

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

Government, Military and Veterans Affairs Committee
January 30, 2015

[CONFIRMATION]

The Committee on Government, Military and Veterans Affairs met at 2:00 p.m. on Friday, January 30, 2015, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: John Murante, Chairperson; Tommy Garrett, Vice Chairperson; Dave Bloomfield; Mike Groene; Matt Hansen; and Tyson Larson. Senators absent: Joni Craighead and Beau McCoy.

SENATOR MURANTE: All right, everyone, welcome to the Government, Military and Veterans Affairs Committee. We are here today for a series of hearings on gubernatorial appointments. For the record, my name is John Murante. I am the Chairman of the Government Committee. I am also the state Senator for District 49 which encompasses Gretna, Chalco, and northwest Sarpy County. We will start off with some introduction of the committee members. To my immediate right is our research analyst on the committee, Charles Isom; to his right is state Senator Tommy Garrett of Bellevue, who is the Vice Chair of this committee; to his right is state Senator Dave Bloomfield, who was just with us and will be back shortly, from Hoskins, Nebraska; to his right is state Senator Tyson Larson from O'Neill, Nebraska, followed by state Senator Mike Groene from North Platte, Nebraska; to my immediate left is state Senator Matt Hansen from Lincoln; to his left is state Senator Beau McCoy from Omaha, who will not be with us today, he's traveling; and to his left is state Senator Joni Craighead, also from Omaha, Senator Craighead is ill and will also not be able to make it today; followed by our committee clerk, Sherry Shaffer. The way we will proceed is, we will go with the gubernatorial appointments in the order listed on the agenda out front. If you wish to testify on behalf or in opposition to any of these appointees, what we'll do is, we'll let the appointee have an opening, we'll then ask for proponents, and then opponents, and then people who wish to testify in a neutral capacity, and there will not be a closing. We'd ask, at this point, that you turn off all electronic devices, anything that makes any noise, you put them on silent. You will also notice that this is a committee that does permit the use of electronic devices by its committee members. I can assure you that we're not ignoring you, we're just usually taking notes or pulling up some information that we keep stored electronically. So with that, I believe that our first appointee is Dana Miller of the State Emergency Response Commission who is joining us via the telephone today. Are you with us?

DANA MILLER: Yes, sir, I am. [CONFIRMATION]

SENATOR MURANTE: All right. Wonderful. Please begin your introduction.
[CONFIRMATION]

DANA MILLER: (Exhibit 1) Good afternoon, ladies and gentlemen of the committee. My name is Fire Chief Dana Miller from Scottsbluff Fire Department, way out in the western

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end of our glorious state. I've been on the commission since at least 2001, underneath Governor Johanns. I've enjoyed my time on the commission, would like to continue it. My appointment on the commission is representing the firefighters across the state of Nebraska, both career and volunteer firefighters. Out here in Scottsbluff, we do have a combination department, so 80 percent of my staff are career and 20 percent are volunteer. So I have a pretty good insight from 30-plus years on the fire department of all that. Do good things and bad things as it relates to firefighters, so that would be my opening statement. [CONFIRMATION]

SENATOR MURANTE: Thank you very much for your introduction. Are there any questions? Seeing none, thank you very much for calling in today. We appreciate your interest and continued service on this board, and we will let you know promptly about how the vote goes. [CONFIRMATION]

DANA MILLER: Thank you. I'd like to thank the committee members for allowing me to call in. An 800-mile drive was not looked forward to, and two days out of my office, so I do appreciate all that you do for the state of Nebraska and I look forward to serving the state. [CONFIRMATION]

SENATOR MURANTE: Thank you very much. Much appreciated. [CONFIRMATION]

DANA MILLER: Thank you. [CONFIRMATION]

SENATOR MURANTE: Are there any proponents for Dana Miller in his appointment to the State Emergency Response Commission? Are there any opponents? Is there any neutral testimony? That will close the hearing on Dana Miller and proceed to our next item on the agenda, Mr. Tim Hofbauer. Welcome to the Government, Military and Veterans Affairs Committee. [CONFIRMATION]

TIM HOFBAUER: (Exhibit 1) Good afternoon. This is, I think, my third time I'm up here. I'm Tim Hofbauer. I'm the representative for the emergency management on the State Emergency Response Commission. I'm actually currently the president of the Nebraska Association of Emergency Managers right at this time for this year. I've been on this commission, I think, since about 2006, 2007, and I look forward to continuing on representing emergency management on the State Emergency Response Commission. [CONFIRMATION]

SENATOR MURANTE: All right. Thank you very much for your introduction. Are there any questions for the testifier? What are the greatest challenges that you have faced over...how long have you served on the board? [CONFIRMATION]

TIM HOFBAUER: 2006, '07, somewhere in there. [CONFIRMATION]

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SENATOR MURANTE: Since 2006, and what were the greatest challenges that you have overseen? [CONFIRMATION]

TIM HOFBAUER: Probably the biggest issues is just the purpose of the SERC, you know, is to provide...help the local emergency planning committees understand what their job is and help promote the fact that the public has a right to know what kind of chemicals are out in the various communities. And that's one of our primary functions is to make sure that the public knows how to get that information if they need it or want it. [CONFIRMATION]

SENATOR MURANTE: All right. Any additional questions? Seeing none, thank you very much for coming down today. [CONFIRMATION]

TIM HOFBAUER: Thank you. [CONFIRMATION]

SENATOR MURANTE: Much appreciated. We'll now proceed to proponent testimony for Mr. Tim Hofbauer. Are there any proponents? Are there any opponents? Is there any neutral testimony? Seeing none, that will close the hearing on Mr. Tim Hofbauer to the State Emergency Response Commission. We'll proceed to the next item on the agenda, Carol Schlegel of the Nebraska Tourism Commission. Welcome to the Government Committee. [CONFIRMATION]

CAROL SCHLEGEL: (Exhibit 1) Good afternoon. I'm Carol Schlegel from McCook. I'm the tourism director from McCook, Red Willow County. Prior to that I was the general manager of a motel which my family owned in McCook. I actually grew up in the tourism industry. They took ownership of it when I was seven, so I have been clothed, housed, and fed from the tourism industry the majority of my life. I will be representing the Nebraska Association of Convention and Visitors Bureaus on the commission filling out a term for someone that has resigned. [CONFIRMATION]

SENATOR MURANTE: Okay. Thank you very much for coming down today. Are there any questions? Senator Bloomfield. [CONFIRMATION]

SENATOR BLOOMFIELD: Do you have anything in mind that will encourage people to come farther west than Omaha to visit? (Laughter) [CONFIRMATION]

CAROL SCHLEGEL: I always have something in mind. (Laughter) We have a lot of unique things in our area. And one thing that I have been working on that has gotten some results is doing more watch for wildlife opportunities. We started offering a tour to see prairie chickens do their mating dance in the spring. We're in our third season of offering those tours and at this point, our tours don't start until the end of March when they start doing their thing, and I don't have a single reservation that is from Nebraska. I have them from New Mexico, Illinois, Missouri, and Germany. So I...there is a way to

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pull people across the state. We just need to identify those unique things that they can't find anywhere else and bring them out. [CONFIRMATION]

SENATOR BLOOMFIELD: Well, that's certainly not one I would have thought of. (Laughter) And as an old farmer, it's not something I would probably go look at. (Laughter) Thank you. It's a good idea. [CONFIRMATION]

CAROL SCHLEGEL: And that's okay. (Laughter) [CONFIRMATION]

SENATOR MURANTE: Thank you, Senator Bloomfield. Are there any additional questions? Seeing none, thank you very much for coming down today. [CONFIRMATION]

CAROL SCHLEGEL: Thank you. [CONFIRMATION]

SENATOR MURANTE: Very much appreciate it. And we'll proceed to proponent testimony for Carol Schlegel's appointment to the Nebraska Tourism Commission. Are there any proponents? Are there any opponents? Does anyone wish to testify in neutral? Seeing none, we will close the hearing on Carol Schlegel's appointment to the Nebraska Tourism Commission and proceed to Major General Daryl Bohac of the Department of Military. Welcome back to the Government, Military and Veterans Affairs Committee, General. [CONFIRMATION]

DARYL BOHAC: (Exhibits 1 and 2) Thank you, Senator Murante. Chairman Murante and members of the Government, Military and Veterans Affairs Committee, it's an honor to appear before you for this confirmation hearing. I'm Major General Daryl Bohac and I'm humbled to be reappointed by the Governor...Governor Ricketts, as the Adjutant General to the Nebraska Military Department and the director of Emergency Management Agency. As I testified in January of 2014, I am, and I remain so, fiercely committed to ensuring the success of the soldiers and airmen of the Nebraska National Guard and the men and women of the Nebraska Emergency Management Agency. If we're successful, then our state and nation will be successful. Today's Nebraska's National Guard is the most successful and capable force in our 120-year history...actually it's 160-year history. Since the terrorist attacks on September 11, 2001, more than 10,000 Nebraska National Guard airmen and soldiers have been activated to support missions both overseas and here in the United States. That is an amazing fact considering that the vast majority of our state's 4,600 soldiers and airmen are traditional members and they train at least 39 days a year and yet are able to sustain high levels of readiness. When they aren't in uniform with us, they're going to school, working in their communities, raising families, serving on school boards, so on and so forth. We operate out of 27 Army National Guard Readiness Centers and two Air National Guard facilities located in 23 communities. We're a highly relevant and reliable force. However, we can't rest upon our laurels. We continue to seek new missions for both the Army and Air

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National Guard as a means to ensure that we are a strong and relevant organization. For example, we recently put into motion a relationship with the United States Strategic Command at Offutt Air Force Base in which we provide a handful of airmen and soldiers who are, or will be, working in the Network Operation Center there. This emerging relationship, I believe, will help us be competitive to receive either an Air or Army National Guard Cyber Protection Team. Fielding such a team in Nebraska would provide us a unique capability to assist in defending networks that are essential to the functionality of state government. We are also looking to expand our participation in the State Partnership Program, which pairs a state National Guard with a nation that looks to improve its own military. We have a 22-year-plus relationship with the Czech Republic in which we played a role in their transition from a nation under Soviet influence to a full NATO partner nation today. We are in the final stages of building our nomination package to partner with the African nation of Kenya. If we're successful, this will provide unique experiences for our National Guard members while directly supporting the security interests of our nation. We continue to deploy soldiers and airmen in support of our combatant commanders. This last December, we held a send-off ceremony for over 40 airmen deploying to the Middle East for six-month rotations. On February 14th, we will hold a send-off ceremony for the nearly 50 soldiers of the 192nd Law and Order Detachment. In May, we expect to deploy six Chinook helicopters and three Blackhawk helicopters along with crews, maintenance personnel, and support staff to the Middle East. Finally, we received notice that Special Operations would like to have another ten soldiers to deploy in the fall from our 195th Forward Support Company based in Omaha. So let me turn to the Nebraska Emergency Management Agency. We continue to seek ways to become more effective. We have listened carefully to the outcomes of last year's interim hearings as well as concerns expressed by a few of the many communities and political subdivisions we serve. The Nebraska Emergency Management Agency underwent a voluntary accreditation inspection by the Emergency Management Accreditation Program in November of 2014. While we have not received the final results or final report, we do know that we are in compliance with a set of 64 emergency management standards. We sought out reaccreditation because we know external assessments help us be even better than we are today. We also began a process of reviewing internal policies and procedures relating to the speed of reimbursement for disaster recovery projects by communities. There are two basic issues with respect to reimbursement. First, did the applicant complete the project as approved for reimbursement? This determination is made by inspecting the completed project. Second, has the applicant submitted all required paperwork attesting that the project was completed as approved? FEMA requires this certification from the applicant in order to close out the project. We have been holding reimbursement of the state share, or 12.5 percent of the project cost, until all projects by an applicant were completed, inspected, and the applicant's certification received. We recently changed our policy with respect to this process. I directed that projects will be reimbursed as soon as they are determined to be completed by inspection, and the applicant has certified the funds were expended appropriately, even if the applicant has

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multiple projects from the same disaster. We are exploring ways to conduct inspections quickly and shorten the turnaround time for reimbursement. Having additional staff to assist with project management issues would enhance communication between local project managers and NEMA staff. This would improve recordkeeping requirements, improve the timely completion of projects, and result in fewer delays getting projects reviewed for final approval at the FEMA Region VII level. I believe these actions will significantly alleviate any cash flow concerns by applicants and improve our relationship with them. Finally, I am driven each and every day by helping others achieve and do what they never thought possible for themselves through service to their state and nation. In doing so, the Nebraska Military Department and the Nebraska Emergency Management Agency can assist individuals and communities wherever they are needed. Senator Murante and members of this committee, thank you for the opportunity to appear before you today. As I said, it's an honor. I would be happy to answer any questions you might have. Thank you. [CONFIRMATION]

SENATOR MURANTE: Thank you very much for coming down today. Are there questions? Senator Garrett. [CONFIRMATION]

SENATOR GARRETT: Thank you, Senator Murante. General Bohac, can you tell us...the committee about your relationship with the 55th Wing at Offutt?
[CONFIRMATION]

DARYL BOHAC: Sure. So we have...we actually have a couple of relationships. One of the...one of the...on the Air National Guard side, we have an 80-member unit that is collocated with the 55th Wing. They're fully integrated into the mission of the 55th Wing and have been described as having 1 percent of the manpower providing 10 percent of the force. And it's a highly valued relationship. In fact, I just met with General Fago, the Wing Commander, this week and talked about additional ways we might be able to partner. So we continue to look at ways to strengthen that relationship. It always comes down to resources, Senator, and we continue to fight for those at the federal level.
[CONFIRMATION]

SENATOR GARRETT: What...can you tell me what challenges the Army National Guard and the Air National Guard that you're currently facing in Nebraska?
[CONFIRMATION]

DARYL BOHAC: You know, in Nebraska for the Air National Guard, we're really in pretty good shape. With respect to...we'll be flying the tankers out of Lincoln here, I would say, until 2043, '45. I'd be remiss in not pointing out that those planes were built in 1957 through 1963. I don't know if any members of the committee are driving a car that old, but if you're flying with us, that's what you're flying in. But that's an enduring mission that the Air Force can't do without, and in this particular platform for quite some time. So I'm confident that we're in pretty good shape and the relationship between the

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Air National Guard and the United States Air Force is as strong as it has ever been. So I feel very good about that. On the Army National Guard side, we have some challenges with how much the force of the Army should be in the reserve component, vice the active component, or full-time. And there's a debate about that. The United States Congress put...passed in the National Defense Authorization Act of 2015, a requirement for a commission on the future of the United States Army. We'll spend this next year...I think beginning next month, they'll have those eight members appointed and then we'll spend the year studying that issue. I think that's going to help the nation and for all of us understand how we're doing. Here in Nebraska, specifically to the Army National Guard, we're doing pretty well. Recruiting is going well. We have some folks leaving, so attrition is a little bit of a challenge right now, but we've got a plan to conquer that as well. So I think we're in relatively good shape. [CONFIRMATION]

SENATOR GARRETT: That was actually my next question, how your retention and how your recruitment on both sides is going. [CONFIRMATION]

DARYL BOHAC: Uh-huh. So in the Air National Guard, we're right at 100 percent of authorized strength. I think in our retention, it's in the 90 percent level. So it's been easier there. In the Army National Guard, our strength is down just a little bit. We may end up about 200 persons below our authorized in strength of about 4,600 soldiers by the 30th of September. Part of that is due to a wave of folks coming through the system in their first term of enlistment that can't meet the qualifications to stay in. And that's because six years ago the United States Army conducted surge operations and needed more people and were willing to waive some standards that they wouldn't be willing to waive today. So we're dealing with that. [CONFIRMATION]

SENATOR GARRETT: One last question. [CONFIRMATION]

DARYL BOHAC: Yes, sir. [CONFIRMATION]

SENATOR GARRETT: The active duty forces, got a great problem with PTSD and suicide and what has been the Guard experience? [CONFIRMATION]

DARYL BOHAC: Yes, sir. So, Senator, I'm sorry to report that we have suicides in the Army National Guard here in Nebraska. It's hard to say why they occur sometimes. It's not necessarily related to deployment. And, in fact, many...if you look at those that attempt or commit suicide, less than half have had a deployment history. So you can't really tie it back to PTSD necessarily. What we're...we have active programs of intervention. I get reports if...for example, just this last week got a report of a soldier sitting in a car at one of our Readiness Centers with a knife thinking about doing harm, but the good thing is, his fellow soldiers knew what to do. They intervened, talked to him, got him the help he needed and that soldier is fine today, and we're doing that better than ever. [CONFIRMATION]

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SENATOR GARRETT: Thank you, General. [CONFIRMATION]

DARYL BOHAC: Yes, sir. [CONFIRMATION]

SENATOR MURANTE: Senator Bloomfield. [CONFIRMATION]

SENATOR BLOOMFIELD: Thank you, General, for coming in today and for being willing to continue to serve. You do a good job and we're glad to have you there. [CONFIRMATION]

DARYL BOHAC: You're welcome, sir. Thank you for your support. [CONFIRMATION]

SENATOR BLOOMFIELD: As you're aware, I introduced LB604 that goes back to the NEMA payments which you discussed briefly. Is there anything more you would care to say about that. It looks to me like you have, through your own interactions, probably eliminated most of the needs for the bill, but is there anything else you care to say at this point? [CONFIRMATION]

DARYL BOHAC: Well, sir, you know, as I pointed out in my statement, one, we're changing their policy issue that I probably was a part of, but there was a reason for that at the time. That's where we're having trouble getting that final piece of documentation from the local subdivisions or communities to certify that the money was used appropriately. But I think we can do a better job by strengthening relationships with the communities themselves before we get to that point. And so that's my goal and with the...I think we're going to have the ability to bring on one or two staff members with some FEMA money, federal money, that we can use to do some community outreach and engagement before we get to the situation of having to approach elected officials to create some oversight over the process locally. So I'm confident we can do that. I think we're in good shape to do that right now. [CONFIRMATION]

SENATOR BLOOMFIELD: Okay. Thank you. [CONFIRMATION]

DARYL BOHAC: Thank you, Senator. [CONFIRMATION]

SENATOR MURANTE: Thank you, Senator Bloomfield. Are there any additional questions? Senator Groene. [CONFIRMATION]

SENATOR GROENE: I talked to the General earlier and I found out he's a small town boy too. I don't know what the state is going to do when we run out of small town boys...(laughter) be successful, so welcome. [CONFIRMATION]

DARYL BOHAC: Thank you, Senator. [CONFIRMATION]

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SENATOR MURANTE: Thank you. Additional questions? Seeing none, thank you very much for coming down today and thank you for your service, General.
[CONFIRMATION]

DARYL BOHAC: Thank you, Senator. Thank you for your support. [CONFIRMATION]

SENATOR MURANTE: Are there proponents wishing to speak on General Bohac's appointment? Any opponents? Any neutral? That will close the hearing on General Bohac and proceed to the appointment of Mr. John Hilgert to the Department of Veterans Affairs...the reappointment, John Hilgert to the Department of Veterans Affairs. And I'll let all of the appointees know that it is my intention to have an Executive Session after we complete our hearings today and vote, so we will let you know promptly if there are any problems, which I don't anticipate. But with having said that, please go ahead.
[CONFIRMATION]

JOHN HILGERT: (Exhibit 1) Thank you. Good afternoon, Mr. Chairman, members of the Government, Military and Veterans Affairs Committee. My name is John Hilgert, J-o-h-n H-i-l-g-e-r-t. I serve as both the agency director of the Nebraska Department of Veterans Affairs, as well as division director of the Division of Veterans Homes for the Nebraska Department of Health and Human Services. I am honored that Governor Ricketts has reappointed me to these positions. Let me first start sharing a little information about myself, education, military service, work background. I graduated with a bachelor's degree in finance and administration from the University of Nebraska-Lincoln. I earned my law degree at Creighton University School of Law. My schooling continued, but in a different way when I joined the U.S. Army. From 1989 to much of 1992, I was a captain in the Army of the First Infantry Division, Judge Advocate General's Corp. The Judge Advocate General's Corp are officers and lawyers who provide legal services to the Army at all levels in the command. In 1990, 1991, I served in Operation Desert Shield and Desert Storm. My education and military experience led me to pursue some exciting opportunities in public service. I was appointed to the Nebraska Legislature in 1995 to represent Omaha in the 7th District. I served two terms as state senator and resigned my position in 2001 to accept an appointment as the director of the Nebraska Department of Veterans Affairs. I also worked for ten years for the Catholic Charities of the Archdiocese of Omaha in various capacities. Lastly as a senior director, specifically as vice president for institutional advancement. A personal note. I've lived in Omaha my entire life except when I was serving in the Army. And when I went to UNL, Senator, I would tell people I was from Poppleton, Nebraska, because it seems so much more interesting than Omaha, (laughter) which was the street that I grew up on. My wife, Cara, and I met in Omaha and we've been married since 1995. We have two children, Jack and Caroline. We enjoy being involved in their many activities. I've distributed packets earlier today with some of the programs of the Nebraska Department of Veterans Affairs. Among those are Nebraska Veterans

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Cemetery in Alliance; our state service office, our Nebraska Veterans aid fund, and also, perhaps, some information regarding our four Veterans homes located in Bellevue, Norfolk, Grand Island, and Scottsbluff. We focus on wellness in allowing people to live their lives to the fullest extent possible and our employees strive to serve unique needs by each member by providing high-quality, holistic, long-term care in a community-based setting. Nebraska has had a proud tradition of taking care of our Veterans. Those of us in the Nebraska Department of Veterans Affairs recognize that serving those who served our country is important. It is an honor and it is the right thing to do. Anyone who is willing to give up all of their tomorrows should be thanked every day. Be more than happy to answer any questions that you might have.

[CONFIRMATION]

SENATOR MURANTE: Thank you, Mr. Hilgert. Are there any questions? Vice Chair.

[CONFIRMATION]

SENATOR GARRETT: Thank you, Senator Murante. Director Hilgert, thank you for being here. What's your biggest challenge in the state with Veterans Affairs? Is it the new VA Hospital or is it...? [CONFIRMATION]

JOHN HILGERT: Oh, wow, the biggest challenge that we have...you know, I think that the Veterans have a bigger challenge with the VA Hospital than I do. I recently had surgery there in October. I used the VA. They helped me...they saved my life. They kind of helped me quit smoking on December 3, 2007, was my last cigarette. So I have some good things to say about the people that work there. The facility itself, I was outpatient. It seemed to function very well. Our department does not interface with the USVA, Veterans Health Administration on a programmatic level, but only on an advocacy level. Our veterans that we serve are the same veterans that they serve. So, obviously, that there's an overlap on that. But operationally, unlike General Bohac, I can't say that we have a position in our federal government that allows us to serve with them alongside in their mission. We do meet with them on a monthly basis. We meet with not only the Veterans Health Administration but representatives of the Veterans Benefits Administration as well. But we don't...and as far as the biggest challenge as for our department, there's so much to do. We have partners that help us tremendously, our county veteran service officers. We have our veteran service organizations. Think about, oh, 40 to 40,000, perhaps, of Nebraskans are members or auxiliary members of, like the American Legion, the Veterans of Foreign Wars, Disabled American Veterans, etcetera. I should probably list them all now, they'll be...(laugh), but so it's a large community and we work together a lot. We try to do what we can with the resources that we have. I think we're very, very effective. We have around, I think, 30,000 or so powers of attorney with our state service office that works with our county veteran service officers. That veteran cemetery in Alliance, I'm kind of looking forward to the first federal survey. They do survey us occasionally every few years. We haven't had one yet because I want to compete with our federal partner, Fort McPherson, and I hope we

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compete favorably. But we have a fantastic staff. So I think the challenges, I think would be generally just to say that there's many needs. It's not uniform. Every veteran is a little different based on what their experience, what their needs, where they're at. So the challenge is just trying to serve them and help them access their benefits that they're legally entitled to on a daily basis. [CONFIRMATION]

SENATOR GARRETT: Can you tell us when the new veterans cemetery...is that on...the new veterans cemetery, is that on schedule? [CONFIRMATION]

JOHN HILGERT: You're referring to the federal cemetery in Sarpy County?
[CONFIRMATION]

SENATOR GARRETT: Right. Right. [CONFIRMATION]

JOHN HILGERT: I'm not sure what their schedule is, so it would be hard to say whether it's on it. I had anticipated construction start before now or at least farther along. I had anticipated a director be hired. I do believe that it has been funded, but yet, I'm not sure where it is on the construction time line. I don't think that there's an issue. I think it certainly it's a win and not if. I think the USVA replacement of the medical center in Omaha is a whole different question, but I think that cemetery is on its way. And, you know, I think they're going to start out with...I think they're going to start using it before it's 100 percent completed, so I think there's a phased-in approached. I've seen...you know, I could certainly share whatever briefing papers I have with you, Senator, but you've probably seen very similar ones. But I haven't heard that it is going to be significantly delayed at all, but I'm not sure really what their time lime is to begin construction. [CONFIRMATION]

SENATOR GARRETT: Okay. Thank you. [CONFIRMATION]

SENATOR MURANTE: Senator Groene and then Senator Bloomfield.
[CONFIRMATION]

SENATOR GROENE: Thank you, Chairman. You answered most questions and asked questions about the cemetery, but we have Fort McPherson in my district. What's your relationship...what's the difference between Alliance and Fort McPherson? One's federal and one's state? [CONFIRMATION]

JOHN HILGERT: You got it. [CONFIRMATION]

SENATOR GROENE: And funding basically is both federal? [CONFIRMATION]

JOHN HILGERT: The federal government paid for 100 percent of the funding for the construction of our veterans cemetery located in Alliance. There was some up-front

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money, about 10 percent of the cost of construction that Nebraska had to put up, that was reimbursed and that still remains in a construction fund should we want another cemetery. The annual operating dollars come from our state. However, we do get a variable allowance, if you will, from the veteran that chooses to be buried in our state veterans cemetery. So there is...is it cash or federal, is it considered, John?
[CONFIRMATION]

JOHN McNALLY: It's deposited into our cash fund. [CONFIRMATION]

JOHN HILGERT: It's a federal fund that the veteran gets but the veteran then, we get it for their burial allowance, so it's a cash fund to the state. I thought so, I just wanted to make sure of that. [CONFIRMATION]

SENATOR GROENE: The veteran gets the same benefits of a free burial, him and his wife, no matter which one they're at. [CONFIRMATION]

JOHN HILGERT: Definitely. And one thing we go a little bit and farther than some, the burial allowance is given everywhere, but we don't...we want to make sure that the veteran incurs no expense. We will purchase the vault. We will make sure, you know, we don't have a setting fee. We don't have a fee to set the headstone. We don't have an opening fee. All these different fees that you see sometimes from free burials, you won't see a charge from our state veteran cemetery. And they do a magnificent job. There's approximately about 150 individuals now interred in Nebraska. One of my favorite pictures that I'm going to bring home when I leave state government, is a picture of a very cold day and there's my administrator with his big heavy, long, woolen coat in a kind of fur-looking, Russian looking hat, and there is a line of American Legion volunteers and they're firing a salute over a burial. And nothing else. No family. No friends. No minister. And it was decided that we give the honor whether there's a thousand people watching or no one watching, because it's honoring that veteran. I did not give that order to that administrator out in Alliance, Nebraska. He did it himself, Alan Powell. When you have state employees like that, you can't help then to be proud to be director of this department. [CONFIRMATION]

SENATOR GROENE: Thank you, sir. [CONFIRMATION]

SENATOR MURANTE: Senator Bloomfield. [CONFIRMATION]

SENATOR BLOOMFIELD: Thank you, Chairman. Again, thank you for being willing to continue to serve. [CONFIRMATION]

JOHN HILGERT: You're very welcome, Senator. [CONFIRMATION]

SENATOR BLOOMFIELD: And can you update us a little bit on the status of the new

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Vets Home in Lexington...Kearney? (Laughter) [CONFIRMATION]

JOHN HILGERT: We didn't move again. (Laughter) [CONFIRMATION]

SENATOR BLOOMFIELD: Yeah, let's not move it again. (Laughter) [CONFIRMATION]

JOHN HILGERT: Whoa. Senator, yes, I can give you an update. As you know, the Legislature generously funded the state portion of it. We had submitted the 35...we have received...I want to get my chronology because people are following this very closely. Where we are at today is, we are on track to get it done in 2018. We have been assured by the USVA that no one can stop it unless Nebraska stops it. Wheels up. It's in process. We did get a funding letter last December of the amount of about \$5 million. That \$5 million is part of the sixty-three that they know that we're going to need from the federal government. That \$5 million has been set aside by the federal government to fund the expenses that they anticipate we're going to incur over the next 12, 18 months. We are done with 35 percent of our preliminary design work. We're finishing up with our environmental phase two, and some historical society...I don't want to say, hurdles, because that's probably disrespectful, but parts of the application that need to be completed. We will have those done before June 15 of this year. At that point, we go into designing a 100 percent of our design work. That 100 percent will go, you know, how far the electrical socket is off the ground, we tend to do things a little bit higher because we don't want people to have to bend over, this type of thing. Whether we have two tiers of clothes hangers in the closets, all that detail work will be done this summer, and that's a lot of detail work. The detail work of that 100 percent design will then become the basis for the construction bidding process the state of Nebraska has. That has to be converted into a bid process so our contractors can look at it and make a bid on what exactly we're building, and what exactly we're building. That has to go, that we go for the bid openings, and so forth. So we don't really look to break ground until after all of the design work is completely finished, all the general contractor has been chosen, every step of the way the USVA consults with us and makes sure that our plans are approved. And then we'll be able to break ground, hopefully, March, April of next year, and actually start the construction. And that should go along fairly deliberately. So that's where we're at right now. There's a lot of design work. In fact, this morning I just...we had a meeting about the actual room and where to put the window in the room, and what type of door do we have between. You know, this is a unique facility in Nebraska because every room will be private. Every room will have its own...its own rest room. You'll have your own toilet. It will be like a small little, you know, apartment, I mean self-contained. Everyone will have their own shower. A privacy that, you know, doesn't exist anywhere else in any other veterans home in the state, the modern community living standards. Well, what type of door do you put on the bathroom? Do you do a barn door that rolls? Do you do a pocket door within it? Well, if you do that, then you have to move all the pipes within that wall and so forth and that creates other problems. Or do you do a big, a swing-open a door? Well, then that restricts wheelchairs and so forth

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and there's a lot of detail. So, you won't see dirt being moved in Kearney, Nebraska this year. But I can assure you, there will be a lot of folks working on that project.

[CONFIRMATION]

SENATOR BLOOMFIELD: Thank you. [CONFIRMATION]

JOHN HILGERT: You're welcome. [CONFIRMATION]

SENATOR MURANTE: Thank you, Senator Bloomfield. Are there additional questions? Seeing none, thank you very much for coming down today. [CONFIRMATION]

JOHN HILGERT: Thank you so much. [CONFIRMATION]

SENATOR MURANTE: Much appreciated. We will proceed to proponent testimony for John Hilgert's appointment to the Department of Veterans Affairs. Are there any proponents? Are there any opponents? Is there any neutral testimony? Seeing none, that will close the hearing on John Hilgert's appointment and we will move to Jim Heine with State Farm Marshal. And welcome to the Government, Military and Veterans Affairs Committee. [CONFIRMATION]

JIM HEINE: (Exhibits 1 and 2) Thank you, Senator Murante. Chairman Murante and members of the Government, Military and Veterans Affairs Committee, my name is Jim Heine, J-i-m H-e-i-n-e. I have been appointed by Governor Ricketts to serve as the Fire Marshal. I appreciate the opportunity to appear before the committee this afternoon to provide some background about myself in the agency. Farm Marshal Agency has a huge range of duties that directly impact both commercial community, as well as the health and well-being of every citizen in the state. The agency has 69.5 full-time employee positions, as well as 100 part-time employees which are utilized solely for the Training Division. The budget for the agency is approximately \$6 million, which is then broken out amongst the five major programs within the agency. The agency consists of a number of divisions, with each division having unique responsibilities. The Investigation Division, in which all members are sworn law enforcement officers, is responsible for conducting post blast and fire investigations to determine cause and origin of fires and when necessary, seek arson prosecutions. The Fuels Division has two major units consisting of pipeline safety and underground tank inspection personnel. This division ensures compliance with federal regulations to the states regarding natural gas intrastate pipelines and environmental regulations for installation, maintenance, and removal of underground storage tanks. The Inspection Division, which ensures compliance with Fire Code Regulations, also has areas of specialization such as federal licensure of hospitals and nursing homes, state licensure of day cares and facilities requesting liquor license, grain elevators and anhydrous ammonia, and all other regulated facilities listed in the statutes. The Training Division is responsible for providing statewide training for the development, maintenance, and updating of the fire

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department personnel, other individuals involved in fire safety, and emergency responders. The Plans Division reviews building plans to ensure new buildings and renovations comply with fire code regulations and accessibility regulations. Additionally, this division licenses fire alarm inspectors and water-based fire protection system contractors. The Administration Division also has numerous units such as accounting and finance, payroll, human resources, legal, fire prevention and public relations, registration compliance for Nebraska's Reduced Cigarette Ignition Propensity Act, and clerical support. I have extensive experience with the State Fire Marshal Agency. I joined the agency in May 1990 serving as a code enforcement deputy. I served in the codes division until January 2007 when I was selected to be the Assistant State Fire Marshal. I served as the Assistant State Fire Marshal until December of 2012 when I became the acting State Fire Marshal and then was appointed Fire Marshal in 2013. I was reappointed as State Fire Marshal by Governor Ricketts in 2014. I also have a long history of serving as a volunteer fireman. I began serving as a volunteer fireman in 1974 and continued serving on various departments until 2005. During my years of service I held a number of positions including captain, assistant chief, and fire chief. This service allowed me to gain a unique perspective regarding the issues faced by many volunteer fire departments and has been very valuable in helping to problem solve with the departments. As the agency director, I want to embrace technological advancements allowing the agency to move forward and become even more efficient in our daily operations. The advances will allow for a variety of improvements such as a more uniform inspection process and increased public awareness and participation. I am working on ways to be more effectively present the agency via a new Web site design, as well as utilizing different technologies to allow for improved response times and to communications with the public we serve. I will continue to be a professional in every aspect and represent the State Fire Marshal Agency and the state of Nebraska in a positive manner. I look forward to the opportunity to serve as the State Fire Marshal. Thank you for time and consideration. I will be happy to answer any questions you might have. [CONFIRMATION]

SENATOR MURANTE: Thank you very much. Are there questions? Seeing none, thank you very much for coming down today. Much appreciated. [CONFIRMATION]

JIM HEINE: And thank you and thank you to the committee. [CONFIRMATION]

SENATOR MURANTE: Thank you. Okay. We will proceed to proponent testimony of Jim Heine. Welcome to the Government, Military and Veterans Affairs Committee. [CONFIRMATION]

LYNNE SCHULLER: Hello. Lynne Schuller appearing on behalf of the Nebraska Propane Gas Association. [CONFIRMATION]

SENATOR MURANTE: Could you spell your name for us, please? [CONFIRMATION]

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LYNNE SCHULLER: Sure. S-c-h-u-l-l-e-r. We work very closely with the State Fire Marshal's Office and always have. I've known Mr. Heine since I was introduced to him by former Fire Marshal Falgione when he retired. And I will tell you that you will never meet a more humble person in charge of a state department, yet more accessible and more friendly. He's got one of the toughest jobs in state government. He's trying to prevent unnecessary injury and death to the citizens of the state of Nebraska, but at the same time, he is aware of the need to work with businesses and other agencies to make sure that the regulations that are in place are attainable, and that everybody has all the information they need to try to comply with the statutes and regs that he's charged with enforcing. Very kind man and you won't ever call that agency when you won't immediately get a call back, or he answers the phone himself. Very, very nice person and I would highly recommend that you approve his appointment.
[CONFIRMATION]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions for the testifier? Seeing none, thank you very much for your testimony today.
[CONFIRMATION]

LYNNE SCHULLER: Thank you. [CONFIRMATION]

SENATOR MURANTE: Much appreciated. Are there additional proponents wishing to speak? Are there any opponents? Any neutral testifiers? Seeing none, we will close the public hearing on the gubernatorial confirmation appointment of Jim Heine as State Fire Marshal. We will proceed to the next item on the agenda, Samuel Seever of the State Personnel Board. Welcome to the Government, Military and Veterans Affairs Committee. [CONFIRMATION]

SAMUEL SEEVER: (Exhibit 1) Thank you, Senator Murante, members of the committee. My name is Sam Seever, S-e-e-v-e-r. Just to establish my outstate Nebraska bona fide is, I was born and raised in Superior, Nebraska, educated at Nebraska Wesleyan and the University of Nebraska College of Law. I have been...I believe that this is the start of my 20th year on the State Personnel Board. I was originally appointed by Governor Nelson and reappointed by Governor Johanns and twice by Governor Heineman. The...I don't know how much you know about what the State Personnel Board does or what it is, but very briefly, because I know that this is a busy committee with a lot of things to do. The primary function of the State Personnel Board is to look at the final result of a disciplinary process that starts with an action being taken by a department, a request by the employee...the employee to have that reviewed by the supervisor. If that is not satisfactory to the employee, it goes on to the supervisor's supervisor, and if the grievant, the employee is still not satisfied, it goes to...third-step grievance, and goes to the State Personnel Board...or goes to the State Personnel Department. A hearing officer is appointed. They use the modified rules of

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evidence and have a hearing, hear testimony. The hearing officer then renders a decision. That decision then comes to the State Personnel Board to look at and either approve or disapprove. In the event that it's disapproved, it's either sent back to the hearing officer for some kind of modification because it's not clear enough or because we think they've missed something, etcetera, etcetera, or it's approved. The next step for the grievant from there is to appeal the decision of the State Personnel Board to the district court. And once that happens, it's looked at de novo and a decision is rendered there. So that's primarily what the State Personnel Board does. Members are all volunteers. They come from across the state. I think we're fortunate to have an agency that does a very good job. I think it represents the employees well. I think it represents the departments well. Once in a while, as I said, something gets to the district court. It will not surprise you to know that they don't agree with us 100 percent of the time, but they agree with us more than they disagree. That's basically all I have to say. If you have any questions, I'd be happy to try and answer them. [CONFIRMATION]

SENATOR MURANTE: Thank you very much for coming down today. Are there any questions? Seeing none, thank you very much for your testimony. [CONFIRMATION]

SAMUEL SEEVER: Thank you. [CONFIRMATION]

SENATOR MURANTE: Thank you. We'll proceed to proponent testimony in support of Samuel Seever's appointment to the State Personnel Board. Are there any proponents? Is there any opponents...are there any opponents? Is there any neutral? Seeing none, that closes the hearing on Samuel Seever, and we will proceed to our final appointee confirmation hearing of the day, Christopher Waddle, also to the State Personnel Board. And welcome to the Government, Military and Veterans Affairs Committee. [CONFIRMATION]

CHRISTOPHER WADDLE: (Exhibit 1) Thank you. It's a pleasure to be here today before the committee to talk a little bit about an opportunity to serve on the State Personnel Board. I'm not going to repeat what my new good friend, Sam, asked you about the duties and responsibility of the Personnel Board. I was appointed by Governor Heineman near the end of his term and, of course, am here for confirmation today. A little bit about my background and experience coming here. Much like Sam, I've lived all over the state and a proud graduate of Peru State College and the University of Nebraska College of Law. I currently serve as the executive director of Human Resources at Central Community College, and I believe I have a fairly extensive background in human resources. This is a very important department. I also believe that they do very good work. It isn't often that we actually have to meet as a committee. Many of those committee meetings are...or those board meetings, I should say, are cancelled because cases not come necessarily for our review. I think that the members of the board that I have sat with so far, not, of course, voted yet, but have spent serious amounts of time evaluating and considering the cases before. Again, I look forward to

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this opportunity and be happy to take any of your questions. [CONFIRMATION]

SENATOR MURANTE: Thank you, Mr. Waddle. Are there any questions? Senator Bloomfield. [CONFIRMATION]

SENATOR BLOOMFIELD: Just a quick one. Thank you, Chair, and I probably should have asked Mr. Seever this. How many members are there on the board? Do you...? [CONFIRMATION]

CHRISTOPHER WADDLE: I'm new. There's five of us, right? Five. [CONFIRMATION]

SENATOR BLOOMFIELD: Okay. Thank you. [CONFIRMATION]

SENATOR MURANTE: Thank you, Senator Bloomfield. Any additional questions? [CONFIRMATION]

SENATOR GROENE: Just a quick one. How many cases a year do you average? [CONFIRMATION]

SAMUEL SEEVER: I think probably in the ballpark of 20 to 25. [CONFIRMATION]

SENATOR GROENE: That's more than I expected. Thank you. [CONFIRMATION]

SENATOR MURANTE: All right. Any additional questions? Seeing none, thank you very much for coming down today. Much appreciated. [CONFIRMATION]

CHRISTOPHER WADDLE: Thank you. [CONFIRMATION]

SENATOR MURANTE: Okay. We will proceed to proponent testimony on Christopher Waddle's appointment to the State Personnel Board. Any proponents? Any opponents? Any neutral testimony? Seeing none, that closes the hearing on Christopher Waddle and ends our hearings for the day. Thank you very much for coming down. [CONFIRMATION]