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COMMITTEE ON GOVERNMENT, MILITARY AND VETERANS AFFAIRS  
May 12, 2005  
Confirmation Hearings

The Committee on Government, Military and Veterans Affairs met at 8:30 a.m. on Thursday, May 12, 2005, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on confirmation of appointments. Senators present: DiAnna Schimek, Chairperson; Carroll Burling; Deb Fischer; Rich Pahls; and Roger Wehrbein. Absent: Pam Brown, Vice Chairperson; Chris Langemeier; and Mick Mines.

SENATOR SCHIMEK: I think that we will go ahead and get started with the hearings. We do think that Senator Burling and Senator Mines are going to be here, but they've each said that they're going to be late, so we will proceed without them at this point. First of all, this is the Government, Military and Veterans Affairs Committee on the appointments of Kim Quandt and Brenda Decker, and we will begin with Kim Quandt. And I should mention for the record that Kim is a reappointment and this committee has heard her before as she came in for that appointment. She lives out in Sidney, and made it known that it would be a little bit difficult, right at this time, to come in for this hearing. And so she did send a letter indicating her interest and she did ask the Secretary of State to come in and testify on her behalf. She is a reappointment to the Nebraska Accountability and Disclosure Commission, of which the Secretary of State is the Chair. So, Mr. Secretary, would you like to come forth and talk to us a little bit about Kimberly Quandt? And welcome.

CONFIRMATION HEARING ON  
KIM QUANDT TO THE  
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

JOHN GALE: (Exhibits 1 and 2) Thank you, Madam Chairman. I'm John Gale, Secretary of State of the state of Nebraska and a member of the Accountability and Disclosure Commission. Good morning to all of you on this somewhat of a wet, damp morning, and I guess we're all pleased to have it, but it seems like when you get it, you get sometimes too much. But hopefully the Sandhills got some of that, Senator Fischer. The way the Accountability and Disclosure Commission works, Secretary of State, I'm a permanent member

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of that commission. The other members are appointed, either by the Governor or by myself. This appointment originally of Kim Quandt from Sidney was to the remainder of a term because of a resignation. She is quite a well-respected attorney in the Sidney area, very well thought of. I looked carefully into it when I made the appointment. She graduated with distinction from the University of Nebraska College of Law. She's been very faithful and very loyal about attendance, despite the fact that Sidney is a far piece west of Lincoln, but she's been very good about attendance; she's always been thorough in her preparation; she's always willing to express her opinions and thoughts; she's very thoughtful and considerate in her opinions. Sometimes you make appointments and you hope they work out; this one worked out even better than I had expected. I'm very, very proud of her service and she, like many young married women, finds herself pregnant with, I think, her third child. And I asked her if that's going to complicate her life in being able to practice law, be a mother, and still be active on the Accountability and Disclosure, and she said that fortunately she has a very supportive husband, supportive partners, and she very much believes in this work and that it won't interfere with her ability to attend meetings. So I would wholeheartedly endorse her approval.

SENATOR SCHIMEK: Thank you, Mr. Secretary. Are there questions? I guess I can't let this opportunity go by. Just for my own information as much as anything, John, I know that it seems as if the Accountability and Disclosure Commission has been in a precarious situation recently, with more and more, maybe, complaints, possible violations, that kind of thing coming before the commission. I guess is that the way you perceive it? Do you perceive that more time is having to be spent on commission business than maybe in the past? Is it making it more difficult for your commissioners?

JOHN GALE: It doesn't seem to be.

SENATOR SCHIMEK: I'm referencing now, of course, the Regents race...

JOHN GALE: Yes.

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SENATOR SCHIMEK: ...and all that went into that, but as far as the commissioners' job, that isn't getting heavier with some of the work that's ensuing from that?

JOHN GALE: It's been really kind of a steady flow of work, right along, Senator. Of course, we have those matters that we consider in open meeting and those things that we consider in executive session where we have to decide on probable cause. Sometimes executive session portions take a lot longer than the open meeting portions of the agenda, but it's been fairly steady right along. We meet six to nine times a year. It usually is a meeting from three to four hours; it usually doesn't consume a whole day. I would tell you, because I sit on so many boards and commissions, staff is so critically important, as we all know; that staff makes a huge difference in the ability to perform effectively and efficiently and adequately, and the Accountability and Disclosure Commission has an outstanding staff. Frank Daley, as executive director, does just a tremendous job; he has Bill Howland, a former assistant attorney general, as his chief counsel. Bill Howland has probably 30 years of criminal experience. And when they bring these things to us, they have done a very, very thorough job, and so it's not left to a lot of guesswork. We have the facts before us and we have the law before us. And it's like being a judge. You need to have the whole story in order to make a ruling that's not speculative, and I've been very, very proud of the staff work. It's not a large staff, but they're a very experienced staff. Sometimes on some of the other commissions I serve on, the staff work isn't as good, and it creates a lot more speculation, doubt, discussion, debate than if you have the whole story.

SENATOR SCHIMEK: Well, I appreciate that, and I realize it's kind of a sidebar on the purpose of this meeting, but since Kimberly isn't here, I thought it might be an opportunity to ask you that question. Does anybody else have any questions about the reappointment? Senator Pahls?

SENATOR PAHLS: No, no.

SENATOR SCHIMEK: Okay. Thank you, then, for being with us this morning. We appreciate it very much.

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JOHN GALE: Thank you, Madam Chairman, and thank you, members of the committee; appreciate it.

SENATOR SCHIMEK: Yes, you're welcome. And I see that Senator Burling has just joined us.

JOHN GALE: Do I need to leave one of these here?

SENATOR SCHIMEK: What is it?

JOHN GALE: It's for testifiers.

SENATOR SCHIMEK: Yes, you may. Thank you.

JOHN GALE: Okay. I wasn't quite sure how to address it, because there's an LB and an LR number, and so I'll just leave it. Okay, thank you.

SENATOR SCHIMEK: That's fine. Thank you very much for being with us; we appreciate that.

JOHN GALE: Thank you.

SENATOR SCHIMEK: I don't believe there are any in the room who wish to testify in opposition to this nominee, so...are there? So we will move to the next appointment of Brenda Decker, who is a newly appointed Chief Information Officer, and I don't know about the rest of my committee, Brenda, but I'm going to want to know something about your job because I don't know very much, so. If you would like to just make a brief statement about yourself and the position, anything you want to tell us, and then we'll open it up to questions.

CONFIRMATION HEARING ON  
BRENDA L. DECKER AS  
CHIEF INFORMATION OFFICER

BRENDA DECKER: (Exhibit 1) Sure. Good morning, Senator Schimek and members of the Government, Military and Veterans Affairs Committee. My name is Brenda Decker, D-e-c-k-e-r, and I'm appearing here today to seek your confirmation for the position of Chief Information Officer for the state of Nebraska. My entire professional career has been in public

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service; I believe you have copies of my resume in front of you. As you can see, I have worked in South Dakota state government; I have worked in the university system in Arizona; and currently I obviously work for the state of Nebraska--I've been here since 1978 in various technical positions. I believe that my background has prepared me for this position, very well. One of the accomplishments that we have done in the past year that I'd really like to highlight, that gives you some idea of my capabilities, is as the director of telecommunications. The state of Nebraska launched a statewide backbone network within the last two years. That network connects all state agencies from Scottsbluff to North Platte to Grand Island to Lincoln, Omaha, and then on to Norfolk, with a connection, as well, into Alliance. And it allows us to bring state traffic into state government more efficiently and more cost effectively. This was done without any additional appropriation, using existing monies that agencies were already spending on telecommunications. We did the project on time and we did the project under budget and we saved state agencies 15 percent on their telecommunications charges on an annual basis. This is not a small project. It was a very collaborative project. The university is a participant in this project and they also shared the same facilities. This is the kind of project that, as the Chief Information Officer, I hope to see us doing more of. The idea is to take telecommunications, information technology, all of those big buzzwords that come to the Legislature with large dollar tags attached to them, and make sure that you understand what we're buying, how we're collaborating, we're not reinventing the wheel, and we're doing it in the most cost-effective and collaborative manner. My education has also prepared me for this job. I have a bachelor's degree in business and a master's degree in management from Doane College here in Nebraska, and also I was the chairman and the national president of the National Association for State Telecommunications Directors in 2001-02; I led that group across the country. And my work with that group was recognized by Government Technology magazine, where I was named one of the Top 25 Doers, Dreamers and Drivers in the country, along with people like Governor Gary Locke and a State Senator Debra Bowen from the state of California. So I feel that I have the qualification to do this job. I will be happy to answer any questions you may have. I'm honored

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that you would consider me, and I'm asking for your favorable consideration.

SENATOR SCHIMEK: Thank you, Brenda. Are there questions? I must say that I'm very, very impressed with your resume, and I'm very impressed with the national recognition that you've gotten, too. So I think we're very fortunate to have someone so well qualified to consider for this.

BRENDA DECKER: Thank you.

SENATOR SCHIMEK: Is there anything else that you can tell me about the kinds of activities that you do? I mean, the one illustration that you gave us is very positive, and I'm sure there are other kinds of activities that you've been involved in.

BRENDA DECKER: Well, there's one activity that we're currently doing with the groups, with all of the IT groups in all of the state agencies. We have a project we are calling "shared services." There are a lot of activities, I think, in state government that agencies will go out and do because it's something that their agency absolutely needs. An example that we're in the process of doing right now is something you will hear referred to as a SAN, which is a storage area network. It's a large computer that stores a lot of data, allows us to consolidate servers. Agencies have servers across the board. I mean, every agency has a server of some type, if not multiple servers. The question becomes is if an agency such as the Legislature is purchasing a \$300,000 or \$400,000 system, and DAS is purchasing that same system, and Health and Human Services purchases that same system; we have issues with backup; we have issues with making sure that all of the data is able to be shared; we have issues with disaster recovery, what if we lose a building, that sort of thing. So we have formed a group that is working on what we call "shared services," and the storage area network is one example that is happening as we speak. The Legislature actually had purchased their own SAN unit, and as that request came through our agency for approval, because by the legislation created by this body, our office approves all technology purchases, we sat down with the technology people from the Legislature and said, this looks like a good opportunity to share a service. So

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we have a memorandum of understanding between DAS and the Legislature currently, that instead of you spending, I think your expenditure was around \$300,000 for all of the parts and pieces, and our expenditure being an additional, we could pay for part of yours, place it in the secured building across the street that was built for this purpose, DAS puts in a piece of money for that, as well, pays for our half of the machine, gives that back to the Legislature, and we share that now. And as we expand it, instead of buying one more and one more and one more, we can expand it to serve other agencies. Then we can back that up. Our current intent is to back that up, then, to the university's SAN unit, have redundant systems and be able to recover in the event of an emergency. It saved the Legislature money, saved DAS money, allows us to standardize on products and applications, and we're not spending \$300,000, \$300,000, \$300,000.

SENATOR SCHIMEK: As more come into the system, do they then buy into that system?

BRENDA DECKER: They buy into the system.

SENATOR SCHIMEK: And so ultimately it won't cost us \$150,000; probably it will be less than that in the long run.

BRENDA DECKER: Exactly. And that's the intent, and that's shared services, and we're looking at every shared service that we can possibly do. We actually have a government council which is the IT people of all state agencies--the Legislature does participate in that--and that group sat down and said, what services do we need in the next year or the next five years. We came up with a list of 37 potential "shared services." We literally have sorted it down to the eight most pressing needs, and we're starting there, and our intent is to continue to update that list and work our way down that list and find places where we can get economies of scale, we can make sure that we are spending the state's dollars wisely, and we're not coming in every five years and saying, we have this whole Y2K problem or we have this whole new problem that's going to spend millions of dollars in state dollars to fix.

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SENATOR SCHIMEK: It's too bad we don't have more opportunities to hear from more agencies like yours about the really good things that you're accomplishing, and it's too bad the public doesn't have the opportunity to hear some of those things more often than they do. So thank you. That was very interesting. Any follow-ups? Yes, Senator Pahls.

SENATOR PAHLS: I have a question. You know, I hear the word "shared." But do those different groups, can they talk to each other?

BRENDA DECKER: That is the intent. Now, what happens right now is, for example, DAS will have their servers, the Legislature will have their servers, Health and Human Services will have their servers, they have common networks and some of them have common connections where, for example, enterprise services such as NIS's, as you've heard about, where everyone tries to use the same accounting system, they can come in and use those. But can I, sitting in the Legislature...could you, in the Legislature, actually look at data on Health and Human Services machine today? Absolutely not, unless you had all of the correct connections to get there. Now, there's always that hesitation of, okay, if we're going to consolidate this, once you put it on the same machine are you going to have that ability? And we can go either way. I mean, if it's confidential information, so just HIPAA-protected information, obviously you need to make sure that that stays very, very protected. If it is information where, and we're trying to do this in the juvenile services area, if it's a situation where CJIS has information, children's justice information, criminal justice information, they have information on children, the courts have information on children in the system, the schools have information on children in the system. We're, at this point, trying to get those people together and say, let's look at common data elements, let's look at common databases, at least sharing databases, sharing the pieces we can share, because you're exactly right, Senator. If we get a child into a school, sometimes they have to contact seven or eight different agencies of government--state, local, federal, to get the information on the particular issues related to that child.

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SENATOR SCHIMEK: Anything else? Yes, Senator Wehrbein.

SENATOR WEHRBEIN: Yeah, real quick, because I've got to go here in a minute.

SENATOR SCHIMEK: Sure. I think we (inaudible).

SENATOR WEHRBEIN: But you've been acting or you've been chief information now for two months.

BRENDA DECKER: Since February.

SENATOR WEHRBEIN: And so you have a deputy yet appointed or have you been doing more jobs?

BRENDA DECKER: What we have done is, in DAS, the Governor asked Lori McClurg--I'm sorry, let me back up. Statutorily, the Chief Information Officer is appointed by the Governor, and is responsible for policy. When Governor Heineman became Governor, he very clearly said, I want to make sure policy and operations is more closely aligned than it was before. They still were both housed in DAS, but the Chief Information Officer had no responsibility for operations. So Governor Heineman, in conjunction with Lori McClurg, the director of DAS, said, what we're going to do is administratively move the Division of Communications and Information Management under the operational control of the Chief Information Officer. So I do have control over all of that. I do not have a deputy. One of the things we did as a cost saving measure, is we eliminated some deputies in that agency in the Information Technology Division. But what has happened is we have created what I call a leadership team of six people that help do the operational entity and the operational aspects of the agency.

SENATOR WEHRBEIN: Okay. Thank you.

SENATOR SCHIMEK: I did this backwards this morning because I knew we were pressed for time and I did not introduce the committee members. But in case you don't know them, Senator Deb Fischer is at the end of the table.

BRENDA DECKER: Hello.

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SENATOR SCHIMEK: She's from Valentine, I'm sure you probably know. Senator Wehrbein.

BRENDA DECKER: Senator Wehrbein, yeah.

SENATOR SCHIMEK: And this is Sherry Shaffer, the committee clerk.

BRENDA DECKER: Hi, Sherry.

SENATOR SCHIMEK: To my right is Christy Abraham, the committee counsel; and I would imagine you know Senator Burling from Kenesaw,...

BRENDA DECKER: I've met Senator Burling.

SENATOR SCHIMEK: ...but from the Hastings area; and Senator Rich Pahls from Millard.

BRENDA DECKER: Hello, nice to meet you.

SENATOR SCHIMEK: Anyway, thank you very much for being with us this morning.

BRENDA DECKER: You're welcome.

SENATOR SCHIMEK: It was sort of a hurry-up job, but you've piqued my curiosity, and I think it would be great if we could get the whole Legislature to know some of the kinds of things that your office does. It could be, well, it would be informative for them, but it would help us understand what all is going on in that arena. So thank you very much for being with us, today. We appreciate it.

BRENDA DECKER: You bet. Thank you.

SENATOR SCHIMEK: With that, that concludes the hearing on the appointments for today. Thank you.

  
Chairperson

  
Committee Clerk