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Government, Military and Veterans Affairs Committee  
May 15, 2017

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[CONFIRMATION LR71 LR95]

The Committee on Government, Military and Veterans Affairs met at 12:00 noon on Monday, May 15, 2017, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on the gubernatorial appointment of Steven Danon, LR95 and LR71, and approval of two memorial gifts. Senators present: John Murante, Chairperson; Tom Brewer, Vice Chairperson; Carol Blood; Tom Briese; Joni Craighead; Mike Hilgers; and John Lowe. Senators absent: Justin Wayne.

SENATOR MURANTE: (Recorder malfunction) ...include Gretna and northwest Sarpy County and I'm the Chairman of this committee. Since it would appear that most everyone here today is well...very familiar with our committee processes, I will skip over many of the formalities. We are here today for the purposes of conducting a series of public hearings which we will take up in the order in which they appear on the agenda outside of this room. I will begin with an introduction of members. To the far right is Senator John Lowe from Kearney. To his left, Senator Tom Briese from Albion. To his left, Senator Mike Hilgers from Lincoln; I anticipate Senator Hilgers being here momentarily. To his left, Senator Tom Brewer from Gordon; Senator Brewer is the Vice Chairman of this committee. To my immediate right is Andrew La Grone, the Government Committee's legal counsel. To my immediate left is Senator Justin Wayne from Omaha. To his left, Senator Joni Craighead, also from Omaha. To her left, Senator Carol Blood, from Bellevue. And on the far left is Sherry Shaffer, the Government Committee clerk. So the first item we have is a gubernatorial appointment, Steven Danon, to the SERC Board. He joins us via phone. Mr. Danon, welcome, and if you could give us a little bit of background on yourself and whatever pertinent information you think this committee needs to consider before taking action on your appointment. Welcome. [CONFIRMATION]

STEVEN DANON: (Exhibit 1) Thank you. Good afternoon, everybody, thank you for allowing me to do this remotely from Omaha. I've appeared before this committee numerous times in the past, so I appreciate the opportunity not having to drive to Lincoln. Essentially, I've been appointed to the State Emergency Response Commission I think for the last 23 years. I believe I was one of the initial appointees by Sarpy County. I was the local Emergency Planning Committee chairman there. I've also served on the Emergency Planning Committee for Douglas County at various times as well, depending on where I worked and where I lived over the last 20 years. I'm presently a resident in western Douglas County. Rick Kolowski is my state representative and also my neighbor. I also knew him when he was principal of the high school here in Omaha. Personally, I've been involved in emergency management both in southern California for about 15 years before I moved to Nebraska in the late '90s...excuse me, the early '90s, to go to work for the Omaha Public Power District as an emergency planner for the nuclear power plant. I transitioned from directly working in emergency management, started working in risk management and safety positions with the safety council in Omaha and then with several

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insurance companies working with all hazards and all risks and working with companies to help them prepare for any kind of situation that could occur that could affect their businesses in a negative way. Specifically related to some of the SERC codes, the State Emergency Response Commission, I'm going to guess it was about seven or eight years ago, the Department of Home...there was a tri-county coalition between Washington County, Douglas County, and Sarpy County that petitioned the Department of Homeland Security for a three-year project funding program to do an anti-terrorist planning. It was spearheaded by a...one of the special operations commanders in the Omaha Police Department and who I had worked with and had some relationships with. And he reached out to me to, basically, oversee all the safety operations associated with this three-year project which incorporated numerous field exercises involving thousands of volunteers. At one incident where the scenario was terrorist attack at Rosenblatt Stadium, numerous other law enforcement, special response teams, involvement in very real time, terrorist exercises; I recruited a staff of probably 15 volunteer safety people from within my career profession that helped organize all the safety associated with this, basically, to keep all the participants and the volunteers from actually injuring themselves as a member of that very real full-scale things that were going on for some of these exercises in the various counties. I'm also moderately involved in the State Emergency Response Commission, but I also was appointed by County Commissioner Mary Ann Borgeson in Douglas County, and also I'm on the Douglas County Extension Board which is kind of an interesting thing for me to be involved in all the programs that they do. I'm probably one...there's several...as you may know, the State Emergency Response Commission is made up of department heads from state agencies and then representatives from the business community and other different organizations. On my role on the SERC has...on the State Emergency Response Commission has been representing small business. I work for an insurance agency based here in Omaha called the Marcotte Insurance Agency. We've got about 50 employees. We have a small office in Kearney with three people working there. And I travel the state frequently interacting with people in businesses in their risk management position. As a member of the SERC, because I have such flexibility in my scheduling, I've been able to help out the full-time staff in the SERC, which is essentially one employee that works for (inaudible) in the Nebraska Emergency Management Agency. And I've assisted at some exhibits, staffing booths, some training exercises that were supported through funding that the SERC oversaw, and facilitated some events as well. So I've been a spokesperson in the general public and some specialized events also for the SERC. I think that's probably it as far as my presentation. I'm certainly here to answer any questions or thoughts or anything that anybody might have. [CONFIRMATION]

SENATOR MURANTE: All right. Thank you very much for your opening. Are there any questions for Mr. Danon? Senator Brewer. [CONFIRMATION]

SENATOR BREWER: All right. Just real quick, I did, I think, was going to be kind of the opposite end of what you're talking about because you were primarily focused on safety. Have

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you planned or helped execute any of the operational side of the NEOP CERFP mission?  
[CONFIRMATION]

STEVEN DANON: Senator Brewer, I'm not exactly sure what you're asking.  
[CONFIRMATION]

SENATOR BREWER: Okay. Let me put it as plain as I can, is your expertise in safety or operations? [CONFIRMATION]

STEVEN DANON: I would say that my background in...my background associated with what I've done in the past, I was in emergency management...direct emergency management in southern California overseeing, for San Diego County, one of the largest geographical counties in the country, certainly one of the most populous counties, and in that role, there was six operations officers that worked with the county emergency management office. I was one of them. I oversaw responses to major fires, floods, earthquakes. You know, the role of an emergency manager is not truly to command operations, the role of an emergency manager is to facilitate the experts go from the preplanning stages and then (inaudible) to ensure that resources are working closely together to be the person that is extending off from an actual operation and see what can actually be done and what isn't being done within the expertise. I've attended numerous resident courses at both the National Fire Academy in Emmitsburg, Maryland, and the Federal Emergency Management Agency located in the same place, Emmitsburg, Maryland. Those are both administered by FEMA. I was on the Millard Fire Department in southwest Omaha for ten years as a volunteer; I was their training lieutenant. So I guess the answer to you is I blend both technical expertise, long-term experience in overseeing emergency management, and I bring a unique understanding to the SERC, especially from the representative citizen groups that are represented on the SERC. I believe, and I'm almost 100 percent sure, that over the years I'm the only non-state...non-department head, so we're talking like the State Fire Marshal, the state troopers, those people on the Emergency Response Commission, I'm the only non-paid professional who has this depth of experience that I bring to the SERC. I hope that answered your question. [CONFIRMATION]

SENATOR BREWER: Yeah, I give, you got it. [CONFIRMATION]

STEVEN DANON: Okay. [CONFIRMATION]

SENATOR MURANTE: All right, are there any additional questions? Seeing none, thank you for your opening. We don't give him an opportunity to close, so we'll probably just hang up with him right now. Mr. Danon, we are going to open up the room for any proponents, opponents, or

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neutral testimony and we will get back to you as promptly as we can of the committee's decision on our recommendation to the floor of the Legislature. [CONFIRMATION]

STEVEN DANON: All right. Thank you all. Have a great afternoon. [CONFIRMATION]

SENATOR MURANTE: Thank you very much. And is there any proponent testimony to Steven Danon's appointment to the SERC Commission? Is there any opponent testimony? Is there any neutral testimony? Seeing none, that closes the public hearing on Steven Danon's appointment to the SERC Board. We'll proceed to the next item on the agenda, LR95, by Senator Craighead. Welcome. [CONFIRMATION]

SENATOR CRAIGHEAD: Good afternoon. Thank you. Good afternoon, Chairman Murante and fellow committee members. I come before you today to introduce LR95 that would provide the Honor and Remember...that the Honor and Remember Flag is adopted as an official symbol of the state of Nebraska. This legislative resolution is being introduced as a compromise to LB652 which has the exact same wording and already had a hearing with this committee, so I'll keep this very short. Since its hearing, LB652 has sat in committee with some questions arising about whether the subject matter belongs in statute. Honor and Remember is an incorporated organization including individual corporations in statute mandating that state agencies use their product even to honor our fallen soldiers is a dangerous precedent to set. The fiscal note in LB652 states zero impact that the bill states the Honor and Remember Flag is hereby adopted as an official symbol of the state of Nebraska representing the state's commitment to honoring and remembering the lives of all members of the Armed Forces of the United States who have lost their lives while serving or as a result of their service that the flags be flown at state agencies. The suggested statute means the state would need to have flags on hand to fly them. Who will purchase the flags at the price \$250 per flag? The flags are usually not donated to entities. With these thoughts, we decided it would be better for the state to make this a legislative resolution rather than a law. To give Senator Kolowski more time to address any questions about his proposed legislation while still allowing for the display of the Honor and Remember Flag, we have co-sponsored this LR to allow for the displaying of the flag for the next year by parties who choose to do so while allowing for further work on the legislative initiative. I ask that the committee support the resolution and will defer any questions to Senator Kolowski. [LR95]

SENATOR MURANTE: All right, thank you very much, Senator Craighead. Seeing no questions, all right, are there proponents wishing to speak on the legislative resolution? [LR95]

GREG HOLLOWAY: Senator Murante and Government, Military and Veterans Affairs Committee...oh, I'm sorry. [LR95]

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SENATOR BLOOD: No, no, no, no worries. [LR95]

GREG HOLLOWAY: I'm Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. I represent several veterans organization and the Nebraska Veterans Council and I want to make sure it's on record that when we opposed the original bill, it was not because of the flag, it was because they wanted...it was to be in state statute and we decided that it was best not to be in state statute. That's the only reason we opposed it. And I thank Senator Craighead and Senator Kolowski for working this out and getting it on as a resolution. And the Nebraska Veterans Council is okay with that. So we have no opposition to this resolution. [LR95]

SENATOR MURANTE: All right. Thank you very much. Thank you for working with the interested parties. Are there any questions for Mr. Holloway? Seeing none, thank you. [LR95]

GREG HOLLOWAY: Thank you. [LR95]

SENATOR MURANTE: Senator Kolowski, welcome back. [LR95]

SENATOR KOLOWSKI: Thank you. Chairman Murante and members of the Government, Military and Veterans Affairs Committee, my name is Senator Rick Kolowski, R-i-c-k K-o-l-o-w-s-k-i, and I represent District 31 in southwest Omaha. I'm here in support of LR95 by Senator Craighead. LR95 is substantially similar to my LB652, which I presented to this committee earlier this year. LR95 is a resolution that adopts the Honor and Remember Flag for this session. I won't go into the details of the flag and the reasons for its adoption by the state, as we've already had a hearing in which those issues were discussed. I support LR95 as a first step towards passing LB652. This resolution will allow the Honor and Remember Flag to be flown this year. That experience of flying the flag should answer the questions and concerns raised by a few about my legislation. I consider LR95 to be a pilot program for LB652, and I thank Senator Craighead for her introduction and interest in the Honor and Remember Flag. I'll be happy to answer any questions you may have. [LR95]

SENATOR MURANTE: All right, thank you, Senator Kolowski. Senator Blood. [LR95]

SENATOR BLOOD: Thank you, Senator Murante. Senator Kolowski... [LR95]

SENATOR KOLOWSKI: Yes. [LR95]

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SENATOR BLOOD: ...if this were not to go through, the thing that I really question and I'm hoping you can clarify for me is why can't people just go ahead and put that flag up without anything from the state? [LR95]

SENATOR KOLOWSKI: I'm sure they individually could, if they so desire to buy one and post it on their own property, but it wouldn't be recognized in any state statutes as far as where we are or concerned as the state of Nebraska. [LR95]

SENATOR BLOOD: The reason I ask is that I've noticed that we've got quite a few up already in Bellevue, including area businesses. And so by putting this in statute, what does it...and I do not mean this in an impolite fashion... [LR95]

SENATOR KOLOWSKI: Um-hum, sure. [LR95]

SENATOR BLOOD: ...what does it really change? [LR95]

SENATOR KOLOWSKI: The recognition. I think that's the important part. It would be recognized as a symbol of everything we've described in the two hearings and noted as such within our rules and regulations as a state. [LR95]

SENATOR BLOOD: And I definitely respect anything that we can do that honors our military, but the concern I have is...I believe legislation should be to achieve something, should make something happen, make something stop happening, fund something, don't fund something; and in this case, I'm actually on the fence, not because I don't believe in the cause, you know I believe in the cause. [LR95]

SENATOR KOLOWSKI: Sure. [LR95]

SENATOR BLOOD: But what does it change except to make it more of a priority, maybe, in people's head, I mean that's kind of what I'm hearing you say. It doesn't change whether you can or cannot put the flag up, is that true? [LR95]

SENATOR KOLOWSKI: You're on your own property, you have the right to do what you so desire, correct. [LR95]

SENATOR BLOOD: Okay. So are you telling me that a state entity or a municipality they couldn't, unless it as in statute, is that what you're telling me? [LR95]

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SENATOR KOLOWSKI: Well, they would then have to make a decision at the local political level, whatever their association or organization would be. [LR95]

SENATOR BLOOD: What about at the state level? [LR95]

SENATOR KOLOWSKI: The state level, we would not...if it doesn't pass or doesn't become a statute, we would, probably, not be able to do that at the state level. [LR95]

SENATOR BLOOD: But not definitely, probably. [LR95]

SENATOR KOLOWSKI: Probably. It's a probable, I don't think anyone would put something out that would not be recognized as a viable and a legitimate flag; so that would be a state decision. [LR95]

SENATOR BLOOD: Do you know if the POW flags are part of our state statute? [LR95]

SENATOR KOLOWSKI: Well, they must be; they've been posted... [LR95]

SENATOR BLOOD: He's shaking his head yes. [LR95]

SENATOR KOLOWSKI: ...for quite awhile. So that's happened (inaudible). [LR95]

SENATOR BLOOD: Thank you. [LR95]

SENATOR MURANTE: All right, thank you. Are there any final questions for Senator Kolowski? Seeing none, thank you, sir, for coming down, appreciate it. [LR95]

SENATOR KOLOWSKI: Thank you. [LR95]

SENATOR MURANTE: Additional proponent testimony to LR95? Is there any opposition testimony to LR95? Is there any neutral testimony to LR95? Seeing none, Senator Craighead is recognized to close. She waives closing. And that ends the public hearing on LR95. LR71, I doubt anyone is here to testify on that, so I will just say briefly that LR71 is a legislative resolution that I introduced. It deals with the designation of our election systems across the United States as critical infrastructure. Election officials across the country aren't really sure what that means. So I'm going to ask this committee to hold on LR71. The National Association of Secretaries of State have already come out against the designation. And I'm going to be

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working with NCSL to investigate further exactly what the federal government means when they call our election equipment critical infrastructure because there is a great deal of concern at the national level. So I'm asking everyone to hold on it. And we'll probably take it up sometime next year when further...if we get any further guidance from the federal government. But we've already sent a letter to the federal government; we're waiting response from them. So, I suppose we'll go through the formality of is there anyone here to testify in favor of LR71? Is there any opposition? Is there any neutral testimony? Seeing none, that closes the public hearing on LR71. And we will proceed to the final item on the agenda, the request to approve gifts of two memorials. Welcome. [LR71]

JERRY EISENHAUER: (Exhibit 1) Thank you. Chairman Murante and members of the Government, Military and Veterans Affairs Committee, my name is Jerry Eisenhower, J-e-r-r-y E-i-s-e-n-h-a-u-e-r, administrator of Norfolk Veterans Home. I'm here to testify in support of the approval of two gifts from the Norfolk Veterans Home Heroes Park Foundation. These gifts would enable the addition of a World War II and Korean War memorial to our existing memorial flag plaza located in the front of Norfolk Veterans Home. The Norfolk Veterans Home Memorial Flag Plaza serves as a place of remembrance, reflection, and honor for all of our veterans. The addition of these memorials will further enhance the development of our existing flag plaza and serve as a constant reminder of the sacrifices our veterans have made to ensure our lasting freedom. The flag plaza is frequented by members of the veterans home, their families, as well as visitors and veterans from the entire northeast Nebraska area. The flag plaza is also used for special occasions such as Memorial Day. This gift from the Norfolk Veterans Home Heroes Park Foundation is comprised of in-kind donations, monetary donations, and activities for such development. These gestures of support, this commitment to caring has been administered by the Norfolk Veterans Home Park Foundation. Therefore, although this gift from the Norfolk Veterans Home Foundation is a singular gift, it represents the contributions of many caring individuals, businesses, and organizations. We are humble and grateful for this expression of support from the northeast Nebraska community. We welcome veterans and their families to enjoy the plaza. We will continue to be honored to have the Norfolk Veterans Home Flag Plaza serve as a community focus for celebrations and commemorations. We invite you, our policymakers, to visit Heroes Park Flag Plaza for the ribbon-cutting ceremony once work is completed. First though, we must respect our processes and exercise our collective due diligence. Therefore, I request that this committee act favorably on the special request and send a legislative resolution forward to the full body in hopes of favorable consideration. I would be pleased to answer any questions that you might have. [GIFT OF MEMORIALS]

SENATOR MURANTE: All right. Thank you very much for your testimony and thank you for coming down today. Are there any questions from the committee? Seeing none, thank you for your testimony, appreciate it. Additional proponent testimony to the request to approve a gift? Is there any opposition testimony? Is there any neutral testimony? Seeing none, that closes the

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public hearing on the request to approve the gift. And we will promptly go into an Executive Session to vote on all of these things. So thank you... [GIFT OF MEMORIALS]