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Government, Military and Veterans Affairs Committee
January 25, 2008

[LB746 LB761 LB767 CONFIRMATION]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Friday, January 25, 2008, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB767, LB761, LB746, and gubernatorial appointment. Senators present: Ray Aguilar, Chairperson; Kent Rogert, Vice Chairperson; Greg Adams; Bill Avery; Russ Karpisek; Scott Lautenbaugh; and Rich Pahls. Senators absent: Mike Friend. []

SENATOR AGUILAR: Welcome to Government, Military and Veterans Affairs Committee hearing. Senators we have present at this time: On the far right is Senator Russ Karpisek from Wilber, Nebraska; Senator Kent Rogert, the Vice Chair from Tekamah; just coming in is Senator Scott Lautenbaugh from Omaha; next to me is Christy Abraham, our legal counsel; I'm Senator Ray Aguilar of Grand Island, Chair of the committee. On my left is Sherry Shaffer, the committee clerk, followed by Senator Rich Pahls of Omaha, Senator Greg Adams of York, and I'll introduce the rest of the senators--like Senator Bill Avery--as they come in. Bills will be taken up in the following order today: LB767, LB761, and LB746. Sign-in sheets are at both of the entrances. Sign in only if you're going to testify and put the sheet in the box up here in front of me. If you're not going to testify but would like to be on the record either as a proponent or an opponent on the bill, there's another sheet you can fill out and place up there as well. Print your name and indicate who you are representing. Before testifying, please spell your name for the record even if it's a simple name. Introducers will make initial statements followed by proponents, opponents, and neutral testimony. Closing remarks are reserved for introducing senator only. Listen carefully and try not to be repetitive. If you have a prepared statement or exhibit, give it to the page and they will distribute it. Please turn off all cell phones and pagers at this time, and I will introduce our pages for today: Ashley McDonald from Rockville, Nebraska, and Luke Peterson from Bertrand. LB767 and you're not Senator Cornett. []

ANDREW ZIMMERMAN: No, I'm not. []

SENATOR AGUILAR: Welcome. []

ANDREW ZIMMERMAN: Thank you. Good afternoon, Chairman Aguilar, senators of the Government, Military and Veterans Affairs Committee. My name is Andrew Zimmerman, A-n-d-r-e-w Z-i-m-m-e-r-m-a-n, and I'm the administrative aide for Senator Abbie Cornett who could not be here for a speaking engagement in her district. I'm pleased to introduce LB767 relating to the Civil Air Patrol. LB767 would allow the Civil Air Patrol members to obtain a leave of absence if necessary from their employment when they are called out to assist in an emergency situation for the state, United States, or Civil Air Patrol mission. This is important because they are called out to assist in times of emergency in conjunction with other agencies that are allowed a leave of

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absence. There are several people from the Civil Air Patrol here today to answer any of your technical or general questions and I want to thank you for your time in considering LB767. [LB767]

SENATOR AGUILAR: Thank you. Are there questions? Seeing none, you're off the hook, young man. [LB767]

ANDREW ZIMMERMAN: Thank you. [LB767]

SENATOR AGUILAR: Thank you. First proponent of this legislation. Come forward. [LB767]

ERNEST V. PENCE: (Exhibits 1-3) Senator Aguilar, senators from the chair, my name is Ernest Vincent Pence, E-r-n-e-s-t V. P-e-n-c-e, and I represent the Civil Air Patrol as a proponent for this bill. And I've got some papers to give to the page to hand out to you folks that will give you a brief outline of what we are and what we do, so that you can peruse this and give you some background as to why we ask for this bill and what it means to the organization and the state of Nebraska. What I have is a copy of my testimony, and then I also have an activation order that is based upon the Iowa Civil Air Patrol when they are activated and ask for this type of assistance, and I also have a copy of the deactivation order. And so that should be everything that I'm presenting to you people and I will be happy to answer any questions that you may have. [LB767]

SENATOR AGUILAR: Thank you. [LB767]

ERNEST V. PENCE: Yes, sir. [LB767]

SENATOR AGUILAR: I appreciate you sitting down. The transcriber needs to pick up your voice. Questions for Mr. Pence? Now you can stand up (laugh). Thank you. Next proponent. Are there any opponents? Neutral testimony? Seeing none...these will all be entered into the record. Seeing no further testimony, that closes the hearing on LB767. Thank you very much. We are now ready to open on LB761. Senator Avery, Please. [LB767]

SENATOR AVERY: Thank you, Mr. Chair. My name is Bill Avery. I represent District 28. My name is spelled A-v-e-r-y. I want to start by providing a bit of background on why this bill is needed. You probably are all aware that the U.S. Department of Defense routinely examines existing military installations, missions for structures, assets over seas and in the United States. The objective of this examination that they take about every two years is to increase efficiency in the distribution and use of military assets. Because the whole issue of realigning bases, enclosing bases is so politically sensitive for the communities where these assets reside, the members of Congress that represent these communities have decided that they want to depoliticize the process.

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This occurred in the mid to late 1980s. Since, Congress was saying we can't do this. It's too politically charged. Everybody wants to preserve their own assets and if we are...if it's left up to us to do this, we'll never get a rational distribution of military resources. So if you leave the process to the normal legislation, then needed base closings and realignments would never occur because of intense pressure and efforts by members of Congress to protect their own bases. So Congress established the Base Realignment and Closure Commission, known as BRAC, to relieve them of this responsibility. The BRAC commission prepares a list of recommended closings and realignments based upon a list of recommendations from the Department of Defense, and based on objective criteria that reflect the best interest of the role and mission of the military. This listing goes to Congress for approval in a deadline driven, no amendment up or down voting process. After the President submits this to Congress, they have 45 days to act. They cannot amend the list. They can only vote it up or down. The key thing here is that once an installation or a mission is placed on the BRAC list for closing or for realignment, it's extremely difficult to get that removed. It's a very difficult thing. So the purpose of this bill primarily is to protect Nebraska's present military assets and also to seek possible ways to expand them. The bill creates a task force to study possible steps that the state may take to achieve these goals. Membership of the task force would include representatives of the various chambers of commerce, military leaders, at-large citizens, and state senators. I think the specifics are in the bill as to which chambers would be involved and other people. The task force would be responsible for: Identifying military installations and missions in Nebraska that might be most vulnerable; identify installations and missions most likely to benefit from some realignment; reviewing actions that other states have taken to try to protect their assets; make recommendations as to what actions, if any, we can take to protect our military installations and missions. These recommendations would go to the Governor and the Legislature. I have consulted with the committee's legal counsel, my office has, about some amendments and if you don't mind, I'll just mention what those amendments are. We inadvertently left off the Greater Omaha Chamber. We would like to add the Greater Omaha Chamber to that list of participants on the task force. Also, we would like to add the chair of this committee to that task force as well. And we are removing the commander of Offutt since we probably can't tell a federal government employee that they have to serve on a statewide task force. We were informed that probably would not happen, particularly because the commander will be involved in the BRAC process and once they're involved in the process, they are forbidden to talk in public about what they're doing. You'll note at the end of the bill we had anticipated that we would terminate the task force at the end of this year, December 1. And after we talked with military leaders and people familiar with the BRAC process, it became apparent that we might want to keep the task force active for a five-year period because the process is probably going to stretch into at least 2012. Even though the task force will not be meeting, its report will still be due then at December 1 this year. But they would not dismantle the task force, keep it around, keep it alive for another five years in case there is something we need to do as the process unfolds in order to take action to protect

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what we have. And I believe our committee counsel will talk about how the expenses of the task force might be handled. I urge you to advance this bill to General File. I think it's important that we get ahead of this process. The last BRAC process occurred...started in 2002 and ended in 2005 with probably the largest realignment of bases in the history of the U.S. military. A lot of people have said, well, we don't have to worry about the STRATCOM at Offutt. Yes, we do. We have to be ready for whatever might come and take whatever action we can. So I urge you to give this a serious consideration for advancement. Thank you. [LB761]

SENATOR AGUILAR: Thank you, Senator Avery. Are there questions for Senator Avery? Seeing none, thank you, Senator. First proponent of LB761. Welcome. [LB761]

MEGAN LUCAS: Welcome. Good afternoon, Senator Aguilar, distinguished senators. My name is Megan Lucas, M-e-g-a-n Lucas, L-u-c-a-s. I'm the president and CEO of the Bellevue Chamber of Commerce, longstanding and proud home of Offutt Air Force Base. I'm here to testify in support of the task force. Just to give you a few numbers, which I think that you're aware of, but I would like to have then on record: Offutt Air Force Base is the third largest employer in Nebraska. The total economic impact of Offutt Air Force Base is \$2.8 billion. There are more than 9,800 military and civilian personnel at Offutt Air Force Base; more than 17,000 families and military dependents in our community; more than 10,000 are retirees; and the total payroll for Offutt Air Force Base is \$698 million. I assure you that the community that I like to call the Bellevue metro, but my friends behind me with the Omaha metro, are working on these issues on a daily basis, and we have been working on these issues constantly, which is important anytime any base is in your community. So we support the Senator's task force and are happy to participate and continue to educate folks on the importance of Offutt Air Force Base and the guard units within the state of Nebraska. And incidentally, in the last BRAC process, Offutt Air Force Base was adjusted or realigned approximately 175 billets. [LB761]

SENATOR AGUILAR: Thank you. Are there questions for Megan? Seeing none, thank you. [LB761]

MEGAN LUCAS: Thank you so much. Have a nice day. [LB761]

SENATOR AGUILAR: Are there other proponents? Welcome. [LB761]

JOHN WOOD: (Exhibits 1-3) Good afternoon. Last time I was here, it was August and it was a lot less comfortable in this room than it is today. My name is John Wood. I'm here speaking in support of the bill. J-o-h-n W-o-o-d. I have copies of my comments and copies of some economic impact documents reflecting the military. I'm the executive director for the Lincoln Airport Authority, and I'm also here today speaking to you as the chairman of the Lincoln Chamber of Commerce Military Affairs Committee. I'm speaking

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today because I'm concerned about the long-term viability of the Nebraska Air National Guard operation in Lincoln, and a similar concern should apply to all military bases in Nebraska. Everybody assumes the military bases are fixtures in the community that will always be there. The fact is that is no longer the case. The Department of Defense, just like private corporations, is looking to consolidate and streamline its operations to save money and improve efficiency. As was said here earlier, in the '80s, Congress created the BRAC process with a methodology to periodically create a list of base closings which can either be accepted or rejected in total. BRAC rounds do not occur at regular intervals but happen periodically as the Department of Defense, Congress, and the executive branch work together. And the last round of BRAC, as was stated earlier, occurred in 2005. Members of the National Guard can provide you with details. It is my understanding that the Air National Guard unit, the 155th Air Refueling Wing based in Lincoln, came very close to being on that 2005 BRAC list. Losing that unit would be devastating to Lincoln and to the state. I don't know when the next BRAC round will be, but if we simply assume that all is okay and don't do anything, it will be too late by the time the list comes out if a Nebraska-based unit is on it. Not just the Guard, but any guard or reserve unit statewide, even active duty facilities. We should not assume they'll always be there. There's also a positive side to BRAC. As the DOD closes and consolidates bases in other parts of the country, it is possible if a Nebraska base is prepared and capable of handling some new missions that are being removed from that closing base to pick up those missions and the jobs and the economic impact those missions would bring to their facilities here in Nebraska. In both cases, whether it is closure of a base or expansion of a base because of other closures, the base, the municipality, and the state must all have done their homework and be prepared ahead of time. I'll give you an example: Here in Lincoln, we recently had a reevaluation of an old levy which the air force built at the Lincoln Airport 50-so years ago. That levy no longer meets FEMA standards. Because of that, a majority of the Air National Guard base in Lincoln falls into a 100-year flood plain. Locally here we're beginning to look at projects that could result in the restoration of that levy to FEMA standards and either a reduction or a removal of the guard base from the flood plain. The point of the illustration is this: If we do nothing and the guard base remains in the flood plain, it seems to me that when the next BRAC round comes, the guard base being in a 100-year flood plain becomes low hanging fruit that's easy to pick and easy to close. Same can be said of numerous other subjects surrounding military bases, whether it's encroachment by the local community, conflicts of noise or security, lack of room to expand--the list can go on and on. Any of those items can be reason enough for a base to end up on a BRAC list to close bases. All of these issues are valid reasons for the state to get involved in the welfare of the military bases that exist in the state. Today, at least 25 other states have permanent organizations within their state structure which address these very needs. In some cases, the departments are part of the Governor's office, and others, they are independent commissions or associated with the State Economic Development Office. These other states have recognized the issue and through these organizations are doing exactly the types of things that better prepare

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them to compete for DOD jobs and assets in the future. The military operations in Nebraska represent a significant number of jobs and economic impact. To risk losing these is foolish. The state has everything to gain by bringing its attention and expertise to bear on keeping what we have and working to attract more. Thank you. [LB761]

SENATOR AGUILAR: Thank you. Are there questions for Mr. Wood? Seeing none, thank you for coming today. Next proponent, please. Are there any opponents to the bill? Neutral testifiers? Seeing none, Senator Avery, would you choose to close? [LB761]

SENATOR AVERY: My first inclination was not to close, but I don't think I heard any numbers on the total economic impact of the Air National Guard and I have numbers here. Total payroll and appropriated expenses over \$64 million. So we're talking about a significant economic impact if these places are closed. That's all I have, sir. [LB761]

SENATOR AGUILAR: Any follow up questions for Senator Avery? Seeing none, thank you. That closes the hearing on LB761. We're now ready to open on LB746. Senator Rogert, the chair is yours. [LB761]

SENATOR ROGERT: Senator Aguilar. [LB746]

SENATOR AGUILAR: Good afternoon, Vice Chair Rogert. My name is Ray Aguilar and I represent District 35. I'm here to introduce to you today LB746 which was brought to me by the Adjutant General of Nebraska. In my first year as chair of the Government, Military and Veterans Affairs Committee, I have had the opportunity and privilege to speak at several events either sending off or welcoming home members of the National Guard. As you know, these men and women sacrifice a great deal when they are deployed. So when the Adjutant General asked me to carry this bill to ensure they didn't have to sacrifice their opportunity to obtain college tuition reimbursement, I was happy to accept it. Currently a member of the Nebraska National Guard is allowed to receive a tuition credit of 75 percent of resident tuition charges for a period of 10 years from the date of the member's initial membership so long as the member complies with certain requirements. LB746 provides that if a member is unable to complete his/her course of study within a 10-year period due to deployment of not less than 180 days on federal or state active duty status, the Adjutant General may extend the entitlement period equal to the period of time that the persons active duty status, not to exceed a maximum of 5 years. The military department reports that a few people have not been able to complete their college education in the ten-year period because of deployments, and this bill will help correct that problem in the future. A representative from the military department is here to provide you with more details about the bill, and I'll be happy to try to answer any other questions you may have. [LB746]

SENATOR ROGERT: Thank you, Senator Aguilar. Are there any questions? Seeing

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none, thank you. First proponent, please. [LB746]

TERRI KATTES: General Kadavy is on his way. Could we get a moment of rest until he arrives or may we go ahead and put something into testimony for him on his behalf? [LB746]

SENATOR ROBERT: Go ahead, yeah, come on up. Fine. [LB746]

DARYL BOHAC: Good afternoon. I am Colonel Daryl Bohac, last name is spelled B-o-h-a-c, first name D-a-r-y-l. I'm the director of staff for the Air National Guard with the military department. On behalf of General Kadavy, I present the following testimony. Current state statutes limit the period during which a guard member is eligible to receive tuition assistance to the first ten years of guard membership. In years past, this eligibility period was adequate and allowed our guard members time to complete a course of study, even if a member attended only in part-time status. However, in today's military environment of extended and sometimes multiple deployments, the ten-year period of eligibility does not always meet the needs of our members. We support the passage of LB746. If enacted, it would authorize the Adjutant General to extend the eligibility period of a guard member who is unable to complete his/her course of study within the ten-year period of deployment. This extension applies only to deployments in federal or state active duty status of at least 180 days. The maximum period of extension is five years. Once an extension is approved, the effective guard member would be required to maintain satisfactory performance with the National Guard, as well as satisfy the normal requirements of his/her course of study in order to remain eligible for the assistance. The state tuition assistance program has long been one of the Nebraska National Guard's most effective recruiting tools that help us bring quality members into the guard. Of equal importance, however, is the retention of those same members. Retention of guard members with 8 to 12 years of service is critical to maintaining an experienced, trained, and mission-ready force. Passage of LB746 would provide assurance to this important group that tuition assistance would still be available to them following a deployment and may very well serve as the necessary incentive as they reach the midpoint of their military career to remain in the Nebraska National Guard. Following me today you will hear personal stories from soldiers who have been affected by the time limits. These are soldiers who have served multiple deployments since 9/11. I firmly believe it is our responsibility to assure that the men and women who are so proudly and honorably serving this state and nation are not asked to make an unnecessary sacrifice, and I encourage you to send LB746 to the floor for debate. Thank you for your time this afternoon. I am available for your questions. [LB746]

SENATOR ROBERT: Thank you. Are there any questions from the committee? Senator Adams. [LB746]

SENATOR ADAMS: How did you...in principle I see where you're going with this and it

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sounds fine. I'm curious. How did you arrive at the five-year extension? Why not two years or three years? [LB746]

DARYL BOHAC: Makes sense and I think as the bill is currently written, Senator, allows up to a five-year extension, but the extension would be based on deployment length, if I remember correctly. So if a member is deployed and they cross that ten-year point of service would normally no longer be eligible, then we would extend their eligibility commensurate with that time. [LB746]

SENATOR ADAMS: Okay. [LB746]

SENATOR ROBERT: Senator Avery. [LB746]

SENATOR AVERY: I think we know that normally you don't get a five-year deployment. But isn't it true that many of our guard people get multiple deployments that could add up over time to be five years? [LB746]

DARYL BOHAC: Yes, sir, and the Army National Guard has currently the policy is by the Department of Defense is 1 year or 12 months doorstep to doorstep. Normally in a five-year period, but in some cases we have members that do volunteer are asked to mobilize sooner than in that five-year time frame. So I think that's the other rationale for the five year extension as well. [LB746]

SENATOR AVERY: Thank you. [LB746]

SENATOR ROBERT: Colonel, there's a note here and we've dealt with in the past on a couple of other issues, would you suggest that we change this 180 days to 179? [LB746]

DARYL BOHAC: I would recommend that change, and the reason for that rationale is that on the Air National Guard side, most of our deployments are at the 179-day length. We're under a different set of policies on the Air Force side that we tend to deploy shorter but more frequently, no less disruptive in the same five-year period. So if we used 179 versus at least 180 would be more useful to the airman. [LB746]

SENATOR ROBERT: Okay. Thank you. Any other questions? Thank you, sir. Next proponent. Good afternoon. [LB746]

KENNETH WINN: (Exhibit 1) Good afternoon. Ladies and gentlemen of the committee, I want to thank you for having me today, giving me this opportunity. I'm Sergeant First Class Kenneth Winn, spelled W-i-n-n. After 4 years in the Marine Corps, I joined the Nebraska Army National Guard in 1999, and am currently serving as the First Sergeant for the 134th Long Range Surveillance Detachment out of Crete, Nebraska. I am here

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today in support of LB746. Since 9/11 I have served in both a state and federal active duty status. First, in support of Operation Nobel Eagle, where my mission was to provide security at the Nebraska National Guard Headquarters. Later, I spent a year in Bosnia, and most recently I've spent 2 years preparing for and serving in Iraq, of which 15 months was in Iraq. My eligibility to apply for state tuition assistance does not expire until next year. I have been working toward my Bachelor's degree on a part-time basis for a number of years. But since I attend a school which is not located in Nebraska, I am not eligible to receive state assistance. Each year I do take advantage of the maximum annual benefit of \$4,500 for federal program. Deployments have delayed my progress toward a degree by nearly three years, and I am now in the position that even if I were to transfer to a Nebraska school in order to qualify for state assistance and take more classes each year, it would not be possible for me to complete my remaining credit hours before losing eligibility for the state tuition program. For me personally, the passage of LB746 could increase my options as I work to continue my education. Beyond any personal gain, however, my main purpose for being here today is to represent the needs of the soldiers in my unit and the guard in general who are making great sacrifices while answering the call to duty and should not be asked to sacrifice this important benefit as well. I urge you to send LB746 forward. I appreciate your time and I would be happy to answer any questions. [LB746]

SENATOR ROBERT: Are there any questions from the committee? Thank you, Sergeant. [LB746]

KENNETH WINN: Thank you very much. [LB746]

SENATOR ROBERT: Next proponent. [LB746]

THOMAS O'NEILL: Senator Rogert, members of the committee, I'm Thomas O'Neill, that's O'-N-e-i-l-I. I am the president of the Association of Independent Colleges and Universities, which is a consortium of 14 nonprofit institutions, located and regionally accredited institutions, located here in the state of Nebraska. We just wanted to be on record in supporting LB746. We think the more flexibility you can give the young men and women who serve in our National Guard...the more flexibility you can give them, the better it will be for them and for our state. So, be happy to answer any questions you might have. [LB746]

SENATOR ROBERT: Any questions? Thank you. [LB746]

THOMAS O'NEILL: Thank you. [LB746]

SENATOR ROBERT: Next proponent. Good afternoon, General. [LB746]

TIM KADAVY: (Exhibit 2) Thank you, Mr. Chairman. I am Adjutant General for the state

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of Nebraska Brigadier General Timothy Kadavy, spelled K-a-d-a-v-y. I have a testimony from another soldier that was unable to make it here today, Sergeant Joseph Dunlap, that speaks on behalf of the bill. I would just like to add that this is a tremendous tool in our kit as we continue to ensure the readiness and the capability of the Nebraska Air and Army National Guards. So any consideration of this and the impact that...the significant impact, positive impact that it will have on the soldiers and airmen in which utilize this program in that fact that the long deployments and multiple deployments of many soldiers and airmen over the last seven years in the global war on terrorism. This will help to alleviate some of those impacts that come about because of deployments. Thanks. [LB746]

SENATOR ROBERT: Thanks, General. Any questions? Seeing none, thank you. [LB746]

TIM KADAVY: Thank you. [LB746]

SENATOR ROBERT: You can give that testimony, General, to the page if you like. [LB746]

TIM KADAVY: I'm sorry? [LB746]

SENATOR ROBERT: You can give that to the page and then we'll get that entered in. Any other proponents? Any opponents to the bill? Anybody here in a neutral capacity? Senator Aguilar, would you like to close? [LB746]

SENATOR AGUILAR: I will, just briefly, only to say and in response to one of the questions that I heard while the testimony was going on. As I said, I've had the privilege and honor to attend a lot of the send offs, and I can tell you the number of times that during the speeches for the send off they introduce the military people that are leaving, and in many, many of the cases, it's his second or third deployment, which as you can well imagine, most deployments are a little over a year. You certainly are not going to accomplish that within the two-year time frame. Hence the reason for the five years. I encourage you to vote this to the floor for a full debate in the Legislature and thank you. [LB746]

SENATOR ROBERT: Any further questions for Senator Aguilar? Seeing none, thank you. That closes the hearing on LB746. [LB746]

SENATOR AGUILAR: The last thing on our agenda today is a gubernatorial appointment. Could we have General Timothy Kadavy please step forward. General Kadavy, I would just like to have you tell us just a little bit about yourself and we'll go from there. [CONFIRMATION]

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TIMOTHY KADAVY: (Exhibits 1, 2) Thank you. Chairman Aguilar, members of the Government, Military and Veterans Affairs Committee, I am Brigadier General Timothy J. Kadavy, spelled K-a-d-a-v-y. It is my honor to be here today testifying on behalf of my appointment by Governor Heineman as the 31st Adjutant General for the Military Department of Nebraska. I have served my entire adult life in the Nebraska National Guard, and I am committed to ensuring that it remains a ready and capable organization able to meet the needs of Nebraska and the nation. And as director of the Nebraska Emergency Management Agency, I will ensure the state is ready and prepared to meet all calls for assistance from our counties, cities, communities, and citizens whenever and wherever it is needed. I enlisted into the Nebraska Army National Guard in April 1982 upon graduation from Millard South High School. I went to basic training that summer. Upon return, I enrolled into the Army ROTC program at the University of Nebraska-Lincoln, and I was a Simultaneous Membership Program cadet--also known as SMP--meaning I continued my service in the Nebraska National Guard. I was commissioned a Second Lieutenant in May 1984 as an armor officer, and then served as a traditional guardsman until May 1994. In May 1994, I was selected to serve at the National Guard Bureau as a Nebraska National Guardsman in federal status, meaning I worked on behalf of all 54 states, territories, and the District of Columbia. I have served in this status until my assumption of duties here in Nebraska on 3 November 2007, with the exception of a two-year period when I returned to Nebraska in 2001-2003 to command the Lincoln-based First Squadron 167th Cavalry. My military experience includes command at the troop and squadron level, and as a staff officer from squadron to corps, and at the Headquarters Department of the Army. I have served in Bosnia and Iraq as a Task Force Commander and Senior Army National Guard Advisor respectively. My last two assignments at National Guard Bureau level were as chief of readiness, plans and mobilizations, and then culminated in the deputy chief of staff or operations responsible for the mobilizations, training, force management, aviation and operations. I served as the chief plans officer for the Army National Guard during Hurricane Katrina Response Operations in 2005. I believe these assignments and experiences have prepared me well for the duties as the Adjutant General for the state of Nebraska. My efforts and vision for the Nebraska National Guard will focus on soldiers, airmen, and family well-being; they are the cornerstone and they are the strength of our organization. Multiple deployments in support of the global war on terrorism have placed a tremendous amount of stress on the National Guard. We will work to ensure the Nebraskan citizen soldiers' needs are met as they reintegrate back into their lives here in Nebraska. I look forward to working with Governor Heineman and the Legislature, as well as Washington, D.C., in seeing that those needs are met. The future success of the Nebraska National Guard will continue to hinge on our ability to recruit and retain the very best of Nebraska. I will work to ensure the Nebraska National Guard is an organization with opportunities for all Nebraskans wishing to serve. To prevent future cross leveling of personnel between units and to ensure unit cohesion, we will need to increase our end strength, and continued support for the tuition assistance program will be critical to the continued recruiting success. As the

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Department of Defense moves towards an Operational Reserve, we will need to complete more of the required training at our training areas here in the state of Nebraska. By reducing the required post mobilization training period, this will allow us to keep soldiers and airmen at home longer with their families and employers. This will take improved ranges and training facilities in the state. And I will work with the National Guard Bureau to make this a reality. At NEMA, I will work to continue our long history of being ready for the people of Nebraska. We will continue to grow our working relationships with our communities, federal agencies, industries, and citizens. We will work to refine our exercises to ensure continued preparedness, ability to communicate, and to anticipate the needs of the citizens of Nebraska when their safety and welfare are threatened. Vigilance and preparedness are the keys to ensuring our ability to respond to future emergencies. I will work to ensure the Nebraska Military Department and NEMA are manned, equipped, and trained to the best of our ability for the citizens of Nebraska and, if called, the United States. Thank you for this opportunity to meet with you on behalf of my confirmation. [CONFIRMATION]

SENATOR AGUILAR: Thank you, Brigadier General. Are there questions for the General? Senator Avery. [CONFIRMATION]

SENATOR AVERY: General, welcome. [CONFIRMATION]

TIMOTHY KADAVY: Glad to be here, sir. [CONFIRMATION]

SENATOR AVERY: I'm looking at your resume here and I note that you are recipient of the Bronze Star Medal. [CONFIRMATION]

TIMOTHY KADAVY: Yes, sir. [CONFIRMATION]

SENATOR AVERY: I know that to be a medal that's given for bravery and courage in combat. I'm not going to ask you for the specifics of it, but just what...was it Bosnia, Iran? [CONFIRMATION]

TIMOTHY KADAVY: I was given the Bronze Star when I was in Iraq. The Bronze Star is actually given for performance in a combat zone. If it's actually given for bravery for an action, then you get a V Device which is for valor. I did not receive the valor device or the V Device. I was just given the Bronze Star for my performance in the combat zone. [CONFIRMATION]

SENATOR AVERY: And you have six military service medals. You have one and then you have six clusters. [CONFIRMATION]

TIMOTHY KADAVY: Yes, sir, for a total of seven and there's one that was just recently awarded, about a week ago, I believe, that was signed. [CONFIRMATION]

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SENATOR AVERY: Congratulations. [CONFIRMATION]

TIMOTHY KADAVY: Thank you, sir. [CONFIRMATION]

SENATOR AGUILAR: Any other questions? Senator Rogert. [CONFIRMATION]

SENATOR ROBERT: You mentioned...of course you have NEMA under your jurisdiction. What are your thoughts on where we're going to be as far as needs and areas of NEMA for the next couple of years? [CONFIRMATION]

TIMOTHY KADAVY: Well, I think it's important that we continue to improve the ability of the state to communicate at all levels, from cities, counties, and state, and also to be able to communicate with at the federal level. If you can't communicate, then your needs and requirements can't be passed from one to another. It's easy to do in a normal environment, but most emergencies don't happen in a normal environment. So we have to prepare for that, and then we also just need to do our analysis and determine what the most likely events may be, and then we work real hard to educate and prepare at all levels to respond to those key incidents and then prepare also for the worst-case scenarios. [CONFIRMATION]

SENATOR ROBERT: Thank you. [CONFIRMATION]

SENATOR AGUILAR: Further questions? Senator Pahls. [CONFIRMATION]

SENATOR PAHLS: General, I've did some checking into your background and I had discussed with you this position with a gentleman by the name of Rex Rhodes (phonetic)... [CONFIRMATION]

TIMOTHY KADAVY: That's outstanding... [CONFIRMATION]

SENATOR PAHLS: ...and he could remember you. [CONFIRMATION]

TIMOTHY KADAVY: That's great to know. I hope it was for the good reasons and not for the wrong reasons. [CONFIRMATION]

SENATOR PAHLS: No, he was extremely positive because I said we had had a conversation and I mentioned you name and it wasn't like uh, uh, right away. So you must have left a...you may want to tell people who Rex Rhodes (phonetic). [CONFIRMATION]

TIMOTHY KADAVY: Yeah, Rex Rhodes (phonetic) was my principal in elementary school (laughter) back in Millard Public Schools. It was a common friend that we both

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remembered when we were discussing our backgrounds earlier. He was an outstanding principal, caring and understood to the needs of students, and so it was an outstanding experience I had at Hitchcock Elementary in Omaha. [CONFIRMATION]

SENATOR PAHLS: And he said basically the same with you. Thank you.
[CONFIRMATION]

SENATOR AGUILAR: General, you mentioned the challenge ahead of you as far as recruiting concern. Do you consider that to be your biggest challenge at this point in time? If not, what then? [CONFIRMATION]

TIMOTHY KADAVY: It's a co-one. Number one is ensuring soldier, airmen, and family well-being. We've got to take care of those that we have now, particularly because of the impacts of deployments. But right up there is the recruiting and retention, recruiting of new soldiers and the retention of those that we have because unit readiness...the long pull on the tent, the most important thing is ensuring you have the soldiers and airmen there to execute whatever mission comes about. You can have all the equipment in the world, but if you don't have trained capable individuals, then you don't go anywhere. [CONFIRMATION]

SENATOR AGUILAR: Further questions? Senator Karpisek. [CONFIRMATION]

SENATOR KARPISEK: I'd just like to make a statement that the General and the Colonel share my lineage and I'm very proud of them and very proud of the guard, so thank you for what you do and you're making us proud. [CONFIRMATION]

TIMOTHY KADAVY: Thank you, Senator. [CONFIRMATION]

SENATOR AGUILAR: Senator Avery. [CONFIRMATION]

SENATOR AVERY: I don't know if you want to comment on this or not, but do you have any plans for growing the guard beyond its current size? [CONFIRMATION]

TIMOTHY KADAVY: I think in order for us to meet our current requirements, because of the way the guard is recruited we need a growth and in strength, and I think currently the Army Guard is about 3,600. I think and in strength of about 4,500 is required to meet the force structure we have now. The Air Guard...I think that we should grow that to about 1,500. I'm not looking at any additional force structure at this time. I'm not looking at any additional funding requirements. That's just to support how the Army Guard mobilizes and deploys and generates its readiness, and what that will do is that will get us to a 125 percent strength because currently our documents, our manning is based on 100 percent strength. And what that means is that when we recruit, 20 percent of our new soldiers every year, they're part of that 100 percent. So when that unit is notified for

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a mobilization, there's 20 percent of that force or that unit that is not ready because they haven't been to basic training and they haven't been to the additional individual training that gives them the skill. So what we have to do then is we take that 20 percent out, put them in another unit, take 20 percent that are trained in another unit and move it in, so we've got units that are doing this. And so ideally the guidance from the national level is recruit to 120-125 percent strength. That way you have 100 percent ready to go to whatever mission required, and then you've got that other 20-25 percent that is always going through a training. So what it does is it protects us from the turnover and ensures that we'll have cohesive units when called upon either for state emergency or for mobilization for the war fight. [CONFIRMATION]

SENATOR AVERY: Thank you. [CONFIRMATION]

TIMOTHY KADAVY: Senator. [CONFIRMATION]

SENATOR AGUILAR: Any further questions? Seeing none, General, thank you for taking the time out of your busy schedule to come down today, and I'd just like to echo Senator Karpisek's comments on how we're all very proud of you and thank you for what you do. [CONFIRMATION]

TIMOTHY KADAVY: Thank you, Senator. [CONFIRMATION]

SENATOR AGUILAR: Are there any proponents that would like to testify in favor of this appointment? Any opponents? Neutral? If not, that closes the hearing on that appointment and closes our hearings for today. Thank you. [CONFIRMATION]

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Disposition of Bills:

LB746 - Advanced to General File, as amended.

LB761 - Advanced to General File, as amended.

LB767 - Indefinitely postponed.

Chairperson

Committee Clerk