

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

Health and Human Services Committee
May 15, 2007

[CONFIRMATION LR73]

The Committee on Health and Human Services met at 9:30 a.m. on May 15, 2007, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR73 and gubernatorial appointments. Senators present: Joel Johnson, Chairperson; Tim Gay, Vice Chairperson; Philip Erdman; Tom Hansen; Gwen Howard; and Dave Pankonin. Senators absent: Arnie Stuthman.

SENATOR JOHNSON: Let's go ahead and get started. This is gubernatorial appointments. First, Terri Nutzman. Terri, welcome. [CONFIRMATION]

TERRI NUTZMAN: Thank you very much. [CONFIRMATION]

SENATOR JOHNSON: Well, Terri, would you tell us just a little bit about yourself and first of all, if you would, if you'd say your name and then spell it for the machine? [CONFIRMATION]

TERRI NUTZMAN: Okay, my name is Terri and then my last name is Nutzman, N-u-t-z-m-a-n. I have handed out a little speech that I've prepared. If I can just go ahead and read that to you... [CONFIRMATION]

SENATOR JOHNSON: Sure. [CONFIRMATION]

TERRI NUTZMAN: (Exhibit 1) Senator Johnson and members of the Health and Human Services Committee, I began as administrator for the Office of Juvenile Services in the Department of Health and Human Services on April 9. So I've been in that position just a little bit over a month as of today. Now as you know, the Office of Juvenile Services is responsible for managing evaluations and treatment programs for juveniles who are made wards of the state after committing criminal offenses. The Office of Juvenile Services also operates the state's two Youth Rehabilitation and Treatment Centers located in Kearney, which is the treatment center for the boys, and in Geneva, which is the treatment center for the girls. And I'm honored that Governor Heineman appointed me to this position and certainly would appreciate your confirmation of his appointment. I've had an opportunity to work with Health and Human Services in the past. And I will tell you, and I truly know, that employees there that work with youth and families that are facing some of the most difficult moments in their lives work very hard in trying to provide services for these youth. I'm proud to be associated with colleagues who care deeply about getting better outcomes for the children and the families. And to tell you a little bit about myself, since 2003 I served as senior attorney in the medical division of the Nebraska Attorney General's Office. I was responsible for prosecuting disciplinary actions involving licensed physicians and nurses. I was also responsible for training new attorneys and was heavily involved in the rewrite of the Nebraska Uniform Licensing law, now known as the Uniform Credentialing Act, which was recently passed. So that

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felt very good to see that passed. We worked hard on it. I think it's going to be a great change. Now I joined the Attorney General's Office in 2000 working with the Child Protection Division and I was prosecuting felony sexual assault and child abuse cases across the state. My background also includes serving as deputy county attorney for Douglas County. There I also prosecuted in juvenile court. I prosecuted child abuse and neglect cases and I also prosecuted juvenile law violators. I also, in my past, have been an adult and juvenile probation officer and I've also worked in private practice. I am currently a member of the Nebraska State Bar Association and past member of the Nebraska County Attorney's Association, the Douglas County CASA Board of Directors, former Region 6 Alcohol Advisory Committee and former state Alcohol Advisory Committee member. I hold a degree in criminal justice from the University of Nebraska-Omaha and graduated from the University of Nebraska-Lincoln College of Law in 1987. I certainly welcome this opportunity to help provide juveniles offenders with the rehabilitation necessary for them to become productive citizens in a manner consistent with public protection. I believe that the responsibility for rehabilitation lies not just with the young people in our care, but also with the young people's families to wrap around services so that they can go back into the community and live productive lives. This role also provides an opportunity to promote earlier intervention programs aimed at Nebraska youth and their families in communities across the state. The opportunity that has been given to me and the challenge that this presents to me is a wonderful thing and I believe I'm very well qualified to help guide and direct this state, I believe, into the direction that we want to see us go in and that is to provide community-based care for our kids while at the same time, providing security for the community and public safety. Do you have any questions? [CONFIRMATION]

SENATOR JOHNSON: Well, first of all, Terri, let me introduce all the people around here both to you and to the others around the room. On my far right is Senator Pankonin, then Senator Erdman, then who do we have next? Senator Gay. And this is our counsel, Jeff Santema, that you would better get to know very well, because he's excellent and so is Erin Mack, just to my left here who's our committee clerk. And then Arnie Stuthman is usually in the building, by 6:30 and why he's not here I don't know. Maybe he's avoiding you. (Laughter) And then Senator Hansen from North Platte and then finally, Senator Howard from... [CONFIRMATION]

SENATOR HOWARD: We know each other. [CONFIRMATION]

TERRI NUTZMAN: We do know each other. [CONFIRMATION]

SENATOR JOHNSON: Right. I wondered if you didn't as a matter of a fact. Well, just one comment from me and that is this is that this committee is very interested in the interim study aspect of things that deal with foster care and that type of thing, and so I'm sure we'll be working together and look forward to that. Anybody else have any other questions? Senator Hansen. [CONFIRMATION]

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SENATOR HANSEN: Thank you, Senator Johnson. Terri, it's nice to have you here today. I see on your resume and you said too, that you were a member of the Douglas County CASA. [CONFIRMATION]

TERRI NUTZMAN: That's correct. [CONFIRMATION]

SENATOR HANSEN: Are you a promoter of CASAs? Should every county in the state have an active CASA? [CONFIRMATION]

TERRI NUTZMAN: I believe that. You know, I was on the board of directors in Douglas County, so I was on the brand new board of directors when CASA was developed. I think CASA is an excellent program, you know, to bring our child advocate volunteers into the courtroom and to, you know, work closely with those kids. It's a resource that they would not have--children would not have, families would not have, and the court would not have, I believe--without those CASA volunteers. I think they're a great group of people. [CONFIRMATION]

SENATOR HANSEN: We have a problem in Lincoln County getting one going and continuing. Would you be able to use your position to promote that at least? [CONFIRMATION]

TERRI NUTZMAN: I certainly, yeah, I believe that I could help with that and influence that. Again, because I was at the ground floor in Douglas County when we developed that program. [CONFIRMATION]

SENATOR HANSEN: Thank you. [CONFIRMATION]

TERRI NUTZMAN: Sure. [CONFIRMATION]

SENATOR JOHNSON: All right. Just one more comment from me. I miss pronounced your name. I called you Nutzman. There was a great doctor who was the last head of the state's tuberculosis hospital. I'm almost positive he spelled it the same way and so I'm...he pronounced it Nutzman. So it was a compliment. [CONFIRMATION]

SENATOR PANKONIN: Senator Johnson, I knew you had it wrong because in Cass County they're all Nutzmans. (Laughter) [CONFIRMATION]

TERRI NUTZMAN: There you go. You know that. That's right, Nutzmans. [CONFIRMATION]

SENATOR JOHNSON: Well, it was a compliment to associate you with the former director out there. [CONFIRMATION]

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TERRI NUTZMAN: Well, thank you. [CONFIRMATION]

SENATOR JOHNSON: Now does anyone else--thank you very much--does anyone have any wish to speak to this appointment, either for or against? I see none, thank you very much. [CONFIRMATION]

TERRI NUTZMAN: Thank you very much. [CONFIRMATION]

SENATOR JOHNSON: All right. Well, I'll try the next one. Vivianne M. Chaumont? [CONFIRMATION]

VIVIANNE M. CHAUMONT: Perfect. [CONFIRMATION]

SENATOR JOHNSON: How did I do? Welcome to Nebraska. [CONFIRMATION]

VIVIANNE M. CHAUMONT: Thank you. [CONFIRMATION]

SENATOR JOHNSON: Could you tell us a little bit about yourself? And first of all, did you graduate from the University of Colorado? That's...we want to know whether you're off on the right foot or not. [CONFIRMATION]

VIVIANNE M. CHAUMONT: (Exhibit 2) No. I graduate...you know, I was asked that question during my interview. (Laughter) I actually graduated from the University of California at Davis. I have three children in college in Colorado and I'm happy to say that none of them go to the University of Colorado. (Laughter) My money is spread around. Let's see, my oldest graduated from the Colorado State University of Fort Collins and is not a University of Colorado fan at all. [CONFIRMATION]

SENATOR JOHNSON: Just so they're not on the football team is all we care about. [CONFIRMATION]

VIVIANNE M. CHAUMONT: That's right. That's right. And I have one from UNC, University of Northern Colorado. And then I have a daughter that's playing soccer for the University of Denver. So no buffalos in my history. An ex-husband, but we won't go there. (Laughter) [CONFIRMATION]

SENATOR JOHNSON: Oh okay. Well, you might want to check that out again. [CONFIRMATION]

VIVIANNE M. CHAUMONT: Yeah, right. Good morning, Senator Johnson, members of the Health and Human Services. My name is Vivianne Chaumont, C-h-a-u-m-o-n-t, and I began yesterday as director of the Department of Health and Human Services Finance

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and Support. On July 1, I will become the director of the Division of Medicaid and Long-Term Care within the newly created Nebraska Department of Health and Human Services. In that capacity, I will oversee the division charged with administering aging services and Nebraska's medical assistance program, commonly referred to as the Medicaid program. I'm honored that Governor Heineman appointed me to this position and will appreciate your confirmation of his appointment. Let me share a little bit about my work background. For more than 20 years, I have had a lead role in developing and implementing policy that impacts the daily lives of children, the elderly, and others in need. From 2001 to 2005, I was director of the Medical Assistance office within the Colorado Department of Health Care Policy and Financing, and was responsible for establishing and managing policies of Colorado's Medicaid program. I was Colorado's Medicaid director. During that time, I authored a rewrite of the state's managed care statutes, developed a review process to help ensure that rules and regulations were understandable to clients and also complied with state and federal standards. And I created a centralized data system to improve the efficiency and consistency within the department. From 1985 to 2001, I served as an Assistant Attorney General in the Colorado Office of the Attorney General. I was chief counsel for the state's Medicaid program and the Children's Basic Health Plan, along with other public assistance and public health programs. From 1980 to 1984, I was counsel for the California Department of Health Services, advising the department on programs related to environmental health. Most recently, I served as CEO of ValueOptions of Arizona, a company that contracts to manage the care and delivery of services to Medicaid clients and individuals with serious mental illness in Maricopa County, Arizona, which is the Phoenix Metro area. I received my bachelor's degree in 1975 and law degree in 1978 from the University of California-Davis, not a Division I school, football power. I'm excited by the opportunity to head up Nebraska's Medicaid program and am even more excited about being part of the team to implement the restructuring of the Department of Health and Human Services. I look forward to advancing the efficient delivery of health care service to the people of Nebraska. I understand the importance of making the Department of Health and Human Services more accessible to all those we serve. I look forward to improving the quality of life in Nebraska through our mission of helping people live better lives through effective health and human services. And I'd be happy to answer any questions you may have at this time. Thank you so much.
[CONFIRMATION]

SENATOR JOHNSON: Okay, thank you. Tom? [CONFIRMATION]

SENATOR HANSEN: Thank you, Senator Johnson. Nice to have you here today. We passed a bill this year dealing with the disproportionate share hospitals. And what that did was instead of counties sending money directly to the hospital, it will send money now--if they agree to do so--to HHS. And HHS will co-mingle some federal funds and it's a tune of about \$3 local funds and \$4 federal funds to go back to the hospital. I'm concerned with Nebraska's Medicaid history of sending prompt payments out. And the

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prompt payment is very important in this issue, because those monies are needed in the local hospital and the lag time between sending those monies to HHS and then back to the hospital is a concern of mine. And I'd really like to see...it affects like 10 hospitals in the state. [CONFIRMATION]

VIVIANNE M. CHAUMONT: Okay. I'm not aware of that bill having just started yesterday, but I'll certainly talk to staff and talk to them about the importance of prompt payment. Thank you. [CONFIRMATION]

SENATOR HANSEN: Okay. The prompt payment issue is...yes. Appreciate that. [CONFIRMATION]

SENATOR JOHNSON: Senator Pankonin. [CONFIRMATION]

SENATOR PANKONIN: Also want to welcome you and just from looking at your background, obviously you had this public service or public sector position then went to the private side and then back to this. Why that and why Nebraska? [CONFIRMATION]

VIVIANNE M. CHAUMONT: The position with the private sector came at a really good time in my life. We were about to change administrations in Colorado so I was going to have to be looking for another job anyway. I like the heat. It came at a good time. My last child was graduating from high school, so personally it came at a good time for me and I thought I would try the private sector. The particular company and the particular situation in Arizona didn't work out for me. I wanted a position where I can really contribute and make a change and I just didn't think that was possible in that position after being there for awhile. It was clear that there were other issues at play there and the opportunity to really make a difference just wasn't there. So I started trying to decide what I wanted to do when I grew up and decided that I really liked what I had done and wanted to come back to it. And then I saw...so I wanted to get back into public policy. And I saw the opportunity in Nebraska and sent my resume in and here I am. And it's closer to my son in D.C. than Phoenix and closer to my kids in Colorado. So it's something new and the challenge seemed interesting. [CONFIRMATION]

SENATOR JOHNSON: Senator Erdman. [CONFIRMATION]

SENATOR ERDMAN: Vivianne, welcome. I hope the address on your application changes, because the commute from Tempe would be difficult to accomplish. (Laughter) [CONFIRMATION]

VIVIANNE M. CHAUMONT: It is very difficult. [CONFIRMATION]

SENATOR JOHNSON: You just moved in didn't you? [CONFIRMATION]

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VIVIANNE M. CHAUMONT: I am living in Lincoln as we speak. [CONFIRMATION]

SENATOR ERDMAN: Well, those of us that live in western Nebraska can probably tell people in Nebraska more about what has happened in Colorado in the last 30 years, because we get Channel 9 news out of Denver is our source of news, and so I'm from western Nebraska. One of the things that we've been working on in Nebraska that's not any different I think than a lot of other states is our Medicaid system. We have processes in place where we have some pretty aggressive time lines of planning and things to try to give policy makers the tools and the options that we would have. We have quite a gap as you go out 25 years in sustainability in our Medicaid program. I think it's to the tune of a \$700 million gap and it's important for us...I've been here, this is my seventh year. I got elected right out of junior high so it worked out really nice. (Laughter) But I look long-term and I think about not only the people we're trying to serve now, but also recognizing that when we went through shortfalls in the state of Nebraska as Colorado did in selling off their tobacco settlement funds and some of those things. I mean, we didn't do those drastic things, but I would hope that as we continue forward under the Medicaid counsel as well as the future Legislatures that are going to be coming after I'm term limited out that with your experience and with your leadership that we can continue to work to not only make sure that the program is meeting the needs, but also that it's sustainable. And I think that is always a delicate balancing act, because of the different constituencies that are out there. But we have a problem and it's been in the making, and we, I believe, have the obligation to try to fix it sooner than later. I'm encouraged by your background and as a member of the Health Committee for at least the next year and a half and a member of the Reform Council, I would look forward to your expertise in helping us to kind of craft and to guide that process, both based on what you've learned in the private sector, but also what you've experienced in Colorado and those efforts. So I welcome your expertise and look forward to working with you. And you may have jumped out of the pot, but you're back in the frying pan and we've got a lot of work to do. [CONFIRMATION]

VIVIANNE M. CHAUMONT: Oh yes. [CONFIRMATION]

SENATOR ERDMAN: So welcome and we look forward to working with you.
[CONFIRMATION]

VIVIANNE M. CHAUMONT: Well thank you very much. I am actually very impressed. I mean, the Medicaid system is imploding nationwide, both at the federal level and the state level. And I've been reading the report, the Medicaid report, and the legislation that was passed and I am actually very impressed that Nebraska is taking a look at reforming its system, which clearly it's not just Nebraska's system. Clearly the Medicaid system across the country needs to be reformed. But I can tell you that other states are not being as proactive about it, so I'm pleased to be a part of a before a huge crisis effort. And I think that's a smart way to do it and I'll dedicate my efforts to keeping the

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program contained, yet serving the people that need it. [CONFIRMATION]

SENATOR JOHNSON: Well, I think the comments you've heard around the table here this morning, we look forward to working with you. And I actually have a relative that lives in Woodland next to Davis. [CONFIRMATION]

VIVIANNE M. CHAUMONT: Woodland, yes. Absolutely. [CONFIRMATION]

SENATOR JOHNSON: And when she asked me how I ended up in Kearney, Nebraska, I just told her something that I hope you can tell your friends when this is over and just say just lucky. (Laughter) Thank you very...oh, Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Thank you, Senator Johnson. Welcome back to Nebraska. We do have a direct flight to D.C. from Omaha, so keep that in mind when you want to get out there. (Laughter) There is a bill that's working its way through the system right now. It's on select file. It's LB542, Senator Synowiecki's priority bill, and that's going to be looking at the mental health needs of juveniles. And I think that will have some impact on the Medicaid. I'd like to encourage you to be a part of that, to be looking at that to see how, as a state, we can better serve the needs of juveniles that come into our system with mental health needs. And I hope that you can be involved in that process. I think that will be real critical. The bill is LB542 just to give you a heads up on that. [CONFIRMATION]

VIVIANNE M. CHAUMONT: All right. Thank you. [CONFIRMATION]

SENATOR HOWARD: Thank you. [CONFIRMATION]

SENATOR JOHNSON: Thank you very much. [CONFIRMATION]

VIVIANNE M. CHAUMONT: Thank you. [CONFIRMATION]

SENATOR JOHNSON: And do we have anyone that wishes to speak to this appointment, pro or con? All right. We're starting to run a little short of time, so we're going to move along quickly on these next ones. David Rutledge, Commission for the Deaf and Hard of Hearing. David, welcome. [CONFIRMATION HEARING]

DAVID RUTLEDGE: I'm Dave Rutledge and I'm a retired elementary school principal of 34 years in the Lincoln Public Schools. I'm currently selling real estate. And my history of hearing has been for about 15 years I was hard of hearing, lost my hearing in my left ear and got to use, in my right ear, hearing aids and that sort of thing. Most of my friends weren't aware that I had any particular difficulty unless they went turkey hunting with me, in which case I would be going is the turkey over there, with my hands and they would be going no, no, it's coming up behind, because you don't have too much

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"directionality" when you only have one ear, but it's not a major life crisis, but I could be labeled hard of hearing. About seven years ago, I went home from school after an IEP meeting with a child that was coming from a hard of hearing unit to the building that I was principal of, and he happened to have a cochlear implant. I sat at that meeting for about 2.5 hours. It was time for lunch duty. I got up and felt a little queasy and later on in the afternoon I took my temperature and yes, I had a fever. Went home that night. Got up the next morning and I was totally deaf. My hearing went from reasonably good to no good whatsoever. So the last seven years I've been just about as deaf as deaf can be. I hear using two cochlear implants and the implant is a wonderful device, because it actually broadcasts digital radio signals from the outer part or the part that looks like a spiderweb is an antenna. It transmits into my head and their electrical impulses directly stimulate my cochlea. It is not sound. I heard for about 10 seconds what it sounded like and it sounds like a fax machine when you pick up a telephone and listen, but the brain is a very, very plastic thing and allows me to hear. So that's basically my hearing background. I'm a passionate advocate of cochlear implants as well as giving people assists that need assists in finding a level of help that allows them to be as effective as they can in their communication, and that was something I did as a school administrator and it's something I continue to spend time doing. I received my B.A. degree from Nebraska Wesleyan. Got a Master's and a Ph.D. from the University of Nebraska. My other passions lie in the area of mental retardation. I have an adult child that lives at home and for Senator Johnson, I do have a son that goes to UNK and wrestles for the UNK wrestling team. And my oldest child is a dentist and is currently in residency in periodontics at University of Nebraska Medical Center. [CONFIRMATION]

SENATOR JOHNSON: Okay. Any questions? Seeing none, thank you. Sounds to me like you'll be just a pretty darn valuable person on the commission. Thank you. [CONFIRMATION]

DAVID RUTLEDGE: Thank you. I look forward to it. [CONFIRMATION]

SENATOR JOHNSON: Okay. All right. Next on our list is Maureen Larsen and Maureen, welcome. [CONFIRMATION]

MAUREEN LARSEN: Thank you. [CONFIRMATION]

SENATOR JOHNSON: And I'm going to ask you to be quite brief, because we've got to start here pretty soon. [CONFIRMATION]

MAUREEN LARSEN: Sure. My name is Maureen Larsen. I live in Gretna. I've been a professional interpreter for 13 years, the last six of which has been in Nebraska. I specialize in medical and legal interpreting. My background is I have a degree from the University of Vermont in communications in science disorders and then a degree in interpreting from the National Technical Institute for the Deaf in Rochester, New York. I

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am a member of the Interpreter Advisory Committee for the Nebraska Supreme Court. I'm also a member of the Nebraska Commission for the Deaf and Hard of Hearing Interpreter Licensure Committee and a board member of the Nebraska chapter of the Registry of Interpreters for the Deaf. I'd like to be...I'm honored by the appointment to this committee. I would love to help improve the services of those people that are deaf and hard of hearing in our state. [CONFIRMATION]

SENATOR JOHNSON: Great. Thank you. Any questions or comments? Thank you very much. We've got Raymond Meester next for the commission. Raymond, welcome. Good morning to you. [CONFIRMATION]

RAYMOND MEESTER: Good morning, Senator Johnson and members of the committee. My name is Raymond Meester, M-e-e-s-t-e-r. I've lived here in Lincoln now for about 13 years. I served on the board of the commission back in the late nineties. My background comes from the fact that I grew up in the world of the deaf. Both of my parents are deaf. I'm referred to in the field as a CODA, child of deaf adults. I also had four uncles and aunts that are deaf, and one uncle that lived on the farm place with us and the other uncle that lived in the county seat where I grew up and had a small business. The church I'm currently serving has a ministry with the deaf and I've been very involved in our national church on ministries with the deaf serving on some of their committees. We currently have a deaf person on staff at the church, which works out quite well for us. She's been one of the better staff members we've had there. We just recently moved my mother to Lincoln here and so deal with the deaf people quite on a frequent basis. Had more to share, but I know you guys have little time so I'll stop it there. [CONFIRMATION]

SENATOR JOHNSON: Oh thank you, sir. Any questions or comments?
[CONFIRMATION]

SENATOR GAY: Senator Johnson, I had one comment. [CONFIRMATION]

SENATOR JOHNSON: Senator Gay, go ahead. [CONFIRMATION]

SENATOR GAY: This is for everybody that, you know, citizen service. I appreciate it. The time coming down here. We are rushed for time, but we do appreciate this. Reviewed all your resumes and just very qualified people. So we really appreciate it. What I would suggest is, and I always say this to any citizen appointment, make sure you call us up, anybody on this board, you know, on the committee, if you have some concerns too, because that's what we're here for too. So make sure you feel free...telephone or open door policy. Come in and talk to anybody because we're all very concerned with what's going on. So appreciate your time and efforts and service. Thank you. [CONFIRMATION]

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SENATOR JOHNSON: Thank you, Senator Gay. Well stated and thank you very much. Yes, we really do appreciate the service that you do give. Any comments about any of the people that we've just had. If not, Senator Chambers, and I would ask you to be brief. [CONFIRMATION LR73]

SENATOR CHAMBERS: Very brief. Thank you. [LR73]

SENATOR JOHNSON: I couldn't wait to say that. (Laughter) [LR73]

SENATOR CHAMBERS: Mr. Chairman, members of this esteemed committee, I'm Ernie Chambers and represent the 11th Legislative District. The resolution I offered was presented in April, which was to be Lyme Disease Awareness Month. The Governor did issue a proclamation to that effect. And another request of the group who contacted me was to see if we could garner support for a bill pending in Washington, and my understanding is that your legal counsel may have looked into that. So I still have that interest if the committee does not feel compromised by doing such a thing. And if you have questions of me we can do it at another time, but I'm going to be as brief as you've requested the citizens at large and they will see that you crack the whip on me just like you had to do on them because of time. So that will be the extent of my presentation and I thank you. [LR73]

SENATOR JOHNSON: Thank you, Senator Chambers. Any questions of the good senator? Thank you very much. [LR73]

SENATOR CHAMBERS: Okay. [LR73]

SENATOR JOHNSON: Okay. I think we better call it a morning here and...(tape ends) [LR73]

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Disposition of Bills:

LR73 - Reported to the Legislature for further consideration.

Chairperson

Committee Clerk