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Transcriber's Office

General Affairs Committee  
May 13, 2015

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[CONFIRMATION]

The Committee on General Affairs met at 1:30 p.m. on Monday, January 26, 2015, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Tyson Larson, Chairperson; Colby Coash, Vice Chairperson; Matt Hansen; Dan Hughes; Mark Kolterman; Bob Krist; Merv Riepe; and Ken Schilz. Senators absent: None.

SENATOR LARSON: Thank you. Welcome to the General Affairs Committee. I am Senator Tyson Larson, Chairman of the General Affairs Committee. We're going to be having this hopefully rather short confirmation hearing. To my far right sitting with us is Senator Kolterman of Seward; Senator Hansen might be joining us from Lincoln; Vice Chair Senator Colby Coash from Lincoln. I have our legal council Josh Eickmeier, Mayor of Seward. To my far left, Jeff Fryman, the committee clerk; Senator Riepe will be joining us from Omaha; Senator Hughes from Venango; Senator Krist from Omaha; and Senator Ken Schilz of Ogallala. The pages helping us today are Tobias Grant of Lincoln and Caitlin Welty of Omaha. There is three different sign-in sheets located on the tables in the back of the room. One sign-in sheet is for those that are not publicly testifying but want their presence and position noted as an exhibit in the official record to the committee. The second sign-in sheet for those who are present at the committee hearing and who offered written testimony in lieu of testifying, which will be noted on the committee statement. And a third sign-in sheet for anyone planning on testifying before the committee. When it is your turn to testify, give your sign-in sheet to one of the pages so that they can give it to the committee clerk. This will help us make a more accurate public record. I'll call each individual up to testify. I'll then ask for proponents, opponents, and neutral testimony. Please turn off your cell phones or any other electronic devices that you will...that make noise or put them on silent is fine as well. And keep your conversations at a minimum. Because this committee has gone paperless, senators are allowed and even encouraged to use electronic devices during the hearings. Thank you for your cooperation and I'll begin the first confirmation hearing with Bruce Bailey to the Nebraska Electric Control Commission. Welcome to General Affairs Committee. [CONFIRMATION]

BRUCE BAILEY: (Exhibit 1) Good afternoon. [CONFIRMATION]

SENATOR LARSON: You're welcome to open on a little bit about yourself.  
[CONFIRMATION]

BRUCE BAILEY: My name is Bruce Bailey. I live here in Lincoln. [CONFIRMATION]

SENATOR LARSON: Can you spell it, please? [CONFIRMATION]

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BRUCE BAILEY: It's Bruce, B-r-u-c-e, Bailey, B-a-i-l-e-y. Went to school here in Lincoln. Went to Omaha, came back out in 1978. Started an architectural engineering and planning firm. Fortunately, we were lucky enough to expand it to about 24 states and 5 countries. I'm semiretired now. Have had a bar in the past and realized some of the issues you have with bars. Do not at this time, thank goodness. But I have some interests and I was asked if I could be placed on this committee and I was certainly willing. I was the past-president of the Lincoln Independent Business Association. In that manner, I'm pretty strong about small businesses. I believe most bars are small businesses and I believe that we do everything we can, first of all, to give them a chance beyond just simply fining them. See if additional training wouldn't make a difference. And that's certainly in the two months I've been there, that's kind of what I've looked at personally. [CONFIRMATION]

SENATOR LARSON: Thank you, Mr. Bailey. I appreciate your shortness of your introduction. That can be noted for the rest of the testifiers. Any questions? Mr. Riepe. [CONFIRMATION]

SENATOR RIEPE: Thank you, Senator. You said that you'd sold the bar that you had. Did you sell that to a relative? I mean, are you... [CONFIRMATION]

BRUCE BAILEY: No, sir. No relations. [CONFIRMATION]

SENATOR RIEPE: Oh, okay. [CONFIRMATION]

BRUCE BAILEY: It was actually the arena in Kearney. [CONFIRMATION]

SENATOR RIEPE: Okay. And do you have a perspective on expanded gambling in bars or where are you at on that? [CONFIRMATION]

BRUCE BAILEY: I don't really have a perspective on them because I don't have enough knowledge about them. I'm certainly no different than you folks. I think we'd have to have a number of hearings, but I don't have a feeling about it. I probably don't have a feeling about gambling in Nebraska other than all the license plates seem to be in Council Bluffs. [CONFIRMATION]

SENATOR RIEPE: Okay. Thank you. [CONFIRMATION]

SENATOR LARSON: Any other questions from the committee? Mr. Bailey, I do have one. Just if you could give me kind of a short explanation, I really appreciate that you're past-president of LIBA and I think that says a lot about kind of where you're coming from. But obviously when

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we're talking about liquor control and liquor control laws, do you kind of take more of a free market laissez-faire type approach? And when they mess up, then that's when you come...you know, understanding that small businesses are usually trying to follow the law or is it more of a hammer-first approach? [CONFIRMATION]

BRUCE BAILEY: No, I don't think the hammer works in small businesses. I think you give them an opportunity. We've had several come before us in the two months that I've been there. What I see is it's only those that appeal or there's a hearing for a situation that they come before the commission in the first place and, secondly, at least my feeling is an awful lot of times that small business are attempting but they've made an error and there's an opportunity to work with them. [CONFIRMATION]

SENATOR LARSON: I appreciate that. Thank you, Mr. Bailey. Senator Coash. [CONFIRMATION]

SENATOR COASH: Thank you, Senator Larson. Mr. Bailey, you've been on the commission two months. [CONFIRMATION]

BRUCE BAILEY: Yes, sir. [CONFIRMATION]

SENATOR COASH: Two months, so you've sat through some hearings. Any comment on the process, how it's gone so far in your short tenure? [CONFIRMATION]

BRUCE BAILEY: I think the one thing I'm impressed with is the staff of the commission. It's amazing what they do for homework, the Patrol that do actually the investigations. What I've seen and what they bring forth to us is very thorough. And so it's very helpful in making decisions because literally the questions you have, certainly most of that homework's all been done for you. Very impressed. [CONFIRMATION]

SENATOR COASH: Very good. Thank you, Mr. Bailey. [CONFIRMATION]

SENATOR LARSON: Any further questions? Thank you, Mr. Bailey. [CONFIRMATION]

BRUCE BAILEY: Thank you. [CONFIRMATION]

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SENATOR LARSON: Any proponents for Bruce Bailey? Seeing none, any opponents? Any neutral testimony? And with that, that will close the hearing on Mr. Bruce Bailey. Next up, Janice Wiebusch. How are you, ma'am? [CONFIRMATION]

JANICE WIEBUSCH: Well, good. It looks like Janice but it's Jahneice (phonetic). [CONFIRMATION]

SENATOR LARSON: Oh, I'm sorry. Please excuse me. [CONFIRMATION]

JANICE WIEBUSCH: (Exhibit 1) I've had to correct everyone my whole life, so. (Laughter) [CONFIRMATION]

SENATOR LARSON: Well, I apologize. A little bit about yourself, and please spell your name. [CONFIRMATION]

JANICE WIEBUSCH: Okay. Janice, J-a-n-i-c-e, Wiebusch, W-i-e-b-u-s-c-h. You can tell I've had to spell the last name a lot, so. I grew up in Broken Bow, and went to UNL. Have a master's in music that I received here in Lincoln. Taught school for three years and then I got into the real estate business. And so I hate to say how many years, 30-some. I served on the Real Estate Commission for the state of Nebraska and then I have been on the Liquor Control Commission for the last six years and represent the third district. And I was very impressed when I was told they wanted a female, they wanted a Republican, and they wanted a woman that had common sense, and I was immediately thought of. And so it's not something I went after, but I accepted it and I have really enjoyed my six-year term. [CONFIRMATION]

SENATOR LARSON: Excellent. Well, I know the commission has appreciated you as well. Are there any questions for Janice? Seeing none, thank you. [CONFIRMATION]

JANICE WIEBUSCH: Oh my goodness. Okay. [CONFIRMATION]

SENATOR LARSON: You've done a good job the last six years. [CONFIRMATION]

JANICE WIEBUSCH: Thank you. [CONFIRMATION]

SENATOR LARSON: Are there any proponents for Mrs. Wiebusch? Any opponents? Any neutral testimony? With that, I'll close the hearing on Mrs. Wiebusch. And we'll move on to

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Matthew Anselmo with the Nebraska Commission on Problem Gambling. Good afternoon, Mr. Anselmo. Spell your name and... [CONFIRMATION]

MATTHEW ANSELMO: (Exhibit 1) Good afternoon. First name is Matthew, last name is Anselmo, just like the small community in Nebraska, A-n-s-e-l-m-o. My background is I've been in Nebraska since 1991, primarily in the Sarpy and Douglas County areas. I'm a prior military member. I protected the Secretary of Defense during President Clinton's administration. Moved onto local law enforcement in 1998. Transitioned out of law enforcement and went into business for myself where I had a fairly substantial marketing company and a clothing company. During that time period, I also unfortunately dealt with a gambling addiction issue myself. I've been...received treatment starting in 2007. Was federally incarcerated for two years for mail fraud. I've been a commissioner for the Gamblers Assistance Program for the last two years. I currently run a very small not-for-profit organization called Crossroads Connection where we help individuals that are being released from custody at the work release center both in Omaha and in Lincoln. And we help these gentlemen transition back into society with the toolsets that they need that are required for them to be successful. [CONFIRMATION]

SENATOR LARSON: Thank you. Any...Senator Coash. [CONFIRMATION]

SENATOR COASH: Thank you, Senator Larson. Would you briefly just describe the work that the Commission on Problem Gambling does? [CONFIRMATION]

MATTHEW ANSELMO: It's been a transition, Senator, the last two years that I've been on the commission. The program was managed by the Department of Health and Human Services and we are now essentially underneath the Department of Treasury. For the last two years, what we've been focusing on is a singular message that we can deliver statewide for individuals that do have an issue, that do have an addiction, so they can be properly treated. The Gamblers Assistance Program has grown substantially over the two years. We now have a working relationship with Bellevue University for a substantial period of time. The state did not offer certification for therapists and counsellors that were interested in this career field, so we've established that with Bellevue University. You're seeing...we've reestablished the 800 number. That's out at the forefront, so you're seeing calls for help for service that have substantially increased over the period that I've been on the commission. You've got people that are actively engaged that are trying to provide the assistance, the therapy, and the counselling that is needed for the individual that does have this addiction need. So essentially our numbers have increased as far as the amount of therapists that are now serving the state. We have a unified message that is being delivered throughout the state. We're in the very early stages as far as the growth goes, but I believe that the program is definitely being taken down the right path and the right direction. [CONFIRMATION]

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SENATOR COASH: Thank you. [CONFIRMATION]

SENATOR LARSON: Senator Krist. [CONFIRMATION]

SENATOR KRIST: Thank you for your service to the country and thank you for your service to the Gambling Commission. I think that the (inaudible) that we've made in the last few years collectively win in the legislation with the Gamblers Assistance Program has been moving in the right direction. And I just want to say that, you know, every time David Geier comes in and gives me an update I see another dot on the map, I see more services. You guys are doing great things. [CONFIRMATION]

MATTHEW ANSELMO: Appreciate that, Senator. Thank you very much. [CONFIRMATION]

SENATOR LARSON: That means a lot coming from Senator Krist. He has taken a special interest in the commission and has done great work. Any further questions? Thank you. [CONFIRMATION]

MATTHEW ANSELMO: My pleasure. [CONFIRMATION]

SENATOR LARSON: Are there any proponents for Mr. Anselmo? Any opponents? Neutral testimony? And with that, I'll close the hearing on Mr. Anselmo. Moving next to Timothy Hart with the Nebraska Arts Council. Welcome to the General Affairs Committee. [CONFIRMATION]

TIMOTHY HART: (Exhibit 1) Thank you, Senator. My name is Tim Hart, H-a-r-t, from Omaha. I am seeking the approval for a second three-year term on the Arts Council. First three years went by pretty quickly and it's complete joy. I'm able to just share a little bit. Jon's sitting back who may be next. We sat on a panel yesterday and agreed to recommend funding for Wausa's 125th anniversary for some kids to get exposed to filmmaking techniques and to film a documentary associated with 125th which is fantastic. Wausa has about 70 percent of the students are in reduced or free lunch, and so that kind of reinforced my desire to get reelected or ask to be reappointed again. My day job, I've got 32 years at First National Bank of Omaha. And kind of in a rut. Thirty four years with the same wife, thirty two years with the same job, so don't know any better. (Laughter) [CONFIRMATION]

SENATOR LARSON: Thank you, Mr. Hart. I feel like your pandering to me and you did your homework. Wausa is my district. I'm sure you knew that. So well done. It's a great community. Any questions for Mr. Hart? [CONFIRMATION]

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SENATOR COASH: I do. Mr. Hart, the Arts Council appropriates funds to different...and you mentioned one. On average, how much money is the Arts Council appropriating out per year. [CONFIRMATION]

TIMOTHY HART: How much is appropriated per year? [CONFIRMATION]

SENATOR COASH: How much are you grant...how much on average is the council granting to the projects that you... [CONFIRMATION]

TIMOTHY HART: I'm not sure I would have a dollar amount. I believe it's about \$800,000 or \$900,000. [CONFIRMATION]

SENATOR COASH: That sounds about right. So then what's the funding source of that money that the council is charged with allocating? [CONFIRMATION]

TIMOTHY HART: There's two sources of funding that come into the council. One is a matching program that a previous Unicameral set up to where they're matching a certain amount of dollars with privately-raised dollars that go into a foundation or a trust, and then the earnings off of that come in to be spent. The rest of it is, I believe it's appropriations from the Unicameral. [CONFIRMATION]

SENATOR COASH: Okay. So...and I just wanted to kind of put that on the record. This tax money goes to a great cause, but it's... [CONFIRMATION]

TIMOTHY HART: Right. [CONFIRMATION]

SENATOR COASH: ...we entrust you as council members to be prudent with that. I mean, you pick and choose winners and losers with these projects, right? [CONFIRMATION]

TIMOTHY HART: Right. [CONFIRMATION]

SENATOR COASH: I mean, you don't say yes to everything that's applied. Is that accurate? [CONFIRMATION]

TIMOTHY HART: That's accurate. It's a rigorous process. They have the panels. Jon and I sat on it. We had a music instructor from Lincoln Public Schools. We had a professor from UNO. We had a retired person from Kearney, Nebraska, and a lady associated with ballet. And they would

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read the applications and present it. And then we would take a secret ballot and weight it and recommend it to the council. So very rigorous. I would say each application is probably 15 to 40 pages long depending upon attachments. So it's a great process and it's amazing the...I believe in Wausa it might be \$4,500 that they were requesting, which in the scheme of things that's a small amount. To Wausa it's a very big deal. We had something similar in Sutton. We also really enjoy, there was something called Arts for All who's working with the south Omaha YMCA which has got extraordinarily high percent of free and reduced lunch. And so they they're not rebuilding it. They're kind of partnering with them. There's a facility and they come in and they provide the various art forms. So I really kind of like that so people aren't out there doing their own thing and spending a bunch of money. [CONFIRMATION]

SENATOR LARSON: Thank you. Senator Krist. [CONFIRMATION]

SENATOR KRIST: And thanks for serving again, Tim. Nice to see you. And just on the record want to make sure that we acknowledge the First National Bank always getting you folks out there to serve the community, and that's a great, great service that you guys provide. And thank you for what you've done. [CONFIRMATION]

TIMOTHY HART: Thank you. [CONFIRMATION]

SENATOR LARSON: Thank you, Senator Krist. Any others? Thank you, Mr. Hart. Any proponents? Seeing none, opponents. Seeing none, neutral. Thank you for another great hearing. Dr. Jon Hinrichs, Nebraska Arts Council. How are you? [CONFIRMATION]

JON HINRICHS: (Exhibit 1) Good. [CONFIRMATION]

SENATOR LARSON: Welcome to the General Affairs Committee. [CONFIRMATION]

JON HINRICHS: Thank you. My name is Jon, J-o-n, Hinrichs, H-i-n-r-i-c-h-s. I am from Lincoln. Born in Nebraska City. Then after that, four years at UNL and four years at Nebraska medical school. A little bit of Army, a little bit of postgraduate work. I've been family practice in Lincoln and retired for several years. I have a passion for the arts. I've been on various boards like the Symphony Board, Nebraska Jazz Orchestra, the Sheldon Forum, and it is stimulating and gives you a good feeling when you see all these projects come in from throughout the state that we can help them with this. [CONFIRMATION]

SENATOR LARSON: Thank you, Mr. Hinrichs. Do we have any questions for Dr. Hinrichs? Mr. Kolterman...Senator Kolterman, I'm sorry. [CONFIRMATION]



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SENATOR KOLTERMAN: Are you a reappointment or have you served... [CONFIRMATION]

JON HINRICHS: I'm a reappointment. I've been there three years. Right. [CONFIRMATION]

SENATOR KOLTERMAN: Thank you. [CONFIRMATION]

SENATOR LARSON: Thank you. [CONFIRMATION]

JON HINRICHS: No hard questions? [CONFIRMATION]

SENATOR LARSON: No hard questions. I think...Senator Coash really grilled Mr. Hart about the budget. [CONFIRMATION]

JON HINRICHS: Right, right, right. [CONFIRMATION]

SENATOR LARSON: I can explain a little bit to Senator Coash. [CONFIRMATION]

JON HINRICHS: I will say that Nebraska is very fortunate that they...the citizens of Nebraska are fortunate when the arts endowment was established by this body several years ago. We're really a standard for the nation the way we support it. [CONFIRMATION]

SENATOR LARSON: Senator Krist. [CONFIRMATION]

SENATOR KRIST: Yeah, just real quick. And just to go along with that, Senator John Nelson was a supporter and kept things alive during some real tough times. [CONFIRMATION]

JON HINRICHS: Yes, right. [CONFIRMATION]

SENATOR KRIST: And so you all have had great advocates in the Legislature.  
[CONFIRMATION]

JON HINRICHS: Pedersen and Crosby. Right. [CONFIRMATION]

SENATOR KRIST: Thank you. [CONFIRMATION]

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SENATOR LARSON: Thank you, Dr. Hinrichs. Appreciate your time. Are there any proponents? Opponents? Neutral? Thank you, Dr. Hinrichs. Ms. Pamela Price with the Nebraska Arts Council. Welcome to the General Affairs Committee. [CONFIRMATION]

PAMELA PRICE: (Exhibit 1) Thank you. [CONFIRMATION]

SENATOR LARSON: I do like your jacket. [CONFIRMATION]

PAMELA PRICE: You think it's bright enough? (Laughter) Thank you. Probably don't need to spell my name for you but I will spell the last name. [CONFIRMATION]

SENATOR LARSON: Please do. [CONFIRMATION]

PAMELA PRICE: P-r-i-c-e. [CONFIRMATION]

SENATOR LARSON: And the first name as well. [CONFIRMATION]

PAMELA PRICE: Pam. Formal name is Pamela but I go by Pam. [CONFIRMATION]

SENATOR LARSON: P-a-m? [CONFIRMATION]

PAMELA PRICE: Yes, P-a-m. [CONFIRMATION]

SENATOR LARSON: For the record. [CONFIRMATION]

PAMELA PRICE: Thank you. You might have to jog me for the record, so. I'm on a reappointment status too. I served three years on the Nebraska Arts Council. And it just seems like yesterday we were here for our first hearing. That three years has gone rapidly. I have my bachelor of science degree from the University of Nebraska here in Lincoln and I have a master's degree in counselling that I got from University of Nebraska-Kearney. And that was while I was employed with Central Community College, first as an instructor, and then I went into student services personnel, and that's where the counselling came in handy. I was director of admissions. I was with the community college for 17 years. Prior to that, I taught in high schools both in Lincoln and Omaha and Chillicothe, Missouri. I did some adult basic education when my husband and I moved back to Grand Island from Chillicothe. And I just retired last August as executive director of the Stuhr Museum Foundation in Grand Island where we completed a \$7.4 million capital campaign to renovate our major exhibit building designed by Edward Durell

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Stone, a world renowned architect. It's kind of contemporary with the Sheldon Art Gallery here in Lincoln. And it's the only major building in the plain states designed by Stone, who you may recognize as he designed the Kennedy Center for Arts in Washington, D.C., Radio City Music Hall in New York, and the Embassy in New Delhi. So we're very fortunate to have a building of that stature in Grand Island and in Nebraska, and we were very fortunate that we had such a wonderful support for a building of such character and architectural status. I have always been interested in arts and I think the Nebraska Arts Council got interested in me from my work at Stuhr Museum Foundation. And actually I was hoping to get the chance to thank all of you. What a wonderful thing Nebraska does as a state. Support not only the Arts Council but the Nebraska Humanities Council. Both organizations, as was mentioned earlier, are highly respected throughout the nation because they're both extremely well run. And like my partners in, I don't want to say crime, but my partners on the Arts Council, it's wonderful to be able to steward the money that the state Legislature invested in the arts. And the gentleman worked on a panel yesterday, I chair one tomorrow, on the annual arts series. And we had 16 applications and it took me at least an hour to go through all of them with all of the supplementary material, all the budget information. And the staff at the Nebraska Arts Council, they work with the nonprofit entities that apply for these monies. And they aren't all approved. Some of them aren't, but the nice thing about it is the staff at the Nebraska Arts Council will come back and work with those entities to help them to improve their applications so that next time around maybe they can be funded. What I was delighted with, there were applications from Lincoln and Omaha, such things as chamber music, which is, you know, very traditional. And then there were festivals. The Ponca annual powwow in Niobrara was a big one. There's also a powwow at Fort Omaha campus of Metropolitan Community College. Something that really tweaked my interest was there was a small community in south-central Nebraska that I'd never heard about. They have an annual series, a festival, an arts festival that I bet you everybody from age 5 to age 65 in that community has to run to make it go. It's a three-day thing and it pulls a lot of people. I was also interested, out at Fort Robinson they have a musical series every summer, and it involves key musical groups coming in from Broadway musicals to, you know, local talent. So we look at everything all across the state and we have tremendous participation by nonprofits from east and west alike. So thank you very much for this investment in the arts and the humanities.  
[CONFIRMATION]

SENATOR LARSON: Mrs. Price. Any questions? Senator Krist. [CONFIRMATION]

SENATOR KRIST: What state is Chillicothe in? [CONFIRMATION]

PAMELA PRICE: Missouri. [CONFIRMATION]

SENATOR KRIST: Missouri. Is that the proper pronunciation? [CONFIRMATION]

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PAMELA PRICE: I don't know. (Laughter) [CONFIRMATION]

SENATOR KRIST: We had a Price...a senator named Price who would always say Missourah (phonetic), and I would say Missouree (phonetic), and he'd say that's the proper pronunciation. Those of you who have been there can tell us. Thank you. [CONFIRMATION]

PAMELA PRICE: You bet. [CONFIRMATION]

SENATOR LARSON: Thank you. Any further questions? Seeing none, thank you, Mrs. Price. [CONFIRMATION]

PAMELA PRICE: Thank you. [CONFIRMATION]

SENATOR LARSON: Any proponents? Opponents? Neutral testimony? And that will close the hearing on Ms. Pamela Price. And bring us to our last one, Tom Ourada with the State Electrical Board. [CONFIRMATION]

TOM OURADA: (Exhibit 1) Good afternoon, Senators. My name is Tom Ourada, T-o-m O-u-r-a-d-a. You wish to hear a little about me first? I started out not knowing what I wanted to do. Ended up going to Doane College to teach. Decided I would be an electrician instead, so I worked that awhile and decided high voltage was more exciting, so I became a lineman. (Laughter) And then I don't know if I was actually bored with it but I did need to know how things worked. So I went to the university in electrical engineering and became a power systems designer for HDR. I don't know if you can say that in here, but. Currently, I work for the city of Crete, I'm the administrator there, with an emphasis on the infrastructure. Not so much electrical anymore, more water, wastewater, and other menial duties as assigned by the mayor. And this would be three-and-a-half appointments to the State Electrical Board. I was first appointed in 2004 to fill out another person's term, and reappointed two other times. I'm currently the municipal or city and town representative to the board. [CONFIRMATION]

SENATOR LARSON: Thank you. Any questions for Mr. Ourada? Seeing none, appreciate you coming down. [CONFIRMATION]

TOM OURADA: Okay. Thank you. [CONFIRMATION]

SENATOR COASH: Thank you. [CONFIRMATION]

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SENATOR LARSON: Are there any proponents? Opponents? Neutral testimony? Seeing none, that will close the hearing on Mr. Ourada. [CONFIRMATION]