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Appropriations Committee
February 05, 2008

[LB905 LB1060 LB1075]

The Committee on Appropriations met at 1:30 p.m. on Tuesday, February 5, 2008, in Room 1524 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1060, LB1075, and LB905. Senators present: Lavon Heidemann, Chairperson; Lowen Kruse, Vice Chairperson; L. Pat Engel; Tony Fulton; John Harms; Danielle Nantkes; John Nelson; John Synowiecki; and John Wightman. Senators absent: None. []

SENATOR KRUSE: Next is LB1060. If we could find Senator Fulton somewhere. It sounds like he might be the one to be speaking to that. Welcome. [LB1060]

SENATOR FULTON: Good afternoon, Mr. Vice Chairman, serving as Chairman. With mercy in mind, I shall abridge my beginning here. For the record... [LB1060]

SENATOR KRUSE: That will bring you several votes. [LB1060]

SENATOR FULTON: That's what I'm hoping for. For the record, my name is Tony Fulton, T-o-n-y F-u-l-t-o-n. I represent District 29 here in Nebraska. I bring to you LB1060 which proposes a General Fund appropriation of \$175,000 to the University of Nebraska to be used for the planning and design of a UNMC College of Nursing facility in Lincoln. In the coming decade, our state will face projected nursing staff shortage of about 20 percent of demand. With UNMC College of Nursing's current facilities, we are only able to accept a fraction of those qualified to enter school. I understand that we actually turn away two out of every three for a lack of space. The facility in Lincoln is a rented building off campus that lacks the capacity for growth. UNMC expects to overcome these shortfalls by building a new facility located on East Campus here in Lincoln. In so doing, it shall provide the necessary classrooms, equipment, and other amenities to ensure that its students are able to provide the highest quality nursing care to our aging population. By this appropriation, we would be ensuring a higher degree of care for our citizens in the coming years through the education and proliferation of nurses in our state. With that, I'll close and answer any questions if you have any. [LB1060]

SENATOR KRUSE: Do you have questions for Senator Fulton? Thank you. Do we have those who would be witnesses in favor? [LB1060]

J.B. MILLIKEN: (Exhibit 32) Thank you, Mr. Chairman. For the record, my name is J. B. Milliken. I am the president of the University of Nebraska. I'm here to testify in support of LB1060, which calls for an appropriation for the planning and design of the Lincoln facility for the UNMC College of Nursing. This facility is on the priority list of the Board of Regents for facilities projects. It has received approximately \$90,000 in a federal earmark towards the planning and design. This requested funding would be added to

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that to complete the funding. As Senator Fulton indicated, there is a significant need for nurses in Nebraska. We produce at the medical center about half of the healthcare workers in this state. As Senator Fulton indicated, we turn away two out of every three applicants because of space. In Lincoln, we're currently renting space downtown in an office building. It's not optimal space for the nursing college for a variety of reasons. We hope to locate...our plans are to locate the college facility ultimately next to the College of Dentistry on UNL's East Campus so that there can be a sharing of facilities and support operations between those two UNMC colleges there. I am joined today by Kathleen Duncan, the assistant dean of the College of Nursing for Lincoln, who has I'm sure witnessed with rapt attention the rest of today's hearing. I'm pleased that she's here in case there are any questions from you about the college of nursing operations in Lincoln. I wish I'd been able to lay my hands today on the article that I saw in the Omaha World-Herald about six months ago which indicated that where the jobs will be in Nebraska. And of those job areas that require...careers that require college education, nursing was number one on the list. It is a growth industry for the state. Because of that, we are looking...we are planning to expand in northeast Nebraska in addition to our campuses across the state of Nebraska now in Scottsbluff, Kearney, Lincoln, and Omaha. This is a project that we need to get underway. We're pleased that the federal government provides some funding and we're seeking additional funding for planning. [LB1060]

SENATOR KRUSE: So the funding here is for planning and design? [LB1060]

J.B. MILLIKEN: Yes. [LB1060]

SENATOR KRUSE: Other questions? Thank you very, oh, excuse me. [LB1060]

SENATOR NELSON: There's a college of nursing in Omaha, is there not, with UNMC? [LB1060]

J.B. MILLIKEN: UNMC right now has campuses in Omaha, Lincoln, Kearney, and Scottsbluff, and we are developing one in northeast Nebraska as well. [LB1060]

SENATOR NELSON: So this is simply going to expand the one that's already located here in Lincoln, then, is that? [LB1060]

J.B. MILLIKEN: It has been in Lincoln under the control of the medical center since 1972, I think, something like that. It is managed as part of the UNMC. Like many of our programs where one campus has a program hosted by another, for instance, engineering--Lincoln's program is hosted at UNO--facilities are provided for that. The facilities provided by UNL on the city campus became inadequate for the scope of the nursing program here and just because of the condition of the building. So several years ago the program moved downtown Lincoln to rented office space. That was always

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considered to be temporary. This is a...it's been a high priority of the Board of Regents to ultimately have a home for the nursing college in Lincoln on the East Campus. [LB1060]

SENATOR NELSON: All right, thank you. [LB1060]

SENATOR KRUSE: Thank you very much. [LB1060]

J.B. MILLIKEN: Thank you. [LB1060]

SENATOR KRUSE: Other witnesses in favor. [LB1060]

JUDY HALSTEAD: (Exhibit 33) Good afternoon, Senators. My name is Judy Halstead, that's J-u-d-y H-a-l-s-t-e-a-d. I'm here testifying on behalf of the Lincoln-Lancaster County Health Department. You'll be happy to know that over the course of the afternoon my testimony has gotten much shorter. [LB1060]

SENATOR KRUSE: All right. [LB1060]

JUDY HALSTEAD: (Laugh) The Lincoln-Lancaster County Health Department has partnered with the UNMC College of Nursing for over 30 years, providing the only public health community placement for nursing students as they complete their nursing education in Lincoln. This partnership has been invaluable to not only the health department, but the city of Lincoln in securing and retaining nurses in the public health field. The field of nursing is challenging and work force development in this area is critical for all Nebraskans. While most think of traditional nursing in hospitals and physicians' offices, a growing need for home-based private and public health services will continue to grow exponentially in the next 25 years. If we hope to contain Medicaid costs, we need to assure that babies are born at healthy birth weights, that seniors remain in their homes as long as possible, and we can only accomplish this if we have a well-trained, experienced nursing work force. Our partnership with UNMC College of Nursing has demonstrated that UNMC has a commitment to educating bright, competent, motivated students; and approximately 40 percent of our current nursing staff graduated from the UNMC College of Nursing. Through LB1060, a bill that on its surface appears to be about planning for bricks and mortar, it's building a healthier Nebraska. It's planning for the future in a manner that will help assure the aging population is well cared for and the most vulnerable of Nebraska's citizens will receive the care they need. I urge your support of LB1060 and will be happy to answer any questions you may have. []

SENATOR KRUSE: Thank you for being concise, appreciate it. Are there questions for Judy? [LB1060]

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SENATOR ENGEL: I'm sorry I missed most of the testimony, but I know in Norfolk they're also doing this through cooperation with the university. And over there they have to raise so many funds locally in order to do that. Are they planning on that for this facility, too, then? [LB1060]

JUDY HALSTEAD: I can't speak to the university's plans on that. I'm sure that the university would be happy to do that. I can tell you that in our partnership our city-county dollars work in partnership with the university to train the nursing students while they're with us at the community placement. But the university would have to speak to the building part. [LB1060]

SENATOR ENGEL: I have two daughters who are nurses so I believe in nurses. Doctors fix you, nurses heal you, right? [LB1060]

JUDY HALSTEAD: We believe in them, too, Senator. Thank you. [LB1060]

SENATOR KRUSE: If he's going to stay healthy, he better believe in them. Any other questions for Judy? Thank you so much for preparing your testimony and for coming. [LB1060]

JUDY HALSTEAD: Thank you. [LB1060]

SENATOR KRUSE: Are there other witnesses in favor of LB1060? [LB1060]

BRUCE RIEKER: I don't know if I can speak as fast as the prior witness, but I'll do my best, Senator. [LB1060]

SENATOR KRUSE: All right. Welcome. [LB1060]

BRUCE RIEKER: (Exhibit 34) Senator Kruse, members of the committee, my name is Bruce Rieker, that's R-i-e-k-e-r. I'm with the Nebraska Hospital Association. I'm here to testify in support of LB1060 for all of the reasons that have already been laid out for you. This is the number one priority as voted on by our board of directors--that alleviating the work force shortage is very important to our hospitals. Supply has not kept up with demand. Maybe, I don't know if this is the study that President Milliken was referring to, but we do have an analysis done by the National Center for Health Workforce that did a model. It says that currently Nebraska has 16,000 nurses, a need for...I mean we have 16,000 nurses. However, by the year 2020 that need will grow to 20,300, yet the supply is only expected to increase by 500 to 16,500, thus, leaving us with a shortage of 3,800 nurses by the year 2020. And I'm not going to go through how it helps us provide the quality of care, but I would like to put also an economic spin on this that may get the attention of some of your revenue colleagues. But according to this study, a study by the U.S. Department of Labor, in the year 2006 the average wage for

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an RN in Lincoln was a little bit over \$46,000. If we are able to fill all 3,800 of those needed RN positions, and truly we have many more positions open in hospitals as well, but if we are able to fill only those by the year 2020, that will result in a gross earnings annually of \$177 million payable to those 3,800 nurses. So not only is it a need but it also generates a larger tax base for our state and improves our economy. For all those reasons and what the other witnesses have stated, we're in support of LB1060 and urge you to advance it. [LB1060]

SENATOR HEIDEMANN: Thank you very much, Bruce. Are there any questions? Seeing none, thank you for your testimony. Is there any other testimony in support of LB1060? Is there any testimony in opposition of LB1060? Is there any testimony in the neutral capacity on LB1060? Seeing none, would Senator Fulton like to close? Senator Fulton waives closing and we will close the hearing on LB1060. We will now open up the hearing on LB1075. Senator Lathrop. [LB1060]

SENATOR LATHROP: Thank you, Mr. Chairman and distinguished members of the Appropriations Committee. My name is Steve Lathrop. I'm the senator from District 12, that's Lathrop, L-a-t-h-r-o-p. I'm here today to introduce LB1075. This is a simple bill. What it does is appropriate \$440,000 from the General Fund for the maintenance of the Nebraska Regional Poison Center. This is done to maintain the current budget in light of recent losses of private funding. The Nebraska Regional Poison Center is a free 24-hour emergency telephone service designed to assess and make treatment recommendations to citizens and healthcare professionals during possible poisonings. The Nebraska Regional Poison Center also provides public and professional educational programs, collects data on poisonings, conducts research, and assists first responders during hazardous material incidents. The NRPC is one of 52 certified poison centers in the United States, and it is one of the oldest, established in 1957. It has a toxicologist available to the public and professionals 24 hours a day to handle difficult questions. It maintains a database of over 800,000 products and their potential toxicity dangers. The service handles over 100 calls a day and many of them emergency situations in 57 percent of which last year involved children under six years of age. The annual cost of operations for this organization is \$1.442 million. This reflects a recent budget tightening of \$135,506 since 2004, which seems to indicate that the present budget numbers are the result of a cautious and frugal policy. The program is currently sponsored by the Nebraska Medical Center, UNMC and the state of Nebraska bioterrorism program, and receives additional funding from a number of private, federal, and foreign state sources. Currently, 49 other states, 53 certified poison centers receive state funds. I urge you to move this bill for debate that Nebraska might continue to provide this necessary lifesaving program at the present levels. There will be people after me well qualified to answer questions, and I'll answer any that I can. [LB1075]

SENATOR ENGEL: Senator Lathrop, first of all, I didn't realize there were so many poisons out there. But secondly, you lost private funding. Do you have any idea where

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that private funding was coming from or should I ask... [LB1075]

SENATOR LATHROP: I think you'd be well advised to ask somebody that follows me... [LB1075]

SENATOR ENGEL: I'd be glad to. [LB1075]

SENATOR LATHROP: ...where that went or where it used to be. [LB1075]

SENATOR ENGEL: I'd be glad to do that, sir. [LB1075]

SENATOR LATHROP: Okay. And I'd be glad if you would. [LB1075]

SENATOR SYNOWIECKI: Senator Lathrop. [LB1075]

SENATOR LATHROP: Yes, Senator Synowiecki. [LB1075]

SENATOR SYNOWIECKI: I know there's a lot of county extension offices that do this sort of activity, poison control. What's the relationship with this mission or this agency with like the county extension office and their poison control efforts? [LB1075]

SENATOR LATHROP: I'm going to go out on a limb here and try to answer that and somebody can correct me. But this is the 24-hour hot line we're talking about. And so it's a regional thing and people can call in, whether you're a physician or a babysitter or a mom, you can call in and say, my child just ingested Drano. What do I do next? And so the county extension office, of course, is going to maintain hours. You don't know who is going to answer the phone. And they won't have the expertise necessarily at the phone when the crisis is in full bloom. [LB1075]

SENATOR SYNOWIECKI: Thank you. [LB1075]

SENATOR HEIDEMANN: You're saying if I take poison on a Friday evening I shouldn't wait until Monday to call? (Laugh) [LB1075]

SENATOR LATHROP: No, no. And you might hope that there's something more going on than the county extension agent to answer that question. [LB1075]

SENATOR HEIDEMANN: Senator Wightman. [LB1075]

SENATOR WIGHTMAN: Just one question and if you want to defer. Do we get any state funding for the poison center at this point? You said 49 of 53 poison centers receive state funding. [LB1075]

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SENATOR LATHROP: I think I'll defer that question.. [LB1075]

SENATOR WIGHTMAN: That's fine. [LB1075]

SENATOR LATHROP: ...if you don't mind. [LB1075]

SENATOR WIGHTMAN: Thank you. [LB1075]

SENATOR HEIDEMANN: Any other questions? Seeing none...are you going to stick around to close or? [LB1075]

SENATOR LATHROP: I have to get back to Urban Affairs, as much as I'd like to. [LB1075]

SENATOR HEIDEMANN: Sounds good. [LB1075]

SENATOR LATHROP: I think I'll waive. Okay. [LB1075]

SENATOR HEIDEMANN: Appreciate you bringing this in. [LB1075]

SENATOR LATHROP: Thank you. I appreciate the courtesy. [LB1075]

WALTER RADCLIFFE: Mr. Chairman, members of the committee, my name is Walter Radcliffe. I'm appearing...R-a-d-c-l-i-f-f-e...appearing before you as a registered lobbyist today on behalf of the Nebraska Medical Center, not to be confused with UNMC. The Medical Center is the hospital and the business side, and I want to point that out and draw...make sure that that distinction is drawn. I wanted to make a couple of points. I have two ladies here who are going to testify. One is going to tell you about the center as she's the head of it; another lady who has had a personal experience there; and Bruce Rieker from the Hospital Association is going to testify in support. So we recognize the hour. I just thought I'd tell you what you could look forward to. Senator Wightman, first of all, in answer to your question, no. There aren't any state dollars. The Homeland Security money would come as close as anything because it can be allocated by the state, but it's actually federal dollars. Let me put this money in perspective so...because at the end of the day that's what we're talking...or that's what you're going to talk about. As Senator Lathrop mentioned, there's a million four, a million four forty-two that funds the Poison Control Center. About 50 percent of that money comes from federal grants, bioterrorism grants, corporate donations, and research projects. Heretofore, UNMC, NMC, Creighton, and Children's all four contributed to the remaining costs. Creighton and Children's has ceased doing that. Now those remaining costs of approximately \$880,000 fall on NMC and on UNMC. I got a call on this late asking if we could come in and try to get some General Fund appropriations. Rather than coming in and asking for the whole amount, we sat down and looked at it and

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came in with half of the \$880,000, which is \$440,000. That's the long and the short of the dollars. Also as Senator Lathrop mentioned, of the 53 certified poison control centers in the United States today, 49 of them have funding over half or more from their respective states. So like I say, that puts the dollars in perspective. I've got someone here who is going to be able to tell you some more about the center and what it does and answer your questions and then kind of a--I don't necessarily want to say typical--but the type of situations they handle. So I know they will be respectful of your time and appreciative of your ear. Thank you. I'd be happy to answer any questions. I'm sorry. [LB1075]

SENATOR HEIDEMANN: Thanks, Walt. Are there any questions of Walt? Seeing none, thank you. [LB1075]

WALT RADCLIFFE: Thank you, Senator. [LB1075]

KATHY JACOBITZ: Good afternoon, Senators. My name is Kathy Jacobitz, K-a-t-h-y J-a-c-o-b-i-t-z, and I'm the managing director of the Nebraska Regional Poison Center. The Nebraska Regional Poison Center was established in 1957 so we just celebrated our 50th anniversary last year. We are the only poison control center in Nebraska. We provide service to all of Nebraska, Wyoming, American Samoa, and the Federated States of Micronesia. We provide a 24-hour emergency telephone service and we're staffed by nationally certified registered nurses and physician toxicologists who are board certified who provide assessment, triage, management, and continuous care and follow up for poison patients throughout Nebraska. We act as primary care providers in the home care setting and as consultants to healthcare professionals. Our poison center staff is able to handle the majority of poisoning exposures at home. But in cases where a healthcare facility or emergency transport is needed, we promptly recommend that care and then we contact the healthcare facilities and we offer treatment recommendations to them. Our poison center's medical toxicologists also provide bedside care for seriously poisoned patients in the Omaha area, and some of these patients are transferred from other areas of Nebraska in order to receive that specialized care. In addition, our poison center provides public education throughout Nebraska, and our goal of the education is to promote poison prevention and also to increase public awareness of the availability of the poison center so people know that they're there and they know to call us. We also provide professional education to healthcare professionals throughout Nebraska, those that care for poison patients statewide, and also on-site academic training for physician residents, pharmacy, nursing, and medical students. We perform real-time data collection on poisonings which provides epidemiologic surveillance and also we're involved with statewide emergency preparedness and response for disasters, including chemical, biological, and radiological terrorism. Our poison center handled over 40,000 incoming calls in 2007 and nearly 29,000 of those calls were from Nebraskans; 53 percent of the Nebraska calls came from outside of the Omaha area. In addition, poison center staff

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made over 20,000 follow-up calls to provide ongoing advice regarding the continued care of poisoned Nebraskans. Most of the...the vast majority of poisonings do involve children, up to 70 percent when you include young children and teenagers. However, we're not just for children as 30 percent of the calls that we receive are regarding adults. Our poison center saves lives by immediately assessing poisoning risk and then we triage patients to the most appropriate care facility. Eighteen percent of our incoming calls originate from healthcare professionals throughout the state, primarily physicians and nurses in the emergency department and intensive care units, but also from physicians' offices, school nurses, pharmacists, emergency care providers such as paramedics and EMTs all call us because they know that we are able to provide them with immediate up-to-date treatment advice for their poison patients. And many types of poisonings are relatively uncommon, particularly in the smaller hospitals, and practitioners may not be real used to handling some of these unusual poisonings. So again, they rely on our expertise to help us take care of their patients. Our poison center saves medical costs associated with the treatment of poisoning by eliminating unnecessary visits to emergency departments, physician offices, and urgent care centers. Seventy-five percent of the poisonings in Nebraska are managed at home with poison center advice and follow up. In 2007, an estimated \$16 million was saved in avoided healthcare costs because over 13,000 Nebraskans with known or suspected toxic exposures did not need to seek emergency department care. And this estimate does not incorporate savings resulting from poison prevention efforts, increased efficiency in medical management of poisoning, studies have shown that hospitalized patients that are poisoned actually have less days of care than those that do not have guidance from a poison center, and also reductions in ambulance and inpatient care utilization. If people call the poison center, then they're not calling 911. If they call 911, those calls do get transferred to us. If they call the county extension service, those calls get transferred to us as well. National studies have estimated that for every dollar spent on poison centers, at least \$7 is saved in avoided healthcare costs. And poison centers are second only to childhood immunizations in their ability to provide cost avoidance in the public health delivery setting. Since 2004, we have increased our revenue by providing new services to health departments, particularly in the area of bioterrorism. We handle the after-hours calls for Nebraska Health and Human Services related to public health questions that aren't necessarily poisoning related. We pursued additional grant funding and we've added the U.S. territories to our service areas in an attempt to increase our funding. And then in addition, every year we look at ways that we can become more lean and reduce our annual expenditures. And we've done that by at least \$135,000 every year. Thank you. Do you have any questions for me? [LB1075]

SENATOR HEIDEMANN: You partner with Health and Human Services and do services for them? [LB1075]

KATHY JACOBITZ: We do for their bioterrorism grants. That's the federal funding that they receive for bioterrorism. They have some funding that they have supplied to us for

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these public health efforts, yes, including handling their after-hours public health calls.
Yes, sir. [LB1075]

SENATOR HEIDEMANN: Do you get any reimbursement for that part? [LB1075]

KATHY JACOBITZ: Yes. And that's part of the...of the approximately 50 percent of the incoming funds that we do receive, that's included in those funds. We do receive the federal grant funds through Nebraska Health and Human Services, yes. But those are for additional services above and beyond the services we provide as a poison control center. [LB1075]

SENATOR HEIDEMANN: Is there any way to partner, not saying that I don't believe that the state should pony up and help with this because I can see the need, is there any thought about trying to partner with some of the hospitals and the people that use your services to have them step up to the plate somewhat? [LB1075]

KATHY JACOBITZ: Yes. Yes. That has been discussed and that is also being pursued. [LB1075]

SENATOR HEIDEMANN: Okay. Senator Nelson. [LB1075]

SENATOR NELSON: Sort of a related. Is a Joni Cover going to testify? Is she here today from the pharmacists? [LB1075]

KATHY JACOBITZ: I don't believe so. [LB1075]

SENATOR NELSON: Well, but perhaps you can answer. I note that she says in a letter here that student pharmacists benefit from the center because it's a rotation site for both UN College of Pharmacy and Creighton University School of Pharmacy. And I think someone said that Creighton no longer contributes to the cost. Is there some reason why if they get the benefit of this they don't contribute and help out or do you know the answer to that? [LB1075]

KATHY JACOBITZ: That's a good question. Yes, she is correct in that we do month-long rotations for both Creighton and UNMC pharmacy students. And currently Creighton is not contributing to our poison center. However, they do send rotators to our center, yes. We are considering charging them for those and we probably will in the future. They will pay a fee to do a rotation in our poison center. [LB1075]

SENATOR HEIDEMANN: Senator Engel. [LB1075]

SENATOR ENGEL: Do you know what happened to the private funding that you don't get anymore, who was donating that? [LB1075]

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KATHY JACOBITZ: Well, yes. Four years ago we were...the poison center was actually a department of Children's Hospital, and they were contributing heavily to our poison center. And Children's discontinued their support at that time. Then when we essentially moved our poison center to be supported by the Nebraska Medical Center, University of Nebraska Medical Center and Creighton, you know, Creighton was at that point contributing 50 percent to our nonfunded expenses at that point. And so that was roughly \$300,000, \$350,000 that they were contributing and now they're no longer. So that would be the other private funding piece that we lost. [LB1075]

SENATOR ENGEL: Okay. Then to follow up I think what you mentioned to him that Creighton is utilizing these folks, are you charging...you are charging them fees then so that... [LB1075]

KATHY JACOBITZ: That's our plan now, sir. [LB1075]

SENATOR ENGEL: I think it's a good plan. [LB1075]

KATHY JACOBITZ: Since they have discontinued their support (laughter), we feel that, you know, that is what we plan to do, yes. [LB1075]

SENATOR ENGEL: Thank you. [LB1075]

SENATOR HEIDEMANN: Senator Fulton. [LB1075]

SENATOR FULTON: So it was four years ago that you were a division of Children's Hospital. Is that right? [LB1075]

KATHY JACOBITZ: Yes. We were a department of Children's Hospital until September of 2003. We thought we were going to close at the end of August and then we, at that time, received support from the entities that now support us, except for Creighton. Creighton also contributed support along with University of Nebraska Medical Center and the Nebraska Medical Center to keep us open. [LB1075]

SENATOR FULTON: What was the...what precipitated...was this a funding, a fiduciary decision on the part of Children's or can you tell a little bit more what precipitated that account? [LB1075]

KATHY JACOBITZ: Yes. Children's felt that they could no longer...they were providing the vast majority of the funding at that time. We had some federal grants, but not to the extent that we have now. They were...I would say at least 80 to 85 percent of our budget was funded by Children's Hospital and they felt that they just could no longer consider, continue to provide that level of support. I think they felt that, you know, the

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state and others should help out and that didn't happen at that time. And so they made the decision to discontinue the funding support. [LB1075]

SENATOR HEIDEMANN: Senator Wightman. [LB1075]

SENATOR WIGHTMAN: Thank you for being here. Walt Radcliffe indicated in his testimony that the needs were \$880,000 and that you had decided to cut that in half. Can you tell us where the other \$440,000 or have you just cut back your request? [LB1075]

KATHY JACOBITZ: The other \$440,000 would be covered by the University of Nebraska Medical Center and the Nebraska Medical Center along with continuing to look for additional ways to fund ourselves. For instance, we just received a donation of \$100,000 from Blue Cross Blue Shield of Nebraska and we're hoping that that will continue. We are looking to pursue other insurance companies and ask other hospitals as well to consider contributing. So we are looking at a variety of other ways to raise that \$440,000. [LB1075]

SENATOR WIGHTMAN: If you were to get other hospitals across the state, and I assume it would be some of the larger ones to contribute, would it be a possibility that Children's Hospital and others might contribute a much smaller amount than they have in the past or? [LB1075]

KATHY JACOBITZ: We hope so. We certainly will ask that question of Children's and the other larger hospitals, yes. [LB1075]

SENATOR WIGHTMAN: Thank you. [LB1075]

KATHY JACOBITZ: Thank you. [LB1075]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you. [LB1075]

KATHY JACOBITZ: Thank you very much. [LB1075]

JUDY SOUDER: Hello. My name is Judy Souder, J-u-d-y S-o-u-d-e-r. My son and his wife and their son Rex live with me in Bellevue. On December 30, 2005, about 10:30 on a Friday night, my 19-month-old grandson Rex found a bottle of lamp oil in my China buffet and in seconds had the cap off and tried to drink it, causing him to choke and, we would find out later, aspirated some into his lungs. I heard him cough from the next room, went in and saw the empty bottle, took him to the sink to spit out what was in his mouth. I read on the bottle that it could be fatal. I thought about calling the poison center, but grandmother's intuition said go to the hospital now and I did. I took the bottle

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along and he was admitted to Midlands Hospital where they contacted the poison center and were given guidance on treatment for lamp oil poisoning, something they hadn't had much experience with. Rex was transferred to Children's Hospital by ambulance and the hospital asked the poison center's physician toxicologist, Dr. Seifert, to be part of the team of doctors that treated Rex. Dr. Seifert went to the hospital and gave recommendations for the specialized treatment needed to care for my grandson. Dr. Seifert also made follow-up visits, and the poison center staff called the hospital several times to obtain updates on my grandson's condition, which was very critical for the first 48 hours. Dr. Seifert continued to provide additional treatment recommendations as needed. The lamp oil caused a chemical burn in his lungs, which caused chemical pneumonia and later bacterial pneumonia and a lung infection. Rex was fortunate to have the poison center's toxicologist available to provide the expertise needed to treat this type of poisoning. Thanks to all the expert care Rex received from the team of doctors and nurses and prayers said by many, many people, he made a complete recovery and will be four years old in May. Until December 30, I had no idea that lamp oil in that pretty bottle could be the deadliest item in my home to my grandson. My bathrooms were locked, the cupboards under the sink were locked, but the lamp oil which I hadn't used in years was just sitting in the China cabinet. I talked to every doctor and nurse I saw, and they were not always aware of the extreme danger of lamp oil either. Children's Hospital worked with the poison center to make sure new parents were aware of the danger of lamp oil by sending home a pamphlet and specifically mentioning lamp oil. Due to the TV coverage on Rex where Dr. Seifert was interviewed, the poison center and the TV station received numerous phone calls from people asking about a product they had at home and wondering if it was in the classification of lamp oil. It is important that families and medical professionals in Nebraska continue to have access to the poison center's 24-hour emergency service where they can get immediate lifesaving advice on the treatment of poisonings. There are so many things that can be poisonous and so many different treatments that not everyone can be an expert on every situation. So it is nice to have one place to call that can be counted on to be an expert on every poison, especially when seconds count. I am an elementary school counselor for OPS and have learned that poison prevention programs are another important service provided by the poison center. They are critical to the prevention of poisonings. A poison center nurse, along with her friend, Pinkie the elephant, recently visited my school and gave presentations to students in grades K-2. The nurse provided a coloring book on poison proofing your home that the children could do with their parents, brochures for parents on poison help and prevention and stickers for the home to label poisonous items or put the poison center number in easy to see places and also a magnet for the fridge. This helps to increase awareness of the dangers of certain poisons, gives poison prevention tips, and provides information on how to respond in a poison situation. Thank you for letting me tell you how important I feel the poison center's role is in the lives of families. Do you have any questions? [LB1075]

SENATOR HEIDEMANN: Thanks for coming in today, Judy. Are there any questions?

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[LB1075]

SENATOR KRUSE: Thank you. [LB1075]

BRUCE RIEKER: (Exhibit 35) Chairman Heidemann, members of the committee, my name is Bruce Rieker, R-i-e-k-e-r. I'm here on behalf of the Nebraska Hospital Association. And on behalf of the 85 hospitals that we represent, we are here to support LB1075. Without going into all of the details or the data that's already been shared with you or recapping that, I would like to point out that we believe that this is an effective and efficient use of funds, hopefully to try and answer some of the questions that were asked about the hospital utilization of these. I do not have the total number of cases that were treated in our hospitals with the assistance of the poison control center. However, I do have some numbers and for the top 12 hospitals in Nebraska that utilized the services of the poison control center in treating patients, there were roughly 2,900 cases that utilized the assistance of this center. And the number one hospital utilizing the services was Alegent Health. They utilized it in 444 cases. Going down the list a ways, Children's Hospital was fourth. They utilized it 218 times. I mean it would be unfair or noncorrect for me to try and extrapolate the percentage of how often that's used in comparison to the 40,000 calls that are made. But if this is any representation that we utilized them or our 12 largest hospitals utilized them 3,000 times, that would be roughly, in my calculations, about 7 percent of the total calls that were made to this regional poison control center. Now obviously we have a lot more hospitals, but I would say that the highest volumes would be in these top 12, with Creighton University Medical Center only utilizing it 83 times, which I wasn't part of their decision, but which may help explain a little bit of the story as to why they may have decided not to support it at the levels that they were. I appreciate what the previous witnesses said about possibly generating some fees from the hospital users, but do want to point out that if we are, in fact, only about 10, 15 percent of the utilization of these services, we'd hope that you would take that into account as you're looking at considering this issue. Finally, I appreciate how Mr. Radcliffe and the other testifiers pointed out how many different entities are supporting this very important center. But the way it stands right now without additional funding or without these funding shortages made up from somewhere, and we would hope that it would come from the state, the challenges of providing these services would be significantly challenged. And we believe that they're most effectively delivered from a one-stop shop rather than having these sort of facilities or these resources in every one of our hospitals or in regional centers. We believe that the best place to have them is in this one place. With that, I close my testimony. We're in support of it, and we urge you to advance LB1075. [LB1075]

SENATOR HEIDEMANN: Thanks, Bruce. Senator Nelson. [LB1075]

SENATOR NELSON: Thank you very much. This is interesting information here that you provide. Is it possible that doctors themselves call into the poison center and ask for

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information? [LB1075]

BRUCE RIEKER: Absolutely, yes. It's available to anyone, whether they be hospital personnel, doctors, nurses, whether they're in our hospitals or in private practice. [LB1075]

SENATOR NELSON: Well, in light of the 40,000 calls and 9,000 from Wyoming included in that, in light of the previous testimony from the grandmother whose first inclination was to call the hospital, I'm wondering where the huge majority of the calls are coming from and why--just individual homes with random questions or emergencies. Do you have any... [LB1075]

BRUCE RIEKER: I do not know the answer to that. I would have to defer to one of the prior testifiers. [LB1075]

SENATOR NELSON: Thank you. [LB1075]

BRUCE RIEKER: You're welcome. [LB1075]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you for coming in today and testifying. [LB1075]

BRUCE RIEKER: You're welcome. Thank you. [LB1075]

SENATOR HEIDEMANN: Is there anybody wishing to testify in support of LB1075? Is there anybody wishing to testify in opposition of LB1075? Is there anybody that would like to testify in the neutral position on LB1075? Seeing none, and Senator Lathrop had waived closing, we will close the public hearing on LB1075 (See also Exhibits 36 and 37). And we will open the public hearing on LB905. Senator Avery. [LB1075]

SENATOR AVERY: Thank you, Mr. Chair. My name is Bill Avery, spelled A-v-e-r-y. I represent District 28 here in Lincoln. I am bringing before you LB905. The intent of this is to provide a stable source of funding for NET broadcasting. They currently have some pretty serious problems in producing and broadcasting programs. What I'm looking for is the ability to stabilize funding so that they can provide more diverse programming to more people throughout the state. In particular, what I'm concerned about is the sparsely populated parts of the state. Many of the people in those sparsely populated areas depend almost exclusively on NETV for access to the outside world. And quite frankly, the resources available at NETV does not give them the ability to provide the kind of programming that we enjoy here in the eastern part of the state. For example, women's volleyball may not be available. That's an expensive sport to air and it's a very complex procedure for getting permission from the NCAA to air those programs. Baseball, wrestling, many other sports that are readily available to us in this part of the

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state on TV are not available in these sparsely populated areas. In coming up with a way to finance this, I found a set of Russian dolls to be useful in helping me understand it. Senator Engel knows that I am pretty slow when it comes to numbers. And so if you will permit me, I will use this as an illustration of how this would work. This we'll call the Cash Reserve Fund. What I propose is, is to take the interest from the Cash Reserve, the interest...excuse me, take \$50 million from the Cash Reserve and that would be a temporary fund that we would use as an endowment. It would not be spent. We would only take from this endowment the interest. Like this, Pat? (Laughter) This interest would create a trust fund for NETV. They would be required to match dollar for dollar the amount of interest that is earned by the endowment. Then that would produce interest, and that interest is what they will use for programming and operating costs. If at some point the Legislature decided, well, you know, we really can't afford to dedicate interest off of this temporary fund and we're going to have to put it back to do that. This, however, would be a permanent trust fund. It would continue to generate this kind of interest. Over time, you'd have significant money that NETV could use to provide this programming that I think is so needed throughout the state. Why is this necessary? Federal and state funding for public broadcasting are vulnerable. There's no guarantee of continuation. In fact, the President just today released a budget. It calls for a \$420 million cut in funding for public TV. The local NETV since 2001, they have cut 100 FTEs and over \$8 million in annual operating revenue. So they are suffering. I think this is a creative way to give them some relief and meet a need that many of our citizens in the sparsely populated parts of the state are currently experiencing. With that, I will stop. There are people who are prepared to testify who know more about this and about the need. And I will defer technical questions to them, but I would be happy to answer any questions I might be able to. [LB905]

SENATOR ENGEL: I have a question on doll number three (laughter), that one there. And that one there is, now we put our \$50 million back in over here and now... [LB905]

SENATOR AVERY: You can. You can put the \$50 million back in, but I would propose leaving it out here for a while to earn some interest. [LB905]

SENATOR ENGEL: Say we did that after a while and doll number three, then that is the interest earned off of that. [LB905]

SENATOR AVERY: Right. This would be interest earned off this \$50 million. [LB905]

SENATOR ENGEL: And then you're utilizing doll number three to fund doll number four. [LB905]

SENATOR AVERY: Yes. And doll number three would be used to leverage money from the private sector. You'd have a private-public match here, and then that would produce this money here and be used for programming. [LB905]

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SENATOR ENGEL: That little guy there, right? Yeah. [LB905]

SENATOR AVERY: Yeah. And there's another one in here that we're not going to use. (Laugh) [LB905]

SENATOR ENGEL: Okay. I understand. Thank you, sir. [LB905]

SENATOR HEIDEMANN: Just to make sure, I'm having trouble. You know, sometimes you have those things, you move it around, you get lost. (Laughter) [LB905]

SENATOR NELSON: Shell games. [LB905]

SENATOR HEIDEMANN: Shell games. [LB905]

SENATOR HEIDEMANN: It's really your intent that you would pull this money out, but if we ever need it back, that \$50 million... [LB905]

SENATOR AVERY: The Legislature could put it back. [LB905]

SENATOR HEIDEMANN: That doesn't really say that in the bill though. [LB905]

SENATOR AVERY: It's my understanding that this is referred to as a temporary fund. [LB905]

SENATOR HEIDEMANN: Endowment usually isn't probably called a temporary fund. I would think that according to the way the bill is written, the Fiscal Office probably considers that money never to be accessible again. [LB905]

SENATOR AVERY: Well, that was not my intent, and I'd be happy...if you want to amend the bill, you can do that and I wouldn't object. [LB905]

SENATOR HEIDEMANN: You was thinking more in the terms of a one- or two-year until we, and then it would go shift... [LB905]

SENATOR AVERY: Until you get this funded to a level...and I'm not sure. Maybe Mr. Bates can answer your question better, what level that would be where it would be viable and with the matching funds produce enough so that you could do this. [LB905]

SENATOR HEIDEMANN: Okay. Are there any other questions? Senator Wightman. []

SENATOR WIGHTMAN: Bill, my concern here is that I know we're going to have another request for \$200 million to be removed from this fund. We're going to have \$75

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million under the Governor's initiative to remove some for property tax relief. And I studied the budget as everyone in here has, and if we look at 2001-2003, we had about a \$532 million shortfall during those two years, I think about \$266 million each year. If we turn into that downturn that certainly looks possible, this might be fairly short-term funding. [LB905]

SENATOR AVERY: I see this in jeopardy. But I understand that you have competing demands, competing requests, and competing interests. I'd be happy if you did this. I'm realistic though. If you can't do it, there...there will be other budgets. There will be other years. I'd like to get the conversation started at least. I think NETV is important to the state right now. We simply aren't funding it and federal funds are in jeopardy. [LB905]

SENATOR HEIDEMANN: Senator Engel would have a comment as long as it doesn't concern dolls. [LB905]

SENATOR ENGEL: What will you take for the little doll? (Laughter) [LB905]

SENATOR AVERY: Senator, you can have it. I'm sure that if this got to the floor I could never use it there anyway. We did, by the way, check with your staff to see if it would be okay if I brought these along. [LB905]

SENATOR HEIDEMANN: I will say that I definitely enjoy NETV. I followed the Nebraska volleyball team very much and it happens to be during the fall when I'm harvesting. But a lot of times I will cut the night short so that I can make it and watch the volleyball team on NETV. [LB905]

SENATOR AVERY: You probably have people in your district who don't have access to some of that programming too. [LB905]

SENATOR HEIDEMANN: So I appreciate you bringing the bill. It will be an interesting year, though. We do have a lot of requests. [LB905]

SENATOR AVERY: I know you have a hard job. I'm just trying to make it harder. (Laughter) [LB905]

SENATOR HEIDEMANN: Thank you. Would you be coming back to close or? [LB905]

SENATOR AVERY: I doubt if I'll have anything to say. I'd like to listen to the other testimony. [LB905]

SENATOR HEIDEMANN: Okay. Is there anybody else wishing to testify on LB905? [LB905]

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ROD BATES: (Exhibits 38 and 39) Senator Heidemann and members of the Appropriations Committee, my name is Rod Bates. I'm the general manager of NET and secretary of our Educational Telecommunications Commission. I know you're tired. I've been sitting here as well so I've cut the testimony back to 90 minutes. (Laughter) I'd like to thank Senator Avery publicly. I think this is a real effort on his part to try to shore up some of the weaknesses and the challenges that we have at NET. But I am here, obviously, to testify in support of LB905. First of all, I want to make sure you know how much we appreciate the solid support we've received from the state of Nebraska. You help make us one of the premier public broadcasting systems in America. And I'm not just blowing smoke and it's not being self-congratulatory. It is truly recognized as one of the leaders in the country. In fact, we're considered by some to be the crown jewel in the national PBS system. Back in fiscal year 2000, we came to the Governor and the Legislature with a significant challenge. The Federal Communication Commission issued a federal mandate to convert the entire system in Nebraska from an analog technology to a digital technology. And the cost to complete that conversion was estimated by us at \$30 million for the state. We have a statewide network with 9 transmitters and 14 translators to serve areas not served well by the transmitters, in addition to our retransmission equipment in the building out on East Campus as well as the production needs to produce programs. And I was proud that the Appropriations Committee and the Legislature supported our request, and we were able to leverage that state's investment by bringing an additional \$6.6 million in and match from other funding sources to complete this transmission. The following year after that happened, we began to see state tax receipts drop considerably. It's what Senator Wightman was talking about. So I quickly came back to the Legislature and asked if that was going to jeopardize this digital conversion money. And the answer I received was, no, we see that as a long-term investment in the infrastructure in Nebraska that will ensure the future of our public broadcasting service. What I also heard, though, that what's going to be required is a reduction in our annual operating budget. So over the next four years, NET faced very serious financial challenges. Not only were there reductions from the state funding because state tax receipts were down, but the university cut our funding. Multimedia sales dropped. Contracted services dropped. Production grants and donations dropped off as well. It was like a perfect storm. We carefully documented those reductions, and over the following four years we implemented, as Senator Avery pointed out, \$8.4 million a year in our annual operating. We cut all areas of our operation, including many valued programs. Well over 100 full-time positions were eliminated. We knew the economic downturn was real and we never questioned the need to do our part to address the problems. I think we were responsible. We didn't try grandstanding, no political tricks to avoid these serious cuts. Well, today we're nearly at the completion of that digital conversion that was required, and we will shut our analog service off next year at this time. One year from now it's going to happen. And while the state has always been solid supporters of our hardware and the infrastructure, the burden of raising the majority of the funding for the software of our operation, that is the programs and services that Senator Avery referred to, rests on our volunteers and staff

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to raise donations from the citizens of Nebraska as well as grants and production contracts. I can honestly report to you that the infrastructure and the building and the equipment has never been better. It's in excellent shape thanks to you. It's now time for us to turn our attention to...away from the hardware to deliver the best possible programming and services to the citizens of Nebraska. Now one thing we're not doing is requesting a General Fund appropriation increase. It's what I like about the bill that's been created. And there was a recent newspaper article. Contrary to that article, we're not requesting money from the Cash Reserves. We believe Senator Avery has crafted a very elegant piece of legislation that will provide NET with the interest earnings only off less than 10 percent of that reserve if, and only if, NET can raise a matching amount of money. The money remains, by my understanding of the bill, the money remains in the Cash Reserve for use in case of an emergency. And so if there is a rainy day, it's available to the Legislature. But the interest earnings off \$50 million in that reserve will be earmarked for us if we can raise a matching amount from other sources. This is a real incentive for our staff and foundation to raise money to invest in rebuilding and growing our programs and services for Nebraska. If we succeed, we can begin gradually to restore the \$8.5 million that it was necessary to cut during the hard times. Last year NET passed a milestone. Our research showed that for the first time 1 million unique viewers watched NET Television at least once a week. We have an amazing capacity in Nebraska to reach virtually every citizen in this state that owns a television or a radio. And we're one of the last remaining locally owned broadcasters who are producing significant local programs for and about the state of Nebraska. So in my closing, I'd like to reemphasize that we're not requesting a General Fund appropriation. We're not drawing down on the Cash Reserve. We are asking you to provide the interest earnings off \$50 million in the Cash Reserve, less than 10 percent, as an incentive to NET to raise a match. And if successful, we will begin to add more programs and services to the people of Nebraska. I'd like to thank you for your support, and I'd be happy to respond to any questions. One thing I'd like to do, if you don't mind, one of our commissioners, Robert Moline, had agreed to testify today. But because of the hour, he called a little while ago and said he has another commitment and he can't make it. I've given you a copy of his written testimony. I'm not going to read it, but there are a couple of things I would like to point out that he was ready to say. Number one, the role of our commissioners, the reason he was here, there's three that we point out in his remarks, one is to establish noncommercial educational telecommunications facilities within the state. A second responsibility is to provide noncommercial educational programming throughout the state over its broadcast and other media networks. The third is to operate and sustain statewide educational radio and television networks and services. And the commission was further charged to seek funding from federal, state, and foundation support and private sources for capital construction and manual operations. The other thing I think that is important to go into the record is the impact that this programming has on the people. As I said, each week more than a million Nebraskans tune into NET Television; more than 81,000 listen or tune into NET Radio each and every week. Our web sites are viewed by over 400,000 unique visitors

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each year. And more than 20,000 Nebraska families, businesses provide direct financial support in the form of donations. With that, I'll close my testimony, and I'd be happy to answer any questions. [LB905]

SENATOR HEIDEMANN: I just want to point out that the interest money, according to statute, from the Cash Reserve goes into the General Fund right now. And you keep talking about, you know, that you didn't ask General Fund money. [LB905]

ROD BATES: Right. [LB905]

SENATOR HEIDEMANN: But in reality, when you take money away from the Cash Reserve, you're going to affect the General Fund status by \$2.475 million. [LB905]

ROD BATES: That's something I didn't understand. I mean I thought it was crafted in such a way that we would draw the interest only. So... [LB905]

KATHY TENOPIR: Well, if you're drawing the interest, then the state can't draw the interest, and currently the state does draw that interest and it goes directly into the General Fund. [LB905]

ROD BATES: Okay. My mistake. [LB905]

SENATOR HEIDEMANN: So it would be a General Fund cost of \$2.4 million over. So questions? Danielle, did you have... [LB905]

SENATOR NANTKES: No, I just wanted to clarify that point so you beat me to it. [LB905]

SENATOR HEIDEMANN: Sorry. [LB905]

SENATOR NANTKES: That's okay. Well done. [LB905]

SENATOR HEIDEMANN: I see no further questions. Thank you for your testimony. [LB905]

ROD BATES: Thank you. [LB905]

SENATOR HEIDEMANN: Is there anybody else wishing to testify in support of LB905? [LB905]

JIM MASTERA: (Exhibit 40) Pardon me, Mr. Chairman and committee members. Thank you for allowing me to spend time before you today. My name is Jim Mastera, spelled M-a-s-t-e-r-a, and I happen to serve on the finance committee of the NET Foundation.

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And today I'm here to testify in favor of LB905. As a taxpayer, I am supportive of the generous state of Nebraska investment in the infrastructure that supports NET, and that is the towers, the buildings, the engineering elements that comprise television and radio networks. But like my colleagues on the foundation boards, I became first a supporter and then a board member of the NET Foundation. As a member of the community, I find that NET is not just a public broadcasting network, but it is our broadcast network. When we tune into NET Radio or NET Television, we expect a level of integrity, entertainment, and depth that we can't find elsewhere. We expect to be not only educated and enlightened but inspired as well. As listeners and viewers, we have seen our children and grandchildren inspired by programming that treats them as intelligent, curious learners, not just young consumers. In an age saturated with sound bytes, inane talk shows and reality shows, and the incessant barrage of advertising, we are grateful for programming that enriches our lives and lifts our spirits. The NET Foundation for Radio and the NET Foundation for Television were created as vehicles to provide support for NET's programs, services, and outreach initiatives. The funds we raise are the basis upon which NET programming exists. In exchange, we ask that the resultant programs and services inspire Nebraskans to be all that they can be by showcasing examples of the best, such as: Willa Cather and John Neihardt's eloquence; the courage of the Creightons, Standing Bear, and the Oregon Trail pioneers; the selflessness of the North Platte Canteen workers; the bravery and patriotism of Ben Karoke; and, of course, Bob Devaney's and Tom Osborne's spirit and determination. As board members, we understand that the bottom line for all of these stories is simply this: the degree to which the foundations are successful in securing private donations is linked directly to the ability of NET's programming to inspire present and future Nebraskans. Therefore, on behalf of the entire NET Foundation boards, I enthusiastically support this proposed private-public partnership that will help ensure the sustainability of the programming and services we value. The foundations welcome the challenge of matching the state's proposed contributions. With your support for this legislation, together we can inspire Nebraska. Thank you. [LB905]

SENATOR HEIDEMANN: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much. [LB905]

JIM MASTERA: Darn, I was all prepared to answer too (laugh). Thank you very much for letting me testify. [LB905]

SENATOR HEIDEMANN: Is there any other testimony in support of LB905? Is there any testimony in opposition of LB905? Is there any testimony in the neutral capacity on LB905? Would you like to...Senator Avery waives closing. We'll close the hearing on LB905 and we're done for the day. [LB905]

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Disposition of Bills:

LB905 - Held in committee.
LB1060 - Held in committee.
LB1075 - Held in committee.

Chairperson

Committee Clerk