And how can you contribute to its mission? [CONFIRMATION]

JOHN BARONI: Well, I'm also on the Cass County LEPC, the Local Emergency Planning Commission. And I'm learning what the Emergency Response Commission does. I've attended one retreat we had in Broken Bow. And the way I understand it is that we're supposed to set the standards for the local organizations to follow and help them meet their criteria. You know, for the disasters or spills, and we rely on our emergency management personnel, which we have a director and an assistant in Cass

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County. And, the way I understand it, our job would be to provide them with the tools to take care of that. [CONFIRMATION]

SENATOR AVERY: So your contribution would derive from your previous experience... [CONFIRMATION]

JOHN BARONI: From my experience in the military. We called it disaster control. [CONFIRMATION]

SENATOR AVERY: Senator Price. [CONFIRMATION]

SENATOR PRICE: Then, could you not also say then also that your experience in local government also helps facilitate communications from the multiple state and federal agencies, should we have to do that. You already know who to call, where to call, how that works. [CONFIRMATION]

JOHN BARONI: Right, and I've already been through what they call the NIMS training. [CONFIRMATION]

SENATOR PRICE: All right. [CONFIRMATION]

JOHN BARONI: In case of a disaster in our county, I would be one of the persons who would go to, like, the command post. And, hopefully, we would help make decisions to do the right things. [CONFIRMATION]

SENATOR PRICE: All right. And would that...would you have also...off the left cuff there, would that be the Wilkes-Barre, Scranton area, maybe up the Susquehanna, where the family was? [CONFIRMATION]

JOHN BARONI: No, where I was is near Johnstown, Somerset... [CONFIRMATION]

SENATOR PRICE: Okay. [CONFIRMATION]

JOHN BARONI: ...where I was born--a small town called Acosta. We had the company store, just like the Johnny Cash. [CONFIRMATION]

SENATOR PRICE: All right. Great. [CONFIRMATION]

SENATOR AVERY: Seeing no more questions, thank you. [CONFIRMATION]

JOHN BARONI: Thank you. [CONFIRMATION]

SENATOR AVERY: Is there anyone else here who would like to address this

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nominee's...for or against this nominee? Seeing none, we'll close the hearing on Mr. Baroni and move to Kimberly Plouzek, who is also being nominated to serve on the State Emergency Response Commission. [CONFIRMATION]

KIMBERLY PLOUZEK: Good afternoon. [CONFIRMATION]

SENATOR AVERY: Welcome. Tell us a little bit about yourself. [CONFIRMATION]

KIMBERLY PLOUZEK: Well... [CONFIRMATION]

SENATOR AVERY: You don't have to have a prepared statement. [CONFIRMATION]

KIMBERLY PLOUZEK: (Exhibit 1) ...I'm Kimberly Plouzek. Last name is P-l-o-u-z-e-k. I come to serve the commission with 15 years of experience in public health with city/county, state, and now currently district experience. And the emphasis has been in environmental surveillance, education outreach, and emergency response. The SERC...and to add to what John had said...SERC is responsible for the federal EPCRA, Emergency Planning Community Right-to-Know Act, and then that translates into the Nebraska NEPCRA, Nebraska Emergency Planning Community Right-to-Know Act. We are also the governing body for all of the county-local emergency planning committees, which there are one in each of the counties, or they may be regional. Our responsibility is the education and training of citizens and first responders across the state for hazardous material awareness. The reason I was recruited was for my last couple years' experience in the environmental realm. I served the environmental seat for the SERC. We've been conducting county environmental assessment in all five of the counties within our district. And I believe NEMA's hope was that I could fulfill that role for the SERC. [CONFIRMATION]

SENATOR AVERY: Thank you. Any questions from the committee? Senator Karpisek. [CONFIRMATION]

SENATOR KARPISEK: Thank you, Senator Avery. Ms. Plouzek, thank you for volunteering or being appointed. Kim and I have had a...known each other personally and professionally, and I just want to say that I think she's doing a great job. She had Senator Wallman and I take a tour a couple weeks ago to look at some of the things that they're doing, the houses that are dilapidated. Was very impressed. So I just want to say thank you for being on this, and I'm proud of you. [CONFIRMATION]

SENATOR AVERY: It helps that you can pronounce his name, too. [CONFIRMATION]

KIMBERLY PLOUZEK: You know, I was prepared. I have a statement for that. That's his namesake. I...mine came with a marriage certificate. (Laughter) So, I pretty much stand up and don't claim Czech roots. [CONFIRMATION]

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SENATOR AVERY: Oh oh. That's a "no" vote. (Laughter) [CONFIRMATION]

KIMBERLY PLOUZEK: I know. I know I just put myself at great risk there. But I...you know--Irish--I have to stand up for my kind. (Laugh) [CONFIRMATION]

SENATOR AVERY: Anyone else? Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Senator Avery. So the model that you've implemented for emergency response in your five-county area, is that something you hope to implement statewide? [CONFIRMATION]

KIMBERLY PLOUZEK: Model for the hazardous materials response?  
[CONFIRMATION]

SENATOR SULLIVAN: Yes, yes. [CONFIRMATION]

KIMBERLY PLOUZEK: Public health per se doesn't have an exclusive model. We collaborate with each of our county emergency managers. And we play a specific role, just as they do. If you were to look at an actual emergency response, you would have a breakdown of what we call emergency support functions. Public health fulfills ESF-8, and each of the other first responders, emergency managements, commissioners, elected members all play specific roles or functions, if you will, in that response and make up small parts of a bigger plan. Statewide our hope for the SERC is to really draw in the citizens to recognize, understand, and approach the rights that they have as citizens to know what's in their community regarding hazardous materials. Does that answer... [CONFIRMATION]

SENATOR SULLIVAN: So then, do you think...so, in other words, education is part of this whole process. [CONFIRMATION]

KIMBERLY PLOUZEK: That's a very large component. [CONFIRMATION]

SENATOR SULLIVAN: How do you propose...any thoughts on how you're going to do that? [CONFIRMATION]

KIMBERLY PLOUZEK: To...I think one of the first steps for the SERC...and I'm also very new. And so from what I can gauge with the SERC is there's been a bit of a disconnect between the SERC and all of the local LEPCs, which, you can understand, can be a bit of a challenge, to have one governing body and then up to 93 LEPCs. And so I think the first step is to really foster a greater collaboration between SERC and LEPCs. [CONFIRMATION]

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SENATOR SULLIVAN: Um-hum. [CONFIRMATION]

KIMBERLY PLOUZEK: And it's the responsibility of each county LEPC or regional LEPC to come to the SERC with potential ideas--what are the weaknesses within their counties? And they're the front-line educators. [CONFIRMATION]

SENATOR SULLIVAN: Right. Okay. Great. Thanks. [CONFIRMATION]

SENATOR AVERY: Senator Price. [CONFIRMATION]

SENATOR PRICE: Thank you, Senator Avery. Yes, ma'am, thank you again for coming, and you do sound quite knowledgeable for what you've done in your previous experiences. My one question will deal with rail traffic and HAZMAT. Do you propose, or do you have to work with that aspect also for the different rail cars and things like...when we look at Interstate travel and the things that go over the highways, byways, and rails? Is that also part of your SERC response? [CONFIRMATION]

KIMBERLY PLOUZEK: I won't give this complete justice, but I do have a little bit of information. Currently NEMA--and then I also sit on, or have been invited to, planning meetings--but we're working with the university, and it's called the Midwest Commodity Flow Survey. And we're developing what that survey will look like, what we hope to capture in that survey, for what those traffic ways are hauling--everywhere...everything in between hazardous material to live animals--so that we have that strong core for emergency planning and what potentials lie in our boundaries. [CONFIRMATION]

SENATOR PRICE: Great. Thank you. [CONFIRMATION]

SENATOR AVERY: Any more questions? Senator Pahls. [CONFIRMATION]

SENATOR PAHLS: I just have one, Kimberly. You're...you say you're relatively new to this commission. [CONFIRMATION]

KIMBERLY PLOUZEK: Yes. [CONFIRMATION]

SENATOR PAHLS: And the person before was relatively...is there a big turnover on this commission? Because I don't... [CONFIRMATION]

KIMBERLY PLOUZEK: I believe the total counts for the commission is 18. I may be wrong... [CONFIRMATION]

SENATOR PAHLS: Oh, okay. [CONFIRMATION]

KIMBERLY PLOUZEK: ...and we serve three years. [CONFIRMATION]

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SENATOR PAHLS: Okay. I see. Yeah. Thank you. [CONFIRMATION]

SENATOR AVERY: Any other questions? Seeing none, thank you for your testimony. Anyone wish to address this nomination--for or against? Seeing none, we'll close the nomination on this nominee to the State Emergency Response Commission, and we'll move now to the Accountability...Nebraska Accountability and Disclosure Commission. Joe Grant. [CONFIRMATION]

JOE GRANT: Thank you, Senator. [CONFIRMATION]

SENATOR AVERY: Welcome, Mr. Grant. [CONFIRMATION]

JOE GRANT: Thank you very much. My name is Joe Grant... [CONFIRMATION]

SENATOR AVERY: Tell us a little bit about yourself and why you want to be on this commission. [CONFIRMATION]

JOE GRANT: (Exhibit 1) Okay. My name is Joe Grant. I'm a lawyer from Omaha, and my wife, Mary, and I have four kids. Tom and Dan are students down here at UNL, and I've got a daughter that's a junior in high school, and my baby is now in eighth grade. I've been practicing law for 28 years. I started out practicing in Lincoln and became a partner at my firm. But then I met my wife, and we relocated back to Omaha. I am currently a partner with my law firm. I do primarily workers' compensation work, but in the last five years I've started to do a lot of mediations. And I guess I think that gives me a little different perspective than some lawyers, in that some of my practice does involve courtroom trials and fighting for a client. But another part of my practice involves trying to solve some of these problems and bring some of the warring factions together. So I'm hoping that those types of skills and my experience can bring something to the commission. I've served on a number of boards over the years. I had this opportunity; I'm looking forward to the chance to really do something for the state of Nebraska. I guess as far as what I hope to accomplish, I see the commission's responsibility as, obviously, to ensure compliance with the Nebraska Accountability and Disclosure Act. But basically it's to try to maintain the integrity of the political process. And obviously that's a great big deal for a nation such as ours and a state such as ours. So I'm hoping to just bring a little experience and common sense to the commission and serve my state in that fashion. [CONFIRMATION]

SENATOR AVERY: Have you had a chance to read the act? [CONFIRMATION]

JOE GRANT: I have. [CONFIRMATION]

SENATOR AVERY: We are just completing an interim study on the Accountability and



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Disclosure Act. And I was wondering if in your reading of the act itself if you saw anything in there that you think we might want to pay particular attention to in that interim study. [CONFIRMATION]

JOE GRANT: Well, to be honest, when I read it, I read it strictly to educate myself about it, and I'd be bluffing if I told you that I've come up with some flaws in it that I would like to see changed. I'm very new to the commission, but I look forward to enforcing it, and I guess... [CONFIRMATION]

SENATOR AVERY: It's a complex act. [CONFIRMATION]

JOE GRANT: It's very complex. But in answer to your question, I really do not have a specific recommendation at this time. But I look forward to working through issues like that. [CONFIRMATION]

SENATOR AVERY: Well, we'll be having a report at the end of the year, and you'll get a copy. [CONFIRMATION]

JOE GRANT: There you go. I will tell you, I think that the commission is well headed by Mr. Daley here, and I think, from my limited observation over the past two months, he seems to be a committed and involved individual who is serving the commission well. And that's the last nice thing I say about him. (Laughter) [CONFIRMATION]

SENATOR AVERY: Any questions from the committee? Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Do you know, as far as the makeup of the commission, is there an attempt to get representation across the state? [CONFIRMATION]

JOE GRANT: Yes, there is, and across party lines. [CONFIRMATION]

SENATOR SULLIVAN: Okay. [CONFIRMATION]

JOE GRANT: Some are appointed by the Secretary of State, some by the Governor. Some are Democrats; some are Republicans. You know, I've only had one meeting so far. I can say from that one meeting, the particular affiliations or the geographical locations really were not at all apparent, and it seems like a pretty cohesive group that is working together for a good purpose. [CONFIRMATION]

SENATOR AVERY: Any other questions? Seeing none, thank you. [CONFIRMATION]

JOE GRANT: Thank you, folks. [CONFIRMATION]

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SENATOR AVERY: Thank you, Mr. Grant. Anyone else wish to address this nomination? Seeing none, that will close the nomination on Mr. Grant. Our next nominee to the Accountability and Disclosure Commission is not with us today, and she will be calling in a second time. You may have heard the first call when it came in. So we'll stand at ease for a few minutes until she calls back. [CONFIRMATION]

CHUCK HUBKA: Hello, Jan? [CONFIRMATION]

JAN MUMM: It is me. [CONFIRMATION]

CHUCK HUBKA: All right. Thanks. [CONFIRMATION]

JAN MUMM: You bet. [CONFIRMATION]

SENATOR AVERY: Ms. Mumm, this is Senator Bill Avery, Chair of the Government Committee. [CONFIRMATION]

JAN MUMM: Good afternoon, Bill. [CONFIRMATION]

SENATOR AVERY: The entire committee is here, absent Senator Charlie Janssen from Fremont, who had another commitment. [CONFIRMATION]

JAN MUMM: Thanks, all of you. [CONFIRMATION]

SENATOR AVERY: Welcome. We're going to ask you to tell us a little bit about yourself, why you want to serve on this commission. We'll be quiet and listen. [CONFIRMATION]

JAN MUMM: (Exhibit 1) I will do that. Well...and I appreciate the opportunity to express my thanks for allowing me to serve on the commission. I was quite surprised when the Senator...Curt Bromm called me and asked that...if I would consider serving on the commission. I'm not a very political creature, and I've not been very active in any politics of any kind. And he said that he was looking for an individual from our district, in Saunders County, with some perhaps professional background but, most importantly, with...as a registered Independent, which made me smile. Who knew that, you know, when I was 19 and registering as an Independent that would have some influence on being selected. But there it is. And when I went to the training session with the new commissioners--the new, soon-to-be-chosen, I think, commissioners, I was pleased to see the process and how the Accountability and Disclosure Commission actually worked. I had the chance to visit with one of my clients who was running for office several years ago, and he asked that I be treasurer, which I declined for professional reasons. But I did look into how the commission worked, and looking at the...how the funds were spent for elections and how they monitored those activities, and I was impressed that we had such a commission in the state. So I knew a little bit about it, but

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I'm not real familiar with it. I'm not a real political person, so it's kind of all new to me.  
[CONFIRMATION]

SENATOR AVERY: That might be an asset on that commission. (Laughter) I see that you have a master's degree in public accountancy. [CONFIRMATION]

JAN MUMM: Yes. [CONFIRMATION]

SENATOR AVERY: How do you think that might help you in serving on this commission? [CONFIRMATION]

JAN MUMM: Well, I think that being an accountant, we're used to drilling down and looking at numbers and then making assessments on what the numbers are saying to us, both from, like, financial statement reporting and also tax reporting. As a creature of taxes...I grew up at the Internal Revenue Service. Much of my training and experience was gotten there. And I think that we take a look at the law and see how it applies to individual situations. And I think that's probably given me some resources and experience to draw on for this commission. [CONFIRMATION]

SENATOR AVERY: Thank you. Any questions from the committee? No questions. You got off easy. [CONFIRMATION]

JAN MUMM: (Laugh) Well, you're welcome to ask whatever. [CONFIRMATION]

SENATOR AVERY: Thank you for calling in, and we will say goodbye now. And since you're the last one, we'll go into Exec Session. You'll hear from us soon.  
[CONFIRMATION]

JAN MUMM: Oh, I appreciate that. Thank you very much for your time today.  
[CONFIRMATION]

SENATOR AVERY: Thank you. [CONFIRMATION]

JAN MUMM: Bye-bye. [CONFIRMATION]

SENATOR AVERY: That ends the hearing on Ms. Mumm, and we will now go into Exec Session. I will ask you to leave the room, even my good friend and my wife. We'll be finished here in about five minutes. [CONFIRMATION]

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