

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE HEARING

STATE CAPITOL
MAJORITY CAUCUS ROOM
ROOM 140
HARRISBURG, PENNSYLVANIA

FRIDAY, MAY 22, 2009
11:28 A.M.

PRESENTATION ON SENATE BILL 850

VOLUME V OF IX

BEFORE:

HONORABLE DWIGHT EVANS, MAJORITY CHAIRMAN
HONORABLE WILLIAM C. KORTZ III
HONORABLE DEBERAH KULA
HONORABLE TIM MAHONEY
HONORABLE JOSH SHAPIRO
HONORABLE MATTHEW SMITH
HONORABLE MARIO J. CIVERA, JR., MINORITY CHAIRMAN
HONORABLE GORDON DENLINGER
HONORABLE JOHN R. EVANS
HONORABLE MAUREE GINGRICH
HONORABLE DAVID R. MILLARD
HONORABLE RON MILLER
HONORABLE DOUGLAS G. REICHLEY
HONORABLE RICHARD R. STEVENSON

ALSO IN ATTENDANCE:

HONORABLE KEVIN P. MURPHY

JEAN DAVIS REPORTING

7786 Hanoverdale Drive • Harrisburg, PA 17112
Phone (717) 503-6568 • Fax (717) 566-7760

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ALSO PRESENT:
MIRIAM A. FOX
MAJORITY EXECUTIVE DIRECTOR
EDWARD J. NOLAN
MINORITY EXECUTIVE DIRECTOR

HEATHER L. ARTZ, RMR, CRR
REPORTER

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1 P R O C E E D I N G S

2 * * *

3 MAJORITY CHAIRMAN EVANS: I want to call
4 Matt Seeley, John, Esther, Dan. Matt Seeley, John,
5 Esther, and Dan. And then after that I have Melissa,
6 Mike, James, and Sean. I will do the four and then
7 the next four. We have Matthew, John, Esther, Dan.
8 So you get the pleasure of having the mic right here,
9 right up front. You got it all to yourself. Anyone
10 else? Okay.

11 MR. BRINSON: Excuse me, John Brinson, am I
12 supposed to be up there?

13 MAJORITY CHAIRMAN EVANS: John Brinson, yes.
14 Is Esther Kuhn here? Right there's Esther. Dan
15 Torisky. We have John Brinson. Okay. Basically
16 introduce yourself for the purpose of the
17 stenographer and then you have your chance to make
18 your comments.

19 MR. SEELEY: Good morning. My name is
20 Matthew Seeley. I'm here both as a consumer.

21 MAJORITY CHAIRMAN EVANS: Can you move the
22 mic?

23 MR. SEELEY: Is that better?

24 MAJORITY CHAIRMAN EVANS: Yes.

25 MR. SEELEY: Again, name is Matthew Seeley.

1 I'm here both as a consumer and I've been asked to
2 speak on behalf of the Statewide Independent Living
3 Council.

4 MAJORITY CHAIRMAN EVANS: Introduce
5 yourself.

6 MS. KUHN: Hi. My name is Esther and I am
7 from Indiana County. I am person with a disability.

8 MAJORITY CHAIRMAN EVANS: And we have
9 introduce yourself.

10 MR. BRINSON: I'm John Brinson. I'm CEO of
11 a 24-7 Fitness Clubs. I'm representing the National
12 Federation of Independent Business today.

13 MAJORITY CHAIRMAN EVANS: Okay. Who wants
14 to start? Esther, you want to start?

15 MS. KUHN: For a long time, I had no support
16 or service. I had a very dangerous life when I was
17 growing up. I did not make good choice for my life.
18 No one helped me learn that there was a better way to
19 live. I was always hungry and afraid and I feel
20 alone. People around me drank and did drugs. They
21 did not work or do good things in the community.

22 When I was a teenager, I lived with a man
23 who was more than twice as older as me. He abused me
24 and said he would kill me if I left him. I became
25 pregnant and had a beautiful daughter. His parents

1 took her from me after she was born. I did not
2 understand why I could not be with my daughter. She
3 is six years old and she still lives with them. That
4 man is in prison and so are all of his brothers, his
5 nephew. It is not a good family.

6 One day I was so scared I ran away and asked
7 for help. I still could not get support and service.
8 I stayed in a shelter for abused woman. I wait for a
9 long time for a waiver to pay for the support and
10 service I need.

11 Now I have the support and service I need to
12 be safe. Now I have a good life. I have a good job.
13 I live with a good family who helped me make safe
14 choice. They help me shop for food, cook meals, and
15 go to the doctors with me so I can understand about
16 my health. I go to church and do many things in the
17 community. I get trans support so I can spend time
18 with my daughter. Now I know it is my right to be a
19 mom and I am fighting for custody.

20 I use the money for my daughter to pay for a
21 attorney. I volunteer to help other people learn
22 about their rights. I have the right and service I
23 need for my life. I can have a good life and safe
24 life now.

25 Bill HB 850 can change all of the good

1 things in my life. If I lose support, I may not be
2 able to see my daughter. If I don't see her, how
3 will she know who her mom is? Who will teach her
4 there is a better way to live than in the bad place
5 she lives now? Who will help her make good choice
6 for her life? If I lose service, I may not be able
7 to stay with the good family I am part of now.

8 If I have to leave, who will help me make
9 choice that are good and safe for me? If I lose
10 service, how can I be part of my community? How can
11 I go to my church? If I lose service, who will help
12 me shop for grocery and cook? How will I eat healthy
13 meals?

14 There are many people like me in
15 Pennsylvania. They count on their support and
16 service to live a safe life in the community. They
17 have jobs, volunteer, pay bills, and try to make a
18 good life in their community. Bill SB 850 will not
19 help them. They will lose the service they need to
20 live a safe life. It will make more people scared
21 and alone. There are many, many more people in
22 Pennsylvania who do not have any of the support and
23 service they need who are still scared and alone.
24 They did not have the chance to live a safe life.
25 Bill SB 850 will keep them from getting the support

1 and service they need to live a safe life. You must
2 decide it is important for all people in Pennsylvania
3 live a safe life, a good life. It is important to
4 me. Thank you, Esther Kuhn from Mercer County.

5 MAJORITY CHAIRMAN EVANS: Thank you, Esther.
6 John.

7 MR. BRINSON: Mr. Chairman, Mr. Chairman,
8 I'm John --

9 MAJORITY CHAIRMAN EVANS: Can you move the
10 mic down a little bit?

11 MR. BRINSON: Yes. Sorry. I'm John Brinson
12 and I'm representing the National Federation of
13 Independent Business today. I have listened to some
14 of the testimony since I got here outside on the
15 television screen and inside as well.

16 I did not come here today to ask this state
17 for anything. I didn't come to ask for anything for
18 my industry or small business. I came to ask you to
19 take a good, hard look at what's happening in
20 Pennsylvania and around the country.

21 There's an article that I printed out this
22 morning from the *Washington Post* which has to do with
23 the vote two days ago in California. There is
24 national outrage about spending in taxes. By the
25 way, I don't want to ask you to cut this lady's

1 funding at all. And I don't think it's necessary. I
2 would ask you to think about cutting some of these
3 so-called investments in businesses. I don't think
4 businesses should be putting their hands out to
5 government for investments. I rode my bicycle late
6 yesterday afternoon through Berks County and saw lots
7 of dairy farms. And I have a dairy farmer who is my
8 neighbor and I love him and his family to death. But
9 I think they should invest in their own business.

10 I don't think the state should be taking
11 money -- where does this money come from? Does the
12 State of Pennsylvania have any money? You don't have
13 any printing presses like they do in Washington. So
14 where is this money coming from?

15 It's coming out of the pockets of working
16 men and woman in Pennsylvania. That's where it's
17 coming from. And the notion that you can take money
18 from productive workers and businesses and give it to
19 associations is wrong, I think. The motion picture
20 industry, let them invest in their own businesses.

21 Anyway, concerning my own business, here's
22 how we have dealt with this horrible economy. And
23 how we got here is a matter for debate and analysis
24 that will go on for years. But we're here. And it's
25 very bad and my -- my business, which employees 275

1 people, lost 10 percent of our income. And it
2 happened very, very quickly, starting last fall. We
3 lost 10 percent of our income. What did we do? Did
4 we come to the state to ask for money? No. What I
5 did was I eliminated my own salary totally. I'm
6 drawing nothing now but social security. I do have
7 social security to depend on and I paid in that for
8 something like 60 years.

9 My employees took a 10 percent pay cut. I
10 did not want to lay anybody off and I didn't lay
11 anybody off. And a lot of businesses are in worse
12 shape than I have and they're laying off workers and
13 terminating workers. But I didn't do that. I asked
14 my employees to take an across-the-board 10 percent
15 pay cut and they did. And not one of them
16 complained. Not one. Because we want to serve our
17 customers, we call them members, and we want to serve
18 them.

19 And so those are the steps that we have
20 taken. My wife and I poured hundreds of thousands of
21 dollars into my business during this bad time. We
22 are not asking for handouts. What we're asking for
23 is we're asking that the State of Pennsylvania take a
24 good look at the budget and do the same kinds of
25 things that businesses are having to do.

1 And I would submit to you that there is not
2 one program, not one department in the Commonwealth
3 of Pennsylvania that cannot be trimmed. They can all
4 be trimmed. You know it's so. You know that if you
5 were running this state yourself as a business and if
6 your income went down 10 percent, and you couldn't
7 print any money, you know what you would do. You
8 would trim. And I'm asking you to trim. I'm not
9 asking you to take Senate Bill 850 as it is. I know
10 you won't anyway. But I'm asking you to take a good
11 look at trimming everything.

12 I believe that if you do that you can cut
13 this budget by 5 percent. And I wouldn't take any
14 money away from this lady or this gentleman. What I
15 would do is I would trim where I had to.

16 In my own business I had to cut 10 percent
17 of our expenses. Some things could not be cut. For
18 example, we pay PPL, our electric company, \$300,000 a
19 year. And they wouldn't give me a 10 percent rate
20 reduction. So what we had to do was cut other
21 things. I cut advertising by 50 percent. This is
22 what you have to do in the marketplace. And I'm
23 suggesting that the Commonwealth of Pennsylvania
24 behave the same way. And I know you can do it if you
25 have the will and if you have the political courage

1 to tackle this job, you can do it. I know you can do
2 it without really hurting anyone.

3 Now, concerning anyone, look around the
4 state and see who's getting hurt by this economy.
5 It's the working men and women of Pennsylvania who
6 are suffering. They have lost their jobs. They have
7 lost their pay. They have lost their benefits. And
8 now we need to help. The state needs to help. And I
9 will appreciate anything that you can do in your
10 difficult negotiations to trim this budget so that we
11 do not have a shortfall. This is supposed to be a
12 balanced budget state. And I don't think we should
13 be borrowing money and living on it. I think that
14 borrowed money should be for appropriate things, not
15 for running -- running the state. Thank you very
16 much, Mr. Chairman, Mr. Chairman. Thank you.

17 MR. SEELEY: Pardon me. Good morning. Name
18 is Matthew Seeley. I currently live in Harrisburg.
19 I was previous resident of Allentown, Pennsylvania.
20 Although I come before you as a consumer, I may be
21 familiar to some of the members of the House
22 Appropriations Committee from office visits I made in
23 my previous capacity. Between the years of 2003 and
24 2007, I was public policy analyst for the PA SILC,
25 that's the Pennsylvania Statewide Independent Living

1 Council.

2 The council is comprised of 26 members, 22
3 individuals with disabilities, including Centers for
4 Independent Living directors, and four ex officios.

5 In accordance with the Federal
6 Rehabilitation Act, every state has a SILC. The SILC
7 makes public policy recommendations for people with
8 disabilities to the governor, general assembly, and
9 state agencies according -- in accordance with the
10 independent living philosophy. That's the IL
11 philosophy.

12 This includes support for the 18 Centers For
13 Independent Living. There are 18 across the state.
14 Nine of them receive federal funding and the other
15 nine receive state funding.

16 Today I am here as a consumer, though. I am
17 a consumer of services and supports for people with
18 disabilities. I am here to testify on the budget
19 cuts that impact me directly, included in SB 850.

20 Let me briefly tell you my story. In 1996 I
21 was involved in a car accident which left me
22 paralyzed from the chest down. My injuries were so
23 severe, including collapsed lung -- lungs and a
24 cracked skull, that initially a priest was sent for
25 me to give me last rites. However, I hung and

1 fought. While I survived, my injuries were so severe
2 that I was -- I was later placed in a nursing home.

3 This was a very difficult time for me. I
4 lived there for five years but continually pushed
5 myself. I made friends with the staff and they along
6 with my family and an endearing social worker
7 convinced me to push myself even further. It was at
8 this time that and with their help that I started
9 college and later transitioned out into the
10 community. First I attended Lehigh County Community
11 College. I graduated with an associate's degree and
12 was asked to be a speaker for commencement.
13 Following graduation, I built up the courage and
14 moved out of the nursing home. But, again, I didn't
15 do it alone.

16 Thanks to the work of Liberty Resources, a
17 Center For Independent Living located in Southeast
18 Pennsylvania that provided my attendant care
19 services, and the prodding of my family and friends.
20 I was able to transition out of the nursing home and
21 have supports to live on my own. I moved into an
22 elderly high rise in Allentown.

23 Next I went onto DeSales University, which
24 is just outside of Bethlehem, where I got my
25 bachelor's degree and graduated with high honors.

1 Following graduation in 2004 I moved down here to
2 Harrisburg and became the public policy analyst for
3 the Statewide Independent Living Council.

4 I subsequently learned how to drive, using
5 vehicle modifications. In 2007 the driving side of
6 me spawned from all of the incredible supports I've
7 had surfaced again. On a whim I applied for and was
8 accepted into law school here in -- at Widener
9 University in Harrisburg. I have just completed my
10 second year.

11 Each day, services such as attendant care
12 enabled me to rise and contribute to our community.
13 I've been able to work and pay taxes. While the
14 journey is not without challenges, I enjoy living in
15 the community. The drive that is in me is a result
16 of those -- of all of those people who have stood
17 behind me and pushed me. Thanks to the CILs and
18 Medicare waiver programs I, along with thousands of
19 people with disabilities and seniors in Pennsylvania,
20 cannot only live, work, and play in our communities,
21 but also exceed expectations and reach our true
22 potential.

23 I don't now how many other potential lawyers
24 live in nursing homes. But I despair the thought
25 that some people may not be able to realize their

1 dreams despite their own drives.

2 The proposed budget cuts in Senate Bill 850
3 jeopardize those opportunities for persons like
4 myself. I would like to see others have access to
5 the same opportunities as I have enjoyed.

6 In closing, please consider funding supports
7 for programs like the Medicaid waivers and state
8 Centers For Independent Living by avoiding the budget
9 cuts recommended in Senate Bill 850. While we
10 realize these are challenging times, please restore
11 funding to the following: Medicare waivers,
12 long-term line item -- long-term care line item,
13 including aging waiver which has been cut by over --
14 or scheduled to be cut by over 83 million; the
15 attendant care waiver, which has been cut by over 27
16 million; and the CSPPPD waiver, which has been cut by
17 over 12 million; accessible housing in the Department
18 of Community and Economic Development, this is also
19 known as home modifications which empower people with
20 disabilities and seniors to remain in their homes,
21 which has been cut by over 1.8 million; state Centers
22 For Independent Living, which have been cut by 97,000
23 between last year and this year in the proposed
24 budget for over 10,000 -- this will equate to about
25 10,000 per Center For Independent Living. That's

1 probably someone's job or a lot of the support staff
2 people with disabilities rely on. Both budgets, HB
3 1416 and Senate Bill 850, include this cut.

4 Finally, in this time we are looking to save
5 money, I would remind the General Assembly of the
6 value of cost efficiency of home and community based
7 services, or HCBS. According to the 2009
8 Commonwealth of Pennsylvania budget notice, the
9 average cost of nursing home care is about \$4,400 per
10 month, or over \$50,000 annually. In contrast, the
11 cost of HCBS is about \$1800 a month or less than
12 \$25,000 a year. That's a start cost. The reductions
13 in HB 850 also potentially jeopardize our federal
14 Medicaid match or FMAP dollars. Adequate funding of
15 these help continue our efforts in rebalancing
16 long-term care system, as PA is ranked 43rd
17 nationally with only 27 percent HCBS care.

18 By protecting these core services of
19 government, Pennsylvania fulfills it's mandated
20 responsibilities in a fiscally prudent manner. Thank
21 you for allowing me to testify today before your
22 committee.

23 MAJORITY CHAIRMAN EVANS: Thank you, all of
24 you, for coming to testify before us today. We
25 appreciate what you have said to us and we have your

1 testimony and we will be working with you. Esther,
2 thank you, keep pushing.

3 MS. KUHN: You're welcome.

4 (The panel concluded at 1:51 a.m.)

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1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the
3 notes taken by me on the within proceedings and that
4 this is a correct transcript of the same.

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Heather L. Artz, RMR, CRR
Reporter

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