

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee February 27, 2019

HOWARD: [RECODER MALFUNCTION] --the other senators who are with me introduce themselves.

MURMAN: I am Senator Murman, District 38: Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and southwest Buffalo County.

WILLIAMS: Matt Williams from Gothenburg, Legislative District 36, which is Dawson, Custer, and the north portion of Buffalo Counties.

HOWARD: So Dr. Klammer, today we'd just like you to tell us a little bit about yourself and your interest in serving on the Rural Health Advisory Commission.

KYLE KLAMMER: Sure, sure, definitely. Originally from Ainsworth, Nebraska, graduated there back in 2008. Went to undergrad at Chadron State and did med school at the University, and then I'm in the residency training through the University as well, in Omaha here. Married to Hilary Messersmith who's also from Gothenburg, so I think maybe she might know Matt perhaps; I'm not really sure, but it seems like it's kind of a small world out there, but anyways, yeah. And I guess I've been on the committee now for a couple years and just really enjoy being able to be a part of just helping, you know, try to figure out ways to serve the people in rural Nebraska and, you know, just get healthcare back to those people as much as possible in whatever ways that we can, so--

HOWARD: What are some of the bigger issues the Rural Health Advisory Commission has been working on these past few years?

KYLE KLAMMER: So essentially what our-- kind of our main focuses are-- well, number one, you know, obviously we do the loan, loan repayment program for providers that are heading out to rural communities. You know, the purpose there is to try to basically recruit people and then sort of ease some of the debt burden that we, we acquired through, you know, through being in medical school and, and those things. And then some of the other things we've been working on, too, is just, you know, looking at alternative models to care and stuff in the future. You know, it seems like healthcare is always, always changing and especially like in a rural place. You know, it seems like, you know, we're going to have to adapt and overcome, probably within the next 10 to 20 years, just the way the healthcare climate is, is changing, I guess, so--

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HOWARD: Well, that's wonderful, and we appreciate your service on the commission. Let me see if there are any questions from the committee for you. Are there questions? Senator Williams.

WILLIAMS: Thank you, Chairwoman Howard. And thank you, Dr. Klammer, for being here. And thank you for marrying a Gothenburg girl.

KYLE KLAMMER: [LAUGHER] You bet.

WILLIAMS: When you think about your accomplishments and-- which I appreciate you documenting those-- and the future of healthcare in rural areas, what do you see as changes and a vision that might be happening?

KYLE KLAMMER: You know, it's, you know, just, you know, it seems like there's a lot of, you know, movement. You know, it's hard for rural hospitals right now just to kind of stay afloat. And so I guess we, you know-- some of the things we've been talking about, you know, through the commission. And there's kind of been some subcommittees that are, you know-- if for instance, like if the critical access hospital designations, you know, go away in certain places, how can we still provide those people with care? You know, maybe and not quite as, you know, as standard, kind of what we think of as like a hospital, you know, with, you know, a bunch of beds and the ER and stuff, but are there other ways that we can maybe look to, to do, you know, do different things to still provide healthcare to those people, you know, just with the things that are changing, I guess? So--

WILLIAMS: Well--

KYLE KLAMMER: --does that make sense?

WILLIAMS: --thank you for that, and thank you for your past service, and thank you for your commitment to continue this service.

HOWARD: Are there any other questions from the committee? Seeing none, Dr. Klammer, I would echo Senator Williams' remarks that we do appreciate your time on the, on the Rural Health Advisory Commission, and we're very grateful that you're willing to commit to a few more years with us. Is there anything else you would like the committee to know before we let you go?

KYLE KLAMMER: I don't think so. I guess I just really appreciate being able to serve on the committee. It's been a really good experience just getting to learn more about the process, you know, just of

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different things in the state and challenges that we face with rural healthcare, so-- and I guess the last thing I would say is I'll be, I'll be making my home in, in Dawson County, and in a, a-- well, a few months-- well, in August, I guess, so I'll be out, out that way anyway, so--

HOWARD: Well, wonderful. Well, thank you for, for your commitment to our state. And we will, we will convene an Executive Session and vote on your confirmation and bring that to the full floor for debate, most likely next week. So thank you so much for your time today, and we, and we appreciate your service.

KYLE KLAMMER: Yep, thank you guys. Anything else?

HOWARD: I don't think so. All right.

KYLE KLAMMER: OK, thanks, guys.

HOWARD: Thank you, Dr. Klammer.

KYLE KLAMMER: Yep. Have a wonderful afternoon.

HOWARD: You, too.

KYLE KLAMMER: All right. Bye bye.

HOWARD: And we have one more.

SHERRY SHAFFER: I texted her to call, so--

HOWARD: OK, good. OK.

SHERRY SHAFFER: --it should be happening.

HOWARD: Good afternoon. Is this Cherlyn Hunt, Cheri [PHONETIC] Hunt?

CHERLYN HUNT: Yes. Yes, it is.

HOWARD: Hello. How are you? This is Senator Sara Howard. I represent District 9, and I serve as Chair of the Health and Human Services Committee. How are you?

CHERLYN HUNT: I'm good.

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HOWARD: Before we get started, I'd like to invite the other members of the committee to introduce themselves to you so you know who's in the room.

CHERLYN HUNT: OK.

MURMAN: Hello. I'm Senator Dave Murman, District 38: Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and southwest Buffalo County.

WALZ: Hi. This is Lynne Walz. I represent District 15, which is all of Dodge County.

ARCH: Senator John Arch, District 14: Sarpy County.

WILLIAMS: Matt Williams from Gothenburg, Legislative District 36: Dawson, Custer, and the north portions of Buffalo County.

HOWARD: So thank you for visiting with us today. Could you tell us a little bit about-- you've been on the Rural Health Advisory Commission. Can you tell us a little bit about yourself and some of the work that you've done on the, on the commission so far?

CHERLYN HUNT: Sure. I'm fairly new to the commission. I came on last year to finish out someone's term. I am the rural nursing home administrator position; that's the one I sit on.

HOWARD: Um-hum.

CHERLYN HUNT: And in our meetings from last year, we've looked at all the scholarship money that we give out and who's been receiving that for the doctors and police-- mostly doctors-- that are in the rural areas, to help them out to pay back some of their student loans. And then we've also had to look at candidates who have defaulted on their loans and the process to get that repaid back to the committee.

HOWARD: And so your background is in nursing home administration.

CHERLYN HUNT: Correct.

HOWARD: So how are things going for rural nursing homes in Nebraska, would you say?

CHERLYN HUNT: It's tough right now. Last ten days-- five of them have announced they're closing.

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HOWARD: What can we do, as a committee and as a legislator, to help you with that situation?

CHERLYN HUNT: Well, Medicaid rates have to be looked at, and that's no secret; everyone knows that. I think the colleges are stepping up on putting out good quality nurses and CNAs to help fill those positions in the rural areas. There's just not enough hands to fill the jobs that we have open. But I do feel like the colleges have responded and are doing the best they can to try to get more people trained. We try to lure them back to the rural community.

HOWARD: OK. Let's see if there are any questions from the committee. Are there questions? Senator Williams.

WILLIAMS: Thank you, Chairperson Howard. And thank you, Ms. Hunt, for your willingness to continue service on the Rural Health Advisory Board. As you mentioned, you've been on it a short time, and you do come from a critical industry in our state, especially in rural areas with our aging population. Do you have-- you mentioned Medicaid reimbursement rates, but do you have a vision for how the business model will need to adapt in rural areas so that we are able to maintain services for our people?

CHERLYN HUNT: A model. I'd have to think about that a, a little bit. I understand there isn't probably any way to get reimbursed dollar for dollar, and I don't-- I mean that's ideal for facilities, but I don't think that's what we're really asking or what we're needing to just close a gap. The facility I serve is about 60 percent Medicaid and 40 percent private pay. And I know our financials last year-- the facility lost over \$400,000 by serving Medicaid.

WILLIAMS: Where is your facility located?

CHERLYN HUNT: Holdrege, Nebraska.

WILLIAMS: OK.

CHERLYN HUNT: And we're, you know, we're nonprofit, and it's our goal-- we serve everyone in our community; we don't care your payer source. But that is, that can be a challenge.

WILLIAMS: You mentioned also, switching gears just a little bit, the, the need for additional healthcare providers: nurses, CNAs, and the

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like. Is it just the lack of numbers or are the-- is the pay that is available in rural areas adequate?

CHERLYN HUNT: I believe providers have done a very good job to make the pay competitive with other areas. I look at the Kearney market and put, base our wage scale around that as much as possible, knowing I have X amount of dollars to spend on wages for the year. So I do feel like providers have done a good job at that. Currently we start our-- if you're a brand new CNA coming out of class, we start you at your base wage of \$12. But then there are shift differentials and weekend differential that are added to that. So most make up over \$14, which I know is competitive in the Kearney market.

WILLIAMS: Thank you for that information, and thank you, again, for your commitment to the Rural Health Advisory Committee.

HOWARD: All right. Are there any other questions from the committee? All right. Seeing none, Ms. Hunt, the committee will, will vote to send your confirmation to the floor. And then we'll discuss it as a Legislature, most likely next week. But we do appreciate your service on the Rural Health Advisory Commission and your commitment to the state. Is there anything else you would like the committee to know?

CHERLYN HUNT: I've done this a long time. I started volunteering in my local nursing home, which is up in Pierce, Nebraska, when I was 11 years old. And I have worked, you know, worked my way up through the ranks and done every position in the home. And so I truly, truly have a dedication to serving our elderly and want to continue to do that for the state of Nebraska.

HOWARD: And that's wonderful. We, we are so grateful that you are doing this work in our state, and we appreciate your time today. Thank you so much.

CHERLYN HUNT: Yes. Thank you very much.

HOWARD: OK. All right. Good afternoon, and welcome to the Health and Human Services Committee my name is Senator Sara Howard, and I represent the 9th Legislative District in Omaha, and I serve as chair of this committee. I'd like to invite the members of the committee to introduce themselves, starting on my right with Senator Murman.

MURMAN: Hello again. I'm Dave Murman, District 38: Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and southwest Buffalo County.

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WALZ: Lynn Walz, District 15: Dodge County.

ARCH: John Arch, District 14: Sarpy County-- Papillion/La Vista.

WILLIAMS: Matt Williams, Legislative District 36 in Gothenburg, which is Dawson, Custer, and the north portions of Buffalo Counties.

CAVANAUGH: Machaela Cavanaugh, District 6: west-central Omaha-- Douglas County. And I have a guest with me today, Barrett.

B. HANSEN: Ben Hansen, District 16: Washington, Burt, and Cuming Counties.

HOWARD: Then also assisting the committee is our legal counsel, Jennifer Carter, and our committee clerk, Sherry Shaffer, and our committee pages, Erika and Maddy. A few notes about our policies and procedures. Please turn off or silence your cell phones. This afternoon we'll be hearing two bills and we'll be taking them in the order listed on the agenda outside the room. On each of the tables near the doors to the hearing room, you will find green testifier sheets. If you're planning on testifying today, please fill one out and hand it to Sherry when you come to testify. If you are not testifying at the microphone, but want to go on record as having a position on a bill being heard today, there are white sign-in sheets at each entrance, where you may leave your name and other pertinent information. OK. Should I go more slowly? Should I slow down?

SHARON SINKLER: A little bit, if you don't mind [LAUGHTER].

HOWARD: OK. I'm on it. OK. I just wasn't thinking. All right. Also, I would note, if you are not testifying, but have written testimony to submit, the Legislature's policy is that all letters for the record must be received by the committee by 5:00 p.m., the day prior to the hearing. Any handouts submitted by testifiers will also be included as part of the record, as exhibits. We would ask, if you do have any handouts, that you please bring ten copies and give them to our fabulous pages, Maddy and Erika. We do use a light system for testifying. Each testifier has five minutes to testify. When you begin the light will be green for four minutes. When the light turns yellow, that means you have one minute left and, when the light turns red, it is time to end your testimony and we'll ask you to wrap up your final thoughts. If you have need for more time because of a disability or any other issue, we are happy to make accommodations for you. When you come up to testify, please begin by stating your name clearly into the

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microphone, and then please spell your first and last name. The hearing on each bill will begin with the introducer's opening statement. After the opening statement, we will hear from supporters of the bill, then from those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make closing statements, if they wish to do so. We do have a strict no pop, no-prop policy in this committee. And with that, we will begin today's hearing with LB248, which is my bill to change terminology relating to hearing-impaired persons. And with that, I will hand it over to my colleague, Senator Arch.

ARCH: Senator Howard is introducing this bill, and so we'll turn it over to her at this time.

HOWARD: Good afternoon, Vice Chairman Arch and members of the Health and Human Services Committee. My name is Senator Sara Howard, and I represent District 9 in midtown Omaha. I'm here today with LB248, a bill that amends Nebraska statute to replace the term "hearing-impaired" with the term "deaf or hard of hearing." Oh, I'm doing it again; I'm talking too fast again. OK, all right. I'm bringing you this bill on behalf of a constituent of mine who is a board member for the Nebraska Association of the Deaf. Every number of years, as culture and society changes, terms that were once considered appropriate are now not the proper terminology to use. For example, in 2013, then Senator Colby Coash brought LB343, that removed an outdated term in state statute and replaced it with the words "intellectual disability." While the former term had been acceptable, it is now considered highly offensive. Over the years, many commonly accepted terms have passed out of favor with different communities. Most importantly, how people label or identify themselves is personal and reflects the identification within their community. In the deaf community, over the years, the most commonly accepted terms, accepted terms have come to be "deaf" or "hard of hearing." Nearly all organizations of, of the deaf now use the term "deaf and hard of hearing," including the National Association of the Deaf and the Nebraska Association of the Deaf. The term "hearing-impaired" was at one time preferred and considered politically correct. To declare oneself or another person as deaf or blind, for example, was considered somewhat bold, rude, or impolite. At that time, it was thought better to use the word "impaired" along with "visually," "hearing," "mobility," and so on. The term was well-meaning, but not widely used or accepted by many. The reason that "deaf and hard of hearing" are not negative, is because, unlike "hearing-impaired," they

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do not focus on people's limitations. They establish a standard of hearing, and anything impaired is and, and, anything that's impaired is considered substandard or damaged. By changing these terms in our statutes, we are respecting the rights of individuals to be identified in a way that feel, that they feel correctly defines them. Thank you for the opportunity to present this bill, and I'm happy to try to answer any questions you may have.

ARCH: Are there any questions for Senator Howard? Senator Williams.

WILLIAMS: Thank you, Senator Arch. And thank you, Senator Howard, for bringing this legislation. Is there anything in this definition, definitional change that will cause any issues with Medicaid or any of those kind of issues?

HOWARD: Not to my knowledge. So this, this actually aligns more appropriately with Medicaid billing anyway. But it should-- I don't anticipate any difficulties. And we haven't heard anything from the department.

WILLIAMS: Thank you.

HOWARD: Thank you.

ARCH: Any other questions for Senator Howard? Seeing none, thank you very much.

HOWARD: Thank you. And I would note we do have some testifiers today who will have some translators, and so we're, we're going to accommodate them as best we can. But this is new territory for all of us.

ARCH: OK.

HOWARD: OK.

ARCH: All right.

HOWARD: Thank you.

ARCH: Thank you. At this time, we would ask any, anyone who would like to speak as a proponent of the bill to please come forward. Thank you for coming today.

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JONATHAN SCHERLING: [THROUGH INTERPRETER] Thank you. I am Jonathan Scherling, and I'm a representative for the Nebraska Association of the Deaf. And spelling my name is J-o-n-a-t-h-a-n; last name, S as in Sam-c-h-e-r-l-i-n-g. Thank you. Thank you, Senator Howard, for introducing this bill and cosigning it with Senator Blood. Senator Howard said it very well; I'm going to keep mine short and sweet. We have two different perspectives. One is a medical perspective which thinks-- like a hearing impairment is you can't hear or it's a lack of something. And then we also have the sociolinguistic view where we are culturally deaf and that defines who we are. We have our own language, we have our own culture, we have our own community. For example, I was born and raised deaf, and I am from a deaf family; I'm third generation. It's not like I was-- became ill or lost my hearing or lost, lost my hearing later on in life. I received it-- I received a stigma automatically. When someone calls me hearing impaired, they, it means that I can't do anything. I do lots of things. I'm a professor at a university. I'm part of a nonprofit organization. I'm also a student in a master's program. So I enjoy serving the state of Nebraska. So looking back, hearing impairment can prevent us from doing many things. People can look at us differently whereas we can actually do anything. Hearing impairment creates a stigma for my life. So the bill that's introduced will help me feel, be reflected in a positive light, as far as my identity. And then I can be able to partake in more opportunities within our community, as well. Thank you for your time and listening to my testimony.

ARCH: Thank you. Thank you. Any questions? Senator Cavanaugh.

CAVANAUGH: Thank you. What do you teach?

JONATHAN SCHERLING: I actually teach American Sign Language at the University of Nebraska in Omaha.

CAVANAUGH: Terrific. Thank you so much.

JONATHAN SCHERLING: I encourage you to teach your baby sign. That way you can communicate.

CAVANAUGH: We actually do sign language with our children.

JONATHAN SCHERLING: Awesome; I am glad to hear that.

ARCH: Any other questions? Seeing none, thank you very much for your testimony.

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JONATHAN SCHERLING: Thank you for your time.

ARCH: Thank you. Are there others who would like to speak in favor of the bill?

NORMAN NEVERKA: [THROUGH INTERPRETER] Senator Howard and members of the Health and Human Services Committee here today, my name is Norm-- Norman Neverka, and that's spelled N-o-r-m-a-n, last name is W-e-v as in Victor-e-r-k-a, and I am from Brainard, Nebraska, the Butler County area. For many years and years ago, history has told us, yes, that names change. People used to call people who were deaf "deaf and dumb" and then said: Oh, that's not the correct terminology, we, we have-- terminology; we have to change it. So it's become different names. The same has happened with many other diversity groups. They have-- nowadays more and more people are recognized for what they really want and appreciate to be identified as. That's important to remember. Nowadays it's simple. Back in the day, a Native American wanted to be called a Native American. They didn't want to be called something else. That was their own term, the same as with people who are deaf. We want to be identified as people who are deaf. Like Jonathan just mentioned, we now want to be appropriately identified and not be neglected for so many reasons. Some decisions have been made by people who can hear, and they didn't include people who were deaf in the process. They didn't ask us; they decided for us. So we need to ask the special groups: What is it you want to be identified as? That's important to remember. People who are deaf want to be called deaf. If someone's hard of hearing and they self-identify that way, then we need to call them that. People who are deaf have different needs than people who are hard of hearing. Therefore, there are different ways to communicate with each other. They are not in the same boat. We're not all lumped into one group that are called hearing-impaired. We don't have the same communication needs. Each group is different. So we don't want to be in that position where we're lumped all into one group. I support this bill, LB248, and I'm hoping that you also see that it is important. We have a lot of people who are deaf that live in Nebraska and want to enjoy the good life, and are always looking forward to change in the state of Nebraska. Thank you very much. And I'll field any questions.

ARCH: Are there any questions that you might have? Seeing none, thank you very much.

NORMAN NEVERKA: Thank you.

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ARCH: Other proponents for the bill. Welcome.

CODY McEVOY: [THROUGH INTERPRETER] Hello. My name is Cody McEnro-- McEvoy, C-o-d as in dog-y M-c-E-v as in Victor-o-y. I represent the Commission for the Deaf and Hard of Hearing and I am supporting LB248. As my previous colleagues have stated, hearing impairment-- the word has a negative connotation to it. When I go to public places and I tell them I'm deaf and I need access or accommodations, they said, well, we can help you with that hearing impairment. Well, there was a time where that term was politically correct; so was deaf and dumb. At the time we learned that we could actually educate people to change that negative connotation. Now we have improvements to accessibility with technology and all the other things. So hearing impaired we need to remove, and help people who are deaf or hard of hearing and people who identify as having a difficulty hearing, a way for them to express their deafness that doesn't have a negative stigma. We want to look at people who as a person, not a disability. And labeling them with an impairment already labels them with a disability. We want to see a person who has difficulty hearing as a person first. So I just wanted to share that with you, and I thank you for your time.

ARCH: Thank you. Are there any questions? Seeing no questions, thank you very much.

CODY McEVOY: Thank you.

ARCH: Other proponents for the bill. Welcome.

PETER SEILER: [THROUGH INTERPRETER] Thank you. My name is Dr. Peter Seiler, and that's P-e-t-e-r, last name S-e-i-l-e-r. I want to thank all of you for allowing me to come today in support of LB248. I may be sounding like a broken record because, obviously, I don't want to be labeled as something that's broken like a car that you see on the side of the highway; I'm not that. I am deaf, yes. I'm missing a skill that some of you already have, but I have other skills that you don't have. My wife will be happy to tell you that there are some she wished I had less of [LAUGHTER]. I wanted to emphasize that we feel that the term "hearing impairment" creates the impression, by those who can hear, that we are inferior, that we're not able to make decisions for ourselves, that we're not able to get an education. I have a story about when my son was at Boys Town, and that's in Millard. He asked Father, for fathers to come and volunteer at camp, so I volunteered. I was a previous Boy Scout, but I was not allowed to go past the first level. They said: You can't go any further. So now I wanted to go and

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volunteer at the camp and a father said: Well, what do you do for work? Well, at the time I was a principal at the Nebraska School for the Deaf. He started laughing: Oh come on, really. Be honest. What do you do? Long story was that I said: Well, what makes you think that I can't be a principal at a school for the deaf? Well, you're hearing-impaired. So he had that mindset that I was broken and there were, that there were things that I could not do. So I shared that I also had a doctorate degree. He-- his jaw about hit the ground and could-- I don't think he was ever going to get it back into place. But the point is that he had the impression with no basis, and we need to drop that. We need to stop focusing on what we cannot do and, instead, focus on what we can do and provide the appropriate education and training to achieve that. Also, as far as employment, it's hard to get in Nebraska. Even our state government is not hiring deaf or hard-of-hearing people because they think they cannot do the job. And I tell them that we can. We have John Wyvill with us today. He's an attorney, and he's also the executive director for the Nebraska Commission for the Deaf and Hard of Hearing. If he would have heard that, he wouldn't be here today. We also have Jonathan Scherling. We have Cody McEvoy. We have Lindsay Darnall, Jr. He is an activist. He advocates and he goes and presents to people. So if we were to hear that term "hearing impairment," maybe we would have sat at home twiddling our thumbs. And that's not appropriate. That's not, not a good use of your resources in Nebraska. So I ask you to please consider voting for LB248. And with that note, I will stop.

ARCH: Thank you for your testimony. Any questions? Yes, Senator Williams.

WILLIAMS: Thank you, Senator Arch. And thank you, Dr. Scherling [SIC], for being here today and providing this testimony. Are you still working?

PETER SEILER: I am now retired. I was the superintendent of two schools for the deaf. For 41 years I've been in education.

WILLIAMS: Thank you for your commitment.

PETER SEILER: You're welcome. Other question?

ARCH: Other questions? Senator Cavanaugh.

CAVANAUGH: Where are the schools located?

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PETER SEILER: I also was at the Illinois School for the Deaf-- superintendent. And I also was the superintendent at the Arkansas School for the Deaf. I also taught at UNO for a while, the Illinois State-- I've been around a little bit [LAUGHTER].

CAVANAUGH: Thank you.

PETER SEILER: You're welcome.

ARCH: Other questions? Seeing none, thank you for your testimony.

PETER SEILER: Thank you for the privilege.

ARCH: Other proponents for the bill? Welcome.

LINSAY DARNALL, JR.: [THROUGH INTERPRETER] Thank you. Good afternoon. My name is Lindsay Darnall, Jr., L-i-n-s-a-y, last name D as in dog-a-r-n-a-l-l Jr., J-r. I always emphasize that because, you know, if I don't, you're going to confuse me with my father [LAUGHTER]. So we had four testimony. All said the same thing: hearing impairment is bad, deaf and hard of hearing is good. That also is true for a person who is deaf. In my experience and my life experiences as a person who is deaf, I'm sometimes asked a question. People will say: Well, is there anything negative or, or something bad about being a deaf person? They expect things to-- like a sympathy story from me. And I say: No. I have had absolutely no problems. I was born, I went to school, I attended college. I have friends, I have a job. I have no problems. My problem is with society and how they perceive me. I was born to deaf parents. My brother is also deaf. So in our household, as you can imagine, if one person was born to a German-speaking family, it'd be the same thing; it'd be a normal thing. And then they go out and, oh, the world speaks English. It's the same thing with me. I used American Sign Language in my house and it was natural. Language happened 24/7. I went to the Nebraska School for the Deaf, went to Gallaudet University in Washington, D.C., and that college is for people who are deaf and hard of hearing, and I was always able to use sign language. So the term "hearing-impaired," I, you know-- do, it, it tells me that the person has difficulty. And do I have difficulty? No. It does my heart good to see Cody McEvoy present today because I have been an advisor to the Junior National Association of the Deaf chapter here in Nebraska, and it's in Omaha. And Cody was a student of mine. He was the president of our chapter during his senior year and then, two years later, his brother Jake became president. Right now his younger sister Molly, who is a junior in high school, is now

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currently serving as our treasurer. So with Cody, he just sat here today with confidence, testifying; and you know, it made me feel good. As an advisor, I often get questions from deaf youth. They say: Well, what are we supposed to be called? Should we be called hearing-impaired? Should be called deaf? And it's like: Well, where did you get that word? The school told me, the teacher told me, my interpreter told me. All these are people that can hear, and I said: Don't listen to them. Listen to me. I'm telling you, you are deaf and be proud of it. And the kids are like: Right on, that's right. So once we get that identity and we embrace it, then the, the world cannot stop us. So the stigma, like Jonathan Scherling mentioned, needs to be removed. And it starts in many places, and I can tell you where to start. But one of those is here in this bill. Once it's passed and the language is removed, deaf-- and changed to "deaf and hard of hearing," we can argue with people who try to frame us in a negative way and tell them: No, we're not that anymore. That, your frame is not true because the law has been changed. And it puts a positive view; it reframes us. So I'm asking you to join us in our efforts to reframe us, as far as who we are. And also, we are taxpayers, we are voting citizens of Nebraska.

ARCH: Thank you.

LINSAY DARNALL, JR.: Questions?

ARCH: Questions?

LINSAY DARNALL, JR.: Thank you very much.

ARCH: Thank you. Other proponents? Welcome.

EDISON McDONALD: Hi. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm the executive director for the Arc of Nebraska. We appear in support of this bill for two reasons: one, because I want to make sure that it's clear that the disability community stands together as a large group and that we all together share in this common desire to ensure appropriate terminology. The second thing is, as mentioned in the introduction, we did do a lot of work about five years ago to go and ensure that terminology was updated with intellectual and developmental disabilities. And I just wanted to urge the committee to have caution to ensure that this covers: number one, all pieces of statute; and then, number two, all pieces of regulation. Even though we went and we did have that bill passed five years ago, now in the last year, I've had to go and testify to ensure that

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terminology in statutes were properly updated. And then number two, I have heard that apparently in the Court-Ordered Custody Act, we're now going to have to go and ask that certain terms within that be updated. So I would just ensure that, as you're going through this process, I would urge caution and a careful review to make sure that all of these terms are updated and harmonized. Thank you.

ARCH: Thank you. Are there any questions? Seeing none, thank you very much. Any other proponents for the bill? I don't see any. And we did have a letter that we received from Sherri Jones, Nebraska Speech-Language-Hearing Association. Are there any who'd like to testify in opposition to this bill? Are there any who would like to testify in a neutral capacity to this bill? I'm seeing no one else that desires to testify. Senator Howard, you may close.

HOWARD: Honestly colleagues, my case has been made for me. This is just a quick follow-up to Senator Williams' question. We did check with the Department of Health and Human Services, as well as the Department of Education, and both gave us a green light on this bill. So we don't anticipate any problems with those agencies. But yes, this is one of those bills that seems very simple, but I think has a much broader and more important impact for Nebraskans. And so I would certainly urge the committee's advancement of this bill, and I appreciate your time and attention. Do you have any final questions for me?

ARCH: Seeing none, thank you very much. And this closes the hearing for LB248.

HOWARD: This will open the hearing for LB220, Senator, Senator Wishart's bill to change provisions regarding vending facility programs in state buildings for blind vendors. Welcome, Senator Wishart.

WISHART: Well, thank you so much. Good afternoon, Chairwoman Howard and members of the Health and Human Services Committee. My name is Anna Wishart, A-n-n-a W-i-s-h-a-r-t, and I represent the great 27th District in west Lincoln. I am here today to introduce LB220, a bill that would update language around the way the state contracts its vending services. LB220 adds references to the federal Randolph-Sheppard Act, as the act exists on January 1, 2019. Additionally, it adds language in regards to if the state enters into a contract with an individual who is blind to service vending machines on or in state facilities. This bill was brought to me by the director

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for the Nebraska Commission for Blind and Visually Impaired [SIC]. And I'll tell you, when he sat down with me this summer to explain how we can improve our language to make sure that it's within the spirit of the federal Randolph-Sheppard Act, it-- immediately I wanted to say yes, because I have seen this commission in front of the Appropriations Committee, and they never cease to amaze me. They are one of the most organized, really well-respected, and effective commissions that we see in front of us. So I was a pretty easy yes from me. And just to give you a little background, this is a really incredible federal program that's been around since the 1930s-- 1936. Since then, we have 2,500 blind vendors across the country, over \$8 million, \$800 million in revenue. And so what I'm looking to do with this bill-- and Carlos, with the commission, can better describe what this bill will do in terms of how to make sure that we uphold, in this state, the spirit of that federal program with our state licensing. So with that, I'd be happy to answer any questions.

HOWARD: Are there questions? Seeing none, will you be staying too close?

WISHART: Yes.

HOWARD: Thank you. Our first proponent testifier for LB220.

Oh, some additional ones here.

_____ : Thank you.

HOWARD: Good afternoon.

CARLOS SERVAN: Good afternoon, ma-am. Senator Howard, Chairwoman, and members of the Health and Human Services Committee, my name is Carlos Servan, C-a-r-l-o-s Servan, S-e-r-v-a-n. I am the director of the Nebraska Commission for the Blind and Visually Impaired. Maybe in the future we will change that visually-impaired part [LAUGHTER], which we do have a lot in common, meaning that we, the blind, want to be contributors, member of society. We brought this particular issue to Senator Wishart because, in 1973, the federal law was amended to change the language from "preference" to "priority." And then in Nebraska it wasn't changed, so we attempted to change that in 2004. But some language about it compared to other bids was added, and that created confusion. So rather than helping blind people to get more vending sites, they were-- or we were requested to submit bids or proposals, and it delayed the work because the state agencies needed

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to put together a RFP. We needed to put together the proposals, and we couldn't compete with large corporations. So then the language was some, you know, changed that rent shouldn't be considered, but now the main problem is "priority." The language was changed to "priority" but the word "bid" is still there, and it's contradicting the "priority" because, under federal definition, priority is defined by the first right of, of refusal, meaning that the state agencies need to come to us and tell us if we will be able to run those, those facilities. At this point they don't do that. We had some conversations with different state agencies. One of the examples clearly that I can give you is on May 2, 2016, I got an e-mail from the comptroller of the Department of Corrections, saying that the auditors told him that they needed to give the vending machines to the Commission for the Blind to be operated by our, our blind vendors. It took at least two years, until May of 2018, to negotiate, to look for different machines, to come up with different ways to do it. And then when we were about to sign the contract, the lawyers from the Department of Corrections said that we needed to compete with other vendors because, according to the law, it is bids. So then we had to, we had to we had to wait for them to put an RFP together. Nine months went by and there is no RFP out yet. The same situation, a similar situation happened with the Department of Transportation, as well as with the Department of-- I'm sorry-- with the Division of Administrative Services. Blind people are the population who have the highest unemployment rate. As Senator Wishart mentioned, each time we come to the Legislature it is to promote independence. We want to be contributing members of society, of society. We train blind people. We have a well-recognized, nationwide center, training center, and we train our blind folks so they can be operators, as well as any other kind of jobs. But we are being confronted with this type of situation, and so I urge you to, to vote or to support LB220. And I would be glad to answer any questions.

HOWARD: Thank you. Are there questions? Senator Arch.

ARCH: I have a question.

CARLOS SERVAN: Yep.

ARCH: And thank you very much for coming today.

CARLOS SERVAN: Sure.

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ARCH: If there is no RFP, how is, how is price set for the, for the service? How, how does that occur with, with the priority language?

CARLOS SERVAN: Yeah. According to the Randolph-Sheppard program, the regulation, the stipulation is already there that it needs to be comparable to the similar, to similar buildings, but not necessarily the word "bid." So when we get into contracts with the federal government, it's implied, or it's supported in their regulations that we shouldn't be exceeding those prices.

ARCH: OK.

CARLOS SERVAN: Yeah, so the same will be in the state.

ARCH: OK.

CARLOS SERVAN: That's all we're asking. They should get the same.

ARCH: OK. All right. Thank you very much.

CARLOS SERVAN: Sure.

HOWARD: Other questions? Senator Williams.

WILLIAMS: Thank you, Senator Howard. And thank you, Mr. Servan, for being here today. Can you give me an example of the kind of vending service that you might place in a correction facility, so I get a little better picture of what you would be doing?

CARLOS SERVAN: OK. There are three areas in Corrections. One is the vending machines for employees; the second is for visitors. And those two are open to the public. So our blind vendors are trained to pass any of those type of situations. The third one is for the inmates and for that, like right now whoever is getting into that always goes with a security person. So to answer your question, I guess it will be like any other vendor, our blind operator will bring the snacks or pops and install those into the vending machines. Is that what you were asking?

WILLIAMS: That's, that's exactly what I wanted to hear so I, I was for sure I understood that correctly.

CARLOS SERVAN: That's also-- to, to add to that, in other states blind people are doing that already, so Nebraska is just one more state. And we are trying to strengthen the law.

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WILLIAMS: Thank you.

CARLOS SERVAN: Thank you for the question.

HOWARD: Other questions? Seeing none, thank you for your testimony today.

CARLOS SERVAN: Thank you for your time, too.

HOWARD: Our next proponent testified for LB220. Is there anyone wishing to testify in support?

REBECCA STEVENS: I would like to.

HOWARD: Great. Good afternoon.

REBECCA STEVENS: Thank you. Good afternoon. My name is Rebecca Stevens, spelled R-e-b-e-c-c-a S-t-e-v-e-n-s. I am a resident of Gothenburg, Nebraska. And I came to Lincoln to attend the Nebraska Commission for the Blind's orientation training center, in hopes to gain skills and knowledge that will help me go out into the work force. And this vending program is one of many options for employment, but it is very important to a lot of other blind individuals and a lot of my friends here in Lincoln. I have seen firsthand what it is like to compete for jobs in the employment industry. With, with vision loss it is quite difficult to fight that stigma. But being part of this vending program is one way that is a lot easier and a little less competitive, as well. But we-- it seems that we spend a lot of time trying to fight against a stigma, as well as get out there and do what, whatever career it is that we would like to do. But this vending program is one that is very accessible. It is available and it brings in lots of revenue, revenue. It provides ways for us to be contributing members of society and give back to those that have helped us, as well. I urge you to vote yes for this bill, as-- and to change the wording from "preferred" to "priority." That way we can receive better locations in quicker amounts of time so that my fellow friends within the blind community can get to work sooner. Thank you.

HOWARD: Thank you. Are there questions? Senator Williams.

WILLIAMS: Thank you, Senator Howard. And I certainly have to ask Ms. Stevens a question. My wife and I miss you in Gothenburg. And if she were here, she would say you were the best waitress she ever had.

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REBECCA STEVENS: Well, thank you.

WILLIAMS: But how are you doing? And what's going on in your life?

REBECCA STEVENS: You know, I am doing quite well. I have a three-year-old son. I am studying in the field of real estate. And I have really embraced using the nonvisual techniques that I, not necessarily-- I didn't necessarily have the opportunity to experience before. So it's been very eye-opening and just-- I've grown a lot in a very short amount of time, so--

WILLIAMS: We're very proud of you, and I will tell my wife, "Hi."

REBECCA STEVENS: Thank you.

HOWARD: Any other questions? Seeing none, thank you for your testimony today.

REBECCA STEVENS: Thank you.

HOWARD: Our next proponent testifier for LB220?

_____ : To your left-- or excuse me, right [LAUGHTER].

RONNIE KELLOGG: Oh.

_____ : Sorry, my left, your right.

HOWARD: Maddy, Erika.

_____ : Keep going, keep going, this way.

RONNIE KELLOGG: Getting around.

_____ : There you are. I'll take your sheet. I'll take your sheet.

RONNIE KELLOGG: All right.

HOWARD: Would you want to sit down for us?

RONNIE KELLOGG: [INAUDIBLE]. Oh, sure. I'm just like-- OK.

HOWARD: No, you're doing great.

RONNIE KELLOGG: OK. I know I heard other people speaking into the microphone but, being a singer, I kind of have some idea of how to

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project. And my name is Ronnie Kellogg, R-o-n-n-i-e K-e-l-l-o-g-g. The first thing I want to do is thank every member of the committee here and Chairperson Howard for listening to us today and hearing what we have to say. And I also wanted to thank every member of the public for being here and everyone from the vending program for coming out to support us today. I understand-- every time that we've done any kind of employment seminar at the Commission for the Blind, or anything else, we have heard over and over again how difficult it is for us, as blind people, to receive employment. And as Ms. Stevens mentioned, that is because of the stigma, and that is because a lot of people don't think we can do the jobs that we can actually do. I, myself personally, I'm 30 years old, and I have never had a job. And that's not for lack of trying, but I have never had one. And now I do. And this program-- I've been in the vending program for a year-- and right now I have two sites and, you know, right now I'm doing OK. But I know that doing this job I love so much, I could do better, you know. And right now I can't do exactly what I'd like to do. All the opportunities I'm waiting for are being delayed because of this situation that we're having here, having to wait for these RFPs. And so, you know, I'd like to be a more productive member of society. I want to help people get their snacks and drinks. I'd like, I want to introduce with more, interact with more customers and help them and do all the things that I was trained to do as a vendor. I know, I know what the possibility is. When I was doing job shadowing, I worked with a human, a person that had been doing this for 30 some years, and I saw the opportunity that, that lays right in front of me. I know I could make a living at this, and I knew I could help the great state of Nebraska with my taxes and my skill. But this opportunity is being denied because of the situation that we're dealing with right now. So I definitely urge all of the committee members to vote yes on LB220 so I can be a better help to this society.

HOWARD: Thank you.

RONNIE KELLOGG: Thank you very much.

HOWARD: Are there questions? Senator Walz.

WALZ: Thank you for coming today. Can you just kind of explain to me the process of how you find a site for your vending? Like how does that even come up? I don't, I don't mean, I don't know. So I'm just curious.

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RONNIE KELLOGG: Well I know that the first site, basically they come right up. I know that, for the most part, the-- you basically just get asked, I mean as soon as the state gets a contract with another state building.

WALZ: OK.

RONNIE KELLOGG: And anyone feel free to correct me if I'm wrong, but they say: Hey, we have another, you know, a state open and we got another contract for another building. Who is willing to take this opportunity? And you know, unless-- and you go: Yeah, sure; I'll do it. I know that's how I started working at the Whitehall campus of the Department of Health and Human Services, ironically enough. They were, I was asked: Hey, would you like to take this opportunity? We've got this opportunity opened. They're, they're ready for a vendor. Do you, would you like take it? I'm like, yeah. So you have to have the-- they'll, they'll tell you the opportunities, and you have to take them; it's on you.

WALZ: OK. All right.

RONNIE KELLOGG: Yeah.

WALZ: Thank you for that clarification.

RONNIE KELLOGG: You're very welcome.

HOWARD: Other questions? Seeing none, thank you for your testimony today.

RONNIE KELLOGG: Thank you for your time.

HOWARD: All right. Our next proponent testifying for LB220. Good afternoon.

MARK BULGER: Good afternoon, Senator Howard and respective senators. My name is Mark Bulger, M-a-r-k; last name Bulger, B-u-l-g-e-r, and I'm from Omaha. And I'm fortunate right now to be-- serve as the American Council of the Blind of Nebraska state president. And we're part of a national organization, and we, we, we work to promote opportunity and equality for people with vision loss, people that are blind. Every year I go to a national convention. And the best people that that I've found there are the vendors because, first of all, they can afford to go there. They're generous with their time. They're happy that they're employed. They're just good people to be around;

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they're, they're social people. I, I'm, I, too, am blind-- involved. I've lived in several states. I'll have to say I'm proud to be a Nebraskan that's blind. We have a very awesome Commission for the Blind. We're unique that only about half the states have a separate agency that serves the blind, and we're one of them. I think that we have great results. The training is awesome. A couple of things about the vending program. Under Randolph-Sheppard, state agencies are required to provide training for the vendor, so we have-- because we have a good agency, the vendors are prepared to be vendors. They, they take coursework. They're, they're-- they become licensees. What I have found, as a blind person, unemployment is too high, partly because, one, there's a lot of states that don't have good training, which we do here in Nebraska. Then the other one is opportunity. And the vending program is a great opportunity to show people what the blind people can do. We've been doing that for years in federal buildings, under the Randolph-Sheppard Act. And I can't help but think in the 30s when they developed that law, the idea was to showcase what blind people can do and when they're given an opportunity. So we would love to be in the states wherever we can, the state buildings, and I know Carlos, the executive director, is doing an awesome job trying to work with the state buildings so that we can get vending into those buildings. And one thing you have to remember, when, when you're a vendor in a federal or state building, you've got governmental employees that are over, looking at, looking at, at you and making sure that you're doing your job. And if you're not doing the job, they're going to let you know, so you don't have to worry that, when we put vendors into state buildings, they're not going to-- they're going to do a good job. They take it very seriously. It's an opportunity for them to earn a good, fair, honest wage. I have several friends that are vendors. I've watched each of them as they become vendors, how they walk a little taller. They, they're a little bit more confident in their abilities. They're able to encourage other blind people. The vending program in itself doesn't have to be an ending point. It's an opportunity for people that are blind to get some skills, get some confidence, learn business, so that maybe they can go on and do other things. So it's just a great, a great opportunity for people that are blind. One of my friends that's blind wanted to come today and testify but, because of the bad weather, she got a little bit behind in her business so rather than come here and testify, she's taking care of her vending machines. So that's, that's a kind of pride that we have. So I-- when we are in the public buildings like the federal buildings or in the state building, I think that allows us to showcase to other people what, what is possible. And

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any, any laws that can help us showcase our abilities and give us, give blind people opportunities is a good thing. So that's why I support LB220. And with that, I thank you for your time.

HOWARD: Thank you. Are there questions? Senator Walz.

WALZ: Thanks for coming, for coming. I'm just very interested in this and wanting to know--

MARK BULGER: Yeah.

WALZ: --how this whole thing works. So I'm just curious. How many vending locations are there? And are they located all over Nebraska or just in like the Omaha and Lincoln areas? So--

MARK BULGER: A couple of things. Right now I think we have 4, 14 vendors. I'll give you an example. Like if you go to a rest area and there's vending machines,--

WALZ: Yeah.

MARK BULGER: --those are, those are run by blind people for the most part. I have a hobby when I travel. I like to stop at rest areas to see if the vending machines are full and, if they're not, I make a call and let them know. But most times they're very good. They're in federal court, court, court locations. Any, any-- post offices is a good place. Any, any building that calls itself a federal building or a state building-- the Capitol here, the vending machines are run by blind people. And so if it's a state building or like the Department of Corrections; we'd love to be there. I wrote letters asking that we can be there; got some good feedback. It's just taking longer than what we want. But so if it's a state built-- if it's a federal building we, we definitely have priority and, if it's a state building, we'd, we'd sure like to have that opportunity.

WALZ: OK, thank you.

HOWARD: Other questions? Seeing none, thank you for your testimony today.

MARK BULGER: Thank you.

HOWARD: Good afternoon.

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CAROL JENKINS: Hello. My name is Carol Jenkins, C-a-r-o-l; last name J-e-n-k-i-n-s, and I am the deputy director of the Nebraska Commission for the Blind and Visually Impaired, and our headquarters are here in Lincoln. I've been supervising the Nebraska Business Enterprise Program, which is our-- the state program under the federal Randolph-Sheppard Act. It's been, I don't know, seven-ish months now, and I've probably learned more about vending machines than any person would ever want to know. But I wanted to address some of the questions about what vending machines-- how many, how to get bids, all that kind of stuff. So we do have currently 16 operators which, who are licensed vendors who are currently operating a facility. And for those 16 licensed vendors it's roughly, statewide, 100 different sites, you know, from city, county, state, federal buildings, and including the interstate and all those things. And that's with all those 99/100-ish sites, it's roughly 500 vending machines. And we're also, you know, currently looking to expand into Corrections, and the VA, and to Offutt and all those other places. But it comes really difficult when you have to bid, complete RFPs and stuff, because it really slows down the process. And it kind of feels like you have to have your boxing gloves on and defend why, you know, blind people should have priority, because it's really hard for one blind vendor to compete against Pepsi and Coca-Cola and stuff. And so we do offer comparable prices. And what that means is, if Pepsi or Coke sell their 20-ounce bottle of soda for \$1.50, we sell ours-- same size, same product-- \$1.50. But honestly, a lot of times our vendors actually sell products a little cheaper, you know, hoping to help the process of getting bids, because people are very particular about their soda and snacks. You know, I never, I never knew [LAUGHTER], but it does matter. And Coke and Pepsi are not the same, even though people say: Oh, it's really the same thing. But it matters-- very different. So the process to become a vendor-- first of all you come through our agency. You know, you open a case and receive services from our agency, and there's classes that you have to take about customer service and, you know, health codes and all those types of things. And once your training is complete, you'll get a site and you're a vendor in training. So you're operating vending machines, you have your own business, earning that money. And then, once you, you know, you do your profit and loss statements and all the paperwork that goes along with it, and once you're performing at a satisfactory rate, the Commission for the Blind will then issue your vending license. So then you're official; you can actually operate a vending facility. And it's, it's a long process and it's a lot of work. People think that operating vending machines is easy; it is not. And let me tell you, pop gets heavy. And rain, sleet, snow,

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shine-- whatever-- you still have to stock those vending machines, because if they run low, you know, I hear about it, you know. So it's a lot of work when you're self-employed. You don't ever get a day off. You don't get a vacation or those types of things. And so when a site comes up for bid, the agency-- we go out and we negotiate contracts, permits-- it depends on a location what it's called. And once we're awarded that-- and a lot of times it takes quite a bit of time. It's not just a real: Hey, we have this. Do you want it, yes or no? I wish it was that easy. And with passing LB220, you know, it will make it much, much easier like that. Then I put the site out for bid to all of our licensees. And so we have probably 35-ish, 40 blind individuals in Nebraska who currently have a license to be able to operate a facility. We just don't have enough facilities or sites to offer those other blind individuals, you know, sites to, you know, earn income and be tax-paying members of society, as well. We just had the 16 who are currently operating a facility. So there's many more waiting and many more, you know, blind individuals in Nebraska who want to be in the vending program. But it is frustrating when we tell them that, you know, that would be great and we'd love to have you, but we don't have a site to offer you because the process is kind of difficult. So I don't know that I answered--

WALZ: Yeah.

CAROL JENKINS: --all of your questions.

HOWARD: Senator Walz.

WALZ: I have another question.

CAROL JENKINS: Ask away.

WALZ: Thank you; sorry. So the other question I have is, so once you've gone through the training, do you buy the vending machines? OK.

CAROL JENKINS: Well--

WALZ: Or how does that work?

CAROL JENKINS: Yes and no. Vending machines cost a lot of money. Your average soda machine, whether it's can or bottles, is about \$7,000 a machine. A snack machine is between \$4,500 and \$5,000, and your coffee machines are between \$2,000 and \$3,000. And so state agencies, we don't-- we're poor, as you know. We don't, we don't have a lot of money. And so we do-- of those 500-ish machines I would say that

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two-thirds of them are fixed assets of our agency. The other machines-- we work with Pepsi, Coke, Dr. Pepper, and other companies to where they would provide a machine to us as long as our vendors purchase the product directly from them. And so we work with things like that, but it's often hard because they are competitors and, you know, it's, it's not always easy to get your competitor to, you know, do something for you to help you out.

WALZ: Um-hum.

CAROL JENKINS: But it's, it's a work in progress.

WALZ: Thank you.

CAROL JENKINS: Any other questions?

HOWARD: Senator Arch.

CAROL JENKINS: Yes.

ARCH: Thank you for coming. I-- again, I'm, I'm kind of going along with some of the same questions. So, so how is the, how is the-- who purchases the product? Who-- how, how is the individual paid then for, for, for servicing the site?

CAROL JENKINS: So the majority of the time, the blind individuals are receiving services from our agency, and self-employment services are one of the services, you know, under the Vocational Rehab Program, that we can provide. So we can provide that initial stock and inventory, which is usually the first fill of the vending machine, soda or snack. And then once that's there, the blind vendor then starts receiving the profit directly. Our agency, we don't make a profit on the services we provide. We invest that money in our blind individuals so that they're earning the money. It's their business. We, as the state agency, just hold the contract and kind of oversee to make sure that contract is being fulfilled.

ARCH: OK. So they're in, they're independent contractors.

CAROL JENKINS: Sort of.

ARCH: OK. I won't go any further. That's okay. I know it's, it's, complicated--

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CAROL JENKINS: It's a, it's a very--

ARCH: -- in the relationship, but--

CAROL JENKINS: So in-- yes. We hold the contract but it's, you know, for tax purposes, they have to pay sales tax. They put--

ARCH: Um-hum.

CAROL JENKINS: --you know, that all goes on their income taxes and stuff. And so we don't really have anything to do with that profit and stuff; it's all them. We just make sure they hold all the licenses, certifications that they need to operate--

ARCH: Um-hum.

CAROL JENKINS: --that business and stuff. The agency is the SLA; we're the ones who just hold the contract--

ARCH: OK.

CAROL JENKINS: --for this [INAUDIBLE].

ARCH: All right, OK. All right.

HOWARD: Senator Williams.

WILLIAMS: Thank you, Chairperson Howard. And thank you, Ms. Jenkins, for being here. A follow-up question. So far, under the Randolph-Sheppard Act, this, this opens the door to public facilities--

CAROL JENKINS: Um-hum.

WILLIAMS: --state owned, federally owned. Is there any market available, or have, or have you pursued any market in the private sector?

CAROL JENKINS: We have tried some. The problems that we encounter when we do that is having enough of the public to warrant, you know, paying, you know, to put a vending machine there, because we want it to be profitable. And you need a location that would have a bare minimum of either 100 employees and stuff. Like we've tried with apartment complexes and different things, and, you know, people buy their own groceries. They're not going to go buy a soda out of the vending machine. So there are other challenges in that regard. So

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we've tried a lot of things but we wouldn't have the priority with a privately-owned--

WILLIAMS: Right.

CAROL JENKINS: --location, so we would then have to bid and be competitive. And it's, it's really, truly difficult when you're competing against Pepsi, and Coke, and stuff.

WILLIAMS: Thank you.

CAROL JENKINS: Um-hum.

HOWARD: Other questions? Seeing none, thank you for your testimony today.

CAROL JENKINS: Thank you.

HOWARD: Is there anyone else wishing to testify as a, as a proponent for LB220? Seeing none, we do have some letters for the record: Mark Bulger, representing himself; Andrea Chizek, representing Chizek Vending-- Chizek; Jason Thompson, Steam Train Vending; Jim Jirak, Jirak Enterprises, LLC; Miguel Rocha, representing himself; Ronnie Kellogg, representing himself; and Sandra Alvarado, representing herself. Is there anyone wishing to testify in opposition to LB220? Seeing none, we have one letter in opposition: Jason Jackson from the Department of Administrative Services. Is there anyone wishing to testify in a neutral capacity? Seeing none, Senator Wishart, you are welcome to close.

WISHART: I just wanted to close by saying again, my hope is that, with these changes, we reflect the spirit of what is already going on, in the federal level, at our state and ensure that people who are blind and visually impaired have priority, in terms of access to state and, and public vending machines. And you know, I think you've heard today the benefits of helping to support a community gain more independence in the state. And this is, like, like you heard today as well, for a lot of people it can be a full-time, lifelong business, but it can also be a stepping stone for people to get the confidence in running a business and the aspects of what it takes to run a business so that they can launch into another career, as well. So again, I hope the committee will support this bill. Thank you.

HOWARD: Thank you. Are there questions? Senator Arch.

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ARCH: I do have a question. I noticed in the language that there, that there is reference to doing so on a rent-free basis for the space.

WISHART: Um-hum.

ARCH: But what, but, but then what got dropped was not only the bid language, but also any, any discussion of comparable price. Was that-- does that need to be in there or is that just part of the process? I wasn't aware of it.

WISHART: Yeah. Because we are putting, we are tying this to the Randolph-Sheppard Act, on the federal level there is requirements for comparable--

ARCH: In that?

WISHART: --price in that. So basically what we're saying with this bill is, we really, we respect that federal program. It's worked really well. We, as a state, want to reflect, again, the spirit of that. And then in terms of the bid, taking out that language, that's, that's the issue that we--

ARCH: Right.

WISHART: --run into with Corrections and some other facilities.

ARCH: Thank you.

WISHART: Thanks.

HOWARD: Other questions? Do you want to-- oh, Senator Murman.

MURMAN: Thanks a lot, Senator Wishart, for bringing this up. I don't know, maybe you guys have all done it, but during the campaign. I did, did tour the location of the, I guess the training center; I'm not sure exactly what it is. But I was very impressed by what they do there and, you know, I, I think the training there was so impressive that they can do so many different businesses or operations. So I just want to make that comment.

WISHART: Yeah.

MURMAN: We're, we're just really lucky, I think, to have something like this-- or not, not so much lucky, but, but privileged to have something like this in the state.

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WISHART: Yes, absolutely. I mean they're, they're nationally renowned for, for what we do in Nebraska.

HOWARD: Do you want to address the letter from the Department of Administrative Services and their opposition?

WISHART: You know I was somewhat surprised about their opposition. I'll follow up with Jason and see if we can address any of their concerns because I'm not sure what their opposition is.

HOWARD: Did they tell you beforehand?

WISHART: You know, it's been a really busy week, so I, I will, I will not make the assumption that they didn't. I'll make the assumption that they may have reached out to me, but it's not, it's not a discussion I have had with them at length. So I'll follow up and can get back with you.

HOWARD: Thank you. Senator Hansen.

B. HANSEN: I think it's a question that I had, and John kind of stole my thunder there-- Senator Arch did. I think that the concern that Mr. Jackson had was that we're dropping the language that the prices don't have-- they're not forcing them to be comparable anymore, because they're able to, you know, not underbid, but they'd-- this gives him a certain exception, I guess, above other people, which I'm, you know-- I appreciate the bill. I think everything's great about it. I really have no opposition to it too much. It says that that now we're rid of-- that they're able to make prices comparable. Do you see that then their prices would then end up being lower than competitors then?

WISHART: Well--

B. HANSEN: I think that was his concern pretty much.

WISHART: We heard, we, we heard the testimony today that, in some cases, the prices are potentially lower because it's, it's up to the vending operator, you know, what kind of profits they want to make off of it. But my understanding-- and I can get you the, the federal language-- with us putting, attaching this to the federal guidelines for that act, it requires a level of price comparability.

B. HANSEN: The federal does.

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WISHART: The, yeah. The Federal Randolph-Sheppard Act does.

B. HANSEN: But we're striking that in this one.

WISHART: No. Actually we, we say pursuant to the federal Randolph-Sheppard Act as the act existed on January 1, 2019. So we're striking that additional language in this statute which has caused some confusion, in terms of the RFP process, and instead we're making it very clear that our state is reflecting what is already currently happening in federal buildings with their federal program.

B. HANSEN: That makes sense. OK, thanks.

WISHART: Yeah.

B. HANSEN: Yeah, and that, that cleared it up.

HOWARD: Any other questions? Seeing none, thank you, Senator Wishart.

WISHART: Thank you.

HOWARD: This will close the hearing for LB220, and the committee will take a brief break until 3:05, where we'll reconvene for an Executive Session.