

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

General Affairs Committee
May 09, 2011

[CONFIRMATION]

The Committee on General Affairs met at 1:00 p.m. on Monday, May 9, 2011, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on a gubernatorial appointment. Senators present: Russ Karpisek, Chairperson; Bob Krist, Vice Chairperson; Lydia Brasch; Dave Bloomfield; Colby Coash; Paul Schumacher; and Tyson Larson. Senators absent: Amanda McGill.

SENATOR KARPISEK: Welcome to the General Affairs Committee hearing. I am Senator Russ Karpisek, Wilber, and I chair the General Affairs Committee. To my far right is Senator Brasch of Bancroft; then Senator Bloomfield of Hoskins; Senator Coash of Lincoln; our Vice Chair, Senator Krist of Omaha; Joshua Eickmeier, our legal counsel; to my far left, Christina Case, committee clerk; Senator Larson of O'Neill; Senator Schumacher of Columbus; and Senator McGill of Lincoln will be joining us shortly. The page helping us today is Lisa. I've got someone else down, so. We have a confirmation hearing today. If you're planning on testifying in any capacity, please pick up a sign-in sheet that is on a table at the back of the room at both entrances. Please fill out the sign-in sheet before you testify. When it is your turn to testify, give your sign-in sheet to one of the pages, so they can give it to the committee clerk. This helps us make a more accurate public record. If you have any handouts, please make sure you have ten copies for the page to hand out to the committee. When you come up to testify, please speak clearly into the microphone. Please tell us your name and please spell your first and last name. Also, please tell us whom you are representing, if anyone. Please turn off your cell phones, pagers, and everything, take it out in the hall. Finally, while we do allow handouts, we do not allow visual aids. Thank you. I think we're ready to begin the confirmation hearing for Bryan Tuma for Liquor Control Commission. Mr. Tuma, would you come on up, please? State and spell your name and tell us a little bit about yourself. [CONFIRMATION]

BRYAN TUMA: (Exhibit 1) Thank you, Senator. My name is Bryan, B-r-y-a-n Tuma, T-u-m-a, and I have been appointed by Governor Heineman to serve on the Nebraska Liquor Control Commission. I think most of you know that I retired March 1 as a superintendent of the Nebraska State Patrol. I served in the Patrol for nearly 32 years, held various positions. The handout that I'm giving you is a resume which essentially outlines my experiences in the positions that I held with the State Patrol. I mean, in addition to being a supervisor and a manager, ultimately the principal administrator for the agency for several years, I have served on a number of boards and commissions related to state government. And I guess what I would like to emphasize to the committee here today is that I do retain an interest in serving in some sort of capacity that has to deal with public policy. I was fortunate the Governor gave me some consideration in that regard, and I'm looking forward to an opportunity to serve on the Liquor Control Commission. I think my background and my experiences in law enforcement, my experiences with various boards and commissions brings a wealth of

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experience with regards to public policy. A lot of the activities, or the duties and responsibilities associated with the Patrol have to do with providing service to the public. I don't see this position being any different, although we do set policy. We do address administrative rules and regulations, and we conduct public hearings. Ultimately, we're there to serve the public. Everybody's interest in liquor control is doing what is in the best interests of public safety and, also, we have to look at the revenue generated from alcohol sales as well as, you know, making sure that people are appropriately licensed. And if there are sanctions, if there are those situations, that they're appropriately addressed. So, I think my background and my experience lends itself to serving on the Liquor Control Commission, and, again, I'm looking very forward to doing that, retaining some responsibility for some public policy issues in the state of Nebraska. Thank you.
[CONFIRMATION]

SENATOR KARPISEK: Thank you, Mr. Tuma. Do we have any questions of Mr. Tuma? Senator Coash. [CONFIRMATION]

SENATOR COASH: Thank you, Mr. Chair. Thanks for being here, Mr. Tuma.
[CONFIRMATION]

BRYAN TUMA: Thank you. [CONFIRMATION]

SENATOR COASH: No one is behind you. Put that out of your mind for a second (laughter). I'm just interested in your perspective on the relationship between the commission and law enforcement since you're... [CONFIRMATION]

BRYAN TUMA: Sure. [CONFIRMATION]

SENATOR COASH: ...coming from the law enforcement background, you've seen it over many years, the relationship, and it's changed a little bit with regard to who gets to do the enforcement. Can you talk a little bit about how you see that relationship?
[CONFIRMATION]

BRYAN TUMA: Certainly. Well, as the superintendent, ultimately, I was responsible for making sure that we had officers assigned to address enforcement issues for the Liquor Control Commission. I can tell you, it's been difficult over the last several years due to staffing issues. At one time, we had...and there still were, officers designated within the Patrol, their full-time responsibilities were to address enforcement or regulation issues for the commission. With budget cuts and staffing reductions, what we found ourselves in the situation, we had to simply assign liquor control issues across the board to all the investigative services officers. So, instead of having 12 full-time identified liquor enforcement officers, we had to essentially assign it as a part-time duty or expose officers to the training and the enforcement requirements, and then assign them to go out and do those duties in addition to maybe criminal, drug, sex offender registry, or

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some other issue. So, they became generalists in terms of being investigators as opposed to having specific liquor enforcement responsibilities. The...you know, I think there's good, and there's bad to that situation. I think it's imperative that the Patrol does provide officers who have a very well-versed background in liquor enforcement. And I think it's not unlike a lot of other issues that we deal with. You need somebody or several folks who have a background and a specialization in those areas, because there are a lot of rules and regulations, and they do get exposed to different situations, and, typically, those are the folks that can help the other officers that might go out and just do a premise inspection for an application for a license. So, you know, I think we still have to balance that out. I think the Patrol ultimately will have to deal with that issue over time. I know the approach, because that's how I had to deal with it, but it would be nice if, in an ideal world, that you could have 12 or whatever required officers it takes to address just liquor enforcement issues. On the other side of that, you know, there's a lot of administrative issues. And one thing I might suggest is, and I think we were looking at this before I retired, was, there are...the number of applications for licenses continues to increase, and really, a lot of that is administrative work. And perhaps there's an opportunity somewhere down the road, instead of having to train or assign law enforcement officers to do that responsibility, perhaps you could have a specialist and administrative assistant of some type or some type of civilian individual that could go out and do those premise inspections, report it back through the appropriate chain within the Patrol, and ultimately get it to the commission. So that might be something to look at down the road, but, you know, I am familiar with the enforcement issues with respect to the Liquor Control Commission, not on a day-to-day basis. I'm going to be learning a lot as we go along here, but I think I have a pretty good idea of what to expect in that area. [CONFIRMATION]

SENATOR COASH: Thank you. [CONFIRMATION]

SENATOR KARPISEK: Thank you, Senator Coash. Senator Krist. [CONFIRMATION]

SENATOR KRIST: Thank you, Chair. Was it just time for you to retire or was there a reason for you to retire or? [CONFIRMATION]

BRYAN TUMA: (Laugh) A couple of things, I think, were going on. I had been there 32 years, and, I mean, this sounds maybe bad. I'm 55, almost 56. Honestly, I was getting to the point where...I would equate it to being 95 years of age. Congratulations, you just had another birthday, but all your friends are dead and gone (laugh). The folks, the peers that I came on the Patrol with, the folks that I worked with, day in and day out, all those...all my peers in that regard were gone. Did I enjoy leading and directing the Patrol? Absolutely, I did. Did it take a toll? It did. And so, I had the opportunity to retire. I looked at what was coming down the line in terms of the Patrol with people who were in the, I guess, in line to be a successor at a high administrative level. My thought was that perhaps it would be appropriate for me to leave now with the Governor just assuming

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another new four-year term, and give the next superintendent an opportunity to have four full years of tenure as a superintendent as opposed to me staying another two years, and then I have to retire...I wouldn't have had a choice. And then, to be very honest with you, that throws the agency into some kind of a...a little bit out of sync, because a new person comes in with new initiatives, maybe new...a different management style, and it takes time for the Patrol to adjust to that. And, my thought, my reasoning was perhaps it's better for the Patrol and myself to leave now and let that new superintendent have four full years as opposed to trying to do it two years, and then face the potential of having another Governor come in, and potentially appoint another superintendent which...so, that was part of my logic. And, honestly, I just felt it was time for me to try to do something else. [CONFIRMATION]

SENATOR KRIST: Just a follow one, how do you feel about our compliance checks right now? Okay, (laughter) we're not going down that road yet. Thank you for your time. Thank you for your service. [CONFIRMATION]

BRYAN TUMA: You bet. [CONFIRMATION]

SENATOR KARPISEK: Thank you, Senator Krist. Anyone else? Senator Schumacher. [CONFIRMATION]

SENATOR SCHUMACHER: Bryan was beginning his career with the Patrol just as I was starting out as Platte County Attorney... [CONFIRMATION]

BRYAN TUMA: Yes. [CONFIRMATION]

SENATOR SCHUMACHER: ...so I only got one question for him. For people who have a hard time weaning themselves from public service, are you aware there's an organization called Public Officials Anonymous you could join? (Laughter) [CONFIRMATION]

BRYAN TUMA: (Laugh) No, I hadn't heard of that one (laughter), but, yeah. [CONFIRMATION]

SENATOR KARPISEK: Thank you, Senator Schumacher. Anyone else? Senator Brasch. [CONFIRMATION]

SENATOR BRASCH: Thank you, Chairman, and thank you. I have a question. I was thinking you look so young (laughter). [CONFIRMATION]

BRYAN TUMA: Thanks. [CONFIRMATION]

SENATOR BRASCH: And here you are retired. [CONFIRMATION]

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SENATOR TUMA: Yes. [CONFIRMATION]

SENATOR BRASCH: Do you, I guess, you know, would you like to serve on other boards or is this, you know, a passion of, you know, focus, because this is part time, I believe... [CONFIRMATION]

BRYAN TUMA: Absolutely, it's part time, yeah. [CONFIRMATION]

SENATOR BRASCH: ...and so, I'm curious if your next phase is into, you know, or are you out knocking on doors with resumes? You know, that...and I guess, you maybe not need to even answer that. But I'm curious... [CONFIRMATION]

BRYAN TUMA: No, I'd be happy to, because the statutes do address conflicts of interest and the requirement. I cannot serve with any level of government. I'm precluded from doing that as a commissioner. When the Governor brought this proposal to me, I mean, that was one thing I had to consider in terms of going out and finding other employment. Yes, I am retired. Do I want to continue working? The answer is absolutely yes. I am looking for other employment. Part of the...you know, I had to concede the fact that I would not work in the public sector if I took on this responsibility, because I couldn't have any conflicts of interest. So, I am looking in the private sector. I'm looking for full-time employment. I will do the Liquor Commission responsibilities in addition to that. So, yes, I am circulating resumes in that regard. [CONFIRMATION]

SENATOR BRASCH: No, I do commend you, and thank you for your willingness. I believe this is truly wonderful with your experience and your skills to contribute to this, and I'm just very curious who else is going to be fortunate enough to have your volunteerism, you know, on other capacities to keeping our public safe and our future's well-being. Thank you so much. [CONFIRMATION]

BRYAN TUMA: Thank you. [CONFIRMATION]

SENATOR KARPSEK: Thank you, Senator Brasch. Any other questions? I would just like to say, we've worked together in Government Committee for a while, and I really respect your thoughtfulness and your openness to look at both sides. And when I saw your name, I was a little concerned that the liquor lobby might really have a hard time, and I will tell you, I talked to them about it, and they all said, well, you know, he's been very good and very thoughtful. I think it's a fine idea. And I think that says volumes for you, that we have you coming in. I will say, though, notwithstanding, you're putting down Larry Bare as a reference (laughter). That might not have been a very good idea, but thank you for doing this, and I also like you already got ideas on how to do some of the control things. We're going to have an interim study on some of those things, and I look forward to working with you on that. [CONFIRMATION]

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BRYAN TUMA: Thank you, Senator. [CONFIRMATION]

SENATOR KARPISEK: Thank you. Anyone else? Seeing none, we will ask for anyone in...a proponent of Mr. Tuma. I don't see any proponents. Any opponents? No opponents? Anyone in a neutral capacity? Any questions for Mr. Rupe? Seeing none, that will close the hearing on Bryan Tuma to the Liquor Control Commission.
[CONFIRMATION]

BRYAN TUMA: Thank you, Senator. [CONFIRMATION]

SENATOR KARPISEK: Thank you. [CONFIRMATION]