

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee January 26, 2018

FRIESEN: OK. Welcome, everybody, to the Transportation and Telecommunications Committee. We're gonna have some confirmation hearings this morning. I'm Curt Friesen, District 34, from Henderson. To my left is Elice Hubbert, the committee clerk. To my right is Tip O'Neill, the committee legal counsel. And senators can introduce themselves going around, starting with Senator Briese.

BRIESE: Thank you. I'm Senator Tom Briese, District 41.

BOSTELMAN: Bruce Bostelman, District 23: Saunders, Butler and Colfax Counties.

SMITH: And this is going to be Senator Murante. And I'm Jim Smith, I represent the 14th District in Sarpy County.

HUGHES: Dan Hughes, District 44: ten counties in southwest Nebraska.

GEIST: I'm Suzanne Geist, I'm District 25, which is here in Lincoln on the east side and includes also the towns of Walton and Waverly.

FRIESEN: And I don't think Senator Hilgers will be joining us today. So we're going to start off with James Hawks.

JAMES W. HAWKS: I did bring copies of my resume along with a cover letter, if you like.

BRIESE: Thank you.

FRIESEN: Welcome, Mr. Hawks.

JAMES W. HAWKS: Thank you. My name is James W. "Jim" Hawks, H-a-w-k-s, and I am from North Platte. As you get your information there, I'll draw your attention to a prepared statement there behind the cover letter. And, and just for the sake of time, I'll just go ahead and run through it real quickly. Good afternoon, Chairman Friesen, and distinguished members of the Transportation and Telecommunications Committee. Again, my name is Jim Hawks, and I have been selected to serve as the District 6 commissioner for the State Highway Commission. I appreciate your time this afternoon. And I'd just like to share with you a few minutes here-- for a few minutes here what some of my qualifications are as you consider this appointment. I currently serve as the city administrator for the city of North Platte and have done so for the last 15 years. Prior to that, I served for 15 years as the Lincoln County highway superintendent and the county surveyor. I'm originally from Lexington and have lived in District 6 most of my

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life. I am licensed as a professional land surveyor, engineer and intercounty highway superintendent, city street superintendent, and I also hold a certification as a government financial manager through the American Association of Government Accountants. I hold a bachelor's degree in business administration from the University of Nebraska Kearney and an MBA from the University of Nebraska graduate schools. I'm excited about serving on the State Highway Commission, as most of my career has been spent working in the transportation world. Beside the positions that I've held in North Platte and Lincoln County, I have also served as co-chair for then Governor Johann's Transportation Task Force for Nebraska's future, along with Kathy Campbell, who at that time was a Lancaster County commissioner and then came to be a senator here and was one of your colleagues. And I also currently sit on the Department of Transportation's Innovation Task Force, where we are working with the Build Nebraska Act. I'm a past president of the Nebraska Association of County Engineers, (County) Highway Superintendents and (County) Surveyors, as well as a past president of the Professional Surveyors Association of Nebraska. A lot of this you'll see in my resume and in the information that I passed around there. District 6 lies in the center of Nebraska and is in the heart of the Sandhills. It comprises-- is comprised of ten counties and portions of two others. Those counties include Dawson, Lincoln, Keith, Burt, Thayer, McPherson, Logan, Custer, Grant, Hooker and Thomas, and parts of Cherry and Blaine County. This area is very much an agricultural area with large numbers of livestock needing to get to market, and grain crops that also need to be brought to market centers in our area. I've worked throughout the area for more than 30 years and have come to know a lot of the farmers and ranchers in this area, as well as many of the businesses that provide service to these operations and who also then rely on these same people to patronize their businesses. I feel that this knowledge of the area and the people will help me in my duties as the State Highway Commissioner. I have also been involved in many transportation projects at the county and city level over the years and have had an opportunity to work with the state on many of their projects in District 6. I feel that this experience will lend itself to the position, and I look forward to the opportunity to serve the people of District 6 and the state of Nebraska in this capacity, ensuring that we have necessary infrastructure to adequately provide safe and efficient transportation to our constituents. It's an honor to be appointed by Governor Ricketts to this position, and I ask that you would consider approving my appointment as District-- State Highway Commissioner.

FRIESEN: Thank you. Mr. Hawks.

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JAMES W. HAWKS: Thank you.

FRIESEN: Sounds like you're well-qualified. Are there any questions from the committee? Senator Bostelman.

BOSTELMAN: Thank you, Chairman Friesen. Mr. Hawks, I believe you answered my question. But I'm gonna answer the-- I will ask the question, I want to just to make sure that I, that I'm understanding. On your additional information you spoke about here a little bit before that you served on the task force with the Governor Johanns. And it also says, it says you sat on the committee, another committee and the Board of Public Roads Classifications and Standards. Do you see are there any-- are you sitting on any boards or any commissions now that you see would be a conflict?

JAMES W. HAWKS: No, what, what that committee was was an offshoot or a ad hoc committee that we worked on 3R standards for the Board of Public Roads. I do not currently sit on the Board of Public Roads, nor have I ever. So no, I don't see any conflict there.

BOSTELMAN: Thank you for coming today. Thank you for your willingness to serve. I appreciate it.

JAMES W. HAWKS: Thank you.

FRIESEN: Thank you, Senator Bostelman. Any other questions? Senator Hughes.

HUGHES: Yes. Thank you, Chairman Friesen. Thank you, Mr. Hawks, for coming and your willingness to serve. Would this position impede your ability to still be the city administrator of North Platte? Is the time commitment-- the town council has said, yeah, we want you to [INAUDIBLE].

JAMES W. HAWKS: Yes. That's correct. Yeah.

HUGHES: What, what--

JAMES W. HAWKS: [INAUDIBLE].

HUGHES: --kind of time commitment does being on the board [INAUDIBLE].

JAMES W. HAWKS: I know that they meet at least six times a year, and so I'll be in Lincoln or wherever they happen to have those meetings if they're not in Lincoln somewhere in outstate Nebraska. A lot of the hearings and whatever that they hold are in the evening so that people

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could attend them. So I really don't look at that being a conflict either. And through my experience with the county and even with the city out in that area, I know a lot of the county commissioners in the various counties and their roads people or whatever. So I guess I really feel that I'll make myself available to answer a lot of questions, you know, even when we don't have regular meetings or whatever. But no, I, I, I have the full support of the mayor and council in, in being here in front of you today.

HUGHES: OK. Thank you.

FRIESEN: Thank you, Senator Hughes. Any other questions from the committee? Thank you, I see none. And so appreciate your willingness to come here and have the confirmation hearings. I know you guys all traveled a long way, so I'm glad we could work it out over [INAUDIBLE].

JAMES W. HAWKS: Well, and Mr. Chairman, I certainly appreciate all of your time too. Thank you.

FRIESEN: OK. Does anyone wish to testify in support? See anyone wish to testify in opposition? Does anyone wish to testify in a neutral capacity? With that, I will close the-- seeing none, I will close the hearing on James Hawks. Next, we will have Dave Copple.

DAVID COPPLE: Good afternoon.

FRIESEN: Welcome.

DAVID COPPLE: Thank you. My name is David Copple, I'm an attorney with the law firm of Copple, Rockey McKeever and Schlecht. We have offices in Norfolk. We have offices in Omaha, Nebraska. I have served-- this is the second time that the Governor has reappointed me. I have served approximately eight years on the Highway Commission. I've distributed for your review a brief professional summary of organizations and activities that professionally I'm involved with. I live with my wife in Norfolk, Nebraska, which is in District 3. And for those of you that may not be familiar with how the Department of Transportation, the Highway Commission is divided, it is divided into eight districts. District 3 has 15 counties. It's essentially located in the northeast corner of Nebraska. The southern part is Boone, Platte County, the northern part is Dixon and Dakota. Cuming and Burt are on the southeast corner. And then Knox County is in the north-- or northwest corner. I brought a map so that you can have that for future reference if you want it during the course of the hearings. To address one of

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the questions that was posed to Commissioner Hawks, these roles that we're asked to serve require that we attend meetings on an annual basis. Four of those meetings are held here in Lincoln at the Nebraska Department of Transportation headquarters. Four of those meetings we implemented when I joined to have four of the meetings in what we'll call outside the headquarters or outstate Nebraska, and those rotate on a biannual basis. So each year, four meetings are held in four districts other than in Lincoln, and then they alternate the next year. We've found that to be very productive. We've pri-- we've attempted to have meetings so that citizens can come and make comment about issues that they have with respect to and dealing with transportation, whether that be roads, railroads, and now we have air, air traffic since those, those bodies have been merged together. A graduate of the University of Nebraska-Lincoln, both undergrad and my JD degree. I've been practicing law now for approximately 33, 34 years. I'm married, I have two children. One of my daughters lives here in Lincoln. One of my daughters is working on her master's degree at the College of Saint Mary in Omaha, Nebraska, seeking to become an occupational therapist. I'd be happy to answer any questions. I consider it a privilege and honor to serve on this commission. Some may say, why do you want to do it? Living in rural Nebraska, we are sensitive to the demands and the needs and the struggles that rural Nebraska faces with respect to not only population but also with respect to economic development. And transportation is a key to, and vital for, areas outside of Lincoln and Omaha to continue to grow and continue to prosper both economically and from a population base.

FRIESEN: Thank you, Mr. Copple. Any questions from the committee? Senator Bostelman.

BOSTELMAN: Thank you, Senator Friesen. Thank you, Mr. Copple, for your service previously and your willingness to continue to serve on this. My question comes to your practice, and you can help me with this a little bit. And I'm sure that you'll ex-- you'll explain this briefly, and that will take care of my question. In your practice, it looks like you do personal injury and those type of things and head injuries. And my question leads to-- goes to the fact on this as a commissioner, on sitting on the, this board, do you feel that there's any conflicts or have that arise as far as already representing clients or your firm representing clients that may have come back to a-- do you deal with, you know, road designs, bridge designs, those type of things? See where I'm-- see--

DAVID COPPLE: Yeah, sure.

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BOSTELMAN: You understand where my question is going?

DAVID COPPLE: Certainly. As a professional, I have to perform pursuant to the code of professional responsibilities. If I have conflict, obviously I have to disqualify myself or wouldn't be permitted to represent clients that may be in that position. Do I do any engineering? No. I leave that to the engineers. I have in the past, prior to serving on the commission, handled eminent domain actions where the State of Nebraska Department of Roads at that time was the taker, and I represented landowners who were the takees. But I have not had that, that situation arise. And I recognize that in the event it arises, you have to just simply decline the representation.

BOSTELMAN: I appreciate that, and I fully expected that answer. But I thought it would be prudent to ask that so--

DAVID COPPLE: I can appreciate it.

BOSTELMAN: --thank you very much.

FRIESEN: Thank you, Senator Bostelman. Any other questions from the committee? Seeing none, thank you very much for--

DAVID COPPLE: Thank you. I appreciate your time and your attention.

FRIESEN: --your service. Is there anyone who wishes to testify in support of Mr. Copple? Seeing none, does anyone wish to testify in opposition to Mr. Copple? Seeing none, does anyone wish to testify in a neutral capacity? Seeing none, we will close the hearing on Mr. Copple. Next, we will open the hearing on Mary Gerdes. Welcome.

MARY K. GERDES: Thank you so much for your time, this hearing. And it's been an exciting time to serve on, on the Highway Commission. I've enjoyed it a lot. Good afternoon, Chairman Friesen and distinguished members of the Transportation and Telecommunications Committee. My name is Mary K. Gerdes, M-a-r-y K. G-e-r-d-e-s, and I'm here today to request your approval to serve on the State Highway Commission as the commissioner for District 1. In 2015, I was first appointed by Governor Ricketts to serve as the District 1 Highway Commission commissioner and have appreciated this opportunity to serve. My district is in southeast Nebraska, and it includes all of Butler, Gage, Jefferson, Johnson, Lancaster, Nemaha, Pawnee, Richardson, Saline, Saunders and Seward Counties and part of Cass. My husband, Dan, and I have been in the agricultural industry since 1959, producing pork, raising corn, soybeans and wheat and bringing up our family on the farm. We own and operate an 800-acre grain production

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farm in southeast Nebraska, near the town of Johnson in Nemaha County. We retired from pork produce-- production in 2006. I previously served on a number of boards. I served on the board of directors for the Nebraska Farm Bureau Federation from 1978 to 1984 and 1991 and 199-- to 1997. I was appointed to the state committee for Nebraska Farm Service Agency by President George W. Bush in 2000, and served until 2008. I also served on the board of directors of the Nebraska Pork Produces-- Pork Producers Association in 2000 and the board of directors for the Nebraska Ag Builders from 2001 to 2006. Through this appointment, I intend to serve along with the other seven commission members to help make wise decisions that benefit Nebraskans. I think it is important to emphasize the building of roads in Nebraska for the best use of tax dollars and to provide and preserve a network of highways and bridges that are safe and reliable. Because that is so vital to our state's welfare and the quality of life for its citizens. Also of importance are planning and funding new projects to improve the transportation system here in Nebraska. As commissioner, I will do to the best of my ability to see that the 13 counties in southeast Nebraska are adequately represented, including both rural and urban interests. It is an honor to have been appointed for this position by Governor Ricketts, and I ask that you would consider approving my appointment as District 1 commissioner. Thank you for your time.

FRIESEN: Thank you, Ms. Gerdes. Any questions? So do you still raise livestock?

MARY K. GERDES: No, we don't.

FRIESEN: I was going to give you my sympathies, but [INAUDIBLE] has done that.

MARY K. GERDES: Yeah, well, you know, the timing was pretty good getting out in 2006.

FRIESEN: OK, thank you. I see no further questions. Does anyone wish to testify in support of Ms. Gerdes? Seeing none, see anyone wish to testify in opposition? Seeing none, is there anyone who wishes to testify in a neutral capacity? Seeing none, will close the hearing on Mary Gerdes. Next is James Kindig. Welcome, Mr. Kindig.

JAMES KINDIG: Thank you. Well, thank you for inviting me. Good afternoon, Chairman Friesen and the distinguished members of the Transportation and Telecommunications Committee. I'm James Kindig, K-i-n-d-i-g, and have been selected to serve as a District 4 commissioner on the Nebraska State Highway Commission. I appreciate

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the committee's time and for you allowing me to share my qualifications as you consider my appointment. I have lived in the entire district my entire life, and I've even been involved in transportation, distribution of products for over 40 years. I attended Hastings College and opened a wholesale distribution business, distributing produce and dry goods to grocery and food service operations and restaurants. And for 15 years out of Grand Island, Nebraska. In 1986, I joined Cash-Wa Distributing company of Kearney, and I was the VP of sales for over 20 years. I became District 4 commissioner in 2001. District 4 has 17 counties: Valley, Greeley, Sherman, Nance, Polk, Howard, Merrick, York, Hamilton, Hall, Buffalo, Adams, Clay, Fillmore, Webster, Nuckolls and Thayer. Encompassing the cities of Kearney, Hastings, Grand Island and York. I originally wanted to serve on the commission as I had a desire to contribute to the state of Nebraska in the area I lived in. I understood the impact that transportation has on our economy and the vital wellfor-- fare of its citizens. I knew the area well and wanted to be part of an organization where I could contribute my experiences. I have learned a lot in my first term and can tell you that my experience working with people and knowing the territory has helped immensely when I've been contacted by citizens with questions, concerns and thoughts of our road system. I have the time available, as I now work part-time and have the luxury of being able to set my own schedule, which enables me to get involved when needed with the NDOT and its citizens. I have some major accomplishments-- I have seen some major accomplishments this last six years, and I look forward to moving forward and being a part of the upcoming projects that will benefit our district for future growth. Our district is a vital link to Nebraska from east to west via I-80, from north to south via Highway 81. Again, I reside in District 4 in Kenesaw, Nebraska. I've lived there for approximately 30 years in Kenesaw. I'm married to my wife Carol, we have three grown daughters. And I graduated from Hastings High and attended Hastings College, as I said. In an honor-- it is an honor to have been appointed for this position by Governor Ricketts, and I ask that you would consider approving my appointment as District 4 State Highway Commissioner. Thank you again for your time.

FRIESEN: Thank you, Mr. Kindig. Any questions from the committee? Seeing none, thank you for coming in today. Appreciate your service. Anyone here wish to testify in support of Mr. Kindig? Anyone here wish to testify in opposition to Mr. Kindig. Anybody here wish to testify in a neutral capacity? Seeing none, we will close the hearing on Mr. Kindig.

JAMES KINDIG: Thank you.

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FRIESEN: Next we-- thank you. Next, we're gonna have Mr. Greg Wolford. Welcome, Mr. Wolford.

GREG WOLFORD: Good afternoon, Mr. Chairman, Senators. My name is Greg Wolford, I represent District 7, southwest corner of Nebraska. I was originally appointed to the Highway Commission by Governor Johanns in 1999. [INAUDIBLE] since that time. I am a professional engineer and a partner in an engineering and architectural firm in McCook. I passed out a resume, you can see my professional registrations and affiliations. I have been in-- I have lived in McCook since 1982 and that is my home. I guess it's been a pleasure serving on the Highway Commission for, for 18 years now, and I would ask your approval again.

FRIESEN: Thank you, Mr. Wolford. Any questions from the committee? Looks like you have some good qualifications there so. I don't see any questions from the committee, so thank you for driving in today.

GREG WOLFORD: Thank you.

FRIESEN: It was a long drive for everyone. Does anyone wish to testify in support of Mr. Wolford? Seeing none, does anybody wish to testify in opposition to Mr. Wolford? Seeing none, does anybody wish to testify in a neutral capacity? Seeing none, we will close the hearing on Mr. Wolford. With that, we'll close the hearing for today.

HUGHES: We're done?

FRIESEN: We're done.