

Transcript Prepared By the Clerk of the Legislature
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Government, Military and Veterans Affairs Committee
April 16, 2013

[CONFIRMATION]

The Committee on Government, Military and Veterans Affairs met at 9:30 a.m. on Tuesday, April 16, 2013, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on a gubernatorial appointment. Senators present: Bill Avery, Chairperson; Scott Price, Vice Chairperson; Dave Bloomfield; Russ Karpisek; Jim Scheer; and Norm Wallman. Senators absent: Scott Lautenbaugh; John Murante.

SENATOR AVERY: Welcome to the Government, Military and Veterans Affairs Committee. We are convening in public hearing today to consider the gubernatorial appointment of Mr. Jim Heine to be the new State Fire Marshal. Before you come up, let me introduce the members of the committee that are here. Starting on my right, Senator Bloomfield who is from the big city of Hoskins. Is it a big city?

SENATOR BLOOMFIELD: I live five miles out of town to avoid the heavy traffic.

SENATOR AVERY: And next to him is Senator Scott Price from Bellevue, he is Vice Chair of the committee. To my immediate right is Christy Abraham, the legal counsel for the committee. I am Bill Avery from here in Lincoln, District 28, and I chair the committee. And next over here is Senator Norm Wallman from Cortland. And next to him is Senator Jim Scheer from Norfolk. On the very end on my left there is Sherry Shaffer, the committee clerk. We have only one item of business so we will invite Mr. Hine (phonetic), is that the right pronunciation? [CONFIRMATION]

JIM HEINE: Close. High-nee (phonetic). [CONFIRMATION]

SENATOR AVERY: High-nee? Well, if you put an m-a-n on that, you...come forward please. We run a pretty informal hearing process here so all you need to do is start out by telling us a little bit about your background, your training, and in particular, training and experience in the field of fire safety. [CONFIRMATION]

JIM HEINE: (Exhibits 1, 2) Okay. You don't want me to read testimony?
[CONFIRMATION]

SENATOR AVERY: Oh, yeah. Sure. [CONFIRMATION]

JIM HEINE: Okay. [CONFIRMATION]

SENATOR AVERY: And then we'll have questions, if any. [CONFIRMATION]

JIM HEINE: Okay. My background is, you know...this isn't my testimony but I did join the agency in 1990. I've been on volunteer fire departments for 30 years, a couple of them.

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Extensive different jobs on the fire departments. I was captain, assistant fire chief, and fire chief. Like I said, it started Fuels Division. And then this is where I ended up.
[CONFIRMATION]

SENATOR AVERY: You're currently in the department? [CONFIRMATION]

JIM HEINE: Yes. In the Fire Marshal's Office, yes. [CONFIRMATION]

SENATOR AVERY: So if you want to give your testimony as you prepared it, you can do that. [CONFIRMATION]

JIM HEINE: Sure. Okay. Chairman Avery and members of the Government, Military and Veterans Affairs Committee, my name is Jim Heine, J-i-m H-e-i-n-e. And I have been appointed by Governor Heineman to serve as the State Fire Marshal. I appreciate the opportunity to appear before the committee this morning to provide some background about myself and the agency. The Fire Marshal agency has a huge range of duties that directly impact both the commercial community as well as the health and well-being of every citizen in this state. The agency consists of a number of divisions with each division having unique responsibilities. The Investigation Division in which all members are sworn law officers is responsible for conducting post-blast and fire investigations to determine the cause and origin of fires and then when necessary seek arson prosecutions. The Fuels Division has two major units consisting of pipeline and underground tank inspection personnel. The division ensures compliance with federal regulations to the state regarding natural gas, intrastate pipelines, and environmental regulations for installation and maintaining and removal of underground storage tanks. The Inspection Division which ensures compliance with fire code regulations also has areas of specialization such as federal and state licensure of hospitals and nursing homes, state licensure of day cares, and facilities requesting liquor licenses. Grain elevators and anhydrous ammonia facilities, and all other regulated facilities as listed in the state statutes. The Training Division is responsible for providing statewide training for the development, maintenance, and updating of fire department personnel, other individuals involved in fire safety, and emergency responders. The Plans Division reviews building plans to ensure new buildings and remodels comply with fire code regulations and accessibility regulations. Additionally, the division licenses fire alarm inspectors and water-based fire sprinkler contractors. The Administration Division also has numerous units such as accounting and finance, payroll, human resources, legal, fire prevention and public relations, clerical support, and registration compliance for Nebraska's Reduced Cigarette Ignition Propensity Act. I have extensive experience with the State Fire Marshal agency. I joined the agency in May 1990 as a deputy in the Fuels Division. I transferred to the Code Enforcement Division in September 1996. I served in the Codes Division until January of 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. On March 27, 2013, I was appointed by

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Governor Heineman to serve as the State Fire Marshal. 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 provided extremely valuable experience in understanding the issues faced by volunteer fire departments. I will utilize this experience and knowledge when working closely with the local fire and law enforcement departments to assist in investigations and problems. As the agency director, I want to embrace technological advancements allowing the agency to move forward and become more efficient in our daily operations. The advances will allow for a variety of improvements such as a more uniform inspection process, greater access and usage of fire investigation program, enhanced communications between all staff members, and to help increase the safety of our investigators. Additionally, I want to also safeguard the safety of Nebraska citizens by ensuring staff levels and proficiency are maintained throughout the entire agency. 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 your time and consideration. I will be happy to answer any questions you might have. [CONFIRMATION]

SENATOR AVERY: Thank you. I forgot to introduce our new page, Gera Carntison (phonetic)... [CONFIRMATION]

GERA CARSTENSON: Carstenson. [CONFIRMATION]

SENATOR AVERY: Carstenson...from Lincoln. And if you have anything you want us to look at that we don't have in our possession right now, she'd be happy to help you. [CONFIRMATION]

JIM HEINE: No, I don't, Senator. [CONFIRMATION]

SENATOR AVERY: Questions from the committee? Senator Bloomfield. [CONFIRMATION]

SENATOR BLOOMFIELD: You never allowed yourself to be associated with Jerry Stilmock in any way, shape, or form? [CONFIRMATION]

JIM HEINE: Yes, sir, I know Jerry Stilmock. I hope that doesn't hurt my chances here, but... [CONFIRMATION]

SENATOR BLOOMFIELD: Thank you. [CONFIRMATION]

SENATOR AVERY: Senator Price. [CONFIRMATION]

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SENATOR PRICE: Thank you, Chairman Avery. Thank you for your years of service. The question deals with a lot of time we have training issues brought before the committee; how do you see that over the next couple of years, given the current budgets and the needs and the migration of people, etcetera? There's a lot of different factors. But how do you see training for the local volunteer fire departments over the next, say, three to five years and meeting those needs? [CONFIRMATION]

JIM HEINE: We're going to be very busy because of some of the changes that are occurring. And obviously, the fires that have occurred during the drought last year getting all the fire departments that are red card classification so that...and just training to be able to fight these fires that happened last year. And we have seven full-time staff and we have part-time staff that are planning and booking classes all week long. And as time allows, they're going in to give the training to the best of their ability. And we'll continue to do that. And the manager of the division has, you know...right now, we're currently in western Nebraska at Chadron at an academy for the red card training for wildland fires. It's a ten-day or two-week course. So there was I think 60-some people that signed up for that academy, that Wildland Fire Academy. So we're going to continue to do the best we can to get where we need to be and get the fire departments trained and up to speed. [CONFIRMATION]

SENATOR PRICE: Well, I appreciate that. Just one quick follow-up one. Where do you see, perhaps, the use of information technology as far as warehousing and databasing all the stuff, all this training? You know, I was fortunate to go to the state of Indiana. They have one system for the entire state. So one person can schedule anybody and any assets through the entire state because it's my understanding that you could have a lot of fire engines on site but you might not have qualified people to drive them that are properly licensed people to drive them. So, therefore, your available is lower. So, therefore, getting further into the tail of that so you could program training to maintain your licensure. So I didn't know how IT is helping you, could help you, or should help you. [CONFIRMATION]

JIM HEINE: Well, we do have the Web page with all the classes that are available. And then you can sign up on-line on the Web page. Once we get...we like to have at least 15 people in a class at a fire department. And my staff will go to that fire department, use their equipment, and train those staff. So that's one thing we have been doing in the past for availability of the classes, where they're going to be. [CONFIRMATION]

SENATOR PRICE: Thank you. [CONFIRMATION]

SENATOR AVERY: Senator Wallman. [CONFIRMATION]

SENATOR WALLMAN: Thank you, Chairman Avery. Yeah, welcome.
[CONFIRMATION]

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JIM HEINE: Good morning. [CONFIRMATION]

SENATOR WALLMAN: I noticed you have pipeline inspectors as well. You know, I have a lot of pipelines in District 30. Now is there penalties if there's a leak or do you drive around, I mean? [CONFIRMATION]

JIM HEINE: Well, these are intrastate pipelines. They're only in Nebraska, they aren't the pipeline that's proposed to go through. But yes, our staff does inspections for the operators of the pipeline and at the pipeline locations. And there are federal guidelines. If there is a leak or a release, there can be penalties. [CONFIRMATION]

SENATOR WALLMAN: Thanks. [CONFIRMATION]

SENATOR AVERY: Let me follow up a little bit on the question of Senator Price particularly relating to the wildfires. We now have before the Legislature a bill that would commit the state to a fairly significant expenditure on airplanes to fight these fires. What role would your office have in that kind of firefighting activity? [CONFIRMATION]

JIM HEINE: Senator, we have a Wildland Incident Response Assistance Team that's strictly our office. And there is a member of the Forestry Service on that team. And what we do is if there is a wildland fire and the fire chief or local entity asks us to help, we will go in with that team and set up an incident command is what it's called. We're an assistance team. We aren't going to take control of anything, but we will assist the fire departments in setting up incident command and running the operation. I mean, it gets to be pretty huge if you look back last year when there was 20 and 30 fire departments assisting at one location. So incident command works very well in checking in, verifying where everyone is. So that's one aspect that we do in our agency for the wildland fires. [CONFIRMATION]

SENATOR AVERY: But you don't have fire personnel literally out in the grasslands and the forest working to put out the fire? [CONFIRMATION]

JIM HEINE: No, sir. We do not extinguish. [CONFIRMATION]

SENATOR AVERY: You're training in command and control? [CONFIRMATION]

JIM HEINE: Yes. We do have...several of our staff have been trained to help guide the airplanes or helicopters that are dropping either the water or the suppression system. We have trained with the National Guard, and we have several staff that can do that. But no, we do not go out and put out or suppress the fires. That's a different team that...and the fire department is first, and then if they can't handle it or they need extra support, those teams come from out of state like what you're asking. [CONFIRMATION]

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SENATOR AVERY: What about your coordinating, if any? What coordination do you do with the Nebraska Emergency Management Authority? [CONFIRMATION]

JIM HEINE: We are together with them. We also have the hazardous response team, and we're with them in the same way as we are as with the wildland fires. We work through NEMA. [CONFIRMATION]

SENATOR AVERY: Uh-huh. And when you're working with NEMA are you in charge or is NEMA in charge? What's the chain of command? [CONFIRMATION]

JIM HEINE: It's "co," you know. We do our what we do, and NEMA does what they do. And we share responsibilities. [CONFIRMATION]

SENATOR AVERY: Senator Scheer. [CONFIRMATION]

SENATOR SCHEER: Thank you, Chairman. Do you folks have any interaction with the new enhanced radio system that's supposed to be available throughout the state? [CONFIRMATION]

JIM HEINE: Yes, sir, we do. We have the new radio system in all our vehicles. [CONFIRMATION]

SENATOR SCHEER: Has that worked well for you or... [CONFIRMATION]

JIM HEINE: Yes, sir. It has been. I mean, we used it...we utilized it last year at the fires, the WIRAT team did. And we could communicate between ourselves and the State Patrol very well. We did...there was one minor glitch last year where I was describing this Wildfire Incident Response Team. The frequencies for the Guard helicopters and then the private tanker planes for some reason weren't in the system last year, which we have corrected and they are all in the system now. And we have tested it and can communicate with the air tankers and the helicopters. [CONFIRMATION]

SENATOR SCHEER: Okay, thank you. Thank you, Chairman. [CONFIRMATION]

SENATOR AVERY: Any other questions? Thank you very much, Mr. Heine, for coming and visiting with us. We will adjourn this part of the meeting now unless others wish to talk. Someone wish to...okay. [CONFIRMATION]

JIM HEINE: Thank you. [CONFIRMATION]

SENATOR KARPISEK: Thank you. [CONFIRMATION]

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SENATOR AVERY: I assume you're a proponent. [CONFIRMATION]

WILLIAM LUNDY: Yes, sir. I told Jim I didn't have my box of rotten tomatoes. It's too early and spring hasn't come yet. My name is William "Bill" Lundy, W-i-l-l-i-a-m, Lundy, L-u-n-d-y. And I'm secretary/treasurer of the Nebraska State Volunteer Firefighters Association of approximately 8,000 members across the state of Nebraska. And I'm here in favor of the appointment of Mr. Heine to the State Fire Marshal. The Nebraska State Volunteer Firefighters Association and its members work very closely with the Fire Marshal's Office and have a very good and unique relationship. Most of all the volunteer fire departments in the state of Nebraska rely on the Fire Marshal's Office to provide training to all of our members to provide support and protection to the great citizens of the state of Nebraska and those that are visiting the state of Nebraska. And so that relationship needs to be strong and very positive. And we are very fortunate in the past Fire Marshal John Falgione's support of the volunteer firefighters. And we expect that same support and assistance from the new appointment, if so appointed by the Governor and this committee. We think that Jim has the skills and the tools to continue that support that John showed. We're looking forward to that relationship and also the activities that the Fire Marshal provides because we really rely on the Fire Marshal's Office, because when you are in the volunteer fire department at Hoskins, Nebraska, those resources for fire investigation, inspections, and support and training is really important to us. And I would be happy to answer any questions that the committee might have concerning that relationship or anything else. [CONFIRMATION]

SENATOR AVERY: Thank you. Thank you, Mr. Lundy. Questions from the committee? Thank you for your testimony. [CONFIRMATION]

WILLIAM LUNDY: You bet. Thank you. [CONFIRMATION]

SENATOR AVERY: Anyone else wish to speak for or against this nomination? Looks like nobody is going to oppose you, Mr. Heine. All right, that does end the hearing on this nomination. Thank all of you for coming. And, Mr. Heine, we will convene today in Exec Session and report our conclusion to the... [CONFIRMATION]