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Judiciary Committee  
March 19, 2014

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[LB999 CONFIRMATION]

The Committee on Judiciary met at 12:00 noon on Wednesday, March 19, 2014, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on AM2173 to LB999 and a gubernatorial appointment. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Ernie Chambers; Colby Coash; Al Davis; Amanda McGill; and Les Seiler. Senators absent: Mark Christensen.

SENATOR ASHFORD: People will be coming in as we speak. We're here today...hey, Scot. We're here today to discuss Senator Seiler's proposal for the Hastings...Building 7 at the Hastings facility. And as we all know, we have advanced LB999, which calls for the planning and eventual utilization of Building 7 as a 200-bed facility for mentally ill or inmates who have mental illness. So I will just briefly introduce this by saying that LB999 is a bill I introduced and is not in the shape it is now because the bill is now, as it is on the floor, a bill regarding the Hastings facility. So because we never really had a hearing on the Hastings proposal...I thought we had but I guess we didn't. We talked to Senator Seiler so many times, I thought we at least had a hearing on it, but we didn't. And Senator Seiler obviously has done a great job of working on this issue and really bringing it to our attention last year as a possible site for mental health and related services. And so with that opening, why don't we open it up to those who wish to...I guess we'll do...how many are...is anyone opposed to this? Is there anyone here speaking in opposition? Okay. Are there some neutral testifiers? Okay. Scot and Voices and...why don't we just go ahead and start with... [LB999]

SENATOR SEILER: Then let me introduce the amendment. [LB999]

SENATOR ASHFORD: Well, go ahead, absolutely. And there is an amendment that we got this morning and so we'll hear about that. [LB999]

SENATOR SEILER: (Exhibits 1 and 3) Good afternoon, Mr. Chairman, members of the committee. This morning I discussed with Bob Bell the amendment to LB999 of putting into a procedural plan that is common, and I have no problems with it--you have a copy of it there--until you get to page 2, section (c). And I'm going to amend that particular language when it hits the floor. When we have a chance to discuss it on the floor, I'm going to ask for a floor amendment to have that read as follows: The completed program statement shall be submitted electronically to the Governor and the Legislature by December 15, 2014. [LB999]

SENATOR ASHFORD: Okay, so you're putting a date certain then. [LB999]

SENATOR SEILER: Right. We need to get this going and show progress on it for reasons that I think people here will be testifying to. [LB999]

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SENATOR ASHFORD: Okay. Does anyone... [LB999]

SENATOR SEILER: Other than that, I have nothing else to add. [LB999]

SENATOR ASHFORD: Okay. Thanks for that, Senator Seiler. Any questions? [LB999]

SENATOR SEILER: Any questions? [LB999]

SENATOR ASHFORD: Any questions of Senator Seiler? [LB999]

SENATOR CHAMBERS: Just one. [LB999]

SENATOR SEILER: Yes. [LB999]

SENATOR ASHFORD: Senator Chambers. [LB999]

SENATOR CHAMBERS: Are you commenting on this amendment numbered AM2455? [LB999]

SENATOR SEILER: Yes. [LB999]

SENATOR CHAMBERS: Okay. Now in the first line, I meant line 3, the first sentence, "The Legislature finds that a need may exist," I think it does exist so... [LB999]

SENATOR SEILER: Shall? [LB999]

SENATOR CHAMBERS: Uh-huh, but I'm not going to quibble. I just want to raise that so you know what I'm looking at. [LB999]

SENATOR SEILER: I don't have any...since I'm going to be doing it on the floor, I don't have any problem putting some words in there. [LB999]

SENATOR CHAMBERS: Okay. [LB999]

SENATOR ASHFORD: I think it's been fairly... [LB999]

SENATOR MCGILL: Uh-huh. Just strike the word "may." [LB999]

SENATOR ASHFORD: ...pretty well established that... [LB999]

SENATOR CHAMBERS: And put an S on the word "exists." [LB999]

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SENATOR MCGILL: Yeah. [LB999]

SENATOR ASHFORD: Yeah. [LB999]

SENATOR SEILER: Okay. [LB999]

SENATOR ASHFORD: Okay. [LB999]

SENATOR LATHROP: I have one question. [LB999]

SENATOR ASHFORD: Yes, Senator Lathrop. [LB999]

SENATOR LATHROP: This looks like we've gone from going to use the Hastings Regional Center in terms of where LB999 was, like we were going to use the Hastings Regional Center for the behavioral health needs of those people that are confined in Corrections, to a study. [LB999]

SENATOR SEILER: Well, we... [LB999]

SENATOR LATHROP: Are we not going to do it, we're going to study it for a year? Is that what we're doing? [LB999]

SENATOR SEILER: No, I don't think it's a...the study is for architectural and then getting estimates of the cost. [LB999]

SENATOR LATHROP: So do you think you have to come back next year once you have the study completed? [LB999]

SENATOR SEILER: No. No, the funding is already in place,... [LB999]

SENATOR LATHROP: Okay. [LB999]

SENATOR SEILER: ...according to Mello. [LB999]

SENATOR LATHROP: Okay, that was my question. Thanks, Les. [LB999]

SENATOR SEILER: Okay. [LB999]

SENATOR ASHFORD: Okay. So just so everyone understands, what we are pursuing is the development of this facility, period, so everybody who's in the room has to understand that this committee supports...well, I don't want...I believe by advancing the bill we support the Hastings facility as a mental health facility under behavioral mental health, and that's what this bill calls for clearly, unequivocally, no question about it. And

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so just so there's no question. Okay. Thanks, Senator Seiler. [LB999]

SENATOR SEILER: Thank you. [LB999]

SENATOR ASHFORD: Yeah. Okay. Let's have those who are for. Vern, do you want to...Mayor, I'm sorry, Mayor, come on up here. [LB999]

VERN POWERS: Thank you, Chairman Ashford, members of the committee. My name is Vern Powers. I'm the mayor of the city of Hastings and I would say I'm in support of this. The citizens of Hastings arranged this land to put the regional center on in the 1800s due to immigrant problems we had at the time and mental health issues that families had at the time. Fast-forward to emptying the regional center a number of years ago, we didn't think programs were in place at the time to do that, and I think that's proven, over the course of time, that's proven out. A few years ago I was talking to the Governor at a function somewhere and I said, what's the long-term plan for this facility, and he said, well, we're probably, you know, we're going to transition out of it and let it go. And I said, well, we can't just let it go and just turn it into a place where beer bottles get broke on it and people break in and live there; said something has got to be done with it. So over the course of the next few years, he and the Legislature worked on a deal where you generously gave us \$8 million to decommission that facility. And we sat on that for a couple of years and thought about it. As a few of the senators, Senator Chambers, you brought up some things a few years ago, we can't keep...we can't keep throwing people in prison, that's not the answer; we've got to get them transitioned, mentally helped to transition back into society and be productive citizens. So I thought about that and at a League of Municipalities meetings about two months ago I contacted Senator Ashford, Senator Seiler, Senator Mello and said, if it was my place, I would put that...I would donate that money back, and it's not that it's my money, but the demolition money I would return to the state of Nebraska if you would rehab those facilities, use that \$8 million that you gave us for demolition, return that in to rehab those facilities. And of the 1,000 patients that I think...of the prisoners you said had mental health issues, we could do something with those prisoners, give them an opportunity to see some hope and get some help. A lot of those people, you know, maybe need some guidance, not...prison is not the answer. Just give them some guidance and some help. So we would obviously support this bill, LB999, LB907 which have kind of morphed into one, to either put Building 7 back into commission or Building 3 back into commission. We've understood this issue for more than 100 years, the mental health issue in Hastings. Our citizens are comfortable with it. We have the help--Mary Lanning. I have Kim Kern back there from Mary Lanning who's the head of the Psych Unit at the Mary Lanning. We've lived this for 100 years, more than 100 years. We're comfortable with it. We think we could do a lot more with this facility. You already own it. It's already your facility. You already own it. Let's do something with it and help some of these people instead of just locking them up and forgetting about them, so. [LB999]

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SENATOR ASHFORD: Thank you, Vern. Thanks for your comments, Mayor. Any questions of the mayor? I don't see any. Thanks for coming down. [LB999]

VERN POWERS: Okay. Thank you. [LB999]

SENATOR ASHFORD: You might want to leave us the map. [LB999]

VERN POWERS: Yeah, you want that? [LB999]

SENATOR ASHFORD: We can make copies. [LB999]

VERN POWERS: And we can make some more copies (inaudible). [LB999]

SENATOR ASHFORD: Okay, and I think we, I don't know, I think we can too. We have sort of old machines, but. [LB999]

VERN POWERS: We can make more of them. [LB999]

SENATOR ASHFORD: Okay. [LB999]

SENATOR SEILER: Thanks, Vern. [LB999]

SENATOR ASHFORD: All right. Who would like to...okay. [LB999]

MARSHALL LUX: Good afternoon, Senators. My name is Marshall Lux, M-a-r-s-h-a-l-l L-u-x. I'm the Ombudsman from the state of Nebraska. I wanted to testify this morning or this afternoon in support of this idea. One thing that I want to stress on this proposal is the part which, as I understand it, would place the responsibility for running the facility in the hands of Behavioral Health. I think that's an excellent idea. You may hear some discouraging words from others about that idea, but I think it's critical that the facility we're talking about here be run by Behavioral Health and not by the Department of Corrections. On the other hand, you may think...want to think about the issue of who would get to decide who goes to this facility, because in my experience there have been issues in the past where there were disagreements between HHS and Corrections over responsibility to handle certain...manage certain mentally ill inmates. And I think that decision-making role has to be clarified so that you get the right people sent to the right place. [LB999]

SENATOR ASHFORD: Thank you. Senator Lathrop. [LB999]

SENATOR LATHROP: What's your suggestion? [LB999]

MARSHALL LUX: I think that once this all gets ironed out, we should state in the law

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that it's the Department of Corrections that gets to decide who goes to this facility. The concern that I would have is that there would be more likelihood that they would recognize the need that the inmate has for the mental healthcare and would be less reluctant to take on even difficult inmates, and many of these are very difficult people because of their mental illness, that they... [LB999]

SENATOR LATHROP: So your concern is that if Behavioral Health is in charge of sorting them out over at the Department of Corrections, they may leave the worst guys in Lincoln and not take them over to Hastings and treat them. [LB999]

MARSHALL LUX: I'm glad you said it, Senator. It's what I was hinting at, yes. Absolutely. [LB999]

SENATOR LATHROP: Once they're over at the Hastings Regional Center, who do you think should make the decision that they go back? Should that be left up to Behavioral Health, like they've achieved their treatment goals? [LB999]

MARSHALL LUX: I think that's got to be something that should be worked out with...between both agencies. I'm not sure that I would be comfortable with giving that power unilaterally to Behavioral Health. [LB999]

SENATOR LATHROP: Got it. Thank you. [LB999]

SENATOR ASHFORD: Thanks, Marshall. [LB999]

MARSHALL LUX: Thank you. [LB999]

SENATOR ASHFORD: Thanks for your comments. Alan. [LB999]

ALAN PETERSON: Thank you, Mr. Chairman, members of Judiciary Committee. I'm Alan Peterson, A-l-a-n P-e-t-e-r-s-o-n, and I am an attorney and also lobbyist for ACLU Nebraska. I'm in favor of LB999, as I previously testified, and also LB907. ACLU's interest is in ending what we think is ongoing cruel and unusual punishment, a violation of the Nebraska and federal Constitutions at the Nebraska correctional institutions, and several of them. ACLU has received literally dozens of requests for lawsuits, requests for help from inmates currently residing in Tecumseh or NSP or Omaha, and we stack them up. We respond. We say the Legislature is working on this issue. It's well recognized. There seems perhaps to be a consensus to do something besides build more prisons, which would be probably filled up the moment they're finished. We appreciate the comprehensiveness of LB907 and the creation of a task force to work on a longer term solution. But the complaints keep piling up and they are ongoing, cruel and unusual conditions, from terrible air quality to lack of programs to lack of mental health and physical health treatment for prisoners. We respond that we're working on it.

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ACLU has a board that meets every couple of months that directs its staff, including me, to do whatever they think has to be done. This last Saturday they met and unanimously passed a resolution directing its lawyers, including myself, to go to work, to continue work on gathering facts and evidence, largely from interviews with inmates--we've been doing that for several months but we're going to intensify it, and to complete the legal research in anticipation that if short- and long-term solutions are not reached, we will have to file litigation. That passed and it is...I mention it because I do want the Legislature to understand. It's trying hard. It needs to pass these short- and long-term solutions, including LB999. But that if it does not, if it goes back to this we think rather poor bill that would simply change the good time laws and calls that good, ACLU Nebraska will be involved in litigation with the state of Nebraska. And I mean it as a credible, not threatening, but a credible item. Thank you. [LB999]

SENATOR ASHFORD: Well, would you say, Alan, and I will see...my sense from my involvement in this for some while now is that we have now reached the tipping point, that the crisis has now gone way beyond what it was maybe even two years ago or a year ago even. And we are now at a point of absolute crisis and that there will most likely be a lawsuit filed in the near term, even if we file LB907. But at least with the filing of LB907 or the passage of LB907 and LB999 we're beginning to look beyond simply building more prisons as a remedy. And...but I have to say, finally, for the record, that I absolutely concur with you that there is no going back now; that we must proceed with every possible element of our being to pass meaningful legislation this year with the hope that it will do some good, and I hope it will, and that there will be a lawsuit filed in all likelihood. If nothing is done, almost certainly there will be one. And if something is done, we're still on the bubble. And that's where I think we are. Would that be where we are in your view? Would that be about where we are? [LB999]

ALAN PETERSON: It is, with this one comment. If it's a federal lawsuit, the requirements of a law called the Prison Litigation Reform Act of 1993, I believe it is, would have to be met. That would require these plaintiff inmates or the ACLU or whoever to prove that all lesser remedies have been tried, that all the administrative procedural remedies have been tried and failed. That's what the California litigants had to prove, and they did. But it hasn't happened many places, so it's a tough lawsuit. But what's happened is there are so many complaints on various aspects of overcrowding and the reasons for it that the cumulative effect, once we exhaust the administrative remedies, may be enough to win a lawsuit against Nebraska and force much more drastic remedies in federal court. [LB999]

SENATOR ASHFORD: Well, California, I believe, is at 137 percent of capacity and we're near 160 percent of capacity. That's more. [LB999]

ALAN PETERSON: Yes. Right. [LB999]

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SENATOR ASHFORD: So administrative...and I understand what you're saying about exhausting administrative remedies. [LB999]

ALAN PETERSON: Right. [LB999]

SENATOR ASHFORD: But at what point do the administrative remedies become, in your opinion, what is the standard for determining whether administrative remedies have been exhausted? [LB999]

ALAN PETERSON: That individual inmates or groups of inmates file complaints detailing their grievance, and they are rejected, and that's what's happened so far. We're not getting relief by inmates themselves filing these papers, these "kites," requests for relief. And so they turn to ACLU or others. [LB999]

SENATOR ASHFORD: Oh, I think this is a very, very difficult and crisis situation that we're in. Senator Lathrop... [LB999]

ALAN PETERSON: Yes. [LB999]

SENATOR ASHFORD: ...and then... [LB999]

SENATOR LATHROP: Alan, we appreciate your testimony. Can you tell me or give us some sense of what the remedies of federal court might impose? Let's say a suit is filed. [LB999]

ALAN PETERSON: Yes. [LB999]

SENATOR LATHROP: The court concludes that the conditions are...give rise to a remedy. What are the remedies that a court might impose in that instance? [LB999]

ALAN PETERSON: The court is very likely to force Nebraska to kind of choose its poison, including ordering it to...in California, this is the best model, reduce your inmate population so it gets down to such and such a percent, maybe 105 or so. And you may do it by building more prisons, by even sending prisoners out of state. California tried that for a while. They also said if these don't work and you're still overcrowded, you must parole and send people out on the street. And they were talking about thousands. I believe California has been, frankly, trying everything else short of releasing prisoners. They have stepped up parole to some extent, but they're still working on it. [LB999]

SENATOR LATHROP: And the things that need to be necessary for one of those lawsuits to prevail, it's not enough to hit a magic number, 160 percent, but they have to be not getting services, having the kinds of things that you've described. [LB999]



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ALAN PETERSON: Yeah. Those are the symptoms of overcrowding. The California litigation started with complaints by prisoners of lack of mental health services and lack of physical health services. And as the court looked into it, it found the state excusing itself by saying, well, we have too many, we can't help it. And that's when that big case started turning into the overcrowding, Eighth Amendment case. We're in the same position... [LB999]

SENATOR ASHFORD: Yeah. [LB999]

ALAN PETERSON: ...as California was and probably still is. [LB999]

SENATOR LATHROP: I haven't...obviously, you've seen LB999,... [LB999]

ALAN PETERSON: Yes. [LB999]

SENATOR LATHROP: ...LB907, and you're also familiar with the fact that we have CSG coming... [LB999]

ALAN PETERSON: Yes. [LB999]

SENATOR LATHROP: ...to do a study. [LB999]

ALAN PETERSON: Yes. [LB999]

SENATOR LATHROP: It's fortuitous that we'd have you here over the lunch hour, because when we left we were talking about the proposal where the Governor requested and the Appropriations Committee put into the bill money for...to take some of the prisoners to county jails. [LB999]

ALAN PETERSON: Yes. [LB999]

SENATOR LATHROP: There's some controversy about whether they're interested in accommodating that request. But do you have any thoughts on whether that's a necessary step in alleviating overcrowding and avoiding...? I appreciate Senator Chambers' concerns... [LB999]

ALAN PETERSON: Yeah. [LB999]

SENATOR LATHROP: ...that he expressed this morning on the floor, same with Senator Krist, the concerns about the experience in county courts...or county jails. Do you have some thoughts on whether we need to or is it necessary? [LB999]

ALAN PETERSON: I do. Senator Lathrop, I think that's an incremental positive step on

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the condition that the conditions that those prisoners who are moved would be subjected to ought to be up to a minimum standard. And it may well be that, either on the floor by amendment or by legislative history, those minimum standards for anybody moved, whether it be programs, health, adequate air, and so forth, ought to be required. And it ought to be proved, before any county could bill the state for that, that they are meeting those standards. To me, that would be a prerequisite. Otherwise, it's moving some of the cruel and unusual punishment from one place to another. So while I tend to agree with some of the things Senator Chambers said, that it's a totally inadequate remedy, 150 out of 1,700, it is a start. It's a short-term thing. And along with LB907, I haven't got guidance from my board or anything, but I would think we would favor that incremental improvement, even though it's small. [LB999]

SENATOR LATHROP: Where do we find these standards at or how do we express the standards as a legislative or policymaking body if we're going to proceed with the appropriation and moving these prisoners to county jails or having them stay there instead... [LB999]

ALAN PETERSON: Yeah. [LB999]

SENATOR LATHROP: ...of coming to Lincoln? [LB999]

ALAN PETERSON: We do have jail standards, of course, but I don't know that those are much more than general and they've been in effect for a long time without them being a solution. [LB999]

SENATOR ASHFORD: But they don't apply to the...yeah. [LB999]

ALAN PETERSON: You might need to draft additional language requiring, you name it, these kinds of improvements of minimum standards. I'd be glad to look at that if you wish. I haven't had time to do so. [LB999]

SENATOR LATHROP: Well, you have about an hour. (Laughter) [LB999]

ALAN PETERSON: Thank you, sir. [LB999]

SENATOR ASHFORD: Draft away, Alan. Senator Chambers. [LB999]

SENATOR CHAMBERS: And we would have to change statutes that require prisoners to be...to serve their time in facilities under the jurisdiction of the Department of Corrections. So you're going to have to make the county jails parts of the state correctional system, which is not going to happen. What this is like doing is jerry-building a fence where you have a measurement of how high the fence should be, how many posts should be from point A to point B, and get an ideal picture of what it is.

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But then you don't have any two pieces of wood that are the same height, the same thickness or quality, and then you just somehow tack it all together and put it there and say, that's a fence because a fence consists of several pieces of wood put together and then stood up on end. I think that what is being done here in trying to move these prisoners is political and it's not going to work. I think California was given some time by the courts because of the size of their prison system and the population. But after being given years and nothing was really being done, always excuses and promises, a lower court finally said these are the things that are going to have to be done. And the higher court would not disturb that decision because enough years had been given. And everything offered in this state--and I've been in the Legislature a good long time--is in the way of what might be called a temporary fix, missteps, inadequacy, and then misrepresentation of the situation. So since there's going to be a new Governor and a new director, I don't think the Legislature should engage in what they're saying at the outset is a temporary, one-time fix. So if it's a one-time fix and not all of these prisoners who are moved to a county jail would complete their sentences, then they go back to the penitentiary. Who would decide what would be the circumstances to return somebody from a county jail to the penitentiary? What will happen to the inmates that continue to commit the kind of crimes that will put them in the county jail? Will they all be put on probation? They will not have a place to be sent. And if the political situation gets hot enough in the county, will an insistence be made that in the same way that federal prisoners are going to be moved out to make room for the state prisoners, move the state prisoners out to make room for the local prisoners? I think it is...let me choose my words in a way that would sound statesmanlike. I think it is an issue where there has not been adequate study, there has not been a realistic appraisal of all the things that would have to be done even legally, such as changing statutes, before it could be considered. And they will not change any statutes this session over my objection, and I will object. [LB999]

ALAN PETERSON: Senator Chambers, I have seen and, in fact, am part of a family...my father was the 11th of 12 kids on a farm near Swedeburg. When the house became too small, frankly, something that I'd now called a lean-to was added on. This proposal relieves some of the pressure, not much but some of the pressure, as I said, if in fact the standards of confinement are kept at, at least, the minimum. So I still see it as incremental improvement. Two years is part of the temporary solution. LB907 isn't going to reduce the population immediately. This would, in fact, like a tire that's about to blow with a bubble on it, if you can take off 10 percent of the pressure, you might get home to Swedeburg. So I see it as an incremental positive thing, but only if the conditions are made to be appropriate. [LB999]

SENATOR CHAMBERS: That's all I have. [LB999]

SENATOR ASHFORD: Okay. That's fine. I don't have anything else. Thanks, Alan.  
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SENATOR DAVIS: I've got a question. Alan, how many years was the California system in a bind before the hammer came down? [LB999]

ALAN PETERSON: How many years have they been overcrowded? I don't know the answer. I know the litigation has gone on for something like ten years at costs of, frankly, millions of dollars, and California has lost up to the United States Supreme Court. And they still don't have it solved. So before that how long? I'm not sure. In Nebraska we do have those figures of what the percentage has been because Department of Corrections has been doing that calculation. I'd be glad to look into that if you wish. [LB999]

SENATOR DAVIS: I'd just like to know where we are in terms of, if we're going to do a comparison to California, I'd like to sort of see the data which tells us where California was when they got triggered, how many years that's been, and how much over California we are now in terms of over capacity. [LB999]

ALAN PETERSON: I will need to take a look rather than try to answer that, but I think we're quite comparable. Some of our institutions are closer to 200 percent, as I understand some of the testimony. Let me look into that if I could. [LB999]

SENATOR DAVIS: Do you know, is the data out there for all states? [LB999]

ALAN PETERSON: Many states are facing this crisis, not all but many. It's been nearly solved in a handful which have taken advice from CSG and from other experts. I do...I did furnish to the committee Chair some time ago South Carolina's legislative solutions which have done not only the things that are in LB907 but also some real effort to reduce sentences at the beginning where they're unnecessary, nonviolent crimes, drugs stuff especially. And it's working. My concern that I've expressed once before was that we need to get to that, too, some reform of sentencing where it's not really making any of us safer and it's contributing so heavily. That's the front-end part of the solution. We'll get to that, but perhaps LB907 doesn't go quite far enough in that regard. [LB999]

SENATOR DAVIS: Thank you. [LB999]

ALAN PETERSON: Yes, sir. [LB999]

SENATOR ASHFORD: Only just one other comment. I mean our experience here where we did build a 900-bed, or whatever Tecumseh is, prison in the early 2000s and that did not alleviate. As you suggested in your testimony, there was a...there will just be an increase in prison...or maybe Marshall did, an increase in prison population will just continue to accelerate. So the building of a prison without the underlying reforms, which is what we're trying to do here, start the process of, is really a place... [LB999]

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ALAN PETERSON: Yeah. [LB999]

SENATOR ASHFORD: ...where we don't want to be, because...and I have looked at the South Carolina example. [LB999]

ALAN PETERSON: Yeah. [LB999]

SENATOR ASHFORD: And sentencing reform is needed. A sentencing commission is needed. We need to form one. [LB999]

ALAN PETERSON: Right. [LB999]

SENATOR ASHFORD: And I agree with you. Okay. Thank you. Will you introduce your friend, Senator Coash? [LB999]

SENATOR COASH: That's the junior senator from... [LB999]

SENATOR ASHFORD: Junior senator. [LB999]

SENATOR COASH: ...District 27. [LB999]

SENATOR ASHFORD: Welcome. If you could...if you could give us some advice, we'd be happy to receive it. Thanks, Alan. [LB999]

ALAN PETERSON: Thank you. [LB999]

SENATOR ASHFORD: Okay. Anybody else testifying for the bill? Anybody neutral? [LB999]

SENATOR LATHROP: Did you...there were no opponents? [LB999]

SENATOR ASHFORD: I didn't see any. Are there opponents? [LB999]

SENATOR LATHROP: You went straight to neutral, which is... [LB999]

SENATOR ASHFORD: Right, I asked if there were opponents before. But are there opponents? I'll ask again, to LB999 or the amendments? Okay. Thanks. [LB999]

SENATOR CHAMBERS: He was trying to fly under the radar. [LB999]

SCOT ADAMS: No cheating allowed. (Laugh) Good afternoon. My name is Scot Adams, S-c-o-t A-d-a-m-s, and I have the privilege and honor of serving as the director

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of the Division of Behavioral Health within the Department of Health and Human Services. And I'm here today in an informal capacity but neutral on the proposed bill. Senator Ashford, Senator Seiler, and I have had conversations previously to this in terms of development of it, and I'm also aware of the proposed amendment to come. I have two or three points that I would like to make and then happy to respond to any questions you may have. And the first is that the issues of mental health and criminal behavior have been intertwined in many ways in recent days. And frankly, I spend most of my time trying to separate those two out because it is more true that people who have a behavioral health condition are frequently the objects of aggression and victimization and crime, rather than perpetrators. Some...and the other side of this is also true. Some people may behave oddly, badly, even fearfully, and it may not be a mental illness that is the result. My point with all this is simply to say that not all people who are violent are mentally ill, and not all people who are mentally ill are violent. And thus, this proposal or any proposal cannot solve those, all pieces of things. There is no such panacea. LB999 and its amendment may well have merit. And I am here simply to suggest that the program statement approach, the formal approach that the Unicameral developed a couple years ago, is a great idea and method by which to develop this. The program statement will allow the various partners of Corrections, whatever community component, DAS who owns and manages buildings, as well as the Division of Behavioral Health to work cooperatively and together to develop the best idea and recommendations for this idea. It will identify the strengths, the opportunities, resources, and challenges that exist. I understood recently that the amendment to the amendment will include a due date. And given the extent of this, it may be something that will be a challenge to meet in terms of December, but we will, and I pledge to do our best with regard to that. There are a number of things to consider here. Last year the Unicameral passed LB198, which allowed for the renovation of Building 3 on the Hastings Regional Center campus for the use of the Hastings Chemical Dependency rehab program. That included \$3 million of tear-the-buildings-down stuff, and \$5 million to renovate the facility. If that is the \$8 million that others have spoken about today, I believe that that money is targeted. Work has begun in that area and architects are engaged in that process. This idea and those ideas should be integrated so that we get the best ideas. As an example, Building 3 is larger than Building 7, the current originally proposed building. A program statement will allow us to sort out what's what in the best, efficient way. But I simply wanted to identify that for people. Finally, I simply want to say I appreciate the interest in the idea of exploring additional resources for persons who suffer from a mental illness or substance use disorder. I think it is an important part of society to help make us all better as a society and healthier. Be happy to respond to any questions that you have. [LB999]

SENATOR ASHFORD: Thanks. [LB999]

SENATOR LATHROP: I do have a question. [LB999]

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SCOT ADAMS: Yes, sir. [LB999]

SENATOR LATHROP: I don't...you just made a statement about the money. [LB999]

SCOT ADAMS: Yeah. [LB999]

SENATOR LATHROP: And I don't know if this is directed to you or Senator Seiler or if between the two of you, you can clear it up for me. We had money set aside to do a renovation of Building 3? [LB999]

SCOT ADAMS: Yes, sir. [LB999]

SENATOR LATHROP: And then some money for demolition. [LB999]

SCOT ADAMS: Yes, sir. [LB999]

SENATOR LATHROP: By the time we get done renovating Building 3 for the Chemical Dependency, are we going to have enough money for what we're proposing to do here, set aside already from the demolition fund, if we can call it that? [LB999]

SCOT ADAM: As I understand things, \$3 million was appropriated to tear down all other buildings on campus, and \$5 million was appropriated to renovate Building 3 for the Hastings Juvenile Chemical Dependency Program. [LB999]

SENATOR LATHROP: Have we undertaken to spend that \$5 million to do what we wanted to have done with Building 3? [LB999]

SCOT ADAMS: No major construction has occurred, but architects have been engaged and preliminary plans developed. [LB999]

SENATOR LATHROP: So with the \$8 million, some of which may have been spent on architects, I assume, but absent that, can we take care of Building 7 and Building 3 and do both the juvenile alcohol treatment and what we propose to do in LB999? [LB999]

SENATOR SEILER: I don't...I'm not sure we'll know until we get the estimates of construction. [LB999]

SCOT ADAMS: Yes, sir. [LB999]

SENATOR LATHROP: Okay. [LB999]

SENATOR SEILER: And that's what this amendment does. [LB999]

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SCOT ADAMS: And if you want to use that money, we're on the hook to deliver a product you wanted last year. See what I'm saying? [LB999]

SENATOR LATHROP: So do we need to interrupt that process statutorily? [LB999]

SCOT ADAMS: Right now, LB198 stands, giving us direction and authority to proceed with renovation of Building 3 to those numbers. [LB999]

SENATOR LATHROP: Given the undertaking with Building 3 and the fact that that's going to be \$5 million, is \$3 million that we have leftover, that we were going to use to tear down the rest of the buildings, do you expect that that would be sufficient to do the renovations necessary to make this a facility that we could house the mentally ill inmates? [LB999]

SCOT ADAMS: Let me make sure I understand your question. I hear your question saying that is \$3 million enough to renovate Building 7. I think I can say pretty clearly that that would not be true. Building 3 is being renovated, portions of Building 3 are being renovated for 24 young men. This is a 200-bed facility that has been out of use for about five years. So there's no way that I can conceive that Building 7 could be made fixed within a \$3 million appropriation. But the program statement is the document that would give us hard and clear facts about that. [LB999]

SENATOR LATHROP: So what we're going to do over the next year is do a study, leave that \$3 million sit there while the \$5 million is being spent on the juvenile facility. We'll leave the \$3 million there and do a study to see what it would cost to renovate the Building 7, and then somebody is going to be back next year for additional appropriation. [LB999]

SCOT ADAMS: I think...well, let's take the last one first. I think somebody is going to be back for additional appropriation, should the idea gain legs and merit, and you all get to decide that. Secondly, in the work plan, there are some things that need to be torn down and built simultaneously, so there's an interchange. And so we'll have to figure out a new way to go about that kind of thing, but this does raise some questions. Let me give you just an example. Currently, Hastings has a central heating plant and that one of the reasons people have thought this thing was so inefficient was that the heat ran through all these empty buildings to get to the building over here. Well, in the renovation there was going to be a heating plant attached to Building 3, and so life was going to be good. Well, now that we've got two buildings on different sides, the question of a central heating plant or renovated or new or something comes into play. So I think that the program statement allows the opportunity to revisit the best coordination of the stuff. [LB999]

SENATOR LATHROP: Well, are we being inefficient by trying to not coordinate the



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rehabilitation of both? In other words, should we interrupt the process with the juvenile treatment facility long enough to see if we should be coordinating the construction of both projects? [LB999]

SCOT ADAMS: Let me answer that this way. I'll leave the "should" factor to you folks in terms of the valuing of it. We can manage the Chemical Dependency Program that is in the facility currently in case you want to do that and redirect things and look at last year and come up with a new... [LB999]

SENATOR LATHROP: So you'd still treat the people that we would be treating in the new facility. [LB999]

SCOT ADAMS: We'll still treat them. We'll still...we still got our appropriation for operations. The building is good but inefficient. That's why we came last year. But we can still do that for another year. We could survive with regard to that. So it is an option available to you. [LB999]

SENATOR SEILER: We also have the farm ground out there that was proposed... [LB999]

SCOT ADAMS: Roughly 600 acres. [LB999]

SENATOR SEILER: ...originally to be sold off and with this...to contribute to this project. [LB999]

SCOT ADAMS: Yes, about 600 acres. [LB999]

SENATOR SEILER: Yeah, at about 10,000 bucks. [LB999]

SENATOR LATHROP: Did you say 600? [LB999]

SCOT ADAMS: Yes, sir. [LB999]

SENATOR LATHROP: Oh. [LB999]

SENATOR ASHFORD: Yes, Senator Davis. [LB999]

SENATOR DAVIS: So everything we talk about brings up more questions. [LB999]

SCOT ADAMS: Absolutely. All the easy stuff is done, sir. [LB999]

SENATOR DAVIS: And that's just the way the process works. But I guess I'm a little bit confused. Building 3 is now the home for the alcohol and drug treatment currently.

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[LB999]

SCOT ADAMS: Yes, sir. [LB999]

SENATOR DAVIS: And there are 24 people there, but it will handle 200? [LB999]

SCOT ADAMS: It could...in its day it handled several hundred. [LB999]

SENATOR DAVIS: And what is the plan then for the rest of that building? [LB999]

SCOT ADAMS: The rest of the building was to be unused. This was the best of the buildings at the time and it was the building in which the Juvenile Chemical Dependency Program was in. And so the intent was to go in to renovate, to downsize from a...it was at one time a 40-bed program. Twenty-four seems to be a more appropriate program vis-a-vis a variety of factors, and can go through those again if you wish. But 24 was the number we decided upon. And so much of Building 3 is planned to remain unused or available for future expansion. [LB999]

SENATOR DAVIS: And how much are we having to put into the building, into Building 3? [LB999]

SCOT ADAMS: Five million on a renovation. [LB999]

SENATOR DAVIS: Seems like a huge number for 24 beds. You know, it seems to me the logical thing to do would be... [LB999]

SCOT ADAMS: Well,... [LB999]

SENATOR DAVIS: ...to make more use of that structure. [LB999]

SCOT ADAMS: Well, there could be other uses, but let me simply say that the population at Hastings is an unusual population. Each of the young men who have been there have had at least 3 prior community-based treatment experiences before coming to Hastings, and on average it's been 4.8 community-based treatment experiences. Then they're at Kearney. Then they come to us typically, though not exclusively. But it's an unusual group in that regard. [LB999]

SENATOR DAVIS: And what's the success rate with the people that come out? [LB999]

SCOT ADAMS: You know, very good. And how would I document that? I would document that in two or three ways. Magellan Behavioral Health, which monitors all services, not only in the state for Medicaid and for the division but also in other parts of the country, has called it an outstanding evidence-based program, one of the best

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they've seen. I would measure it by the number of people who complete their academic training and continue it anyway, get credits and go back to graduate. The key issue of course that everybody is interested in with regard to alcohol and drug abuse is do they stay sober. And frankly, I can't give you much data on that because we...after six months, they grow up and move on in life. We are not...we've not been funded to study them for long periods of time. That would be something worthwhile. What we know of the data is that at about six months more than half have maintained continuous sobriety. And of the remaining half or so another quarter will have interrupted sobriety at that point in time, but they're still in school doing what they're supposed to be doing. We are pleased with that, especially given the crowd we're working with. [LB999]

SENATOR DAVIS: And so this, the \$5 million that we've allocated for that renovation,... [LB999]

SCOT ADAMS: Yes, sir. [LB999]

SENATOR DAVIS: ...you're using it now for the 24 people. We'll put the \$5 million in but we may not use any more than the 24 spots that are already there? [LB999]

SCOT ADAMS: Right now that is the plan, for 24 beds in that facility. [LB999]

SENATOR DAVIS: Okay. Thank you. [LB999]

SENATOR ASHFORD: Thanks, Scot. [LB999]

SCOT ADAMS: Thank you. [LB999]

SENATOR ASHFORD: Sarah. [LB999]

SARAH FORREST: (Exhibit 2) Good afternoon, Senator Ashford and members of the Judiciary Committee. My name is Sarah Forrest, S-a-r-a-h F-o-r-r-e-s-t, and I am the policy coordinator for child welfare and juvenile justice at Voices for Children in Nebraska. Needless to say, adult prison reform is not something we typically weigh in on, but we thought it was important to be here today because of the plan to sort of repurpose the Hastings campus, which, as Director Adams testified to before me, last year the Legislature devoted \$8 million to making that an exclusive juvenile dependency...Chemical Dependency Program, a psychiatric residential treatment facility. So over the years you're probably maybe a little bit familiar with the history. Voices for Children has a long history with the Hastings facility and I think it can really be summed up to this. We're concerned about the conditions at that facility being therapeutic enough, developmentally appropriate, whether it was really a place for kids to get treatment. And last year the Legislature took some steps to try to make it more therapeutic, more focused on kids, using that funding to...if you've toured the facility,

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you'll see the rooms are very tiny. It's not a place where you sort of feel like kids and families belong. It's not an environment that really says rehabilitation and normalcy, and all of those things are important when we're thinking about designing programs for kids to get better and move forward. And so it's a small population of young men, both from YRTC-Kearney and the community, who have very high...a very high level of need. And so I think we're really just...we have a lot of questions. How does this plan fit in with the plan to sort of readapt Hastings to focus solely on youth with very high mental health and substance abuse needs? And I think our suggestion to you would be, if you decide to move forward with putting folks from the adult correctional system on Hastings campus, we think you should think about moving the kids off of the campus at Hastings, whether that's in a more community-based place at Hastings, something a little bit more homelike, something a little bit more treatment oriented. Maybe it's not in Hastings at all, but we really feel strongly that that collocation will cause some strain on resources and raises some questions about what the mission of the campus is. And so just wanted to raise those questions and concerns for you today. And I would be happy to work with you going forward or answer any questions that you have. [LB999]

SENATOR ASHFORD: Yes, Senator Seiler. [LB999]

SENATOR SEILER: If the facilities are so bad, how do you explain the success?  
[LB999]

SARAH FORREST: You know, I don't want to say... [LB999]

SENATOR SEILER: You don't know. [LB999]

SARAH FORREST: No. Here's what I would say. It's not the...you have very talented, capable, and caring people working at the Hastings Regional Center and the Hastings Juvenile Chemical Dependency Program, and they are making the best of a facility that is not ideally designed to do what its purpose is. And... [LB999]

SENATOR SEILER: It's not a college campus. [LB999]

SARAH FORREST: No, it's not a college campus, but for those youth at Hastings...  
[LB999]

SENATOR SEILER: But the results are good. [LB999]

SARAH FORREST: It's a mental health and substance abuse program and so I think our suggestion would be really for youth, you want a facility that feels a little bit normal, a little bit more homelike, a little bit less scary. And I don't...that's not anybody's fault. That's the way it was built. That's the way it was designed. And you have talented people who are doing their best to provide good services, who care about the kids, who

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are doing a good job, and I don't want to suggest otherwise. But there are limitations. The rooms for the young people, which they've been trying to make...like I said, I toured this summer, they've been trying to make them more homelike. They're extremely small. They're tiny. You feel like you're trapped inside them if you shut the door. And I think there are just things that can and should be done, and that this Legislature last year recognized needed to be done to make that program its most effective. And I'm not saying, you know, that that wasn't...we were encouraged to see those funds, if that program were to remain there, be devoted to making it more homelike. I think my concern is if now those funds are being taken to make a 200-bed facility for adults, what happens to the kids? What's the balance there? That would be our concern. You also need very specific youth-to-staff ratios at a psychiatric residential treatment facility, so are we going to have enough staff to care for the youth? There are just questions like that, that I think this Legislature should think about. [LB999]

SENATOR SEILER: And we have the staff from Mary Lanning. [LB999]

SARAH FORREST: Okay. Okay. [LB999]

SENATOR ASHFORD: Thanks for your comments, Sarah. [LB999]

SARAH FORREST: Thank you. [LB999]

SENATOR ASHFORD: Anyone else wish to testify in a neutral capacity? Now you just came in. We've gone through opposition and support. Do you wish to testify? I notice you filled out a... [LB999]

ROBERT BRYAN: Yes. [LB999]

SENATOR ASHFORD: ...sheet. Would you like to say something? [LB999]

ROBERT BRYAN: Yes, please. I apologize for coming in late. I thought it was at 1:30. [LB999]

SENATOR LATHROP: Well, in that case, you're early. [LB999]

SENATOR ASHFORD: And normally... [LB999]

SENATOR LATHROP: In that case, you're early. [LB999]

SENATOR ASHFORD: And it normally is. Yeah, you're early. You're 35 minutes early. Are you supporting or... [LB999]

ROBERT BRYAN: Yes, I think I'm supportive of the amendment. [LB999]

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SENATOR ASHFORD: Give us your name and everything. [LB999]

ROBERT BRYAN: My name is Robert Bryan. I'm a pastor in the Evangelical Lutheran Church of America,... [LB999]

SENATOR ASHFORD: Right. Right. [LB999]

ROBERT BRYAN: ...director of prison ministry for the Nebraska Synod of the ELCA, and full-time volunteer clergy in the Nebraska Department of Corrections. I was very much in support of the LB999 and it's doing everything that our church stands for as far as the emphasis on changing the incarceration, the changing the emphasis to transition and reentry. So I was surprised when I saw the 2-paragraph replacement to the 45-page bill. [LB999]

SENATOR ASHFORD: LB907 included...has now... [LB999]

ROBERT BRYAN: Okay. [LB999]

SENATOR ASHFORD: ...included a lot of the LB999 language. [LB999]

ROBERT BRYAN: Cool. Thanks. [LB999]

SENATOR ASHFORD: Yeah. [LB999]

ROBERT BRYAN: So anyway, in light of the terrible summer we had last year with the former inmates and people, you know, recently released, I can see where the emphasis on mental healthcare gets right to the point, and maybe this would be easier to pass than the other one. I don't know what the rationale is behind the amendment, but your secretary mentioned that both you and Senator Seiler proposed the amendment. So I think it's a good thing. I hope it's a good thing. [LB999]

SENATOR ASHFORD: Well, we still have LB907 out there, which has not all but some of the work that was in LB999 before we placed the Hastings facility in that bill. [LB999]

ROBERT BRYAN: Okay. That's very helpful. I really wanted to get... [LB999]

SENATOR ASHFORD: So we'll be happy to get you a copy of LB907 so you have... [LB999]

ROBERT BRYAN: Yeah, I really wanted to get more information before I came in, and I apologize. But I appreciate the hard work that you guys are doing to try to get the inmates returned to the communities as productive citizens. It's a hard sell. I spend a lot

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of my time speaking at churches trying to get support, community support, and I'm involved in several community organizations that are involved in transitional ministry, Bridges to Hope and the FEAST program at Our Saviour's, where we bring inmates into the church, into the community, and try to help them out. And we need more support, and I was really hoping that we would have more of the official recognition of the nongovernmental programs that are out there that was apparent in LB999. [LB999]

SENATOR ASHFORD: And that's in LB907. [LB999]

ROBERT BRYAN: Good. [LB999]

SENATOR ASHFORD: So if you go look at LB907, you'll see that what we're trying to do, reflecting your testimony and others, is the good work of, in the prior hearing, is the good work that you do at church. [LB999]

ROBERT BRYAN: Okay. Well, thank you. [LB999]

SENATOR ASHFORD: And so LB907 has that kind of programming in it, so. [LB999]

ROBERT BRYAN: Great. Well, thank you very much. [LB999]

SENATOR ASHFORD: Thanks. Thank you. [LB999]

ROBERT BRYAN: Uh-huh. [LB999]

SENATOR ASHFORD: Thanks very much. Thanks for your continued efforts. [LB999]

ROBERT BRYAN: Okay. [LB999]

SENATOR ASHFORD: Any other testifiers? All right, Senator Seiler, do you wish to close? [LB999]

SENATOR SEILER: I would. I think the testimony of the parties that have been before you and the lack of opposition shows that we're heading down the right direction and we need to get these people treatment as fast as possible. I think there was a little...the mayor referred to it as Mary Lanning Hospital people are here. They have one of the best mental health facilities on the seventh floor of Mary Lanning Hospital and they have staff that can be contracted with to work with our...work with the people put out there. I was a little afraid that the Voices for Children was going to say that the new grade school that we...or junior high that we just built about six blocks east of this center was going to be too close, but she didn't. So I was a little relieved at that. Thank you very much. [LB999]

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SENATOR COASH: Senator Ashford. [LB999]

SENATOR SEILER: Yes. [LB999]

SENATOR LATHROP: Can we ask some questions? [LB999]

SENATOR ASHFORD: Yeah, Senator Coash, then Senator Lathrop after. [LB999]

SENATOR COASH: Thank you, Senator. Senator Seiler, I apologize if you covered this while I wasn't here, but going to the language of the amendment, we are directing Division of Behavioral Health to kind of take lead on this, which is... [LB999]

SENATOR SEILER: Yes. [LB999]

SENATOR COASH: ...which I think is appropriate. I guess I was looking for language in this amendment that would mandate the Department of Corrections would have to participate in this. I mean I don't see any way that we're going to get a full picture of what we want and what the needs are unless we include the Department of Corrections. Through the legislation, I think we're going to have to nudge them to participate. Otherwise, we may have a problem of...we may end up with a product that Corrections will come...I don't want to end up with a product when you and I are here next year that the Department of Corrections comes in and says, well, this isn't going to work and we never got to participate in framing this issue. So I wonder if you've given any thought to... [LB999]

SENATOR SEILER: Okay. I don't know how much coordination was done between Scot's people and the juvenile. This bill was brought in or this amendment was brought in at 8:30 this morning. [LB999]

SENATOR COASH: Right. [LB999]

SENATOR SEILER: So I don't know in the Governor's Office how much coordination there was done. [LB999]

SENATOR COASH: Yeah. I'm just suggesting we may need to add some language in here that... [LB999]

SENATOR SEILER: Okay. [LB999]

SENATOR COASH: ...that directs the Department of Corrections to participate in this effort. Otherwise, we may... [LB999]

SENATOR SEILER: I don't have any problem with that. [LB999]



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SENATOR COASH: ...we may be struggling down at the end. Thank you. [LB999]

SENATOR ASHFORD: Senator Lathrop. [LB999]

SENATOR LATHROP: Can you walk me through the money, Les? I've never been to the campus, but I'm imagining that it looks something like the Norfolk Regional Center campus where we have old buildings that are... [LB999]

SENATOR SEILER: Well, where is that map at? [LB999]

SENATOR LATHROP: Well, just...I don't need to look at the map necessarily. [LB999]

SENATOR SEILER: Okay. [LB999]

SENATOR LATHROP: But it sounds like we have a large building that formerly housed or was home to a lot of people with mental illness,... [LB999]

SENATOR SEILER: Right. [LB999]

SENATOR LATHROP: ...and we're going to make...and we've committed \$5 million to make it suitable for 24 beds for young people. [LB999]

SENATOR SEILER: I think when they started out, that Building 3 for youth, they started out with an idea of 24 and they got plans for 48, I believe. And they appropriated... [LB999]

SENATOR LATHROP: Okay. Well, let's say it's 48. [LB999]

SENATOR SEILER: ...and they appropriated \$5 million. [LB999]

SENATOR LATHROP: But it could certainly hold a lot more people because it's a larger building apparently. [LB999]

SENATOR SEILER: That's correct. [LB999]

SENATOR LATHROP: And what are they doing, like renovating the first floor and then there will be several unrenovated floors above it? [LB999]

SENATOR SEILER: Well, I believe there's one wing. It's kind of a wing-type situation. [LB999]

SENATOR LATHROP: Okay. So they're going to renovate a wing of this facility. [LB999]

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SENATOR SEILER: Right. [LB999]

SENATOR LATHROP: And then the other wings will go unrenovated and unused. [LB999]

SENATOR SEILER: Right. [LB999]

SENATOR LATHROP: And then there is another building apparently. [LB999]

SENATOR SEILER: Then there's...you're going west now and there's an administration building that is still being used. And then you arrive a block later at the Building 7,... [LB999]

SENATOR LATHROP: Okay. [LB999]

SENATOR SEILER: ...which runs diagonal...or north and south. [LB999]

SENATOR LATHROP: Okay. So this is a large campus. Are there buildings in between? Three and seven would suggest that there's... [LB999]

SENATOR SEILER: Just the administration building. It's a small one. [LB999]

SENATOR LATHROP: The other ones have already been knocked down? [LB999]

SENATOR SEILER: No, they're still there, but they're...there's only one other and that's the hospital, which is behind. [LB999]

SENATOR LATHROP: The \$3 million that we set aside to tear down buildings, is that the cost of tearing everything down but Building 3 that's being renovated? [LB999]

SENATOR SEILER: Right. Right. [LB999]

SENATOR LATHROP: So that \$3 million, do we still need... [LB999]

SENATOR SEILER: Well, \$3 million... [LB999]

SENATOR LATHROP: ...to tear down all the buildings besides 7 and 3? [LB999]

SENATOR SEILER: Yeah. There's about \$6 million of land, the farm ground, that would be also into play. [LB999]

SENATOR LATHROP: Okay. So your thought is by the time we come back here next

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year, or you do, that we'll have some money in the bank from selling farmland? [LB999]

SENATOR SEILER: I think...I think...I was hoping they would do it while the prices are still up in that \$10,000-an-acre range around Hastings for irrigated ground. This is good irrigated ground. [LB999]

SENATOR LATHROP: Is anybody trying to sell it right now? [LB999]

SENATOR SEILER: I don't know. [LB999]

SENATOR LATHROP: Okay. [LB999]

SENATOR SEILER: I don't know the answer to that. [LB999]

SENATOR LATHROP: Okay. But what you're suggesting then is we'd have \$3 million that we were going to spend tearing down everything but Building 7,... [LB999]

SENATOR SEILER: Right. [LB999]

SENATOR LATHROP: ...and we would take that \$3 million and \$6 million that you hope to get from selling some property,... [LB999]

SENATOR SEILER: Right. [LB999]

SENATOR LATHROP: ...and we'd have a fund of \$9 million. How far does that get us in terms of the need to tear down the buildings that won't be used and renovating the building we will use to a place where it can house... [LB999]

SENATOR SEILER: And we're... [LB999]

SENATOR LATHROP: ...in a corrections environment? [LB999]

SENATOR SEILER: And we're at step one. We're at step one. Step...well, really, it's step two. Step one is redoing Building 3. Step two is to get some estimates and architectural design of Building 7 and how much it's going to cost us. Until we know that... [LB999]

SENATOR LATHROP: And I got one more question for you. [LB999]

SENATOR SEILER: ...until we know that, we don't know if it's even feasible. [LB999]

SENATOR LATHROP: So we're not committing to anything here but a study. [LB999]

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SENATOR SEILER: That's right. [LB999]

SENATOR LATHROP: Okay. [LB999]

SENATOR SEILER: And bids. [LB999]

SENATOR LATHROP: And one more question I have for you and that is we're renovating Building 3 for the young people. Is that a better building to do what we're trying to do with this bill? [LB999]

SENATOR SEILER: No, I think we're in the proper fashion. [LB999]

SENATOR LATHROP: Okay. And we have no idea what this would cost, to renovate Building 7, if we elect to do that. [LB999]

SENATOR SEILER: That's what this study does. [LB999]

SENATOR LATHROP: Okay. [LB999]

SENATOR ASHFORD: Thanks. [LB999]

SENATOR LATHROP: Well, should it be broadened? I know that...I know this is in Hastings and your whole community is behind this, but should it be broadened to look at the other...any other option? [LB999]

SENATOR SEILER: Well, there's...I have some other options that I'd like to talk about down... [LB999]

SENATOR LATHROP: They probably involve land you own. [LB999]

SENATOR SEILER: No. No. [LB999]

SENATOR LATHROP: No. I'm talking about...I'm talking about something, for example, at the Lincoln Regional Center or something on that campus. [LB999]

SENATOR SEILER: Well, one of the things, if you vision down the road, one of the things that, as I understand it, Nebraska Medical Center turns out two psychiatrists a year and both of those go to Tennessee for training. I can't think of a more appropriate place than on a campus where you have both youth and substance abuse and adults and mental health to train more doctors, more psychiatrists for the University of Nebraska. It just seems to me like it's a natural. [LB999]

SENATOR LATHROP: So this process in trying to come up with these X number of

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beds for mental health treatment for the prisoners, we're looking, realistically, at a two-year process. [LB999]

SENATOR SEILER: I would say. [LB999]

SENATOR LATHROP: One year to...one year to find out if it's feasible or this is the right place,... [LB999]

SENATOR SEILER: Right. [LB999]

SENATOR LATHROP: ...and year two would be to make the renovations. [LB999]

SENATOR SEILER: Right. [LB999]

SENATOR LATHROP: And then the beginning of year three we would be in there and treating prisoners. [LB999]

SENATOR SEILER: Right. [LB999]

SENATOR LATHROP: Okay. [LB999]

SENATOR DAVIS: So, Les, can you walk us through then this map? [LB999]

SENATOR SEILER: Yes. [LB999]

SENATOR DAVIS: Maybe if you had your own copy or whatever. So starting on the right side, there's parking. [LB999]

SENATOR SEILER: Right. You come in the entrance, about halfway down on the right-hand side, and this first building, you see the cars parked there? [LB999]

SENATOR DAVIS: Uh-huh. [LB999]

SENATOR SEILER: The first building you see on your right is the building...let me see, let me get organized here. Where's north? There's the hospital. Yeah. You come down this...past the administration building, the first building on your right is Building 3. Yep, you got it, Building 3. [LB999]

SENATOR DAVIS: This one here. And then this is all one building? [LB999]

SENATOR SEILER: All one building. [LB999]

SENATOR LATHROP: So it looks like two crosses. [LB999]

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SENATOR SEILER: You continue down this street. That little smaller building there that you come to next is the Administration building. [LB999]

SENATOR ASHFORD: Time out, everybody. Why don't we...I might suggest that we have Exec, we take this into Exec Session,... [LB999]

SENATOR SEILER: Okay. [LB999]

SENATOR DAVIS: Okay. [LB999]

SENATOR ASHFORD: ...because it's hard to transcribe. [LB999]

SENATOR SEILER: Right. (Laughter) [LB999]

SENATOR ASHFORD: So...but... [LB999]

SENATOR SEILER: That's what he gets the big bucks for. [LB999]

SENATOR ASHFORD: Well, I know he does and he's certainly willing to do it, but what the heck. All right. Do we have any other questions of Senator Seiler? I don't see any, because we still have Mayor Sanders here who's going to come up. So thank you. I think that concludes the hearing. Rita, do you want to...? That concludes the hearing on this matter. We have the confirmation hearings for the Crime Victim's Reparations Committee. Come on up, introduce yourself and... [LB999]

RITA SANDERS: (Exhibit 3) Good afternoon. Rita Sanders, Bellevue, Nebraska.  
[CONFIRMATION]

SENATOR ASHFORD: And why don't you tell us about...this is you've been nominated for the Crime Victim's Reparations Committee, and why don't you tell us about yourself.  
[CONFIRMATION]

RITA SANDERS: Back in 2011 the Governor appointed me to the Crime Commission.  
[CONFIRMATION]

SENATOR ASHFORD: Hold tight just a little bit. [CONFIRMATION]

SENATOR CHAMBERS: Excuse me. You want to wait until they leave so that we can hear you? [CONFIRMATION]

SENATOR ASHFORD: Just, okay, let's everybody...and you might stick around, Alan, for a second. Okay, go ahead, Rita. Sorry. Go ahead. [CONFIRMATION]

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RITA SANDERS: No, I thank you for your time. In 2011 the Governor appointed me to the Crime Commission. Since then the new executive director, Darrell Fisher, felt that I would be an asset to the Victim's Reparation so they called me. (Laugh) I'm not sure what I would bring to the office but they liked my voting record and that I asked the right questions. So I'm here today on request of the appointing committee, so if you have any questions for me. [CONFIRMATION]

SENATOR ASHFORD: Do we have any questions of Rita? [CONFIRMATION]

SENATOR CHAMBERS: Just one thing. [CONFIRMATION]

SENATOR ASHFORD: Yes. [CONFIRMATION]

SENATOR CHAMBERS: Did you give your name and spell it? [CONFIRMATION]

RITA SANDERS: Thank you. It's Rita Sanders, R-i-t-a S-a-n-d-e-r-s, Bellevue. [CONFIRMATION]

SENATOR ASHFORD: Okay. Thank you very much, Rita. [CONFIRMATION]

RITA SANDERS: No questions? [CONFIRMATION]

SENATOR ASHFORD: I don't see any. [CONFIRMATION.]

RITA SANDERS: Thank you for your time. [CONFIRMATION]

SENATOR ASHFORD: I think we're all in good shape. Thank you. [CONFIRMATION]

SENATOR COASH: Thanks for coming down, Rita. [CONFIRMATION]

SENATOR SEILER: Thank you. [CONFIRMATION]

RITA SANDERS: Thank you. [CONFIRMATION]

SENATOR ASHFORD: (Exhibits 1 and 2) All right. And we also have Randall Hansen. Randall is not here today but he submitted his resume, so that's...do we have Randall's resume? I guess it's been handed out. Okay, that would conclude the hearings. [CONFIRMATION]