

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

Government, Military and Veterans Affairs Committee  
April 07, 2009

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[CONFIRMATION]

The Committee on Government, Military and Veterans Affairs met at 8:30 a.m. on Tuesday, April 7, 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; Pete Pirsch, Vice Chairperson; Robert Giese; Russ Karpisek; Rich Pahls; Scott Price; and Kate Sullivan. Senators absent: Charlie Janssen.  
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SENATOR AVERY: (Recorder malfunction)...Chair of the Government, Military and Veterans Affairs Committee. We are here to consider four nominees for reappointment to the SERC, that is the State Emergency Response Commission. I will introduce the members who are here. We're going to start with Senator Kate Sullivan from Cedar Rapids. She is sitting next to Senator Scott Price from Bellevue. And to my left, Senator Russ Karpisek from Wilber. And over here to my right is Senator Bob Giese from South Sioux City and Rich Pahls from Omaha, Millard/Omaha, by the way. Welcome all of you here. We'll start today in the order in which you are listed, I believe, outside the door in the agenda. Mr. Richard Christensen. Welcome, sir. Just state your name and tell us a little bit about your background and why you want to be reappointed. [CONFIRMATION]

RICHARD CHRISTENSEN: (Exhibit 1) Thank you. Good morning. My name is Richard Christensen. I'm from Hastings, Nebraska. I retired from the chemical industry. I went to Hastings College and Iowa State University with a...obtained a degree in chemistry. Worked in Nebraska for Farmland Industries for most of my career in Hastings. And then finished up with a company called Equalizer Midwest. So my background is in chemistry and the chemical industry. I've been on the SERC as chemical industry representatives since 2002. And I've appreciated the opportunity to serve on that commission and hopefully makes some contribution. And I'd like to certainly be reconsidered for appointment to the SERC again. [CONFIRMATION]

SENATOR AVERY: Would you mind telling us a little bit about what SERC does?  
[CONFIRMATION]

RICHARD CHRISTENSEN: The State Emergency Response Commission is an organization that is mandated both by federal and state law, and its primary purpose is to ensure that there is emergency planning for major chemical release in our communities. And also to ensure that the public has access to information about chemicals in the community. And the reason for both these laws is because of some major chemical incidents that have happened. Bhopal, India is the major incident. And then there have been several in the United States that caused enough concern that resulted in the legislation and the organization of SERCs. And there is a State Emergency Response Commission in every state. [CONFIRMATION]

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SENATOR AVERY: And that's the only kind of emergencies you respond to would be chemical? [CONFIRMATION]

RICHARD CHRISTENSEN: That's correct. That's the only mandated responsibility. That doesn't mean that at the local level, local emergency planning committees can't become involved in all hazard planning. And many of the local emergency planning committees have moved in that direction. [CONFIRMATION]

SENATOR AVERY: Are there questions from the committee? Senator Price. [CONFIRMATION]

SENATOR PRICE: Mr. Chair, thank you. Again, thank you very much, sir, for coming forward and being willing to serve again. But could you talk to me about...I take it that you're familiar with the CBRNE teams that we have around the state, the chemical, biological... [CONFIRMATION]

RICHARD CHRISTENSEN: The regional response teams... [CONFIRMATION]

SENATOR PRICE: Right. [CONFIRMATION]

RICHARD CHRISTENSEN: ...of which there are I think ten and there's one in Hastings actually that we're pretty familiar with. And these are a very important state asset because many of the fire departments in the state are volunteers. They don't have the capability to...not that they don't have an interest, but they don't have the capabilities to respond to major chemical incidents. So the regional response teams which have been established probably for four years or so--Tonya, would you say--are very valuable. They're highly trained. They have the equipment they need. A lot of the equipment came by way of funding from Homeland Security. And so...but it gave them a leg up. And there's been a statement that's been used which I think is appropriate: If you can't do HAZMAT, you can't do terrorism response. So we've kind of covered both bases with these teams. They do have the capability to respond wherever the Governor would choose to have them respond. [CONFIRMATION]

SENATOR PRICE: Right. And are all those teams maintaining their certifications and requirements for continued funding because I understand there are different resources that are used to fund the entire thing? And that there may be one team that...one organization that may not be meeting all their requirements. [CONFIRMATION]

RICHARD CHRISTENSEN: I guess I'm not familiar with that situation. But I know that Tonya has mentioned that...Tonya Ngotel who's the SERC coordinator, and NEMA are concerned about the issue of having uniform standards for training and for teams, and they're working on trying to put something together for that right now. [CONFIRMATION]

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SENATOR PRICE: All right. Thank you. [CONFIRMATION]

SENATOR AVERY: Anymore questions? [CONFIRMATION]

SENATOR SULLIVAN: Senator. [CONFIRMATION]

SENATOR AVERY: Oh, I'm sorry. Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Senator. Having been on the commission for a number of years, I'd like to know what you feel has been some of the most significant accomplishments and maybe one of the biggest challenges facing you?  
[CONFIRMATION]

RICHARD CHRISTENSEN: Well, in terms of accomplishments, and the State Emergency Response Commission really works hand in hand with the Nebraska Emergency Management Agency, Tonya Ngotel, and Andy Hugh (phonetic), Mark Mjones. And I think the major accomplishment is getting local emergency planning committees up and running to cover the entire state. And, again, the purpose is for planning for chemical incidents and the challenge in the recent years has been that there was so much emphasis and money placed on Homeland Security that maybe not necessarily the interest level but the focus was more on building terrorism response, and not ignoring but just not paying as much attention to chemical issues as maybe could be. And I think we...in the state of Nebraska there are chemicals handled everyday in every community. And so the probability of something happening is there. And so we need to refocus on our chemical preparedness, I think. [CONFIRMATION]

SENATOR SULLIVAN: Thank you. [CONFIRMATION]

SENATOR AVERY: Any others? Thank you. [CONFIRMATION]

RICHARD CHRISTENSEN: Thank you. [CONFIRMATION]

SENATOR AVERY: Is there anyone here who wishes to testify in support or opposition? Seeing none, we'll move to the next nominee, Mr. Steven Danon. Welcome, sir.  
[CONFIRMATION]

STEVE DANON: (Exhibit 2) Thank you. Good morning. My name is Steve Danon. I am the risk and safety manager for an insurance agency in Omaha, Nebraska, the Marcotte Insurance Agency. I've been on the State Emergency Response Commission since its inception. Prior to that, I was on the Local Emergency Planning Committee for Sarpy County. I was one of the initial members of the Emergency Planning Committee for Douglas County. I came to Nebraska 20 years ago working in emergency management for the state of California and came to work for the Omaha Public Power District as an

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emergency planner at their Fort Calhoun nuclear power plant. And I made a transmission from emergency management into risk management and working with businesses. I think the State Emergency Response Commission is a critical element of state government. As Richard mentioned in answering some of your questions, it was formulated as part of a federal mandate down to state government. We wrestle, occasionally, with what the things are we try and do, but we've had some positive impact statewide given funding challenges, and also as Richard mentioned the challenge of changing focus on terrorism has impacted our ability to do some of the things that we have had some positive abilities to do in the past. [CONFIRMATION]

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

SENATOR SULLIVAN: Thank you. [CONFIRMATION]

SENATOR AVERY: Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: How long have you been on the commission?  
[CONFIRMATION]

STEVE DANON: Since its inception. I would guess that would be either in 1992 or '93.  
[CONFIRMATION]

SENATOR SULLIVAN: So you've been around a while, huh? [CONFIRMATION]

STEVE DANON: I've been involved at the state level with the State Emergency Response Commission. And then as I mentioned, some of my involvement with the emergency planning committees in eastern Nebraska. And then also most recently I was involved in a Homeland Security funded project for Sarpy, Douglas, and Washington County where we basically plan for two different...two years. One of the largest full-scale terrorism exercises that was carried out in Nebraska. Basically focused on a terrorist bomb incident occurring at Rosenblatt Stadium during a major baseball event with a concurrent radiological event in Sarpy County. Hundreds of volunteers, hundreds of victims, hundreds of emergency responders. [CONFIRMATION]

SENATOR AVERY: Senator Price. [CONFIRMATION]

SENATOR PRICE: Sir, and in light of that very scenario and what you do there, do we have...do you know, a communications architecture where we can light up the network in Scottsbluff and communicate with someone in Omaha without a lot of interface changes? I'm wondering in looking at the different regions as we look about it, we talk about mass casualty exercises and things of that nature. Can we communicate across the state effectively and reliably and are we moving towards that or do we have different interface protocols for our communication with HF and UHF, VHF-type

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communications? Because the landlines aren't going to be there, I am a amateur radio operator... [CONFIRMATION]

STEVE DANON: As I am as well. [CONFIRMATION]

SENATOR PRICE: ...(inaudible) KC5AYS. [CONFIRMATION]

STEVEN DANON: N6VKY (phonetic). [CONFIRMATION]

SENATOR PRICE: Okay. So the idea being is that can we light it up, can we communicate, can we take care of the people of Nebraska, and are we working towards that at a good pace? [CONFIRMATION]

STEVE DANON: I am not intimately familiar with the ability for statewide communications and coordination in a major state emergency. I can tell you that what I do know is it has been a challenge for the state of Nebraska given our geography and the challenges associated with that. I know that there has been projects underway to try and set up some kind of system to do that. What I can tell you is that not only does that challenge exist locally or, excuse me, statewide, but it is always and still exists locally. It is very difficult for interagency communications, and this was actually a major objective of the Homeland Security program that I worked on with the disaster exercises that were conducted in that tricounty area was interoperable communications, which was a major focus for Homeland Security. I can tell you that there are still challenges that exist. In my almost 30 years of involvement in emergency management interoperability communications and the ability for emergency responders to coordinate and communicate remains still today a challenge and has. Are we making advances in that area? Absolutely. As you know, the move to digital TV nationwide was in part to free up bandwidth for emergency communications. So that may very well improve that opportunity because there will be more frequency and more bandwidth available for designation for emergency communications. [CONFIRMATION]

SENATOR PRICE: All right. Thank you. [CONFIRMATION]

SENATOR AVERY: Anyone else? Thank you, sir. [CONFIRMATION]

STEVE DANON: Thank you. Thank you, everybody. [CONFIRMATION]

SENATOR AVERY: Anyone here wish to testify, offer support or opposition? Seeing none, we'll move to the next nominee, Don Eisenhower. Welcome. [CONFIRMATION]

DON EISENHAUER: (Exhibit 3) Good morning. My name is Don Eisenhower. I live in Fairbury, Nebraska. I'm retired from agriculture co-ops, spent my whole working career working for cooperatives. I represent agriculture on the SERC committee, and I wish to

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continue. I'm very interested in things going on with agriculture today, and have you any questions? [CONFIRMATION]

SENATOR AVERY: Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Senator. When you say you represent agriculture, is there an attempt to, on the commission to have representatives from different areas not only geographically, but also occupationally? [CONFIRMATION]

DON EISENHAUER: Yes, there is. And I guess that if Tonya might could answer that she could explain the different areas that we have, each representative stands for. [CONFIRMATION]

SENATOR SULLIVAN: Okay. [CONFIRMATION]

DON EISENHAUER: As Richard was up here earlier, he's representing the chemical industry. [CONFIRMATION]

SENATOR SULLIVAN: Um-hum. [CONFIRMATION]

DON EISENHAUER: And Steve, I believe you're... [CONFIRMATION]

STEVE DANON: Small business. [CONFIRMATION]

DON EISENHAUER: ...small business, various different organizations like that. [CONFIRMATION]

SENATOR SULLIVAN: Okay. [CONFIRMATION]

SENATOR AVERY: Senator Price. [CONFIRMATION]

SENATOR PRICE: I just wanted to notice when we looked through your resume that you have prior service. I just wanted to thank you for your service, sir. [CONFIRMATION]

DON EISENHAUER: What was that again, sir? [CONFIRMATION]

SENATOR PRICE: Your prior service, I just want to thank you for your service. [CONFIRMATION]

DON EISENHAUER: Oh, thank you. [CONFIRMATION]

SENATOR AVERY: Does the Navy count? [CONFIRMATION]

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SENATOR PRICE: Absolutely, (laughter) absolutely. [CONFIRMATION]

SENATOR AVERY: We're all here (inaudible). Any more questions? [CONFIRMATION]

SENATOR KARPISEK: Thank you, Senator Avery. Maybe this isn't a fair question for you, but I went to a meeting on the chemicals that are in schools still from the cold war era where we were trying to make sure that our kids had all these chemicals to try to keep up with the Russians. And we've got a lot old chemicals sitting around or that could possibly be dangerous. Do you know anything about that, where we're moving on that? I know it's not ag related, but since you're in my district I thought...  
[CONFIRMATION]

DON EISENHAUER: I'm aware of what was going there. I can't honestly answer right now where we're at with that. The gentleman that was on our committee has retired and he was heading it up and I know it was moving along very well, but just to what point it is at this point in time I couldn't answer. [CONFIRMATION]

SENATOR KARPISEK: That's fine. I understand. We can talk about it afterwards or later sometime. [CONFIRMATION]

DON EISENHAUER: Right. Basically where I'm involved right now is working with the LEPCs and we're looking at regionalizing in Saline, Gage, and Jefferson Counties. So I don't know when we're developing that out, involved in that. And we also in Jefferson County are involved with the Emergency Management quite a bit. It is my job with co-ops, I was director of safety and compliance, so I'm very well involved with this sort of thing. And in the last month we have established an emergency volunteer center for Jefferson County. And then two weeks ago, we went through training for the Community Emergency Response Team, so we've developed one of them there also. So that's kind of the area now. Being retired, I'm working with emergency management quite a bit.  
[CONFIRMATION]

SENATOR KARPISEK: Very good. Thank you. Thank you, Senator Avery.  
[CONFIRMATION]

SENATOR AVERY: Senator Pirsch. [CONFIRMATION]

SENATOR PIRSCH: Of all the different type of potential problems that the State Emergency Response Commission has within its purview, what do you see as the biggest threat right now as it stands that needs to be addressed? [CONFIRMATION]

DON EISENHAUER: Well, to say...I don't know, the biggest threat I don't know. I think, as I say, where I'm involved a little bit with the LEPCs and I think this is...I wouldn't call it

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a threat, but this is something I think we really need to address is to get local community involvement in their safety and awareness of terrorism and what can happen. Now one of the areas, a little off base, I'm with the sale barn in Fairbury and I have the opportunity to speak to a lot of producers and stuff about agriterrorism per se with animals and different things. And my personal opinion is this is an area that we need to work on. They are aware of it, but probably not adequately of what could happen. And most of your producers now have got to be larger, so their chances of being one of the targets is improved quite a bit I think. [CONFIRMATION]

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

DON EISENHAUER: Okay. Thank you. [CONFIRMATION]

SENATOR AVERY: Anyone wish to speak for or against this nominee? Seeing none, we'll move now to Larry Johnson. Welcome, Mr. Johnson. [CONFIRMATION]

LARRY JOHNSON: (Exhibit 4) Good morning, Senator. My name is Larry Johnson, and I'm the president of the Nebraska Trucking Association. I'm here to represent transportation on the State Emergency Response Commission. It'll be my second term. And I've been in transportation for about 37 years and serve on the committee to be a reliable resource for any type of emergency situation that might involve trucks or the need for trucks and transportation of people or goods. [CONFIRMATION]

SENATOR AVERY: I see you have a rather dubious reference here from some senator from Millard. [CONFIRMATION]

LARRY JOHNSON: Oh, well (laughter). [CONFIRMATION]

SENATOR PAHLS: I'll have to excuse myself. Don't read that. [CONFIRMATION]

SENATOR AVERY: I did want to ask you, from time to time we hear about the transit of nuclear materials across the state. Does this commission have any responsibility for that, for monitoring that, responding if we have an accident? Say, a train crashes and you have nuclear material on board. [CONFIRMATION]

LARRY JOHNSON: Well, I think any kind of a chemical or nuclear response would be...we would certainly be called, I believe, in the event of an emergency and be there to assist initially the first responders and then as it goes from there. In terms of monitoring it, the federal folks are pretty good at regulating that, and I think probably the commission would be a good resource for watching what they do do, being aware of it. [CONFIRMATION]

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SENATOR AVERY: But if we had such an accident, you'd have to have local HAZMAT response teams. Do you have procedures for working with them? [CONFIRMATION]

LARRY JOHNSON: Yes. But I think in terms of the commission, it's more of an oversight over making sure that those are there. I don't know that we would actually direct it. It would be more through Tonya's...Nebraska Emergency Management Association or department. [CONFIRMATION]

SENATOR AVERY: So the commission then is largely an overarching board that doesn't do hands-on management, but mostly sets policy, oversees, advises, maybe consults. [CONFIRMATION]

LARRY JOHNSON: Consults and that type of thing instead of being their...let me double check this. Tonya? Yes. (Laugh) [CONFIRMATION]

SENATOR AVERY: How necessary is this commission? [CONFIRMATION]

LARRY JOHNSON: Well, I think certainly in recent emergencies where you wait for it to happen and then you try to find the resources then, we've learned from those lessons that if a commission like this exists in our state, it's more that if it's something that involves agriculture, who do you call. And that person would be the representative from agriculture on the commission. If it were trucking or rail, you would look to the transportation people. And having that relationship ongoing and networking on an ongoing basis, there certainly is value to that. And making sure that we're all aware of what resources are out there and how we would respond. [CONFIRMATION]

SENATOR AVERY: Senator Price. [CONFIRMATION]

SENATOR PRICE: Thank you very much. I take it from your last...basically what you're saying is you bring it to spare it industry and elements of our state together to have a rapid response belly button, someone who can say, I can speak for agriculture, I can speak for trucking, I can speak for chemical. And that's what you're actually fulfilling that role, that's your mission, kind of a roll up of your mission statement. But to get to my actual question I had was, trucking... [CONFIRMATION]

LARRY JOHNSON: Yes. [CONFIRMATION]

SENATOR PRICE: ...emergencies, state of our roads, do you have an ability to have an (inaudible) on Transportation Committee, would you have a way that you can say because we're seeing so many large industries move into our rural cities with the ethanol industry, maybe if we move to biodiesel, if we move to other areas, I don't know how the large wind turban fields are going to end up being affected, but large entities where something could happen. Do you find that our roads are meeting a minimal need

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and do you have an ability to put input to the Transportation Committee to say this road and this area possesses a hazard, therefore we can't route like they were asking of we had a shipment of HAZMAT you would say we'd decertify an area or you would say this area is a potential hazard because of the condition of the roads isn't there or bridges? When we had the issue a couple of years ago, it was like in Minnesota or Wisconsin where they had a bridge collapse. [CONFIRMATION]

LARRY JOHNSON: Right. [CONFIRMATION]

SENATOR PRICE: I was just concerned that do we have eyes on the ball to say as we bring things down our roads later on if the deterioration of the roads is such that you find it an unacceptable risk to transport this material to those roads, and that that information is set back into the Transportation Committee so they can use that for privatization of dollars. Do you know that anything like that happens or is part of an input you have? [CONFIRMATION]

LARRY JOHNSON: I feel comfortable that that would be one of the reasons why we would try to justify maintaining our roads and keeping them there. We are on the largest traveled pipeline east/west on Interstate 80. And in terms of hazardous materials and those kind of things if, you know, the federal guidelines for that pretty much mandate not only efficiency and safety of movement of goods, but also in terms of emergency responses and those type of things, so. [CONFIRMATION]

SENATOR PRICE: And the condition of the roads? Is that part of that whole formula? [CONFIRMATION]

LARRY JOHNSON: I would say yes. [CONFIRMATION]

SENATOR PRICE: Okay. [CONFIRMATION]

SENATOR AVERY: Anymore questions from the committee? Seeing none, thank you, Mr. Johnson. [CONFIRMATION]

LARRY JOHNSON: Thank you. [CONFIRMATION]

SENATOR AVERY: Anyone wish to comment for or against Mr. Johnson? Seeing none, that ends the hearing on these confirmations. We would ask you to leave the room now so we can go into Executive Session and vote whether to appoint you or not...reappoint. [CONFIRMATION]

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Chairperson

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Committee Clerk