

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

Health and Human Services Committee
April 02, 2008

[LR238 CONFIRMATION]

The Committee on Health and Human Services met at 1:15 p.m. on Wednesday, April 2, 2008, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR238 and gubernatorial appointments. Senators present: Joel Johnson, Chairperson; Tom Hansen; and Arnie Stuthman. Senators absent: Tim Gay, Vice Chairperson; Philip Erdman; Gwen Howard; and Dave Pankonin. [CONFIRMATION]

SENATOR JOHNSON: Well, let's go ahead and get started. What we want to do first here is the gubernatorial appointments. First of all, just a couple of ground rules. One is, let's, if you've got cell phones and so on, please turn them off and that type of thing. And also when it comes your turn to testify, would you not only give your name but spell it. And other than that, let's go through who we have here this afternoon and people will be joining us and coming and going because it's a very busy time of the year here. So on my extreme left, Senator Hansen; Senator Stuthman; Erin Mack; is committee counsel, Jeff Santema to my right; and then we have a guest Senator, Senator Kruse, and with that we have Pearl Van Zandt on the line and she is calling in representing James Jirak, I believe it's pronounced. Are you there Pearl? [CONFIRMATION]

PEARL VAN ZANDT: I am, sir. [CONFIRMATION]

SENATOR JOHNSON: Okay. Can you tell us just a little bit about James' qualifications and why he wants to do extra work and that sort of thing? [CONFIRMATION]

PEARL VAN ZANDT: Yes, I'd be glad to. This is Pearl, P-e-a-r-l Van Zandt, V-a-n Z-a-n-d-t. I'm executive director of the Nebraska Commission for the Blind and Visually Impaired. I have known Mr. Jirak for, oh, about 20 years I would say. He is employed at the Hyatt Reservation Center in Omaha and has been employed there since 1989 and has also been involved with the Commission for the Blind and with the American Council of the Blind of Nebraska for a couple of decades. He is currently the president of the American Council of the Blind and would serve as the representative of that organization on our commission board. And Jim sent me an e-mail which he asked me to read as his statement and it's not too long, I'll just start that now. [CONFIRMATION]

SENATOR JOHNSON: You bet. [CONFIRMATION]

PEARL VAN ZANDT: Jim was referred to the Nebraska Commission for the Blind and Visually Impaired in the early '80s when the agency was known as Services for the Visually Impaired. In the fall of 2004, Jim was approached with the possibility of maintaining the agency's web site. Jim redesigned the site making it more user friendly for visually impaired computer users but surrendered the duties due to the press of other matters. Incidentally, he did that all as a volunteer basis. Jim became involved

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with the American Council of the Blind of Nebraska, ACBN, in May of 1989. He was instrumental in the development of Omaha's cab subsidy program, Share A Fare, and is currently serving his second two-year term as president. He also served as nominating committee chair of ACB's low vision affiliate at the 2007 national convention in Minneapolis. While there could have been more, this should suffice. I appreciate every single thing you have, especially your friends. Life is too short and friends are too few. Jim Jirak. [CONFIRMATION]

SENATOR JOHNSON: Well, personally, Pearl, I like people like Jim that are so busy that it's hard for them to be able to get here and so on. So we enjoy your filling in for him. Any questions of the committee? Pearl, I see none. Thank you very much and we appreciate it. Thanks so much. [CONFIRMATION]

PEARL VAN ZANDT: Thank you for allowing me to do this by phone. [CONFIRMATION]

SENATOR JOHNSON: You bet. Bye, bye. [CONFIRMATION]

PEARL VAN ZANDT: Bye. [CONFIRMATION]

SENATOR JOHNSON: Okay. Let's move on with the other gubernatorial appointments and I presume the other three people are here. Let's go to Mary Ann Burke first and all three of these are Commission for the Deaf and Hard of Hearing. So, Mary Ann Burke. Welcome. [CONFIRMATION]

MARY ANN BURKE: Hello. My name's Mary Ann Burke, M-a-r-y A-n-n B-u-r-k-e. [CONFIRMATION]

SENATOR JOHNSON: Welcome. [CONFIRMATION]

MARY ANN BURKE: Do you want me to go on? [CONFIRMATION]

SENATOR JOHNSON: Sure. Just have her tell us about herself and so on. [CONFIRMATION]

MARY ANN BURKE: Okay. Myself, I'm a mother of five children, five children, ninth grade, nine grandchildren, sorry, interpreter error. First part, I'm part-time mentor in the Metro Community College. I mentor in the Metro Community College in the lab. I'm a teacher and I'm also of ASL and two staff in ISD, the School for the Deaf in Council Bluffs. [CONFIRMATION]

SENATOR JOHNSON: Tell her I want to know how old her oldest grandchild is, if she's got nine. (Laughter) [CONFIRMATION]

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MARY ANN BURKE: Seventeen, all the way down to nine months. [CONFIRMATION]

SENATOR JOHNSON: Great. Okay. Have any questions of the committee? Have her tell us just a little bit more about what she does with the commission and so on or any specific things that she would want to have on her agenda to accomplish. [CONFIRMATION]

MARY ANN BURKE: I'd like to see all the deaf as equal access to interpreters. That's my goal because myself, a student, it's hard to get interpreters, especially...it's hard to get interpreters that are fluent in ASL. Okay? That's my goal to see all, to get more people into interpreting programs. [CONFIRMATION]

SENATOR JOHNSON: Okay. Arnie. [CONFIRMATION]

SENATOR STUTHMAN: Thank you, Senator Johnson. [CONFIRMATION]

SENATOR JOHNSON: Senator Stuthman. [CONFIRMATION]

SENATOR STUTHMAN: Mary, I want to thank you for serving in the past and that you're willing to serve again and that you do have some definite goals on trying to get more people to be interpreters and I respect that and thank you. [CONFIRMATION]

SENATOR JOHNSON: Any other questions? Thank you very much. I don't see any other questions. Thank you very much for coming. I want to know one more thing. How far did you go in school? You seem very bright. [CONFIRMATION]

MARY ANN BURKE: I got my associates degree in language, in liberal arts. [CONFIRMATION]

SENATOR JOHNSON: Great. Okay. Thank you very much. Okay, thank you. [CONFIRMATION]

MARY ANN BURKE: Thank you. [CONFIRMATION]

SENATOR JOHNSON: Next is Dillard Delts. Welcome, Dillard, and need you to spell your name. [CONFIRMATION]

DILLARD DELTS: D-i-l, it's like the store, D-i-l, is it two l's? Like the store, D-i-l-l-a-r-d W. D-e-l-t-s. Make sure to put the W. (Laughter) [CONFIRMATION]

SENATOR JOHNSON: All right, Would you ask Dillard to tell us a little bit about himself and what he would like to accomplish. [CONFIRMATION]

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DILLARD DELTS: I work for American Airlines. I'm a contractor with the company. I'm not sure there's a lot to tell. I don't work for any big organization or anything. I've been a hidden voice in the community for most, many years. Recently the commission approached me to serve on the board. I was willing to. Since I have a lot of other friends, they say they need this and that it's not getting done. I recognize that. There's a lot of things out there that people would like to see happen. I thought it was time to, someone who would approach these issues. That's all. [CONFIRMATION]

SENATOR JOHNSON: Okay. Tell him that when he uses the store for his name, why with me he should refer to the middle linebacker for the University of Nebraska football team. (Laughter) He's pretty good. (Laughter) Okay. Any questions? Let's go with Senator Hansen first. [CONFIRMATION]

SENATOR HANSEN: Thank you. Dillard, I see by your resume here, this is the first time you've been appointed and I just want to thank you for stepping up to the plate and serving in this position. [CONFIRMATION]

DILLARD DELTS: Thank you. [CONFIRMATION]

SENATOR JOHNSON: Okay. Senator Stuthman. [CONFIRMATION]

SENATOR STUTHMAN: Thank you, Senator Johnson. One thing really impressed me, Dillard, is the fact that you want to hopefully tell us what your needs are as being with the deaf and hard of hearing. You know, we that can hear and we do not know how things affect you and I really appreciate that that you're willing to step up to the plate and tell us what you need and how you need those things in your life. [CONFIRMATION]

DILLARD DELTS: With that thought, a lot of times I have recognized that out in the community a lot of issues as people are not aware of the things. So even myself I had to face issues. They think it's not a problem. This is an issue we have to do something about it. If I'm going to be this position, I'm going to be educating people out in the community. It's my first and last... [CONFIRMATION]

SENATOR STUTHMAN: Thank you. [CONFIRMATION]

SENATOR JOHNSON: You bet. Great. We're glad to have you. Thank you very much. And then Dr. David Rutledge. Welcome, David. [CONFIRMATION]

DR. DAVID RUTLEDGE: Thank you. My name is David Rutledge, R-u-t-l-e-d-g-e, and I'd like to come in front of this committee at least once every year. I served a one-year term that expired, completing someone else's term, and so I'm coming back at this time

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for your consideration to continue on the Nebraska Commission on the Deaf and Hard of Hearing. I present one of the many faces of the deaf and hard of hearing in the state of Nebraska. I use cochlear implants to hear and have used them for eight years, and I am totally deaf if these are removed and so I have the honor of being able to both understand the plight of the hard of hearing people because I'm a bit hard of hearing with my cochlear implants, and I can also understand some of the issues that relate to being completely deaf. I was a former elementary school principal. I'm currently a real estate agent and use my telephone daily, as you might guess. I serve on the legislative committee for the commission and, in fact, we just met this morning and I see it as one of my tasks to help separate legislative issues from issues that can be solved in other ways. And that is what we spent the time doing this morning looking at what would be one of my areas of concern and that is, deaf people have all of the life issues that hearing people have but they're, the issues that are involved with being deaf and mentally handicapped or being deaf and abused and deaf and needing mental healthcare or even needing medical care or having interaction with the law enforcement agents can completely turn astray, and end up being a very, very large issue to those who have to communicate in ways other than being able to listen with their ears. So that would probably be one of my areas and my other area is to advocate in the state of Nebraska for the use of cochlear implants as a very viable way to be able to function and to continue to be a taxpayer in the state and I'm proud to be a taxpayer.

[CONFIRMATION]

SENATOR JOHNSON: Senator Hansen. [CONFIRMATION]

SENATOR HANSEN: I have one question. Which is harder to work with, the Legislature or junior high kids? (Laughter) [CONFIRMATION]

DR. DAVID RUTLEDGE: They're all fun to work with. At the junior high level I found myself spending about 99 percent of my time with 7 percent of the population. With the elementary I got to see about 100 percent of the kids on a daily basis but they're each just a great deal of fun, and I enjoy real estate as well because it's a people kind of a business. [CONFIRMATION]

SENATOR HANSEN: Thank you. [CONFIRMATION]

SENATOR JOHNSON: Well, I was just going to say, one of the things that I liked what you said is kind of to remind all of us, that I think sometimes when people do have a handicap such as being hard of hearing or whatever, that we tend to focus on that and forget that they have everyday problems just like everybody else that aren't handicapped. And sometimes it's easy for us, the rest of us, to forget that, so glad that you mentioned it. [CONFIRMATION]

DR. DAVID RUTLEDGE: Thank you. We discussed this morning just the simple matter

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of being a deaf person or a hard of hearing person and calling 911 and being able to be understood and protect not only their own safety but the safety of their fellow citizens, so there are numerous issues and plenty of mountains to climb and I look forward to that. [CONFIRMATION]

SENATOR JOHNSON: Well, you've educated me already today, so thank you. [CONFIRMATION]

DR. DAVID RUTLEDGE: Thank you. [CONFIRMATION]

SENATOR JOHNSON: Okay. I believe that takes care of all of our four gubernatorial appointments and so we'll proceed on Senator Lowen Kruse LR238. [LR238]

SENATOR KRUSE: Thank you, Mr. Chairman. [LR238]

SENATOR JOHNSON: I was just going to say, if the rest of you want to stay and listen to this, we'd be more than happy to have you stay. [LR238]

SENATOR KRUSE: Thank you, Senators, and staff members. My name is Lowen Kruse, L-o-w-e-n K-r-u-s-e, from District 13, and I would have to say, I was a little bit surprised by having the hearing on this subject. I...not put off by it at all but I was just filing a resolution as we often do to commend this group or that group for winning a ball game or doing this or that, and that's what I was thinking about. I have really appreciated what this group has done and so I'll speak to that. I recognize as I reread the, reread the resolution that there might be an edge on it for some. I would hope not but if there is, I, and those involved, would certainly understand. I've been involved with the AARP group that has been studying the issues, the human service issues before us for several years. There is nothing ever partisan about it. And I think that's important thing for my witness to it, not only officially but in these meetings. I have no clue as to what party different people are a part of or something. This is simply a discussion of human issues. I think it lists a number of issues. I think we all agree that they are issues. The resolution does not endorse anything that they would come up with but commends their discussion of this, and that's authentic on my part. I really appreciate somebody in the public sector gathering together a lot of people, and they represent a lot of people. There's, you know, in the next to the last paragraph, there's four different groups that are involved with this besides AARP, the Business Round Table, the National Federation of Independent Businesses and the Service Employee International Union. One of our frustrations as legislators is that the public doesn't seem to understand what's going on here and it's very hard to get adequate education out there. I am convinced adequate education means that they need to be engaged and talking with each other and, you know, I see some red shirted people behind me that I've seen at some of these meetings. I guarantee they talk with each other. Yeah. I've never heard a raised voice. It's not a polemic. It's not a pounding on the table and, you know, it's

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raising questions. How can we do this? What would help? And every once in a while somebody, you know, says, well, let me tell you what happened down at the Social Security office this week to me. And so we become kind of a group that's says, well, this might help, that might help. This is what you may have missed in this and so on. So just to let you know that's where I'm coming from, I appreciate a citizen group that's willing to educate people, get them active where appropriate. Most of them don't become active. Some of the write us letters and so on. And I think that's consistent for them. The president of AARP is here. If you would like to hear from others but...we've not tried to collect a bunch of witnesses. That's not the point, I don't think of this hearing but he would be glad to respond to any questions you might have. [LR238]

SENATOR JOHNSON: All right. Thank you. Okay. Well, how many people do we have that would like to speak and we do want to hold it to very brief because we... [LR238]

SENATOR KRUSE: Well, I think Sunny is the one that would speak for the group so it's not a... [LR238]

SENATOR JOHNSON: All right. That would be great. All right. And why don't you come forward, sir, and... [LR238]

SUNNY ANDREWS: I have some copies of my statement. [LR238]

SENATOR JOHNSON: Great. Matt will help distribute them. Welcome, sir. [LR238]

SUNNY ANDREWS: (Exhibit 1) Thank you. Good afternoon, my name is Sunny, S-u-n-n-y, Andrews, A-n-d-r-e-w-s, and I'm state president of AARP Nebraska. First, I wish to thank Senator Kruse for taking the initiative to introduce LR238. AARP strongly supports passage of this resolution endorsing the Divided We Fail effort. As we meet with people from around the state, we find that Nebraskans are concerned about their health and lifetime financial security. They worry that the future will not be as prosperous for their children and grandchildren as it has been today. They worry that they are facing a host of competing demands paying for healthcare, saving for retirement, sending children to college and supporting aging parents. AARP, in conjunction with the Business Roundtable, the National Federation of Independent Businesses and Service Employees International Union, launched Divided We Fail to raise the voices of millions of Americans who believe that access to quality, affordable healthcare and lifetime financial security are the most pressing domestic issues facing our nation. Although our four organizations often hold different views, we are coming together under the Divided We Fail banner to urge action. Collectively, our organizations are promoting broad-based, bipartisan solutions to these challenges, leading the charge for positive social change. We believe that it is time for individuals, businesses, nonprofit organizations, and government to come together to find solutions. The Divided We Fail platform that accompanies my statement lays out the principles

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that underline our effort. It includes our belief that solutions must be fair to all generations and that they will be developed by engaging people with broad perspectives on how to improve the healthcare system in a public dialogue. We are encouraging committed individuals from across the political spectrum to join with us. Already, thousands of Nebraskans have joined Divided We Fail to demonstrate their belief that the American dream should not be limited to healthy and financially secure. We are asking you to demonstrate support for the shared vision of Divided We Fail by advancing LR238 to General File. We hope that you and your colleagues will join us in making a commitment to help find solutions that we can all embrace on these critical issues. I thank you for your time and I would be happy to answer questions. [LR238]

SENATOR JOHNSON: Okay. Thank you, Sunny. And Senator Hansen has a question. [LR238]

SENATOR HANSEN: I have one question. Welcome, Sunny. You're president of Nebraska's AARP. I'm a member but how many members are there in Nebraska? [LR238]

SUNNY ANDREWS: About 213,000. [LR238]

SENATOR HANSEN: That's a large group. [LR238]

SUNNY ANDREWS: Nationally, there are about 41-plus million members. [LR238]

SENATOR HANSEN: Okay. Well, it's good to know I'm a member of a large group. We passed a bill or it's in the process of passed General File about the preferred drug list. And I know it's not everything that AARP wanted because we had to carve out some drugs, excuse me, we had to carve out some drugs for psychotropic uses. How did we score on that account? [LR238]

SUNNY ANDREWS: (Laughter) Mark? All right, Mark says, hi. (Laughter) [LR238]

SENATOR HANSEN: Okay. Okay. That's all I need to know. Thank you. Thanks for being here. [LR238]

SUNNY ANDREWS: Thank you. Thank you very much. [LR238]

SENATOR JOHNSON: Okay. All right. Thank you. [LR238]

ROBERT J. HALLSTROM: (Exhibit 2) Chairman Johnson, Senator Hansen, my name is Robert J. Hallstrom. I appear before you today as registered lobbyist for the National Federation of Independent Business in support of LR238, H-a-l-l-s-t-r-o-m. Basically, I think the NFIB and I would note for committee counsel that the legislative resolution, I

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believe, references National Federation of Independent Businesses and it should be Business, singular. But with regard to the resolution, Mr. Andrews has talked about the Divided We Fail coalition. The national media has referred to us intermittently as strange bedfellows and the odd couple but one thing I want the committee to know is, this is not a shotgun wedding. A lot of thought and contemplation went into these groups bringing their diverse memberships together to gather the attention of national policymakers on a critical issue not only to small business but to the other organizations that are part of the coalition. For 20 years our members have told us consistently that healthcare accessibility and affordability is the number one concern and problem that they have. I don't need to tell any of the members at this committee that the inability of individuals to have healthcare ultimately rest at the foot of the state budget and the implementation of the Medicaid program and so forth. So it is a major issue of national concern and we simply think this resolution, and thank Senator Kruse for introducing it but this resolution is just another way of the state Legislature sounding in that it is a critical issue and that the national policymakers should find a solution to the problem. Be happy to address any questions. [LR238]

SENATOR JOHNSON: Okay. Senator Hansen, any questions? [LR238]

SENATOR HANSEN: Nope. [LR238]

ROBERT J. HALLSTROM: Someone forgot their glasses up here. Thank you, I'll find my way out of here now. (Laughter) Thank you. [LR238]

SENATOR JOHNSON: Thank you, Mr. Hallstrom. Anybody else? Okay. I think we'll call it a day then on the hearing for LR238. Thank you all for coming. [LR238]

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Disposition of Bills:

LR238 - Advanced to General File.

Chairperson

Committee Clerk