

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

HILKEMANN: I served as a member of this committee, I was one time Vice Chair. I'd like to start off by having the members of the committee do self-introductions. We'll begin starting over here to my left, Senator.

ERDMAN: Thank you. Steve Erdman, I represent District 47, which is 10 counties in the Panhandle.

CLEMENTS: Rob Clements from Elmwood, District 2, which is Cass County and part of Sarpy and Otoe.

McDONNELL: Mike McDonnell, LD5, south Omaha.

HILKEMANN: All right. Good. I'm Robert Hilkemann, I represent District 4.

STINNER: I'm John Stinner. I represent District 48, which is all of Scotts Bluff County.

WISHART: I'm Senator Anna Wishart, I represent District 27 in west Lincoln.

VARGAS: Senator Tony Vargas, I represent District 7 in downtown and south Omaha.

DORN: Myron Dorn, District 30, which-- which is all of Gage County and the southeast fourth of Lancaster.

STINNER: Assisting the committee today is Brittany Bohlmeier, our committee clerk. Our page today is Cadet Fowler; he is studying film studies at the University of Nebraska in Lincoln. At each entrance you will find a green testifier sheets. If you are planning to testify today, please fill out a sign-in sheet and hand it to the committee clerk when you come up to testify. If you will not be testifying at the microphone, but want to go on record as having a position on a bill being heard today, there are white sign-in sheets at each entrance where you may leave your name and other pertinent information. These sign-in sheets will become exhibits in the permanent record at the end of today's hearing. To better facilitate today's proceedings I ask that you abide by the following procedure. Please silence or turn off your cell phones, moved to the reserved chairs when you are ready to testify. Order of testimony will be introducer, proponents, opponents, neutral and closing. When you come up to testify, please spell your first and last name for the record

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Appropriations Committee March 26, 2019

before you testify. Be concise; it is my request that you limit your testimony to five minutes. Written materials may be distributed to committee members as exhibits only while testimony is being offered. Hand them to the page for distribution to the committee and staff when you come up to testify. We need 12 copies. If you have written testimony but do not have 12 copies, please raise your hand now so the page can make copies for you. With that we will begin today's hearings with LB202. And I believe we're going to combine to LB202 with LB558; same materials, probably the same people testifying, so we'll combine those and that will help us move along. So, Senator Wishart.

WISHART: Well, good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Anna Wishart, A-n-n-a W-i-s-h-a-r-t, and I represent the 27th District in west Lincoln. I would like to say to everybody listening today, we're working on getting fans in this room, so bear with us. I am here today to introduce LB202, a bill that seeks to correct a mistake that occurred in 2016 by the Division of Developmental Disabilities with the Department of Health and Human Services. In 2016, it was discovered that the division was paying providers for services on weekends and holidays in a manner that was not approved by a then current waiver with the Center for Medicaid and Medicare. While these services were not being performed in an incorrect or inappropriate manner, the manner in which they were being paid was not the manner that was approved by CMS. This resulted in services being provided that were no longer eligible for federal matching payments. When this mistake was discovered, the Division of Developmental Disabilities asked providers to sign new contracts to perform the same services minus the amount being paid by the federal government, which was essentially half the previous amount. During the 2017 session, LB22 contained General Fund appropriations to cover the missed federal match from October of 2016 to March of 2017. The understanding was that a new waiver would then be approved by CMS containing an approved payment method for weekend day debilitated services and the federal match would soon kick back in. The new home and community-based services waiver was approved and implementation began on May 1, 2017. However, the new waiver took some time to implement across the entire DD provider community. LB202 seeks to appropriate the money to pay for providers for the services that they already rendered under a contract where the payment for those services was essentially cut in half through no fault of their own but due to a mistake made by the administration. These are real dollars and represent real losses incurred by the providers who are often already operating in their reserves due to lack of increased

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Appropriations Committee March 26, 2019

reimbursement rates. There will be several providers here today to discuss how this mistake impacted their operations and the Nebraskans they serve. With that I'd be happy to answer any questions you have questions.

STINNER: Questions? Seeing none, thank you.

HILKEMANN: Good afternoon, Chairman Stinner and members of the committee. I'm Robert Hilkemann, that's R-o-b-e-r-t H-i-l-k-e-m-a-n-n, and I represent Legislative District 4. I'm here to introduce LB558 which aims to appropriate funds for the rates paid to providers for Developmental Disability Services as determined by the rate study conducted by the Division of Developmental Disabilities and completed in 2018. This morning, I filed AM920 which adds additional specificity to the language of the bill. I have shared a copy of that amendment with you. As you can see, the green copy included the appropriated amounts, and the amendment simply adds language to draw down the matching federal funds and to clarify that the request is based on the 2018 rate study. Testimony today will provide you with a good picture of where that study said we should be and why. And in an effort to not create redundancy I will leave out-- I will leave that to the experts who are here today ensuring that we are adequately equipping the people who take care of the most vulnerable Nebraskans is important to me. I know it's important to all of us. Thank you for your time and consideration. I'll take any questions at this time.

STINNER: Questions? Senator Bolz.

BOLZ: Just-- just one, Senator Hilkemann, just I think for clarification, and I I was disclosed that I work in the developmental disability field, so that's the perspective I bring. But we have appropriated in the preliminary budget a portion of these funds already, correct?

HILKEMANN: That's correct.

BOLZ: Right. So the amounts in the amendment are the full amount of implementing the rate study; the post preliminary will have to talk about the amount appropriated as compared to the full amount, right?

HILKEMANN: That's correct.

BOLZ: Very good. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

STINNER: Additional questions? Seeing none, thank you. Proponents?

JESSICA PRENOSIL: Can you tell it's my first time testifying? My name is Jessica Prenosil. I'm a staff with Live Yes Studios here in Lincoln where we support, educate, and guide adults with a variety of developmental disabilities. I'll be speaking for myself on behalf of the studio and we'll be reading Kelli Blacketer's testimony. This is Kelli. Kelli is also a proponent who would like to speak today.

STINNER: Jessica, if you could spell your name, that would be great.

JESSICA PRENOSIL: Yes. J-e-s-s-i-c-a, last name, Prenosil, P-r-e-n-o-s-i-l. And would you like Kelli's name spelled currently?

STINNER: Please do.

JESSICA PRENOSIL: K-e-l-l-i, Blacketer, B-l-a-c-k-e-t-e-r. I'll be reading Kelli's testimony for her as well. She has written up a speech herself, but she is unable to speak without a Dynavox and other technologies due to her disability. She is a writer and an artist attending Live Yes. She's been attending Live Yes for six years now, maybe over six years; seven years now. So she's got something to say also. We also want to formally invite all of you to come tour our studio, Live Yes, at any time. We're open Monday through Friday, 9:00 to 3:00 p.m. We're right down the street from you guys. We're on 1233 Arapahoe. And I think we would blow your mind if you saw what we do every day. So to begin with Kelli's testimony, Kelli says hello members of the board. My name is Kelli Blacketer and I'm here today to tell you why LB202 and LB558 should go through. So much of my daily life depends on staff assistance. The staff that assist me are paid for by the state and the funds that are being debated in these bills here today. Many of the daily activities that most people take for granted, such as getting out of bed in the morning, require assistance for me. That means I need assistance to get dressed, get out of bed and into my chair, and to eat every meal. I require two staff every time I need to use the restroom, as well as every time I need to be bathed. I need one staff to eat, which takes at least 30 to 90 minutes per meal. I'm also legally blind with no depth perception which means while it may appear to most that I get around fairly well on my chair, I need a staff at all times to keep me safe and prevent me from going over curbs and potholes, off the sidewalk into mud. In order to communicate, I use a letter chart or a communication device which also requires staff assistance. Without staff, I would be completely unable to do many of the daily necessities required to function with dignity.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

A few months ago my funding was finally increased after years of battling within the system. I now have one staff assisting me while in the community and attending vocational programs such as Live Yes Studio. Until this recent increase, however, my staffing was beyond inadequate. For years I was staffed on a team of four meaning that there was one staff person assigned to assist me and three other individuals with a variety of disabilities as well. At another vocational site, I've been on a on an eight-person team with one staff to assist all eight of us. Inadequate funds equals inadequate supervision, meaning I have been left on a transport van more than one time. So you can imagine why I need one-on-one staffing. One of the times I was left on the van was due to another client becoming escalated. The staff working with us were busy de-escalating the individual, as well as keeping the other clients around safe and out of harm's way. We had just come back from the park so I was still on the van waiting to be unloaded. And since I don't talk because I'm non-verbal I could not yell for help from staff to unbuckle me from the chair. As I said they were busy keeping other people safe and trying to physically de-escalate the individual. So I was left on the van in 100 degree heat because I didn't have my own person looking out for my safety. Now that I have the proper funding, it's allowing me to fulfill my daily necessities. But I do fear that that could change at any time, meaning I would be back on a four or five person team, would lose access to newer technologies that are being developed such as the iPad Dynavox that I'm working with now which speaks whatever I type into it giving me a voice for the first time in my life due to funding and budget cuts. Before you vote, remember when people's lives are concerned, as the late Stan Lee said: With great power comes great responsibility. Thank you for your time.

STINNER: Questions? Senator Bolz.

BOLZ: Kelli, I just wanted to say that you've made my day by referencing Stan Lee. I just saw "Into the Spider-Verse" last weekend. And it was-- it was really fun. So I wonder if you've seen it too?

KELLI BLACKETER: Yes.

JESSICA PRENOSIL: Yes.

BOLZ: Yeah. All right. And you-- you got to see it with the help of the staff people that now you have with the funding that you deserve.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

KELLI BLACKETER: Yes.

BOLZ: Yes. Great. Cool. Thank you, Kelli.

JESSICA PRENOSIL: Is there anything you want to add, Kelli?

STINNER: Any additional questions? Seeing none, thank you.

JESSICA PRENOSIL: OK, I'll continue then.

STINNER: OK.

JESSICA PRENOSIL: Thank you. Again, my name is Jessica. I'm in favor of L202 and LB558. And I know it's not being heard today, but we're also in favor of LB570. I want to talk to you about relationships and the value of community inclusion that Live Yes Studio provides. People who experience developmental disability are already burdened with the challenges of conforming and surviving in a world made by and for able-bodied neurotypical adults. They are as diverse a population as any coming from all backgrounds, ethnicity, skin color, religion, and economic status. This is, however, an aspect-- there is, however, an aspect that truly sets the DD community apart from any other and that is statistics. The World Health Organization published in 2012 that children with disability were four times more likely to experience violence and abuse. They were also three times more likely to experience sexual abuse. In other studies, 70 percent of adults with disabilities surveyed reported being victims of some form of abuse in their lifetime. Isolation, due to lack of resources and opportunities, coupled with factors such as poverty and stigma further exacerbate the risk for abuse and exploitation of our most vulnerable neighbors, family, and friends. The majority of people I support at Live Yes Studio do not have relationships with their nuclear family members. This is often due to abuse and neglect by the family themselves. Additionally, most adults living within the system have had over 2,000 different staff in and out of their lives before they're 25 years old. This is, in my opinion, in part due to low wages and a physically, emotionally, and psychologically demanding field. Many direct support professionals leave the field within one to three years, which brings me to why I am so proud of the work that we do at Live Yes and the people who attend Live Yes. We have phenomenal staff retention rates in the industry. Some of our staff have been with Live Yes Studio from the beginning, which is now eight years and counting. I, myself, have been with Live Yes Studio for four and a half years. And I know that to some of you that may not seem like a lot of time to have a job or

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

career, but too many of our clients the staff of Live Yes Studio are the most consistent people they will have in their lifetimes. Because we are the only consistent adults and role models in their lives, we provide stability for them in an otherwise unstable life. Funding determines, unfortunately, where they live, who they live with, how many roommates they have. People have been moved at the drop of a hat due to funding. Overnight they have a whole new set of roommates with a whole new set of disabilities and a whole new set of staff charged with their safety and well-being. I can't imagine. Anyway, funding also determines their diets and their access to the community outside of their homes. The consistency we have with our individuals allows us the privilege and honor of their trust. Trust that it's difficult to earn when everyone else who is charged with safety and well-being has exploited, abused, and neglected them. The consistency we have at Live Yes Studio puts us on the frontline in terms of safeguarding the individuals. It allows us to identify medical and medication issues, changes in behavior, mental health; indicators of abuse and neglect well before most other service providers or other people in their lives, because we're engaging with many of the individuals on a daily basis. But I want to finish with the cherry on the top real quick, and then I'll wrap it up, because we do so much more than care for our client's safety. We use therapeutic activities through art, music, gardening, baking, exercise, and so much more to teach our clients how to cope with everyday life stressors and long-held trauma as well. We have volunteered in the community with partners such as The Lincoln Children's Zoo, local nonprofits, and fundraising events for children's arts programs. Over two dozen local businesses and nonprofits have partnered with our clients that live yes to enrich and engage our community in dynamic ways creating that much more opportunity for them to earn income-- [SNEEZE] bless you-- to earn income and share their unique skills and perspectives. There isn't a better place than Lincoln or this region of the country, honestly, for people living with DD to find their voice and develop professional and life skills. Everybody deserves the opportunity to belong and everybody deserves the chance to thrive. Thank you so much for your time. We appreciate it.

STINNER: Questions? Seeing none, thank you.

JESSICA PRENOSIL: Thank you.

STINNER: Additional proponents? Good afternoon.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

SAM McCOY: Good afternoon, Senators. My name is Sam McCoy, S-a-m M-c-C-o-y. I'm a resident of Seward and have been employed by Live Yes Studios in Lincoln for the last seven years. Before coming to Live Yes I'd never been in the DD field, so this was an entirely new experience for me. In my time at the studio, I've been punched, slapped, kicked, tackled, stabbed, and choked by an individual I supported. I have scars that will always remind me of my time in the DD field. On one occasion as I was assisting a client to de-escalate, we were approached by a police officer who had his Taser already drawn and pointed at the two of us. I was able to talk the individual down with no physical involvement so they could be taken to the psychiatric ward without physical incident. Luckily, I'm a six foot three former football player and wrestler who can take that kind of punishment. Unfortunately, many of my co-workers are not. And who knows, we'll see, maybe CTE may very well be in my future. I know a number of my current and former co-workers have suffered from the effects of post-traumatic stress from this job. It doesn't have to be this way. Without fully funding DD services we are endangering the lives not only those in services but those who provide the services. Passing LB202 and LB558 will help ensure this. Along with passing LB570, which would make Nebraska compliant with the Olmstead Act, faster than Nebraska's plan, a full 20 years after the Supreme Court decision which is absolutely shameful to be this far behind. One of my great successes in this industry was when I was working with a woman that had previously permanently disabled two former caregivers. I worked with her intensely for two years with another staff. When I started, she would have physical escalations three to four times a week. By the end of those two years, she hadn't had a physical escalation in over six months. We always find the money to provide what is needed for the army and police because it protects citizens and is for the greater good. In the DD field we are also protecting citizens, our most vulnerable Nebraska citizens, and is for the greater good to better and enrich these people's lives. Before I entered the DD field, I was in the film and television industry. I wrote a screenplay that was executive produced and featured an appearance in the film by the late great Stan Lee. As Ms. Blacketer noted earlier, Stan Lee once wrote: With great power comes great responsibility. State Senators, you have great power. You have these individuals lives essentially in your hands. And with your vote comes a great responsibility to not just constituents but human beings that need our help the most. Thank you very much.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

STINNER: Thank you. Questions? Senator Bolz.

BOLZ: Thank you for your testimony. Could I ask you a question?

SAM McCOY: Sure.

BOLZ: I'm just curious. One of the things that's so important about Senator Hilkemann's bill is that it helps make wages more competitive because we'll have more money in the system. So is it your experience that the wages aren't as competitive as maybe you'd like them to be. I don't want to put words in mouth.

SAM McCOY: Absolutely. I think that's one of the biggest struggles with retention rate in the industry. That's why so many of our best staff have left.

BOLZ: Can I ask you--

SAM McCOY: Sure.

BOLZ: What makes you stay?

SAM McCOY: What has made me stay for the longest time is feeling almost a duty to our clients. But I admit, you know, I'm getting older and it's one of those things where with-- with, you know, I haven't had a raise in years and I'm definitely starting to look elsewhere to better-- better myself for my own personal future. And, of course, I think, with great-- with especially pay rates being rather stagnant, it's hard to keep those really good staff around when, you know, they can do all sorts other things and not have near the physical issues or, you know, threats of physical violence. I mean, I've been I've been hit more times than you can count. Definitely not the emotional ones either that can be very taxing in this field.

BOLZ: Well, thank you for your service.

SAM McCOY: Absolutely.

ALAN ZAVODNY: Won't get very far without these.

STINNER: Good afternoon.

ALAN ZAVODNY: Good afternoon. Senator Stinner, members of the Appropriations Committee, for the record, my name is Alan Zavodny A-l-a-n Z-a-v-o-d-n-y. I am the chief executive officer of NorthStar

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

Services. We support people with intellectual disabilities in 22 counties in northeast Nebraska. It is also my privilege to be serving my third term as mayor for the 2,906 fine citizens of David's City, Nebraska. I really can't say it any better than Senator Wishart did about why we need LB202. The only thing I would add is we have several people here today that won't testify because we are aware of the time constraints and we want to get you out of here before 9:00. So if they could raise their hands if they're in support of LB202 or LB558, we'd just like to show you the people here in support of that this afternoon. And the only thing I would say again about LB202 is it's basically it represents the final installment of the agreement between the state of Nebraska and providers to make it right. The one thing I've learned from my over 20 years of coming to this committee, the one thing you'll like about it is it's a one-time payment; it's not can be ongoing. So that's encouraging. So if I make you happy about nothing else today, it will be that. LB558, what I'd like to talk about to finish is it's important to differentiate from the onset that what we are discussing with this legislation is not related to Medicaid expansion in any way. It is a discussion about provider rates. Supports to people with intellectual disabilities are the responsibility of the state, period. For all intents and purposes, the state, in addition with the federal match, provides the funding of these services. Providers are not allowed to adjust the rates set by the state. We are also precluded from passing along any charges to people on services. I have been testifying before this committee for the better part of 20 years. The challenges and themes have not changed much over my 38-year career. So what is different this time? I'd like to borrow a quote from Hank Bounds from the University of Nebraska: We cannot continue to efficiency our way out of budget cuts. The same applies to us. And I'd add the same things you heard about yesterday with nursing homes really applied here. We have cut and restructured. We have exhausted almost all of our reserves. I know providers that have-- that have established lines of credit. I will not put our agency into debt to continue operating. There isn't enough margin to retire debt to pay current expenses. I've said many times, it's never a good time to fund developmental disability supports. When times are good, we want to give the money back to the taxpayer. When times are bad, we simply are told we can't afford it. The unusual twist this time is that times are bad and we still want to give money back to the taxpayer. Nebraska has spent \$1.4 million to study and establish new rates as required by the Centers for Medicaid Services. This study determined that Nebraska is underfunding the actual cost to provide supports by 6.6 percent or \$10.3 million below actual cost.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

That number simply makes providing support to break even. We have not been able to adjust our salary schedule for years. In any business model, if your expenses exceed revenue, the business is not viable. The state cannot afford to lose providers and coverages in certain areas of the state. There really are no viable alternatives. I can say with some certainty that providers have reached a point where we will no longer beat our heads against the wall. If these supports are not important to you, there's nothing more we can do. I have long held that the responsibility of government is to protect its most vulnerable in addition to providing essential infrastructure and services. Please believe me when I tell you there is no more money and no place else to cut. We did all of that. Your study and your numbers are clear. We are \$10.3 million short of the amount needed to continue. I encourage you, and to be more accurate, implore you to act because-- because it is already too late for some providers. Please include LB558 in your budget package. I'd be happy to answer any questions.

STINNER: Questions? How many employees do you have?

ALAN ZAVODNY: Right around 250 to 300, somewhere in there. It varies daily. We were-- just about five or six years ago, we were at 630. We have contracted that much. And t

STINNER: That's because you haven't been able to find a work force, or is that because of pay--

ALAN ZAVODNY: It's a variety of things. We had to make severe cuts in our supervisory staff. We can't really cut direct support, because they're the rubber on the road, so to speak, and provide the actual services. But what we're asking supervisors to do is do the work, and where we had three or four before, we have one. And they can't keep up because they have to the hiring and stuff. We've seen the numbers contract, because you have also a lot of people who have chosen to go with one person who's providing other services, which is a really difficult model for the state because it's hard to monitor those services. A lot of one or two people supports is what's happened. So we're just see contraction. And we've closed down some services in northeast Nebraska because we're told tighten our belts, do what you can with the money you have, and so we had to make those decisions.

STINNER: When's the last time you've had pay raises for your employee?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

ALAN ZAVODNY: Five, six years.

STINNER: Five, six years.

ALAN ZAVODNY: The last rate study was 2011. So we really haven't done much since then.

STINNER: Do you offer benefits to the employees?

ALAN ZAVODNY: Yeah, health insurance; and we have to keep eating that with the current appropriation. And as those goes up-- go up, we have to cut other places.

STINNER: OK. Any additional questions? Senator Dorn.

DORN: Thank you, Chairman Stinner. I guess-- how much are the clients affected by that cut in staff. You just said that your staff was cut almost half over the years. How-- I mean, the clients are what-- or I guess, are the ones that we're out there taking care of.

ALAN ZAVODNY: That's a great question. Our biggest problem-- and we've been lucky in Nebraska. Our turnover rate is about 36 to 40 percent, which is low for the national average. But what happens is people leave to go to do other things. If you can't, as their health insurance participation goes up, they're actually getting cuts in wages. We start at \$10.25 an hour. And as the gentleman spoke to before, we have staff who get stuff thrown at them. They get physically assaulted. It's not an easy job. And so as-- I've had parents tell me the most disheartening thing that they have happen to them is they show up on the weekend to get their son or daughter and they see someone they haven't seen before. And that is repeated over and over and over again because we stretch staff pretty tight. We run ads and nobody applies. With the low wages and what we're asking them to do and the expectations and the risk to them if there would be a [INAUDIBLE]. If there's an unexplained bruise, they say, well, you were working, what happened? You don't notice someone walked into-- I do it. I walk into the side of our center island at home and I don't even remember doing it; and then you look and say, how did I get that bruise? Well, if you've got to explain every injury on everybody when you don't know how it happened, that's how it impacts the people we support mostly. My first job in supervisory was at Fairbury, so I was a neighbor to you for a while, about five years.

STINNER: Senator Bolz.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

BOLZ: Just briefly, I think it's worth making sure the committee is reminded this committee invested \$750,000 each year in the biennium, which was matched with federal funds, to develop this study and to do a study which basically reassesses people's need level individually. And so we made this investment as the committee into the rate study. Do you have any comments on the process of the rate study and how it came together? It was federally required, right?

ALAN ZAVODNY: It was federally required and that's why we had it. I think the one thing that it helps us today is you're not having to take my word for it. You get a look at your numbers and what your studies showed you that the actual costs were. I would--I'd make one comment that probably, hopefully, doesn't upset you as far as undo anything I've said that was good today, but it's the fact that we keep doing this and they wouldn't allow Beatrice-- the pay at Beatrice to be put into this. And we can only spend what we have. So say actual costs, those actual costs are probably understated because we couldn't spend more than we had. So when you look at those things, this wasn't zero based. It's not like-- I'm a farm kid, and still have farms and manage those; I don't farm myself any more, but, you know, you weigh what does it cost for fertilizer chemical, all those things, and you start to evaluate and that's why property taxes-- I watch you guys every day as I do my work at my desk, I have you on the computer and I listen to the debates and the arguments over a variety of issues. That's why I knew not to bring up tips today and certain other things. But the fact is, we're all facing really hard times with the flooding going on. You know, we have a bridge we use from David City to Schuyler all the time, but I'm sure it's going to be out well over a year. And how we're going to pay for this infrastructure we're going to need to replace. And we have tons of challenges here, but we can't forget the people who really can-- they're advocating for themselves, but they aren't the ones who are involved in campaigns as much, or contribute to political things. We're taking care of vulnerable people that can do nothing else for us. They are valued members of society. They go out and work and hold jobs and they are great people. But so many times they're not part of the discussion when we talk about property taxes and those issues. We can't forget about them either. And the services are your responsibility and you are the sole funding source. There is nowhere else we can go.

STINNER: Additional questions? Seeing none, thank you.

ALAN ZAVODNY: Thank you, Senator.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

STINNER: Afternoon.

MARY BETH O'NEILL: Afternoon. Chairperson Stinner and members of the Appropriations Committee, my name is Mary Beth O'Neill, M-a-r-y B-e-t-h O-N-e-i-l-l. I appear before you today on behalf of Mosaic. Mosaic is a member of the Nebraska Association of Service Providers and is supportive of its position on the bills before you today. Thank you for the opportunity to testify in support of LB202. Mosaic respectfully requests the committee include \$2.7 million in funding to make providers whole for the valuable services provided to Nebraskans with disabilities. I'd also like to speak to you about LB558. Thank you to Senator Wishart on LB202; and thank you to Senator Hilkemann on LB558. Mosaic supports LB558 which would increase funding for developmental disability aid and respectfully request the committee please include LB558's provisions in its budget recommendations. Mosaic is a mission-driven organization serving 3,700 people with intellectual disabilities in 10 states, including 836 people in its home state of Nebraska. Together Mosaic staff members, volunteers, and the people it serves, work as partners in providing personalized services mosaic appreciates the committee's work on the 2019-2021 biennial budget and values your partnership to address the needs of Nebraska's developmental disability system. As part of our partnership, Mosaic is providing quality services to Nebraskans with disabilities while working diligently to address issues relating to the direct care work force, growing health care costs, and additional mandates placed on providers through federal and state regulations. For example, the HCBS settings rule. In 2017, the state began its rate rebasing process to update the way Nebraska-- Nebraska budgets for these important services. The update is required by the Centers for Medicaid and Medicare Services when Nebraska renewed its comprehensive developmental disabilities waiver, which is the state's agreement with CMS for how it provides services in partnership with funding from the federal government. When the new waiver-- with a new waiver, a new set of services has been identified and rates have been calculated based on the newest available numbers. The old rate methodology was from 2011 and is outdated. The state of Nebraska hired a consultant optimists and has spent \$1.4 million to evaluate provider rates. The consultants assessment found that Nebraska is funding services at \$10.3 million below the actual cost to provide care. The provider rates is determined by the consultant are based on actual general ledger costs and wages and Bureau of Labor statistics without the assumption of a profit margin. The new rates consider the costs of wages, health insurance, staff-client ratios, transportation, and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

administrative cost to implement these highly-regulated services for vulnerable Nebraskans. While the consultants rate methodology is not perfect, it better reflects the costs of services based on the state's regulatory expectations. People with disabilities, their loved ones, and the greater community, including the state of Nebraska, rely on disability service providers to achieve outcomes that promote meaningful lives in the community. If providers have to bear the entirety of increasing costs, it could lead to decreased financial stability for providers, fewer programs, and choices for people with disabilities. Negative impacts on staff recruitment and retention and the potential reduction of the home and community-based providers. LB558 would provide \$10.3 million and fully fund the new rate methodology and represents the actual costs of providing services to Nebraskans with disabilities. Again, the fully funded rate only reflects actual costs without a profit margin. It is important to recognize that Medicaid is essentially the only payer for providers of services for people with intellectual and developmental disabilities. Sufficient rates are essential to assuring quality services are meeting the needs of Nebraskans with disabilities. Mosaic is 96 percent Medicaid funded and as a price taker that has no ability to set prices, increase reimbursement rates, or shift costs burdens to nonmedical funded constituencies such as private insurance. All providers rely heavily on the federal state Medicaid partnership to ensure its costs are covered. Because Medicaid reimbursement rates are directly connected to quality services, rates must reflect the actual costs of providing services to people with ID since the increasing costs of doing business outpace Medicaid rate adjustments. Mosaic respectfully request the committee include the provisions of LB558 in its budget recommendations. Thank you again for the opportunity to comment on LB558.

STINNER: Thank you. Questions?

MARY BETH O'NEILL: Thank you.

STINNER: Thank you.

LIZ WOLLMANN: Good afternoon.

STINNER: Good afternoon.

LIZ WOLLMANN: Chairman Stinner and members of the Appropriations Committee my name is Liz Wollmann, L-i-z W-o-l-l-m-a-n-n. I'm the director of developmental disabilities with KVC Nebraska. At KVC we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

provide supports for Nebraskans with developmental disabilities who want or need to live in a home-base setting and they're not able to live with parents or family. These individuals need more intensive supports and assistance-- assistance in living independently. Called extended family homes, we work with providers who welcome youth and adults with developmental disabilities into their homes in nearly half the state's legislative districts. Caregivers and staff working with individuals with developmental disabilities help move them toward gaining skills, either towards residential independence or vocational success. They provide opportunities for skill development, enrichment activities, community inclusion, and building strong support systems. Providing support within-- for individuals with developmental disabilities helps to make our communities stronger. The Nebraska Department of Developmental Disabilities invested in a costly and extensive rate rebasing project of over \$1 million which determined that currently agencies who provide services and supports for individuals with developmental disabilities are operating in a fiscal deficit. Individuals needing these services deserve the best that Nebraska has to offer. Currently, agency providers are not able to pay a direct care staff providing these important supports more than an employee at Target or a fast food restaurant for example, despite the fact that direct service workers provide much more intensive care for their clients than a typical retail worker. At KVC Nebraska, we appreciate that the Appropriations Committee has included some additional funding for provider rate increases. However, we respectfully ask that the committee consider fully funding the rate methodology. Current provider rates present significant limitation in hiring and maintaining staff to work with individuals who have complicated needs. Unfortunately, KVC has had to delay investment and expansion in vocational service programs due to the rising need for more individualized and community-driven work and the staff wages that are required to perform that work, work that we want to perform at a high-- high quality. We would like to expand our reach, but without rates set at a minimum reflect actual costs, we aren't able to do so. With the significant investment that HHS has already made toward-- towards identifying fair and equitable rates. In addition to the issues of work force stability and the needs of one of Nebraska's most vulnerable populations, I respectfully request that this committee fully fund the rate methodology as part of-- as part of the final budget package.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

STINNER: Thank you. Questions? Again, how many people do you employ this year?

LIZ WOLLMANN: KVC employs around 60 employees.

STINNER: How many?

LIZ WOLLMANN: Sixty.

STINNER: And when's the last time they had a pay increase?

LIZ WOLLMANN: I don't know if I can answer that accurately. I think we try, as everybody does, to look annually at people's pay and try to give something; but that something could be nothing or it could be 1 percent, 2 percent, nothing significant.

STINNER: Starting wage is?

LIZ WOLLMANN: The starting wage for a drug care person can range anywhere from like \$10 an hour to \$15 an hour.

STINNER: OK, thank you.

LIZ WOLLMANN: Thank you.

TANIA GREENE: Hi, I'm Tania Green with Live Yes Studios. And this is Mr. David Walter, and he has some comments he'd like to--

STINNER: If you could spell your name as well as his that would be great.

TANIA GREENE: Yeah. Tania, T-a-n-i-a, Greene, G-r-e-e-n-e; and Dave, D-a-v-e, Walter, W-a-l-t-e-r.

STINNER: Thank you.

DAVE WALTER: My name is Dave Walter. And I thank you for the oppor-- I thank you for giving me the opportunity to speak here. I am appealing to you today to restore the \$2.7 million in funds that have been cut to providers, agencies. By passing LB202, it's a value to me to be able to be a part of the greater community and have some of the activities that may be both take for granted. Without funding for my home care, I wouldn't have the help I need to get out of bed, shower, or feed myself, take my medication, or get out of my home without my staff. I would be very isolated in my home and couldn't go to work, visit friends, or even see my girlfriend. I have a job answering the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

phone at the community workshop and rely on that income. I also work a volunteer position at Bryan West Hospital in order to give to the community. I also go to the Live Yes community center arts center and I'm learning to draw and paint. And I have friends there. I ask that you that as you move forward as lawmakers, you consider the value of quality of life for those of us with dealing with disability. Thank you.

STINNER: Thank you. Questions?

DAVE WALTER: You're welcome.

STINNER: Additional proponents? Seeing none, any opponents? Seeing none, anybody in the neutral capacity? Seeing none, Senators, would you like to close? Senator Wishart waives closing, so does Senator Hilkemann. That concludes our hearing on LB202 and LB558. We will now open the hearing for Agency 03, Legislative Council. Excuse me, there was two letters in support of LB202 and Kim Quick, Teamsters Local also was in support of LB558. [ALSO, Nick Juliano with CAFCON in support of LB202] That's OK. We're just going to wait a few seconds to let folks clear out, that way we can hear you on the mike.

[BREAK]

STINNER: --begin.

HILGERS: Yes, thank you, Chairman Stinner and members of the Appropriations Committee. Good afternoon. My name is Senator Mike Hilgers, M-i-k-e H-i-l-g-e-r-s. I represent District 21 which is northwest Lincoln and Lancaster County. I am here as Chairman of the Executive Board this afternoon testifying in regard to the budget of the Legislative Council. On behalf of the Executive Board, I would like to thank the Appropriations Committee for its preliminary budget recommendation and go on record to say that you've provided a funding level that the Executive Board can work with for our budget needs. There are three items that were in our budget request that the committee did not fund that I would ask you to consider adding in. The first is enhanced security regarding phishing, the stopping of phishing emails. The cost of that is \$18,500 for each year of the biennium. And as a side note, I will tell you as the owner of a law firm, phishing is the next frontier for, I should say, cyberattacks, and really corporate disruption. So that is a very big issue on a lot of our minds. The second item is \$150,000 for fiscal year 2019-20 to upgrade our general production system. As you know, the Nebraska

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

Constitution requires the Legislature to keep a journal of its proceedings. The current system is obsolete and the software is no longer able to be updated. The Executive Board has previously-- previously requested funding for this project and I am concerned that if we keep putting this off at some point we will have a system that is no longer viable. The third and final item that I ask you to consider funding is voice-to-text or Closed Captioning of our public hearings. The amount requested was \$17,250 for fiscal year 2019-2020; and an equal amount for '20-21. Currently, NET Closed Captions for the floor debate since it is broadcast statewide, public hearings are streamed, and we need to provide Closed Captioning to ensure that we are making our hearings accessible to the deaf and hard of hearing community and that we are in compliance with the Americans with Disabilities Act. Our budget requests also including-- included funding for out-of-state travel expenses for senators. However, we are not asking to have this item added back in. I do want to make the committee aware that that will mean that there will not be dollars available in this biennium for senators out-of-state travel. I'm certainly happy to answer any questions you might have. I will note that I think all of our directors are here: Tom Bergquist, Martha Carter, Nancy Cyr, Carl Eskridge, Patrick O'Donnell, and Joanne Pepperl. We're all here to answer any questions you may have regarding any specific division's budget request. Thank you, Mr. Chairman.

STINNER: Thank you. Any questions? Senator Clements.

CLEMENTS: Thank you, Chairman Stinner. Thank you, Senator Hilgers-- Chairman Hilgers. I missed the dollar amount for the Closed Caption Hearing.

HILGERS: It was \$17,250 for fiscal year 2019 and '20. And then another \$17,250 for the following year.

CLEMENTS: All right. And if we had that ability then to Closed Caption, those would then be able to make these hearings more available to the public in the archived version of these so we can look them up later?

HILGERS: That's a good question, Senator Clements. I think it would certainly help. I think that question of accessibility and availability of video is-- there are multiple variables that go into that. One of which is, as you note, or is your question implies, is the ADA accessibility, which is a big concern. There are others in terms of work impact on internal resources especially during the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

interim that-- that it's a multifaceted question, that's one facet of that, but it's not the only one. Is the Legislative Council working toward being able to have archived video available?

HILGERS: Yes, we are. We are actively working to-- to try to make that. Try to figure out a mechanism to make that work, Senator Clements.

CLEMENTS: Thank you.

STINNER: Additional questions? Senator Erdman.

ERDMAN: Thank you, Senator Stinner. Thank you, Senator Hilgers, for coming. So would we also be looking into allowing people to do video conference testimony and hearings from like my district?

HILGERS: There is-- there is a bill-- there's no current active effort that I'm aware of as it relates to legislative hearings. I do know that there's a bill that came through Government that would allow that in other contexts. I know it's a topic that has come up from time to time, Senator Erdman, and certainly one that we actually looked at last year when I was Chairman of the Rules Committee. We started the process of looking at what that would cost, especially with having the video technology and the other end of the note. I think there's a lot of value to that. I wouldn't-- I wouldn't want to represent to you that we're very far along in that process, but certainly it's one that I'd be very interested in and it has some merit.

ERDMAN: Thank you.

STINNER: Additional questions? Senator Bolz.

BOLZ: Thanks for coming in today, Senator Hilgers. You and I have had a bit of a conversation about connecting the dots between the Executive Board and the Appropriations Committee as it relates to the findings of the LR296 Committee, and I've had a quick conversation with the Ombudsman, Carl Eskridge, as well. But I think it's worth having a conversation on this committee and putting on the record. In Executive Board, we have heard several bills relating to the finding of the 296 Committee, which was our legislative created investigative committee looking at assisted living facilities and the conditions that some people with mostly mental health issues are living in. And what we heard in that committee was several observations that there might be value in adding additional staff capacity to the Ombudsman's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

Office so that they can better use the statutory authority that they currently have to provide oversight and investigation. Is that-- is that a fair representation of what you--

HILGERS: That is a fair representation; yes, Senator Bolz.

BOLZ: And the committee report found that as well, found a need for additional capacity for oversight and investigation.

HILGERS: The LR296 committee report? Yes, that's right.

BOLZ: And so, I wouldn't ask you to take a position on it as a senator, but I think it's important that we put on the record that there have been-- have been requests through the Executive Board for additional staff capacity that this committee probably wants to have a discussion as we finalize our budget. Is that fair?

HILGERS: That's fair. We've had a number of bills where that-- that-- that-- that testimony was raised by the Ombudsman's Office in terms of lack of resources, correct.

BOLZ: Great. Thank you for that discussion.

HILGERS: Thank you, Senator Bolz.

STINNER: Additional questions? I have just a couple. One of them is about-- about our laptop computers; do we have some kind of policy that we replace them every three years?

HILGERS: Four, I believe the policy is four years, Senator.

STINNER: Four years? Is that because they go out of warranty or because something happens or--

HILGERS: What-- that's a good question as the reasoning for four years. Either could be lack of warranty, lack-- you know, frequently will happen is the software gets outdated and you-- and, you know, for instance Windows 7, isn't it, you might have a laptop that has Windows 7 or a previous operating system that is more costly or unable to be updated is no longer supported. What goes into the four hours-- or the four years, I'm not entirely sure, I just know that it's four years.

STINNER: And we have 246 desktop computers and workstations?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

HILGERS: That sounds correct, Chairman Stinner. I don't have that number in front of me, but that sounds correct.

STINNER: I got to walk around and count those.

HILGERS: Is that how you came up with that number? Did you count--

STINNER: Well, it came up-- I mean it came out of a request, I'm sorry. And then we're still finding the-- we're still wanting to have a carryover to fund our regular operation: Legislative Services, Clerk of the Legislature, we've yet to ask to get our base up and then kind of go across.

HILGERS: Yeah, that's correct.

STINNER: I just want to make that clear. I'd really like to see us get off the-- that and get the base up to where it needs to be so that we can operate under a normal budget situation and not rely on carryover. Just wanted to put that on the record. Any additional questions? Seeing none, thank you.

HILGERS: Thank you.

STINNER: Any proponents? Seeing none, any opponents? Seeing none, anyone in the neutral capacity? Seeing none, Senator, anything else that you'd like to comment on? Thank you. That closes legislative-- the hearing on legislative three-- Legislative Agency 03, Legislative Council. We'll now open the hearing on LB226, intent funds for YRTC. Senator Quick.

QUICK: Good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Dan Quick, D-a-n Q-u-i-c-k, and I represent District 35 in Grand Island. I have introduced LB226 to appropriate \$3.9 million to the Youth Rehabilitation and Treatment Centers in Kearney and Geneva to provide for more for staff and programming that will best benefit the young people in their care. Specifically, this bill would appropriate funds to hire and train staff to keep a youth-to-staff ratio of no more than 8 to 1 at any given time. This would address the use of mandatory overtime, but more importantly address safety issues for both staff and youth. The bill would also fund evidence-based programming and mental health treatment for youth and reentry program planning and transition supports and services for youth exiting treatment. My main reason for bringing in this legislation is to address a broad range of issues that have

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

happened at YRTC in Kearney. Some of the problems have been going on for a long-- long before I was elected, but never seem to be addressed. I first became involved after hearing about staff assaults at YRTC in Kearney. Since that time, I have talked with staff, union representatives, Ombudsman's Office, the Inspector General for Child Welfare, YRTC Administration, judges, probation, legislators, and nonprofits for youth and advocacy. I also set up a tour through the Inspector General's Office of the YRTC facility in Kearney, and attended the interim study held in Kearney last summer. The issues I see as most important to address are first and foremost the rehabilitation programming and aftercare for our juvenile held in any detention facility, addressing the fact that we have several juveniles in the Buffalo County Jail, addressing assaults by juveniles on other juveniles and staff, and safety for our citizens who live near these facilities. I know there has been talk of building a fence around the facility in Kearney, but I don't believe this fixes any of the problems. And in my opinion, for juveniles with severe behavioral health issues, we need more programming and more secure-- and a more secure setting at our current facility. My suggestion is to take a building like the-- like Dickson Hall and redevelop it to provide more secure housing where more programming could be provided. This also means that a youth who is placed there and after meeting programming requirements could move into another building to complete the rehabilitation. Evaluations of juveniles who have severe behavioral health issues and have been determined to need more programming may need to be placed in Dickson upon arrival. I know it may not be the perfect solution, but I think it be the best-- may be the best option to provide safety and rehabilitation for our youth, safety for our staff, and safety for the community. This bill is important because last fall, YRTC-Kearney released a program statement funding requests for at least \$3.9 million for a 14-foot-high chain link security fence around the YRTC-Kearney facility. You should have the program statement from September 2018 in your materials. The statement purpose of the-- of the project is to prevent youth from leaving the facility by securing the facility and controlling movement in or out of the facility at main entry points. The alternatives considered that were mentioned in the program statement including-- included adding more staffers, which was deemed to be to cost too much and alternative security monitoring which would apparently undermine the non-institutional nature of the facility. However, I fail to see how this 14-foot chain link fence would not undermine the alleged non-institutional environment of the facility. I believe there are better ways to accomplish the goal of balancing the concerns of safety

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

for our youth and staff by reducing the number of youth who leave the facility and retaining the non-institutional nature of the center. I'm of the belief that more evidence-based programming and mental health treatment for youth housed in these centers would do more to increase safety of both staff and youth, as well as decrease the instances of youth leaving the facility. This bill would authorize an appropriation of \$3,948,965 from the General Fund to the Department of Health and Human Services to be spent at both YRTC in Kearney and Geneva. LB226 provides that the appropriation be used to maintain a youth-to-staff ratio of no more than eight-- eight staff for every youth at any given time, but without the use of mandatory overtime I'm when I finally read this part but without the use of mandatory overtime. It also provides for evidence-based programming and mental health treatment for youth and provides for reentry planning and transition services in order to provide the best possible chances for youth to live better lives in programming law-abiding citizens, which is the mission of the YRTC in Kearney. The bill also would require that DHHS to partner with an academic institution to complete an independent evaluation of the YRTCs in Kearney and Geneva to determine whether the facilities are using evidence-based programming, whether they improve short-term and long-term public safety, where they address the needs of the youth in their care, and whether they reduce recidivism rates. It is important to note that the \$3.9 million dollar funding request would only cover a proposed fence around the center in Kearney, while the same amount would be spent to increase programming and staff in both Kearney and Geneva. I brought this bill because I think it is important that we scrutinize how we spend our tax dollars. I don't believe that spending nearly \$4 million on a fence in a youth center-- youth treatment center will prevent those kids from leaving the facility unauthorized. And I definitely don't think it will help them return to our communities as productive, law-abiding citizens. I think it will perpetuate the institutionalized culture. If we are going to spend that amount of money on the YRTC facilities, I strongly believe it would be better spent implementing and evaluating evidence-based programs and providing mental health treatment and transition-- from transitional supports. These programs will help reduce recidivism rates and best equipped these youth for productive futures. I have seen that the actual funding requests for the fence is lower, but the report clearly states that any other cheaper alternative would not be effective. A cheap substandard version of the fence which would still be detrimental and it will still-- and it still seems like a better use of money to spend it on the kids. I urge-- I urge the committee to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

carefully consider both options with a youth in mind. I'm happy to answer any questions you may have.

STINNER: Questions? Senator Erdman.

ERDMAN: Thank you, Senator Stinner. Thank you Senator Quick. Senator Quick, I've never there; been past it. My son just lives north of there. You made a comment about more secure housing. What does that look like?

QUICK: Well, right now, they have what they call-- it's Dickson Hall, and that's where they-- and there's probably somebody coming behind me that will better address that, but I think-- from what I-- when I visited there, that's where they-- where kids would get in more trouble or have to spend a certain amount of time there and it looks more like a-- they would be put in the-- like an NSL for a short amount of time, and then they're kept there until they've cooled down; and they can only be in there for so much time. But the way I see it, if they could renovate that to be more like a housing area for kids who maybe have more behavioral health issues; and then it also has a fenced in area that where kids can go out in the outdoors and, you know, they could-- I think there's a basketball court out there and some things like that.

ERDMAN: So the fenced in area they can't get out of that fenced in area?

QUICK: No. It is-- the fenced in area is pretty small. I think it may have to be a little bit bigger, you know.

ERDMAN: That was a significant fence that we're going to put around that facility. Do you know how many acres that is? Must be several--

QUICK: Yeah, I don't know how many acres it is.

ERDMAN: It's like-- how much was-- \$14 million of something?

QUICK: No it was only-- I think they only asked for-- originally, it was 3.9, and then they-- that's why we asked for \$3.9 for programming. But I think they brought it down to around 2 million. And it's my current understanding that as of April-- April 1, they're going to start building it with the funds they already have in their budget but--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

ERDMAN: So, they are going to build a fence.

QUICK: That's the way I understand it.

ERDMAN: One of the other things that came to mind on-- in the green copy on page 2, and you alluded to it in your testimony, it said: Health Human Services to contract with an abbott [SIC]-- academic institution. Who's that Who's I going to be? Do you know who that is?

QUICK: I don't know. I know right now that they used like-- they have teachers that come out and teach, but I don't know, I guess I would have to-- I don't know the answer to that.

ERDMAN: Well, they're going to-- what it said is they're going to contract with an academic institution to complete the independent evaluation to see if the rehab is using evidence-based procedures. So would that be like Kearney, University at Kearney?

QUICK: It could be. I'm sorry, I don't have the answer to that. But my guess is it would be-- I know they-- they evaluate the kids already when they come in. They already know what behavioral health issues they have. And so, yeah, as far as the contract went, I don't know.

ERDMAN: Thank you.

STINNER: Additional questions? Senator Wishart.

WISHART: In your preparation for this bill, have you talked with the department. I don't quite understand how they can start building in April, when we as an Appropriations Committee have not approved funding for the fence.

QUICK: It's-- well-- and maybe they'll address it if they come forward. My understanding is that they're using it for money was within their own budget. Within what they have currently.

WISHART: OK. So the-- is that the dialogue you've had. So it's interesting that they've come to us within what they were-- with a request, I believe, for additional dollars for the fence.

-----: They withdrew their request.

WISHART: OK. OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

STINNER: Additional questions? Seeing none, thank you. Additional proponents? Good afternoon.

JULIET SUMMERS: Good afternoon, Chairman Stinner, members of the committee. My name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s. I'm here on behalf of Voices for Children in Nebraska to support LB326-- oh, shoot, did I give you LB326 or LB226?

CADET FOWLER: LB226.

STINNER: LB226.

JULIET SUMMERS: I think I may have given you my LB326 green sheet with the wrong testimony.

CADET FOWLER: This is LB226.

JULIET SUMMERS: This is LB326, right?

STINNER: LB226. It's right here.

JULIET SUMMERS: OK, it's my numbers that are wrong. My testimony is regarding the appropriation for the YRTC, but it's going to say LB326 on it. Is that--?

CADET FOWLER: Well--

JULIET SUMMERS: I'm sorry. I will-- here, I'll take it back. I will e-mail the committee my written statement later. So I'm so sorry about this. This is what happens when I have too many bills to testify on. So we do want to support the bill related to appropriation for funding for the youth rehabilitation and treatment centers. We all benefit when our juvenile justice system is structured to ensure that youth receive meaningful rehabilitative interventions so they grow into healthy adults. We support this bill as an investment in the types of youth focused interventions that benefit our state and our state's bottom line in the long run. Recognizing that this committee has many priorities for funding this year and the two facilities already comprise \$20 million in annual spending, we believe if any further investment is going to be made in the YRTCs this year, that this bill represents the best proposal for use of our precious General Funds. So at our interim study hearing over the summer sponsored by Senator Lowe, staff and administration at the facility testified to the efforts they've made in recent years to implement more evidence-based programming, improve the staff youth ratio, and ensure campus safety

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

and security with a difficult population. These efforts are to be lauded, particularly since as a system we've put them in a difficult situation by setting up our juvenile justice system to make the YRTC's our only no eject, no reject option in juvenile justice. We're asking the professionals at the YRTC's to take too many kids with too many different significant needs in facilities that were not built to offer appropriate treatment capacity to serve each one individually. Funding for more mental health practitioners, more direct care staff to provide relief and the time to deepen their relationships with the youth, and more evidence-based programming will improve the experiences of youth and staff on campus to maximize positive outcomes contributing to community safety through decreased recidivism. I'd especially like to highlight the importance of the evaluation that LB226 contemplates that that, Senator Erdman, you're asking about. If these facilities are going to exist in our juvenile spectrum, they need to be safe for youth staff and community alike and produce the rehabilitative outcomes they're intended for. I came before this committee recently to testify regarding the community based Juvenile Services Aid Fund, which is a little over \$6 million annual fund created by the Legislature for diversionary programs, services, and placements, and every single program across our state that receives even a dollar of that fund is evaluated by the University of Nebraska at Omaha Juvenile Justice Institute on its outcomes including future system involvement, i.e. recidivism. So in their evaluation report published in November 2018 for programs funded in 2016 to 2017. JJI evaluated 243 programs that served over 14,000 youth in Nebraska. And I bring that up in this hearing today because in fiscal year 2016 to 2017, the two YRTC facilities had a combined total of 172 youth admitted. And we spend more than triple per year on those two facilities what we put into the community based aid fund annually. And yet we've not in recent memory had an evaluation done of the short- or long-term outcomes that the facilities are providing and the role they play in our rehabilitative juvenile justice system. So if we can evaluate every diversion program operating through a \$6.2 million fund serving 14,000 youth, we should be able to evaluate these two facilities. And I'd like to thank Senator Quick for bringing this bill, and this committee for your time and care on these issues. And for all the foregoing reasons, I would urge you to advance it and incorporate at least some portion of it into your final report. Thank you for your time and I apologize again for my confusion.

STINNER: Questions? Seeing none, thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

JULIET SUMMERS: Thank you.

SCOUT RICHTERS: Good afternoon.

STINNER: Good afternoon.

SCOUT RICHTERS: My name is Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s, here on behalf of the ACLU of Nebraska in support of LB226. I'm circulating written testimony, and we'll just briefly summarize it here. First, I wanted to thank Senator Quick for bringing this legislation. LB226 ensures that we are investing in evidence-based programs to contribute to the success of Nebraska young people. The Supreme Court has recognized that adults and children must be treated differently from one another in the context of crime and punishment. The ACLU of Nebraska is committed to challenging the routine criminal-- criminalization and incarceration of young people, particularly youth of color who are disproportionately represented in the criminal and juvenile justice systems. For those youth who are placed outside of their homes, we must ensure that any incarceration of a young person is serving the ultimate goal of rehabilitation rather than punishment. In LB226 serves this-- serves this goal by ensuring that programming and mental health counseling available to youth is evidence based, and also rightly recognizes that none of these goals can be achieved without staff who are adequately trained and available in adequate numbers as well. And one thing I want to highlight, when we talk about programming and mental health counseling at the YRTC's, I think we must also recognize that our use of solitary confinement of-- within juvenile facilities really undermines programming and educational opportunities that are available. We know that on the bright side, the average duration of those incidents are decreasing across the state. But we also must recognize that in order to realize those programming and mental health goals that are envisioned in LB226, we must end the use of solitary confinement for violations of behavioral rules and other low level offenses because we know of the psychological damage caused by solitary confinement. And we also know that when young people are placed in solitary confinement, they don't have access to the programming available within the facility. We support LB26 because it recognizes that programming and mental health services are available to young people at the YRTC's. We want to reiterate our thank you to Senator Quick; and I'm happy to attempt to answer any questions.

STINNER: Questions? Seeing none, thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

SCOUT RICHTERS: Thank you.

STINNER: Any additional proponents?

TANIA IVIE: I didn't have time to fill out the green sheet. You want me to fill one out before I speak?

STINNER: He's getting one for you. You can fill it out. Good afternoon.

TANIA IVIE: Good afternoon. My name is Tania Ivie, T-a-n-i-a I-v as in Victor-i-e. I am currently an employee at LRC, so I do work with some of the youth that we do have in our facility due to no placement for those youth. With those youth, our staff have no training, very minimal programming for these-- for the children that are needing schooling, longevity of not "reoffensing," proper life etiquettes for these children. Staffing issue for these facilities is a much needed process and something that needs taking a look at because without longevity and staff and people working together with these children and youth, the system isn't going to work and we're going to fail. And failing is not something that we should be trying to do with our youth for today. I have seen what happens as these children get older and keep coming back as adults. Fencing just seems a minority then to try to better a person's life.

STINNER: Any questions? Senator Dorn.

DORN: Thank you, Chairman. Thank you for coming today. You said staffing was an issue there.

TANIA IVIE: Staffing is an issue.

DORN: What's-- what-- in your opinion, what-- what is one of the reasons why staffing is an issue-- or keeping staff?

TANIA IVIE: It's-- without proper training, proper programming to help staffing get to where they need to be and what they need to learn to help the youth, is-- is a problem. And we have agency workers in our facilities that just come and go on base-- on a regular basis. That is not proper staffing for people with mental health. People with mental health need stability and regular routines and regular people that know their likes and dislikes and their wants and know how to cope and deal with the youth or adults. And when you don't have the proper training or people, you know, agency staffs coming and going, people don't stay. Rules are constantly changing from one person to the next.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

Nursing is also an issue with keeping staff there as well. So every time a new management tries to come in, they want to change everything and that falls down and it's just a domino effect. And the real people that are getting hurt by it are the youth in a long-term treatment to go out in society as this person would and not be reoffending.

DORN: Thank you.

STINNER: Any additional questions? Seeing none, thank you.

TANIA IVIE: Thank you.

STINNER: Any additional proponents? Any opponents? Seeing none, anyone in the neutral capacity? [ALARM SOUNDING] Perfect timing.

COREY STEEL: I hope that was a false alarm.

STINNER: Yeah, let's pretend it was.

COREY STEEL: Good afternoon, Senator Stinner, members of the Appropriations Committee. My name is Corey Steel, C-o-r-e-y S-t-e-e-l. I am the State Court Administrator for the judicial branch of the state of Nebraska. I'm here today to testify in a neutral capacity. I've discussed with Senator Quick that the Supreme Court in 2013 adopted court Rule 1-1001 that, quote: For the purpose of accurately assessing post program recidivism across justice Programs, Nebraska State Probation and Nebraska Problem-Solving Courts shall utilize the following uniform definitions of recidivism for all adult and juveniles within their respective programs. And I've attached that to my testimony to the second page of that rule amendment. One thing that I do ask you, Appropriations Committee, or Senator Quick, as I've talked with him this morning, is a possible amendment to the Supreme Court definition language in the subsection (5) of the bill. [ALARM ANNOUNCEMENT] OK, I'll continue. I have attached a Supreme Court rule and ask the Appropriations Committee and/or Senator Quick to amend this-- amend the Supreme Court definition language which is in subsection-- or excuse me, Section 1(5) of this bill so that there is uniformity in how juvenile recidivism is determined in Nebraska. This will give everybody the ability to manage a little probation recidivism rates with those YRTC juveniles. I just want to add one piece just for clarity sake for the committee; juveniles that do go to YRTC Kearney or Geneva are on probation, they are still under court supervision, and they come out on post-release supervision with juvenile probation. So we still have those juveniles. [ALARM

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

ANNOUNCEMENT] So again, just to reiterate, those juveniles are placed on probation, they've either failed at probation or were placed at YRTC Kearney and Geneva, on probation under judicial oversight come out on post-release supervision through juvenile probation and are back in the communities. Again, if we have the same standard definition for what YRTC in this study that is proposed and what we do on juvenile probation that the Supreme Court has approved, at a much-- be a much asset to be able to compare apples to apples instead of two different recidivism definitions. I'd be happy to answer any questions the committee may have.

STINNER: Questions? Senator Clements.

CLEMENTS: Thank you, Mr. Chairman. Thank you, Mr. Steele. I'm not very familiar with the YRTC facilities. But I see this bill is asking to appropriate funds to Program 250, to health and human services and wonder if that's appropriate and why isn't it being appropriated to the judicial branch?

COREY STEEL: How I will answer that is, the fundamental oversight and the staffing and the facility itself is still under the Department of Health and Human Services. They still run that facility. It's their staffing. It's in their budget. Even though those kids go there on juvenile probation, they are still placed in the care and custody of HHS for the purposes of that facility. So it's like an out-of-home care facility and so forth, but is ran by the state. So we don't have oversight over the YRTCs in the judicial branch.

CLEMENTS: Thank you.

COREY STEEL: Yes.

STINNER: The judiciary does an evaluation of the youth and determines a diagnostic evaluation of the youth and determines the programming that's necessary?

COREY STEEL: What we do is we will do predispositional reports and subsequent evaluations that are determined and needed prior to going to that facility. And that information is transferred to those facilities. But as well, I know that the facilities on their own accord also do evaluations and assessments of those juveniles as they go in, and then we do that on the back end, as well, as they're coming

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

out, so we get the appropriate program and services lined up in the community when they are released from that facility.

STINNER: Any observations relative to programming? Did they have enough programming? Is it broad enough or haven't you looked at it?

COREY STEEL: It's probably not for me to comment on, Senator, as that's ran by another-- another branch.

STINNER: OK. Just thought that maybe you had a little oversight or insight. Additional questions? Seeing none, thank you.

COREY STEEL: Thank you.

STINNER: Good afternoon.

JULIE ROGERS: Good afternoon, Chairperson Stinner and members of the Appropriations Committee. My name is Julie Rogers. J-u-l-i-e R-o-g-e-r-s, and I serve as the Inspector General of Nebraska Child Welfare. Nebraska Statute 43-407 requires that the Office of Juvenile Services submit an annual report to the Legislature about implementing evidence-based practices, policies, and procedures. This includes the percentage of juveniles being supervised in accordance with evidence based practices; the percentage rate of state funds expended that are for evidence-based programs, and a list of those programs and other items. This that you've been given is their report for this last fiscal year. YRTC Kearney reports in the last fiscal year they spent \$27,222.95 on the evidence-based programming. This amounts to less than 1 percent of their annual budget. The good news is, on the next to the last page of the report, that a new programming model will be implemented in 2019 at YRTC Kearney. The Ombudsman's Office and our office, we, in the next week or two, will be fully briefed on what that new evidence-based programming model will be. But I know that it's in the works. It's just premature to be able to explain exactly what that is.

STINNER: OK.

JULIE ROGERS: And that's all I have if anyone has any questions.

STINNER: Questions? Senator Bolz.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

BOLZ: I guess I can't-- I can't let it go without asking the question. So, if only 1 percent of their programming is evidence-based programming, what-- what has the other programming looks like?

JULIE ROGERS: I think the programming-- it's not-- it doesn't rise to a level of evidence-based. It might be promising practice or a behavioral model that just has not been evaluated yet in order for it to be evidence based. They have made strides. MRT, MST has been implemented, I know and I'm anxious and excited to know what their new programming model will be and what they're working towards.

BOLZ: OK, thank you.

JULIE ROGERS: Yep.

STINNER: Any additional questions? Seeing none, thank you.

JULIE ROGERS: Thank you.

STINNER: Anyone else in the neutral capacity? Seeing none, Senator Quick.

QUICK: Thank you, Chairman Stinner and members Appropriations Committee. When I went there to visit this last summer and went on a tour, they talked about the number of kids. It's a pretty small percentage of the kids who really have some of the bigger issues. And that results in staff assaults, assaults on other juveniles. And then probably the same kids that maybe leave when they're upset, leave-- leave the facility. I also found out talking with the staff and also at the Buffalo County Sheriff that they have some-- some kids said that leave when they're out on a visit, when they go out with their parents. So they're not actually leaving the facility, they're leaving when they maybe go with their parents to a Walmart or a movie or something like that if they get to go out on a day trip. They also have one-- I think the last one, from what I found out, left when they went-- took the juvenile to a doctor's visit, and as soon as they got to the doctor's office, he took off from there. So not all of the-- the-- of the juveniles that-- that leave are actually leaving the facility. And that's another reason why I'm not sure that the fence is-- is-- is-- is what we need to spend the money on-- our dollars on. I think doing more programming, I think that's what's going to benefit the kids the most. I think it's going to benefit the-- the-- the staff; also hiring more staff. I mean, there's a shortage of staff. I know at the-- especially in the Kearney Regional Center-- Treatment

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

Center. And I think that's one of the biggest issues that they're facing in shortage of staff, shortage of-- of education and training for the new staff. And I think that would benefit all of those kids, and benefit the staff as well, and benefit the community itself. With that, I'll answer any other questions you have.

STINNER: Questions? Senator Clements.

CLEMENTS: Thank you. Thank you, Senator Quick. Now that I've got it figured out that Health and Human Services does the programming and not judiciary, I'm curious that nobody from HHS came to testify. Are they in favor of this proposal?

QUICK: And I probably should have done a better job of sitting down and speaking with them. I just felt like this was something, you know, with my involvement going to the hearing, going on a tour, being involved; I've talked to the Inspector General, Julie Rodgers, quite a bit, I've talked to the Ombudsman's Office, so I've been involved with a lot of different groups, and I probably should have done a better job of talking with Health and Human Services as well.

CLEMENTS: All right. They didn't come in on a position either, I guess. I was just curious about that. Thank you.

STINNER: Additional questions? Seeing none, thank you. That concludes our hearing on LB226. We will now open LB326. Senator Quick, you don't have to move.

QUICK: Perfect, all right. Good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Dan Quick, D-a-n Q-u-i-c-k, and I represent District 35 in Grand Island. I've introduced LB326 to begin to address some of the racial disparities in child welfare systems in Nebraska by providing funding for race, equity, and cultural competency training for those who work within the system. Last summer, Senator Howard introduced LR418 which studied the overrepresentation of youth of color in the foster care and juvenile justice systems. At the hearing, we learned that the child welfare and juvenile justice systems affect children and families of color, but is significantly higher rate than their white peers. Because they are-- because they are over represented in the system, they have experienced negative interactions with caseworkers and staffers who don't have the cultural competency training-- trainings to properly help these children. Last year, I learned about a group called Inclusive Communities which worked with the Office of Probation Administration

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

and the judicial branch to provide in-person cultural competency training for all staff and their agencies. I have heard that training was really-- was really well-- well received and beneficial. I think that our caseworkers and staffers and the children and family services department would benefit from a similar training and it could help reduce some of the negative results of youth of color being overrepresented in this system. To accomplish that goal, this bill would appropriate \$50,000 to the Department of Health and Human Services, Children and Family Services Department to carry out cultural competency training. This amount is based off the proposal for the judicial branch and probation training, but is slightly lower to reflect additional federal funding that can be utilized [ALARM ANNOUNCEMENT].

[BREAK]

STINNER: Here comes everybody. We'll just-- we'll continue with the hearing.

QUICK: All right, I'll just pick up where-- start where I left off.

STINNER: Yeah. Somebody get that door, will you. Cadet, pull that door shut. Door. Keep some of the noise down.

[PAUSE]

QUICK: --federal funding and so Title IV-E of the Social Security Act, the primary source of federal funding for states, can provide matching funds for this type of training for workers. The training would be current and-- for income-- for current and incoming case workers and other frontline staff, as well as relevant leadership to help them raise the diversity-- diversity of families while being aware of disparities and mitigating these disparities. I don't believe that this money or this training will completely eliminate the over-representation of youth-- youth of color in our child welfare system. But I do think it is important to start having these conversations and-- and including this type of evidence-based cultural competency training in our orientations for those who interact with these families every day. The problems begin at a structural level, but we can begin to address some of the negative effects with trainings like this. Thank you for your attention to this important issue. I'll be happy to answer any questions you may have.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

STINNER: Questions? Seeing none, thank you.

BECCA BRUNE: Hi, Senators. My name is Becca Brune, B-e-c-c-a B-r-u-n-e. And I'm the child welfare program associate at Nebraska Appleseed. Nebraska Appleseed is a non-profit organization that fights for justice and opportunity for all Nebraskans. Nebraska Appleseed strongly supports LB326 to appropriate funds to support race, equity, and cultural competency training for staff within the Department of Health Human Services, Children and Family Services. This bill seeks to adjust the systemic issue of children and families of color being over-represented in the foster care system. So the term "disproportionality" is referring to this over-representation of racial and ethnic groups in the foster care population compared to their percent in the total population. Data has long shown how this is true in Nebraska with a few examples of African-American children are 6.2 percent of the population of Nebraska and children, but make up almost 15 percent of the children in out-of-home care. And for Native American children, while they're only 2.3 percent of the population, they make up 6.3 percent of the population in children in out-of-home care. And disparities also exist for Latino youth and youth from immigrant and refugee families. So you heard from Senator Quick, in 2018 that Senator Howard introduced an interim study to further look at these disparities by connecting with those have been most closely impacted by the system. I provided a summary of the findings from this interim study that because it contributed to LB326. The most common input that I heard when I talked to community members about these disparities were issues related to relationships with caseworkers and probation officers. Individuals shared frustrations about the lack of cultural understanding and a lack of awareness of one's own implicit bias on race and poverty. From youth to foster parents, many ask for improved training on working with diverse communities and on implicit bias, but training that also utilizes experts on these topics and engages, whenever possible, input from diverse communities who have had experience in the system. So LB326 addressing these concerns through the appropriation to train case managers, supervisors,, agency leadership, or YRTC staff and others to ensure they embrace the diversity of families, understand the current disparities in disproportionality, and can then work to mitigate and overcome. Based off of community input, LB326 also says that it would be provided-- this training would be provided by external experts and involve community members. So in addition to this appropriation, HHS would also be able to maximize federal funding through Title IV-E funds, which is a primary source of foster care funding and traditionally

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

used for foster parents stipends, but it can also be used for administrative costs, including training of DHHS staff. So this could be approved for a 75 percent match for both short-term and long-term training. Reducing disproportionality and disparities in the foster care system will require continued efforts to dismantle practices that contribute to these inequities that have hurt Nebraska families and children for far too long, to providing cultural competency and race equity training is a necessary beginning step. For these reasons, we ask the committee to support LB326.

STINNER: Thank you. Senator Erdman.

ERDMAN: Thank you, Senator Stinner. Thank you for coming. It has come to my attention over the last year or two that in the Omaha area, for example, when one's utilities are turned off, they come and pick up their children. I've asked the question about how many children are in foster care because their utilities have been turned off. And I cannot get an answer to that. Do you have any idea how many children are in foster care because of that?

BECCA BRUNE: I don't know the number for that reason specifically. I know in general there are many children in the foster care system who are there not because of abuse, but because of neglect, often because of poverty issues, but I don't know the exact number. But I would be interested to look into it more and see if I could help find an answer.

ERDMAN: Could you check and see how many people-- how many young people are in foster care because of the utilities being turned off, whether that's water, gas, electricity, whatever it is? That would be very helpful.

BECCA BRUNE: OK. I hope-- I hope there's an answer for it. I know sometimes it's hard within the data system.

ERDMAN: If you get the answer I would be surprised, but you can try. Thank you.

BECCA BRUNE: Yeah.

STINNER: Additional questions? Thank you.

BECCA BRUNE: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

JULIET SUMMERS: Good afternoon, Chairman Stinner--

STINNER: Good afternoon.

JULIET SUMMERS: --members of the committee. My name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s. I'm here before you representing Voices for Children in Nebraska in support of this bill. Our state systems should be structured to ensure that every child has an equal opportunity to grow up safe, healthy, and valued and the state's response to child maltreatment or youthful misbehavior should not be dictated by a family's race or ethnicity. Voices for Children supports LB326 as an important foundational step to reduce disparities and disproportionality in our child welfare system. Research shows that families of color are no more likely to abuse or neglect their children than white families within similar income groups. However, African-American and Native American children, in particular, are involved in child protection systems, including in Nebraska, at rates that are disproportionate to their presence in the general population. Numerous studies have shown that racial disparities occur at various decision points in the child welfare continuum. In Nebraska, you're getting a-- in addition to my testimony, a fact sheet that has some of this data laid out. We've given you the total child population broken down by race and ethnicity that's not involved in our child welfare system, that's our total youth population zero to 17. And then we've also given you entries to the child welfare system based on race or ethnicity, child welfare system involvement, out-of-home care, average number of placements by race and ethnicity, and length of time and out-of-home care. So I won't read off to you all of that data; you have it in front of you. This is all data from the Department of Health and Human Services. And then make a note that it does not include tribal children. So children who have an open abuse-neglect case, but there are cases being managed by a tribal authority. And we're working-- we're hoping in future years to be able to have that data, as well, working in partnership with the department and the tribes, because obviously we, you know, the foundation is knowing what the data is, we don't want to be missing children as we're presenting these reports. So I'd flagged that for you. But as you can see looking at these, ones involved with our child welfare system, children of color in Nebraska are more likely to experience some of the worse outcomes including longer lengths of stay, increased number of placements, lack of placement, stability, et cetera. Because impacts of childhood trauma, including those caused by the system itself, can last for a lifetime. The social cost of this inequity is devastating

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

to children of color, their families, their communities, and our society. You've heard about the interim study and that one of the baseline recommendations from individuals who've been directly affected by this system was training, and that led to the idea behind this bill. We know that training and cultural competency and race equity isn't the only solution to a layered societal problem, but it is important foundation. Dismantling system barriers to racial and ethnic equity is necessary to improve our child welfare system for each innocent child it touches. So we're grateful to Senator Quick for sponsoring this bill and I respectfully urge this committee to advance it and incorporate the General Fund appropriation into your budget package. Since I have a little time, Senator Erdman, I'll tell you we do get from the department reason for removal broken down by their sort of larger buckets. I'm not sure we would but we'll get as specific as-- specific to utilities. But there is one bucket that is inadequate housing, and there's-- we know that the biggest bucket-- the reasons kids are being removed from their homes is neglect, which could encompass some combination of factors like that. So I tried to pull it up on my phone and I'm not getting it right this second, but I'll make sure to look into that and get back to whatever level of specificity you can. I'd be happy to answer any other questions.

STINNER: Additional questions? Senator Bolz.

BOLZ: Could you clarify just-- being the Appropriations Committee, we don't always have the same set of facts that the HHS Committee works from. A removal would be based on a risk assessment, right? And a risk assessment would be a comprehensive set of factors based on an evidence-based model. So it wouldn't just be one factor related to utility shut off, it would be multiple factors identifying a specific risk level. Am I accurately portraying how that works?

JULIET SUMMERS: Yes. Yes. So the department uses structure decision making as they're evaluating, you know, when they get-- they get an intake call. Some of those intake calls they screen out right away. And hopefully if the only allegation is, you know, the power is cut off temporarily or something like that, they'll-- they-- one of their options that they can do is they can refer it to community resources who can assist with, you know, helping make a payment to the power utility company, et cetera. If there are enough factors that-- that look risky they'll open an intake and do a broader assessment of the family and the circumstances to check for child safety and risk. And then, you know, make kind of make a decision from that point whether

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

to accept this intake. And then from there whether they can work with the family on a voluntary basis to get the needed services or assistance in place versus remove the child. Now what I will say to Senator Erdman question is we get our data straight from the department in terms of reasons for removal and we are getting some numbers that are, you know, inadequate housing, or they're smaller numbers. But it's clear that we're-- there are some pieces that we're missing. If there's no other safety risk with the family, this is a loving family that wants to care for and protect their child and they're in a tricky housing situation right now that-- that we have to do a removal and an involuntary potentially court process to do that rather than get that assistance some other way.

BOLZ: And maybe the intersection between Senator Erdman's concern about unnecessary removal or removal or not risky enough reason could relate to Senator Quick's bill about people having an understanding of biases and perceptions so that those removals only happen when necessary.

JULIET SUMMERS: Absolutely. Absolutely. And I will say, I mean this is now anecdotal and it's a few years older, but when I practiced in juvenile court, I personally represented a, you know, a parents or two who this whole process had gotten under way and the child had been removed swiftly and it was discovered, look, the-- the issue was the power was temporarily out. You know, you found this child in a cold home. But we have been making good faith efforts to get the power back on swiftly and, you know, it's that the process, at least at that time, you needed to catch up with itself and the child was removed in the meantime which is something I think we are doing better about now than when I was in the courtroom.

BOLZ: Thank you.

STINNER: Senator Vargas.

VARGAS: Thank you for being here. Can you-- so let me just frame this question. So when we were on-- when I was on the Omaha Public School Board, we did an-- what a study on our internal practices. What we found is that we had some-- kind of similarly, some-- the need for cultural competency training and development. And more of that stemmed out of-- again, so the disproportionate contact with-- with people of color, communities of color. And then since we've established a whole set of different things that we're doing, the support inclusive communities is one of them. So it is good to see that this proposal is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

trying to go down that route. And then it's also not just like once we've done it, it's set in stone and everybody is all of a sudden culturally competent in how it works, right? Just want that on the record. But can tell me, do you have any data or know of any other state departments of health and human services that are doing this in the Midwest? Like if Iowa is doing their own internal cultural competency or bringing in trainers or, you know, other states around us, I don't know if you have any data or can provide us with that.

JULIET SUMMERS: That's a great question. Yeah, I can look into it. I'm not sur--. I haven't looked specifically at other states and specifically the question of cultural competency. I think Senator Quick did mention in his opening that-- that our entire judicial branch did this last year. Just as we're thinking about kids and our child serving systems, every family who's being touched by the juvenile justice system is now interfacing with judges, attorneys, probation officers who have gone through this kind of type of implicit bias, cultural competency training, just a sensitivity to your own biases that we all walk around with and how they may impact your work with your clients. And so, of course, you know, I'm here supporting this bill because we believe that children on the child welfare side and their families equally deserve that. So, you know, we have an example right here in Nebraska and I think that's even potentially where Senator Quick pulled the cost from was that-- was that was it had cost to train all judicial branch staff. So it's not obviously a panacea, as you say, but it's a hugely important foundational step.

VARGAS: Thank you. And it is a step that I do-- there are a lot of data points in terms of juvenile-- juvenile departments in different states that are doing this too. I just was curious, you know, if we're doing it in division health and human services in other states. So if you fax me that data, that would be really help up.

JULIET SUMMERS: Sure.

VARGAS: Thank you for your support for this bill.

STINNER: Additional question? Seeing none, thank you.

JULIET SUMMERS: All right. Thank you.

STINNER: Good afternoon.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

TERRELL MCKINNEY: Hi. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. I'm here today to offer my support for LB326 which would allocate \$50,000 from the General Fund to the Department of Health and Human Services, Child and Family Services for cultural competency and race equity training. As a member of the black community, I've heard far too many horror-- horror stories about the child welfare system that I eventually found out were true. I've seen friends and families separated for long periods of time, parents being put through the wringer just to keep the kids at home, kids being placed from one foster home to another because no one took the time to really understand them. I appreciate the willingness from many to choose a career in social work, but quite frankly, that isn't enough because daily your task with dealing with people with real issues and real problems. Sadly, far too often, individuals that are fresh out of college and who have little to no interactions with members of my community and other minority communities, walk inside of homes with preconceived biases and judgments. Those that don't walk in with those biases and judgment, either leave with them or leave the child welfare system because issues of cultural competency or race equity are more widespread than many believe. I'm happy to see this bill isn't limited to case managers because supervisors and relevant agency leadership, youth rehabilitation, and treatment center staff, and other frontline staff need these pieces of training also. Too many-- too many families have been negatively affected by the child welfare system because of a lack of cultural competency and race equity that is needed to effectively provide the much needed care and assistance that many families need. The proper decisions cannot be made by leadership or case managers if no one has an adequate amount of cultural competency and race equity training. I believe that if you go inside of the community, that you should walk in with an open mind and be as genuine as possible. This isn't the end all, be all, but it's a step in the right direction, especially if we ever to help-- if we ever hope to make sure Nebraska lives the good-- every Nebraskan lives the good life. Thank you.

STINNER: Thank you. Questions? Seeing none, thank you.

TERRELL MCKINNEY: Yeah.

STINNER: Good afternoon.

KAREN BELL-DANCY: Good afternoon, members of the committee. I am Karen Bell-Dancy, K-a-r-e-n B-e-l-l hyphen D-a-n-c-y. Normally, I'm here representing YWCA-Lincoln, even more today I'm representing myself as

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

an African-American woman, a mom, a grandmother, former CASA, educator, and member of the Lincoln community. I am very much in support of LB326 to offer funding to support cultural competency training. As a diversity trainer, which now is really branched over into adversity and inclusion, I believe it's very important that training occurs at all levels, especially when it would help to address the disparities that we see happening for youth of color. Through the YWCA, we have several programs that support youth development and family engagement. And many of those are our youth that are in foster care. They are from recent relocated families to the United States. And we do see that there is a huge number of youth of color that move into the system, and especially within the foster care system, And it's not just because of neglect, but it's because of a lot of other situations. Working with our mother-daughter circle program, that-- we work with the Sudanese population, we work with Hispanic families, and we work with the Middle Eastern families and this works with the relationship between mom and daughter to help foster and build that relationship as they not only acculturated to the Lincoln community, but going through that whole mom-daughter type of challenges that they have when a youth is going through her adolescence. We see that there are many reasons why families do enter into the system. And sometimes it's just because the communication isn't there. And I believe if the appropriate training is in place, it will help to reduce some of the misunderstandings that occur. Training that would address, I think, should include understanding Microaggressions, implicit bias, transformation, and so on and so forth. These are some of the trainings, as the executive director of the YWCA, that I regularly do with other nonprofits to help their staff. One of the things that we're doing through Lincoln, Lancaster County in our RED prevention committee, which is the racial, ethnic, and disparity committee, is we have developed a whole training platform that will start early April and go through October training staffs or nonprofits so that we are starting to address some of these cultural bias and building cultural competency. So to me it's really simple. My whole passion around all of this is that I've raised my daughters, they're all grown, but my grandson who is now in third grade of Lincoln Public Schools and my granddaughter that's in preschool, I want them to understand and be everything that they can be within this Lincoln community and then the world, because I believe that they are going to change the world. And I want those that touch them make every point along their educational career are competent and what they're doing and understanding what they come from. As a past kindergarten teacher, I used to remember on Mondays we finally stopped

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

sharing with the kids in kindergarten because some of them would come in and they would tell stories about what occurred over the weekend and how tragic some of those stories can be. And so we have to understand, as those professionals that work with these youth, what had they experienced over the weekend, what are those stresses that they have as a young individual they may help them to have certain behaviors. So that's why this kind of training is important so that everyone, and especially those that don't look like them, know how to effectively work with them. I thank you for your time.

STINNER: Thank you. Questions? Seeing none, thank you very much.

KAREN BELL-DANCY: Thank you.

ROSE GODINEZ: Good afternoon, Senators. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am here to testify on behalf of the ACLU of Nebraska as legal and policy counsel. I'd first like to thank Senator Quick for introducing this legislation. I'm circulating written testimony. The ACLU is committed to upholding racial equality and combating racism in all forms to address the broad issues that affect people of color. Providing funding for cultural competency and racial equity training to DHHS staff, as this bill does, will help us as a state serve our Nebraska families in a more racial-- racially and ethnically informed approach, thereby decreasing the disparities in our child welfare system. I will not rehash the statistics that were presented before me, but I do want to say that in addition to cultural competency and racial equity training, the committee should consider adding implicit bias training as some skills that are learned in that type of training are not included in these others. We support LB326 because racially discriminatory enforcement within DHHS can result in the tearing apart of families of color for mere racial or ethnic differences. And for those reasons we urge the community to advance this bill. I'm happy to answer any questions.

STINNER: Questions? Seeing none, thank you.

ROSE GODINEZ: Thank you.

STINNER: Any additional proponents? Seeing none, any opponent? Seeing none, anyone in the neutral capacity? Seeing none, would you like to close, Senator?

QUICK: Thank you, Chairman Stinner, members of the Appropriations Committee. One of the things I wanted to follow up with was, you know,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

each one of us has our own perspectives on how we-- how we see others and-- and believe that they live. And I think until we've walked in their shoes or seen it through their eyes, we're not always-- maybe we were not-- maybe we can't address their issues. And that it becomes difficult for, say like, the caseworkers. Maybe they can't see because they haven't been in that situation [INAUDIBLE]. You know, I've had diversity training when I was-- it's probably been about eight years ago and it was-- I was a business manager for our local so I went to diversity training through-- for our union leadership. And one of the things-- and I think it was really beneficial for all of us to hear what we heard in the room, because we talked about people of color and in the workplace and representing them. And some of the leadership, and I hate to admit this, but I didn't see people of color and represented-- they didn't represent them the same they did of their brothers and sisters who were Caucasian-- or white. And that was disappointing for me to hear, but I think it was beneficial for them to get that out. Because that's-- when they-- when it finally came out, that's the way they were raised. I mean they were, from a young age, they were-- were told not to play with-- with the children of color in the street-- or in their neighborhoods. And so I think it was really good for them to actually come out and be able to talk about that. And I think was really beneficial for them, as it was beneficial for me to hear that, because I had never-- I was-- I'll be honest, I was shocked when I heard them talk about it. So, I think this is a-- is a good-- a good use for these dollars to help train these caseworkers who maybe don't see things from the way that-- that these-- what these families are going through and be able to address their issues. So, with that I'd entertain any questions. So, thank you.

STINNER: Questions? Senator Vargas.

VARGAS: Not a question, I just want to thank you. As a-- as a person of color, and there are not a lot of people of color sitting in my seat. What you just said means a lot, especially on the record. Thank you.

QUICK: Thank you.

STINNER: Thank you, Senator. Quick. For the record, I have two letters of support for LB226 and 5 letters of support for LB326. So that ends the hearing on LB326. We'll now open with LB327; Senator Bolz.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

BOLZ: Good afternoon, committee. I am Senator Kate Bolz, that's K-a-t-e B-o-l-z. And today I introduce LB327. LB327 would increase mental health and substance abuse treatment service rates among providers serving consumers in the medical health assistance and probation systems by 5 percent in each of the next budget years. I want to clarify that it-- while it is not reflected in the fiscal note, it is the intent of this bill to include services for those children receiving CHIP benefits in the population receiving medical health assistance. The recommended rate increase is based upon a multi-year cost model data collected by the Division of Behavioral Health. The Division of Behavioral Health's cost model study shows that rates paid for behavioral health services are far below the cost of providing needed and critical care. The cost model study shows that rates paid to behavioral health providers are anywhere from 7 percent below the actual cost of providing services to 35 percent below the actual cost of providing services, and that the average rate paid is 18.1 percent below the actual cost of providing services. And that cost model study and that data is what informed this committee's decision to provide the cost-- the appropriation for the implementation of the cost model study for the Division of Behavioral Health. LB327 would apply the same rationale, the same logic that those cost model study-- that cost model study should also inform the services provided through the Medicaid system and the probation system which are-- which are the very same services, which are also substance use and mental health services. This is particularly important because 1 in 5 Nebraskans will suffer from a mental illness or addiction in any given year. And 1 in 5 high school students reported they seriously considered attempting suicide. You'll hear a lot of data and information about the challenges in our mental and behavioral health system from other testify today. Hospitals and health systems across the state provide essential behavioral health services to Nebraskans according to the Nebraska Hospital Association. There is 78 Nebraska counties that have no psychiatrists and 72 counties that have no behavioral health provider of any kind. Better reimbursing the rates to service providers for the actual cost of care will help them to attract and retain the service providers that they need to serve people in all kinds of communities. In addition to increasing provider rates, LB327 would require the Probation Administration and the Department of Health and Human Services to provide an annual report at the end of years 2019, 2020, and 2021, enumerating the distribution of funds across all services and providers. I believe that Nebraskans deserve access to timely and appropriate mental health services. I also think that it's important and fair that the providers of the same

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

types of services within different service systems get an increase when an increase is merited. And I think the Division of Behavioral Health cost model study shows that an increase is merited. So I'll happily answer any questions. And I do have a fact sheet for the committee's consideration.

STINNER: Any questions? Seeing none, thank you.

BOLZ: Thank you.

ANNETTE DUBAS: Good afternoon, Senator Stinner and members of the Appropriations Committee. My name is Annette Dubas, A-n-n-e-t-t-e D-u-b-a-s, and I'm the executive director for the Nebraska Association of Behavioral Health Organizations. We're a statewide association that represents providers, hospitals, regional behavioral health authorities, and consumers as well. We would like to sincerely thank Senator Bolz for her support and her leadership on LB327. To say that this bill is now post-priority is an understatement. It is not uncommon for us to appear before this committee and make a case for a provider rate increase or to fend off any potential cuts. But today it is critical that you understand just how important this bill is to the future of behavioral health providers and the individuals and families they serve. The need for people to access the right behavioral health services at the right time and in the right place should not be an unrealistic nor unattainable expectation. Just as we expect people to have access to physical health care, the same must be true for mental health and substance use disorder treatment. It is not secondary to people's successful recovery, it is primary. Today I'm here to present information regarding the current system from kind of that 30,000 feet level. Those that follow me will provide a more intimate view of what they do and why access to timely behavioral healthcare is critical. Historically, behavioral health has relied heavily on public payers for its financial resources. For decades, private insurance paid very little in the way of mental health and addiction treatment. Even now with parity because of high deductibles and co-pays along with restrictions on services, private insurers pay only a small percentage for behavioral health services overall. Nationally 62 percent of mental healthcare and 69 percent of substance use disorder treatment are covered by public payer. NABHO members received roughly 77 percent of their funding from sources like Medicaid, Division of Behavioral Health, criminal justice, and child welfare. This is just a snapshot of our members; it doesn't include all of our members. We're still kind of in the process of building a very detailed database. But I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

think it's a-- it's an accurate reflection in that respect. That is why a behavioral health rate increase for all payers is so urgent. The Division of Behavioral Health is conducting a multi-phase cost model looking at the rates paid for an array of services versus the cost of providing that care. Phase 1 showed halfway house rates and medication management 70 and 30 percent below the cost of providing care. We were on the verge of losing those providers. Phase 2 looked at an additional array of services with those numbers coming in anywhere from 7 to 35 percent, as Senator Bolz mentioned. In 2014, NABHO commissioned a Medicaid rate study by Seim Johnson and those numbers showed an inflation factor of 50 percent for inpatient rates and 45 percent for outpatient rates. Our behavioral health business cannot continue to operate with rates that do not come close to covering operations and treatment. One in five Nebraskans will deal with a mental illness or an addiction in any given year. Suicide is the second leading cause of death for ages 15 to 24, and the numbers are on the increase for those 10 to 14. Forty percent of those incarcerated at Tecumseh suffer from a serious mental illness. And less than half the adults with a mental illness, and roughly 15 percent of those over the age of 12 with a substance use disorder will seek treatment largely due to the inability to pay for that care. Use of alcohol is the number one cause of addiction in our state, followed by meth, marijuana, cocaine, and opioids. A high percentage of our children are in out-of-home placement due to a parent or caregiver's addiction. In Nebraska, 88 of our 93 counties are designated mental health shortage areas; and 32 have no provider whatsoever. Recruitment and retention is our-- one of our biggest challenges. NABHO appreciates the recognition of this committee for the need for an across the board rate increase, and we certainly understand the challenges you face setting a budget and determining priorities. We understand that because we do it every day too. We look at every scenario possible to-- to stretch a dollar. The last thing we want to do is cut needed services or limit the number of people they see, or even worse close our doors. LB327 is not simply about putting more money in providers bank accounts, it's about recognizing the critical needs for services that care for vulnerable population. Passing LB327 into the budget, along with rate increases for DBH, is a clear signal that the state understands how much mental illness and addictions impact the lives of individuals and their families and every other aspect of our society. We again thank you so much for your thoughtful consideration and attention to this very important issue. I'd be happy to try to answer any questions you may have.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

STINNER: Thank you. Questions? Seeing none, thank you very much.

DEB MINARDI: Good afternoon, Chairman Stinner, and members of the Appropriations Committee. My name is Deb Minardi, D-e-b M-i-n-a-r-d-i, and I'm the Probation Administrator employed with the Office of the Courts and Probation. I'm here today to testify in favor of LB327. Just briefly you may recall just last week the Chief Justice of the Nebraska Supreme Court testified before you. And as part of his testimony he stated and I quote: I would like to thank the committee for including probation and service provider rate increases. As you know, juvenile probation in particular is a relative newcomer to providing services. Keeping our rates consistent with those of DHHS has been a challenge. Becoming an ongoing participant in the provider rate increase process is very important to the continued success of juvenile justice reform, End quote. Today I echo the same sentiment that you heard last week from the Chief Justice as it applies to LB327. Last year alone, Probation provided 4,281 individuals with financial assistance for behavioral health services ensuring that quality providers are available and willing to work with justice involved individuals, is pivotal to recidivism reduction and client success. I would note just one technical issue. In Probation, budget program 435 is used for adult services, where program 437 is for juvenile services. Subsection 5 appropriates all the funds for Probation to only 435. We would respectfully request that the appropriation be in each of the categories. Thank you for your time and I would be happy to answer any questions.

STINNER: Thank you. Questions? Seeing none, thank you.

DEB MINARDI: Thank you.

DEB SCHORR: Good afternoon.

STINNER: Good afternoon.

DEB SCHORR: Senator Stinner and members of the Appropriations Committee, my name is Deb Schorr, D-e-b S-c-h-o-r-r. I'm a member of the Lancaster County Board of Commissioners. I'm here to testify on behalf of the Lancaster County Board and the Nebraska Association of County Officials. I recently testified before this committee in favor of LB446 regarding the County Justice Reinvestment Program, reminding you that correctional facilities have become our nation's largest provider of behavioral health services. In Lancaster County alone, nearly 1,900 inmates have generated almost 2,500 referrals to our

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

Corrections Department mental health professionals since May of 2018. Lancaster County School and the goal of each county with a local jail is to create and expand programs designed to keep individuals with mental health issues out of the justice system; a goal not possible without the increased provider rate reimbursement and service provider capacity outlined in LB327. To accomplish this goal, Lancaster County works cooperatively with the city of Lincoln, Region V, United Way, and numerous behavioral health nonprofit agencies. It is our experience that preventative community-based services provided on the front end help reduce the need for expensive governmental services on the back end, such as incarceration in the county jail or emergency protective custody and the county's mental health crisis center. These community-based programs are also helping to reduce the pressure on the state's overcrowded prison system and regional centers. Expanding capacity is important as the people we work with are at a crisis point in their lives and long wait times for mental health services are not in the best interests of the individual or the community. It's important not only to divert those with behavioral health issues from county jails in the first place, but also to prepare those who were in custody for release. Having an established connection with a mental health practitioner is a key component in reducing recidivism rates and well worth the cost of increased provider capacity and reimbursement funding. The passage of LB327 would provide a significant financial boost to maintaining and expanding these essential programs serving a vulnerable population while saving our taxpayers money in the long run. Thank you for considering my testimony and I would be happy to answer any questions you might have.

STINNER: Questions? Seeing none, thank you.

DEB SCHORR: Thank you.

CHASE FRANCL: Good afternoon, Senator Stinner, members of the Appropriations Committee. My name is Chase Francl, C-h-a-s-e F-r-a-n-c-l, and I'm testifying today in favor of LB327 on behalf of NABHO, as well as representing Goodwill Industries of Greater Nebraska. At our Goodwill, we serve 55 counties across more than 53,000 square miles of western and central Nebraska, with service centers located in North Platte, Lexington, McCook, Kearney, Hastings, Grand Island, and Columbus. We provide programming focused around employment, developmental disabilities, and behavioral health needs. And while Goodwill is commonly known for our retail stores, our mission services represent a budget of more than \$7 million and employ

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

121 dedicated staff serving over 2,000 Nebraskans alone in 2018. So today I'd like to specifically focus on our experience navigating the increased costs of providing behavioral health services that we and agencies throughout NABHO have had to absorb over the past several years and why it's so vital that LB327 be funded to support and sustain our continuum of care. Increased administrative workload creates a higher cost of service with no tangible increase value in the service provided. And while we recognize that a certain amount of this is always going to be necessary in order to operate within the complex world of braided funding and insurance billing, what providers have had to overcome in the last several years has become a heavier burden than ever before. Attachment A in the packet I provided is one of our internal documents that represents the array of program directors, program managers, billing specialists, business analysts, and vice presidents at Goodwill employees in order to remain in compliance with the requirements that come with multiple funding and regulatory bodies that are common in our sector. Each of the items on this three-page document represent non-billable, non-service activities that organizations such as ours must engage in in order to survive in today's behavioral health environment. One of the significant drivers of this was a result of the move from Magellan to Heritage Health. And that move to Heritage Health and three separate managed care organizations not only increased complexity and administrative burden, but also had the unintended effect, I hope, of relegating our service rates back to baseline Medicaid rates, effectively unraveling the progress towards targeted rate increases that had been accomplished under Magellan. So at the very same time that the wall that is our cost barrier got higher, the ladder that is our rates got shorter. Although LB327 focuses on the rate study completed by the Division of Behavioral Health, a pretty good funding model, one that allows multiple payers to pay for service, results in the cost of providing a unit of service to vary in extremely small ways, most often not at all, from a purely operational standpoint. So as a result the cost identified in the DBH cost study is highly instructive for understanding the needs not only to fund DBH services, but also for the population funded by Medicaid, Medicaid expansion, and probation funded participants. Attachment B that you have summarized these findings of the cost study putting it in a side-by-side comparison with Medicaid and probation rates. For every service the Division of Behavioral Health already pays a higher rate than Medicaid, and in addition recognizes the need for further significant increases. Having responded to DBH's requests for cost study information back when they studied halfway house, I can

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

personally attest to the thoroughness and accuracy of their process and results. This report also reaffirms the results of this great study completed by Seim Johnson of the Nebraska service rates back in 2014, which you have an Attachment C, which is a significant gap between rates of inflation and rates paid both in inpatient and outpatient settings in which I think we can confidently assume has only grown in the intervening years as the vast majority of rates remain flat or decrease as our costs continue to escalate. Today I'd argue that the cost of not fully funding this request is far greater than the investment LB327 is asking you to make. This past year alone from 2018-2019, our Goodwills faced with an 18 percent increase in the cost of our employer sponsored healthcare plan. And these are expenses that were largely absorbed by our organization to prevent passing along unreasonable costs to Goodwill staff, or the threats to the continued viability of our organizations don't come exclusively from within our sector, these rates are often our only chance of surviving them. And unfortunately, many programs and agencies have not survived. Attachment D provides a sobering list of Nebraska providers who have not been able to withstand the barrage of new costs or requirements, and consequently whose programs or agencies no longer exist. As you can see, this threat is not hypothetical. It has been and continues to be a daily reality of Nebraska's behavioral health agencies across the state. So I ask you to support LB327 to allow us to continue serving Nebraskans with behavioral health challenges because we know that without behavioral health there is no health. Thank you.

STINNER: Thank you. Questions? Seeing none, thank you.

CHASE FRANCL: Thank you.

JEFF BLIEMEISTER: Chairman Stinner, members of the Appropriations Committee, my name is Jeff Bliemeister, J-e-f-f B-l-i-e-m-e-i-s-t-e-r, and I have the pleasure of serving city of Lincoln as Chief of Police and I'd asked if the letter and statistics being distributed be part of the record. I am in support of LB327. In 2018, Lincoln Police officers responded to 3,658 incidents where a member of our community was struggling with their mental health. In comparison, we responded to 2,331 similar incidents a decade ago. The 56 percent increase in the demand for this response far outpaces the growth of population in Lincoln. These investigations include suicide, attempted suicide, and responses resulting in emergency protective custody. The majority required immediate response by law enforcement, but revealed complex, long-standing struggles with mental health and addiction issues. We

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

provide our staff with advanced training focused on meeting the needs of those experiencing mental health crisis. Lincoln Police officers are compassionate. They're skilled in the intervention and work to ensure the immediate safety. We do not have the expertise of the mental health and substance abuse providers. We rely heavily on partnerships with Region V, the Mental Health Association, CenterPointe, The Bridge, Families Inspiring Families, the Lancaster County Crisis Center, Bryan Health, CHI, St. Elizabeth, and many others to provide that continuum of care. This collaboration is part of community policing. It makes Lincoln safer and provides an opportunity for those experiencing mental health issues the resources to improve their quality of life. Sustaining these partnerships is integral. And the mental health and substance abuse partners requires appropriate funding. I appreciate your willingness to consider passage of LB327, and our agency knows this will assist with our mission to help those in crisis and keep all the citizens of Lincoln safe. With that I'd take any questions you may have.

STINNER: Senator Wishart.

WISHART: Well, thank you so much for being here and for your service to Lincoln. Since I have you in front of me and this is an issue we're going to be talking about with the Appropriations Committee, can you talk a little bit about, from your perspective, in terms of law enforcement, the benefits that you've seen. If you have seen some from those who go through the Drug Court Program.

JEFF BLIEMEISTER: The Drug Court Program, yes, it's a-- it is something that we've had a rich history with in Lincoln and Lancaster County, and there are benefits to the individuals. And all those that we do see recidivism, we do see it at reduced rates. And we continue to actively collaborate through our staff being part of the entirety of that process from the beginning all the way through the graduation.

WISHART: So could you see a benefit to the city of Lincoln for us putting in place a mental health court as well?

JEFF BLIEMEISTER: I do. And I am an advocate of that type of process because so many of these-- although they're intertwined, the issues are intertwined with criminal behaviors, if we could address that underlying concern, I am confident that their quality of life would improve and the demand on our resources, those of the hospitals, the providers that have listed, would be greatly reduced. And in fact, we have done studies through basic partnerships with the Mental Health

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

Association of Nebraska. We're partnering with them, providing peers to go out and provide that continuum of care that we are not skilled in doing, has made an impact in reduces the number of contacts that these individuals have with law enforcement in future time periods that we have studied.

WISHART: OK, thank you.

STINNER: Additional questions? Senator Dorn.

DORN: Thank you, Chairman Stinner. Thank you for coming today. In your handout here, in your talk, you talked about your numbers there and they went from 2,300 to 3,600, 3,700 about 9, 10 years-- when Deb was up here, Deb Schorr. She also talked about the numbers have gone up so much. Why? What's your thoughts on--.

JEFF BLIEMEISTER: Two things, and I can speak specifically to these numbers and I do believe that they relate to what Senator-- Deb was saying.

DORN: Commissioner.

JEFF BLIEMEISTER: Yes. One, is there is this continuing reduction in any kind of stigma that's associated with mental health. More and more people are willing to reach out and to ask for the help that's required. Now what I am seeing is this increase in demand on policing services, and we have to ask ourselves why. Why are individuals calling 9-1-1 or are non-emergency lines more and more attempting to get these particular services. And I really feel that's where it goes back to the funding in that we-- we have to continue to promote these partnerships that we have and recognize that if they can provide the services on the front end, it will be preventative in nature. But that's-- I really think it's a reduction in the stigma and a growing wish by loved ones and individuals themselves to seek out this care.

STINNER: Additional questions? Seeing none, thank you.

JEFF BLIEMEISTER: Thank you.

CATHY PHILLIPS: Good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Cathy Phillips, C-a-t-h-y P-h-i-l-l-i-p-s. I'm a psychiatric nurse practitioner from Hastings representing Nebraska Nurse Practitioners in support of LB327. Thank you for allowing me the opportunity to testify. I am also including a letter of support from Paula Whittle, a psychiatric nurse practitioner

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

practice owner in Omaha who could not be here today. Nebraskans receive healthcare services from nurse practitioners, NPs, who diagnose and treat acute and chronic illnesses including mental health. Many are practice owners. Nebraska counties, possibly in your own districts, rely on NPs to fill voids in worsening provider shortages. There are over 1,500 NPs in Nebraska who may be the sole healthcare provider. In some counties. Ninety of Nebraska's 93 counties are wholly or partially designated as mental health provider shortage areas. It is with these shortages in mind that we support LB327 to increase behavioral health reimbursement rates. As established, 1 in 5 Nebraskans is diagnosed with a mental health disorder. Over 50 percent of Nebraska's public health departments identify mental health needs as priority goals. The USDA notes higher suicide rates in rural areas. These are all concerning for Nebraska with our rural population, opioid crisis, and high binge drinking rates. The recent flooding in Nebraska will likely produce mental health issues such as depression, anxiety, traumatic stress, and potential increases in substance abuse. Provider rates in Nebraska have not kept pace with the cost of providing services or with the cost of living for providers. Medicaid expansion will require more providers to care for more Nebraskans. Mental health and substance use disorders cannot be sustainably treated with current rates. These gaps do not bode well to recruit and retain a healthcare work force. Providers cannot be attracted to Nebraska, nor will they remain in Nebraska with negative reimbursement. Providers, healthcare systems, and practice owners face difficult choices. To illustrate, a nurse practitioner owned clinic in North Platte hired a psychiatric NP to address mental health needs in a provider shortage county. By doing so, the practice owner retained a mental health provider that may have left. Reimbursement from Nebraska Medicaid, after expenses and overhead, 55 cents for a mental health visit and the patient was expected to cover a co-pay of \$25 per visit. This reimbursement did not begin to cover the cost of employing psychiatric provider or addressing overhead. The Rural Health Association has cautioned states to be mindful of payment levels for providers noting that rural populations have limited provider choices, fewer hospitals and clinics, and longer travel times to access care. Mindful appropriation of funding will provide healthcare safety nets and assistance for communities struggling with healthcare access. Urban areas face overcrowded facilities, increasing numbers of citizens with mental illness, and extensive delays in accessing care. Nebraska needs a reimbursement system that supports providers so they in turn can improve and maintain the health of our citizens. Appropriations must

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

provide for sustainable services, keep pace with the cost of living for providers, and cover overhead expenses. Nebraska nurse practitioners urges you to prioritize such a system for a healthy Nebraska and a healthy future. We ask for your support of LB327. Thank you for your service to our state. I'm happy to answer any questions you might have at this time.

STINNER: Questions? Senator Hilkemann.

HILKEMANN: Just a quick question, are nurse practitioners who work in the behavioral health issue areas in other states, are they experiencing similar problems in their state with reimbursement not keeping up with the costs of providing services?

CATHY PHILLIPS: I'm not the expert on that, Senator Hilkemann, but I'd be happy to check with colleagues in other states and get back to you.

HILKEMANN: OK.

STINNER: Questions? Seeing none, thank you.

CATHY PHILLIPS: Thank you.

BETH BAXTER: Good afternoon, Senator Stinner and members of the Appropriations Committee. My name is Beth Baxter, B-e-t-h B-a-x-t-e-r, and I'm the regional administrator for Region III Behavioral Health Services which serves 22 counties in central and south central Nebraska. I appear before you today on behalf of the Nebraska Association of Regional Administrators in support of LB327. The Nebraska Association of Regional Administrators is a coalition of the administrators of the six behavioral health regions which are local units of government that partner with the Department of Health and Human Services, Division of Behavioral Health in the planning, development, and provision for mental health and substance use disorders across the state. Each region is governed by a board which is comprised of a county commissioner or supervisor from each of the counties within that geographic area. LB27 recognizes the importance of having a behavioral health system that is adequately funded to-- in order to meet the many needs of Nebraskans who look to this very system for assistance and support. As you've heard before, in normal times, 1 in 5 Nebraskans suffers from a mental health or a substance use disorder. But given our current state of crisis due to the massive flooding, that number will grow exponentially. The psychological needs of Nebraskans who are in the midst of this crisis are abundant and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

will only continue to escalate in the months and years to come as the full impact of this disaster manifests itself in a myriad of problems. We must have providers who are adequately able to address the human trauma experienced by so many in order to restore their psychological well-being. If we don't take every action possible now to shore up our behavioral health system, I'm afraid that the consequences will be dire. As a regional administrator for over 27 years, I understand the challenges of our providers when-- within the public system. Thousands of Nebraskans place their trust in these very providers to assist them with the problems that impact their ability to be an effective parent, a good employee, an important employer, a businessperson, teacher, farmer, rancher, or student. Everyone needs that support. Now is not the time to shortchange providers, however it is the time to invest in strong behavioral health system by increasing the rates paid to providers to ensure their viability. LB327 provides a mechanism to sustain and expand necessary mental health and substance use disorder treatment services to ensure that we have adequate capacity and access to behavioral healthcare by Nebraskans across the lifespan. LB327 provides you with the opportunity to invest in our health and well-being of all Nebraskans, because as Chase said, there is no health without mental health. I would like to thank Senator Bolz for bringing LB327 forward, and thank you for the opportunity to be before you today and your commitment to the behavioral health system in Nebraska. I appreciate your time and would be happy to answer any questions that you might have.

STINNER: Questions? Questions? Seeing none, thank you.

BETH BAXTER: Thank you.

STEPHANIE KNIGHT: Good afternoon--

STINNER: Good afternoon.

STEPHANIE KNIGHT: --Chairman Stinner and members of the Appropriations Committee. My name is Stephanie Knight, S-t-e-p-h-a-n-i-e K-n-i-g-h-t. I'm the behavioral health administrator for Fillmore County Hospital, a critical access hospital located in Geneva, Nebraska. I'm here testifying on behalf of my facility, as well as the Nebraska Hospital Association in support of LB327. As Senator Bolz mentioned, hospitals and health systems provide central behavioral healthcare services to thousands of Nebraskans every day. Nearly 1 in 5 Nebraskans have a mental illness. The number of Medicaid recipients is-- that need behavioral health services is likely much higher. If mental health and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

substance use treatment are provided early, long-term savings can be significant. Patients with behavioral health disorders frequently access care through the hospital's emergency departments, which is usually not the appropriate method of treatment. The 24/7 availability of the hospital's ED make us the safety net or provider of last resort for behavioral healthcare. We're fortunate to have a behavioral health therapist available 24/7. Most of our neighbors are not as lucky. Some of the most critical work that we do occurs in the ED where we intervene, triage, and refer to appropriate treatment. Many of these individuals have long and gut wrenching histories of trauma, mental health symptoms, and too often substance abuse. They need a trained mental health professional to help them in the moment to minimize secondary trauma, to de-escalate erratic and aggressive behaviors, and to be their advocate. Often we're able to avoid a referral to a higher level of care and can reduce inappropriate ED usage by providing outpatient mental health services to these individuals. We began our services in 2011 serving mostly seniors. Many seniors have limited resources, complex health issues, and are not physically or financially able to drive the 60 miles needed to the nearest behavioral health service. We then saw an increase in suicides and suicide attempts in middle-aged adults, as well as teens in our own community. Our facility rose to the occasion hiring additional therapists knowing that rates for services would not cover the therapist wages, hoping and praying for a rate increase year after year to help continue to do the work that we know is the right thing, and each year we have been without success. We're a town of 3,200 citizens and we consistently see over 100 individuals each month. These include men, women, teens, families, co-workers, and children. Where would these people go if not for us? If not now, when? We have seen an increase recently in our aggregate cultural population who are struggling with their losing their farms, ranches and have been in the family-- that have been in families for generations. These proud and hardworking individuals are contemplating suicide as a possible solution. These are our neighbors, our friends, and our family. Without us or others like us, people will suffer. Sadly, we cannot sustain our services without this rate increase. We like other rural hospitals are on very tight budgets. We honestly cannot continue to afford to provide these types of services, but we also can't turn our back on our communities who need us especially since so much of the pain, struggling, and needless loss of life is often preventable with proper mental healthcare. In order for us to be able to continue to provide this level of integration and intervention, we desperately need to address provider rates. An increase in provider rates may also

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

allow other rural hospitals the opportunity to develop similar-- similar mental health services. We know how essential it is to be able to provide treatment to individuals in the moment that need it. In order for us to do so, we have to provide care for people in rural areas. Up to 45 percent of individuals who die by suicide have visited their primary care physician within a month of their death. We are here and available to doctors at the moment they suspect that someone is struggling. Without an increase, we cannot sustain this potentially life-saving model. How many people will not receive this vital lifeline? Inadequate funding has also contributed significantly to the shortage of professional staff. A study by the Behavioral Health Division of the Department of Health and Human Services showed rates to providers is from 7 to 35 percent below the actual cost of providing these services. Obtaining licensed mental health professionals in a rural area often means we have to be very competitive in our wages, paying more than our urban counterparts. This is extremely difficult on an already strained budget. Having a rate increase would allow us to continue to offer mental health services to our own, as well as neighboring communities that depend on us. Behavioral disorders are a major public issue. Increasing the provider rates by 5 percent each of the next two years is a great first step in addressing this issue. The Nebraska Hospital Association supports LB327 and wishes to thank Senator Bolz for introducing the legislation. I'd be happy to answer any questions.

STINNER: Questions? Seeing none, thank you.

STEPHANIE KNIGHT: Thank you.

NICK JULIANO: Good afternoon, Chairman Stinner, members of the Appropriations Committee. My name is Nick Juliano, N-i-c-k J-u-l-i-a-n-o, and I'm president of Children Families Coalition of Nebraska, also known as CAFCON. The 12 established leader organizations of CAFCON are the backbone of the child welfare services in our state and collectively we act as a unified voice for those who can't or don't speak for themselves. I'm here today on behalf of CAFCON in support of LB327. In the interest time, I will keep my comments brief. As proceeding testifies have clearly stated, the behavioral health service providers of Nebraska are the safety net for those in communities who need the most support. The current disparity between the costs of providing behavioral health services and the reimbursement is unsustainable and could jeopardize the ability of those providers to continue to operate and provide these services

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

across Nebraska. Although not all of CAFCON's members provide behavioral health services, for those that do we speak collectively to ensure that reimbursement rates reflect the reasonable costs of providing services so that providers are able to continue to provide these important services to Nebraskans across the state. Thank you and I'll take any questions you have at this time.

STINNER: Questions? Senator Dorn.

DORN: Thank you. Thank you for coming today. Most of the providers are with the agency you're dealing with here. What-- I guess, are they able to acquire enough staffing or is there a staffing issue or what-- I mean, because of the rates or-- talk about that one.

NICK JULIANO: Yeah. So we have similar challenges, I think, have been stated in terms of rates. In fact, rates impact costs associated with operating these programs. And so a couple things happen for all of the agencies operating these programs. Sometimes are not able to continue to provide access to a certain program. Sometimes we have to limit our access, which means reducing staff. Also with behavioral health services, because of the licenses and credentials and education needed to provide services as therapeutic providers and clinical providers, there are higher costs for staff. And of course, in certain parts of the state with differing aspects of the work force that is much more challenging than others. So rates and costs of services and the gap between costs and reimbursement absolutely impact our work force, our ability to recruit and retain staff; all-- all the things that are needed to make sure services are accessible to those who need it.

STINNER: Any additional questions? Seeing none, thank you.

NICK JULIANO: Thank you.

STINNER: Any additional proponents? Seeing none, any opponents? Seeing none, anyone in the neutral capacity? Seeing none, Senator Bolz waives closing. There are 31 letters of support for LB327. And that concludes our testimony-- our hearing on LB327. We now open for LB485. Senator Lowe, welcome.

LOWE: Let's hurry to get this along [INAUDIBLE]--

STINNER: Yeah.

LOWE: --get into the cool. Thank you, Chairman Stinner and members of the Appropriations Committee. My name is John Lowe. That's J-o-h-n

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

L-o-w-e, and I represent the 37th District. Today, I'm here to represent LB485. LB485 seeks to appropriate \$2 million for a fence around the Youth Rehabilitation and Treatment Center in Kearney. The three issues I hear most in my district are tax relief, UN-K, and building a fence around YRTC in Kearney. The need for a fence around YRTC has been apparent to members of the Kearney community for over 50 years. When YRTC was first built, it was on the outs-- outskirts of Kearney. Since then, the community has grown and the facility is now surrounded by the city. That change over time has increased the potential for safety issues when residents of the facility wandered off. As a child in Kearney, I remember we had some hide in our garage after they escaped. And we lived two and a half miles from the facility near the downtown. So this is not directly responding directly near YRTC. Most of the time they are caught by the faculty of YRTC, the Kearney PD, or the Buffalo County Sheriff's Office and returned quickly without incident. But there have been instances which they have not been returned quickly resulting in property theft and damage. In some cases, vehicles have been stolen or crashed or taken across state lines, including an incident in December of 2017 when a vehicle was taken all the way to Oklahoma, and it took months for the owners to get the car back and it was not in very good condition. Just two weeks ago, three individuals left YRTC Kearney facility, and in the process of leaving, they stole a car that was left running. The day they stole the car was minus 15 degrees in Kearney. The car was in the garage. The woman had left the car to go back in-- inside to get her children. She normally takes them one out at a time. Can you imagine if one was in the car when they took the car? One of the three individuals was returned quickly that same day. Another individual was gone for a week. And the third individual is still unaccounted for as of, as of this morning. Thank-- thankfully there have not been more to my knowledge any cases of citizens near the facility or residents of the facility who have been severely hurt or killed during one of these instances. However, such instances carry a significant risk of injury to the YRTC residents or to the surrounding citizens. There are also concerns of taxpayers and law enforcement in District 37. When a resident leaves the facility, the local law enforcement responds to help YRTC staff. If they are caught by the staff, they are returned. But other times, they are arrested by the local law enforcement and held in local jails. This produces a burden on the attention and resources of the local law enforcement which could be provided elsewhere in the community. The idea of building a fence is one that has been strongly supported in the Kearney community for several years. Last March, I held a town hall meeting about YRTC with over 150

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

concerned citizens by our count. By the newspaper count, it was over 200 discussed the issue on a Monday night. Many of those individuals supported the fence around the facility. Last August, the Health and Human Services Committee held two committee meetings on YRTC. One was in Geneva, and the other one was held in Kearney. During the Kearney hearing, support for the fence was once again discussed. Representatives for YRTC-Kearney reiterated the need for a fence around YRTC. The other major issue that was brought up during those meetings in 2018 was a persistent concern for the safety of staff and residents at YRTC. There have been a number of assaults between the residents as well as assault on the staff by the residents. I, over the years, thank the good work of the YRTC members and staff administration. But there were still over 100 assaults on the staff in 2017. I have another bill, LB484, that attempts to help alleviate these issues. But building the fence will also help. Right now, security staff has to spend attention on the boundaries of the facility to prevent escapes. If the perimeter, perimeter was built, these staff members would be free to spend more time working with the young men at the facility which would help keep situations from blowing up into fights and assaults. I believe this to be a crucial need for the safety of the residents and surrounding of community. And many of the community members and the leadership in Kearney agree with me. So I decided to introduce this bill to see if we could ensure funding for this project. I hope that after this conversation today, you will support the-- ensuring the necessary funds for the building of the fence around YRTC facility in Kearney. Thank you.

STINNER: Thank you. Questions? Senator Erdman.

ERDMAN: Thank you, Senator Stinner. Senator Lowe, thank you for bringing this. Senator Lowe, you're on Building and Maintenance Committee. Did not we have a provision to build a fence there last year in our Building and Maintenance Committee?

LOWE: The funds for building the fence was originally in the budget and it was removed early this year. I don't believe it was is in the Building and Maintenance, but we had had word it was going to be in the budget.

ERDMAN: Because I had seen something in the Building and Maintenance about building a fence and then the next notice I got was they, they had foregone that. I also heard earlier that it was gonna be like \$3.9 million. What's changed?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

LOWE: The original estimate-- and you have the fiscal note in front of you-- and I believe. The original estimate was \$4 million-- approximately \$4 million. One of those days when I was listening to a filibuster on the floor, I got on-line and I went to-- it was either Home Depot or Lowe's or Menards.com. I just started putting in figures of about what it would cost to build this fence. And I came up with about \$200,000 to \$225,000 worth of material and you double that twice. So I brought that up to a contractor, I said could a fence he built for this amount of money? And he says, give me a million dollars and I'll go build it today. So that's why I came. Instead of asking for \$3.9 million originally in January, I decided it could be built for \$2 million and have money left over that can be returned back to the General Fund or wherever this money needs to be returned back to. Because it could be done-- and I-- and my original plan was to have it be built around the whole 80 acres that YRTC encompasses. I believe what the fiscal note is doing that goes from building to building and is more efficient that does not encompass the parking lot which will make it easier for pulling in and out. And it's, it's, it's a basic fence. It's not, it's not a candy cane fence, which I believe the \$3.9 million is talking about where it comes over the top and it has fine wire, it doesn't have razor wire in it, it has fine wire. So I think that's the difference. I, I believe we worked really hard and, and Department of Health and Human Services worked really hard to get it down to where it could be built and could be built efficiently.

ERDMAN: Do you know how many feet and long that fence is? How many feet that is?

LOWE: No, I don't. I know when I figured it out, it would go around 80 acres. And this is a lot less, it does not go around the whole property. It just makes the property secure.

ERDMAN: Yeah, this committee has heard testimony from previous testifiers on bills that a fence is not the right thing to do. So you're here today asking us for a fence. So that's kind of contrary to their, their opinion.

LOWE: I'm-- but--

ERDMAN: I agree with you.

LOWE: Thank you. I believe the citizens of Kearney. I believe all the elected officials in Kearney and Buffalo County-- all the elected officials. I, I-- you know, I would say 85 percent of the people in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

Kearney would be for a fence. And that-- those are the people who [INAUDIBLE] YRTC-Kearney is on a very busy street-- 30th Avenue. Things can be thrown into the property whether it's drugs, knives, weapons of some sort. Anything else can be thrown into the property very easily from the outside which would hurt the staff or the, the, the, the residents of YRTC putting a perimeter fence up like this. Right now, we just had three escapees. One, one came back voluntarily. In my mind, I believe he was going to be the decoy if he was chasing that the other two would get away and he would-- this way that the one person that wants to escape would be the one trying to climb over the fence and not three at a time. It would lessen the number of people attempting to escape I believe. And I also believe, because I've talked with some of the staff, that escapes will probably increase now that a fence is most likely to be built. Because word has gotten out that a fence is coming. And if you're gonna do something-- you know, they're gonna try to escape now instead of later. It's easier now than later.

ERDMAN: Six of those people live in your district that have my same last name, live within a mile of that, and they would agree with you.

LOWE: They-- and, and they have run close to your family.

ERDMAN: Yeah.

LOWE: By the way, the last-- like I said the last three escapes, I lived in that neighborhood next door to the house where this Tahoe was taken. I used to leave a key in my pickup in the ignition in case they would come by with an eighth of a tank of gas to get them out of our neighborhood and somewhere into the county where they can be found because all the officers knew my pickup. That's, that's, that's how desperate we are.

STINNER: Senator Bolz.

BOLZ: I-- thank you for bringing this bill. I appreciate that you're being responsive to the, to the input from your community and I think you're sincere in that, so I appreciate that. I'm looking at the, at the site plan that comes along with our budget documents, the analysis. It also contemplates alternatives and/or additions to the fence being: site lighting, cameras, and additional staffing. And I would just be curious to hear in your town halls and in your conversations with those local elected officials, are those things

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

also necessary? Have they been contemplated in addition to the fence? Instead of the fence? What about those other pieces of the puzzle?

LOWE: Well, I think everything has been thought about. And I know they've, they've put in new cameras. And I know that at the current time, they've, they've stepped up their security patrols. And, and the-- Mark [PHONETIC] has done a great job since he has got there. And things are starting to happen, but I believe this fence is, is a tool that will slow things down.

BOLZ: Just one follow-up question. If, if we were to put in a fence-- and maybe this is a question for the YRTC folks. If we put in a fence, isn't the lighting-- doesn't the lighting make the fence work better?

LOWE: Lighting would make the fence work better, yes.

BOLZ: But that's not in-- that's not a part of your bill.

LOWE: That is not. Well, I have \$2 million for the funding.

BOLZ: For the project?

LOWE: Yes. And if you want to keep the \$2 million for the fence to make things better, that's great-- you know, to put the top on so they can't climb over the top, to extra lighting, to extra cameras. The city of Kearney would think anything to keep the residents where they need to be a, a benefit to the city.

BOLZ: Thank you.

STINNER: Additional questions? Senator Hilkemann.

HILKEMANN: So have there been, have there been any other bills brought before this committee-- did this project previously?

LOWE: Not to my knowledge.

HILKEMANN: OK.

STINNER: Questions?

LOWE: I, I do know that Speaker Hadley started this by having some town hall meetings to find some answers.

HILKEMANN: But he never brought a bill?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

LOWE: I don't believe he ever brought a bill to my knowledge.

STINNER: Senator Clements.

CLEMENTS: Thank you. Thank you, Senator Lowe. At the meetings that have been held in Kearney, did you say the YRTC administration proposed-- was in favor of a fence also?

LOWE: Yes, they were.

STINNER: Additional questions? Seeing none, thank you.

BLAIR MacDONALD: Chairman Stinner and members of the Appropriations Committee, my name is Blair MacDonald, B-l-a-i-r M-a-c-D-o-n-a-l-d. I am appearing before you as a registered lobbyist for the Greater Nebraska Cities. We are here in strong support of Senator Lowe's LB485. The Greater Nebraska Cities is an association of municipalities including Aurora, Grand Island, Hastings, Holdrege, Lexington, Minden, and Kearney. The mayor of Kearney, Stan Clouse, and the City Manager, Mike Morgan, were here earlier today and had intended to testify but had to leave to get back to a city council meeting which should be starting shortly. Senator Lowe already distributed the letter from Mayor Clouse, so I don't want to take up too much your time and repeat what he's already said. But the city of Kearney is very appreciative of Senator Lowe's dedication to addressing arising-- issues arising from Kearney's Youth Rehabilitation Treatment Center. The escapes of the YRTC residents create a major safety concern to the community as well as stress on our local law enforcement. When youth escape, they risk harm to themselves as well as community members, especially residents in the immediate vicinity of the facility. Incidents of escapes and undocumented violent acts against staff have increased in the last few years. It is for these reasons that the Greater Nebraska Cities and our members of the city of Kearney is very supportive of this appropriation for the construction of a fence as an effective step to lessen the risk of youth escapes. We would like to thank Senator Lowe for continuing to listen to concerns of Kearney citizens in bringing this bill. And we would ask that you please advance LB485.

STINNER: Thank you. Questions? Seeing none, thank you.

BLAIR MacDONALD: Thanks.

STINNER: Any additional proponents? Seeing none, any opponents?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

JULIET SUMMERS: Good evening, Chairman Stinner, members of the committee. My name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s. I'm here on behalf of Voices for Children in Nebraska to oppose this appropriation. Juvenile justice is a unique and practical area of policy where doing the right thing is also nearly always doing the fiscally responsible thing. Voices for Children in Nebraska opposes LB485 as the wrong investment for the Youth Rehabilitation and Treatment Center in Kearney, which I'll refer to as YRTC or YRTC-K. In a revenue shortfall year with flood relief, property tax relief, and Medicaid expansion on the table, I don't need to tell this committee we're counting every dollar and don't have spare money to put toward construction that would move our state backward rather than forward. The requested \$2 million could be better invested in so many ways to prevent youth from arriving at YRTC in the first place, to create safer conditions for staff and youth on campus, but to better meet the youth's long-term rehabilitative needs to keep them out of our adult correctional system. At the very least, we shouldn't spend money that we don't have on a physical barrier that will make a rehabilitative facility for youth more prison like. As we look in investments at any stage in our system we have to consider the ultimate goal and ask why we're doing it. Who is this facility for? What is the purpose? YRTC-K is part of our juvenile justice system which is inherently rehabilitative rather than correctional. And it's called a treatment center. The stated goal is not to punish or to lock down, but to treat and rehabilitate. To allow young people an opportunity to graduate, and to show them that we don't give up on kids in Nebraska even if they act like they want us to. So I have some-- the data is a little muddled because the Department sometimes reports in calendar year and the Inspector General, who reports on critical incidents, it's fiscal year. So the-- I think you'll have people following me who can give you even better more specific data about the number of escapes. But the big takeaway is that they have actually decreased dramatically since their height in the 2015-2016 fiscal year. I don't want to give you wrong numbers, but the, the calculation for calendar year 2017-- or 2018 or fiscal year 2017 or '18 is, is just like a little over 10 or somewhere thereabouts, and it depends on whether you count furloughs or not. So young people who are not actually running from the campus property, but who have had a visit with family or were at a doctor's appointment, and are taking off from that, which a fence obviously wouldn't affect those instances anyway. So as the facility continues to invest in improving staff-youth ratio, training, evidence-based interventions, and programming for youth, I fully believe that those numbers will continue to drop even absent building

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

a fence. We already, as I noted earlier, spend \$20 million every year on these two facilities that are serving fewer and fewer youth. LB485 would spend an additional \$2 million for a tiny fraction of those youths while damaging the experience for the rest. And for the same amount, you've already heard my testimony on another bill about-- you know, some other things that we could invest in instead that would improve safety for the youth, for the staff, and for our community at large. So I guess I'll wrap up by saying, I have spoken with Senator Lowe about Voices for Children's position regarding the YRTCs, and I really would like to thank him for his graciousness and his open door on these issues. And I, I know that we share the same broader goals for the facilities and their role in our, in our juvenile justice system. And I am hopeful that we can work together toward those goals in the future. So I do want to say thank you. And also to thank this committee as always for all of your time. And I would just respectfully urge you not to include this particular appropriation in your final report. And I'd be happy to answer any questions if I'm able.

STINNER: Senator Erdman.

ERDMAN: Thank you, Senator Stinner. So you said the escapes are down, so in your opinion how many escapes are acceptable?

JULIET SUMMERS: Well, you know, Senator, obviously zero is the right answer to that question.

ERDMAN: So then in Senator Lowe's example, had the lady had one of her children in her car and they stole her car, would that be OK?

JULIET SUMMERS: No, of course not.

ERDMAN: OK.

JULIET SUMMERS: Of course not.

ERDMAN: So you said that we shouldn't invest \$2 million in this program, but you sat there today and asked us to invest way more than that in other programs. So how do you come off saying, don't invest in this one, but invest in mine?

JULIET SUMMERS: Well, I--

ERDMAN: This makes a lot of sense to me.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

JULIET SUMMERS: And I absolutely-- I respect that, Senator. I think the bill that I asked you to invest in, I think would accomplish the same purpose. We know what young people respond to even significantly troubled young people. They respond to strong relationships with positive adults. They respond to individualized evidence-based programming. And I think that there are ways we can invest in these facilities-- in this facility that will do that, that will create a safer, welcoming environment on campus that's individualized for the youth that creates that safety so that we don't have any runners. And we can do that with those positive supports rather than building the fence. I'm particularly concerned about the idea of doing a fence sort of on the cheap, like a 10-foot chain-link fence, because I think the young people at the facility are more likely to scale the fence than the, the staff who might be following them or-- you know, trying to keep them on campus. And so then we still have spent this money. We still have young people trying to escape and we haven't addressed the root cause, which is getting at their individual needs.

ERDMAN: What do you think has a better chance of stopping somebody from escaping, a fence or your procedures?

JULIET SUMMERS: Honestly, Senator, I think, I think my procedures. I think we have really good research about juvenile justice. The whole spectrum of it and what works for young people who are in crisis and it is those deep committed relationships and of understanding and, and getting them the mental health treatment that they need.

ERDMAN: So why are these people there?

JULIET SUMMERS: Frankly, sir-- you know, these two facilities have been part of our juvenile justice system for 150 years. And I think we have not yet had political will to take a really close look at their role in our juvenile justice system. And, and that's in part why I testified in support of the evaluation question.

ERDMAN: Well, these people are on probation, right?

JULIET SUMMERS: They are technically on juvenile probation. They're on--

ERDMAN: So that means they broke some laws at one time--

JULIET SUMMERS: Absolutely.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

ERDMAN: --in their life, right?

JULIET SUMMERS: Um-hum, um-hum. Yep.

ERDMAN: OK.

JULIET SUMMERS: Yeah.

ERDMAN: So the fence makes a lot of sense to me. And, and I'm, I'm disappointed that you come in and you're opposed to his \$2 million, but you're OK to spend another \$5 or \$10 or \$17 million to do something else. That doesn't make any sense.

STINNER: Additional questions? Seeing none, thank you.

JULIET SUMMERS: All right. Thank you for your time.

SCOUT RICHTERS: Good afternoon, again. My name is Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s. Here on behalf of the ACLU of Nebraska in opposition to LB485. Appropriating money to build a fence around YRTC-Kearney is inconsistent with what we know about adults and children in the context of crime and punishment. And that is that they must be treated differently from one another. Adolescent brain development science in recent Supreme Court jurisprudence tell us that children are not simply miniature adults. As such, the goal of the juvenile justice system is not to punish, but to rehabilitate. Investing in a fence around the YRTC is reminiscent of an older model of juvenile justice in which facilities for young people resemble adult prisons and children are subject to punitive sanctions. But we know that this model does not work to serve our rehabilitative goals. We have made great strides in a variety of ways in making positive reforms to the juvenile justice system in Nebraska, including requiring more offenses to be filed in juvenile court rather than adult criminal court, as well as expanding diversion programs. There's certainly room for more improvement, including, as I mentioned in my written testimony, greater reforms to end the overuse of juvenile solitary confinement. And I simply provide that example to illustrate an area where evidence tells us that we can make a major impact on adolescent well-being. As such, we need to invest in evidence-based reforms rather than focusing on the physical footprint of facilities, especially punitive structures such as a fence. I think it's also important to highlight that we heard from Senator Quick at an earlier hearing that-- as well as Miss Summers, that many of the escapes that do happen, and they are few, they happen during day trips outside of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

the facility so I think that's something else to consider as well. As such, we offer opposition to LB485. And I am happy to answer any questions.

STINNER: Thank you.

SCOUT RICHTERS: Thanks.

STINNER: Questions? Senator Hilkemann.

HILKEMANN: Are you just saying that the escapes that we talked about in February were on a field trip and not from the institution itself?

SCOUT RICHTERS: I don't know specifically about the February incident. I, I-- it was more of a general-- when these do happen, some of them do happen on day trips away from a facility.

HILKEMANN: Thank you.

SCOUT RICHTERS: Thanks.

STINNER: Senator Clements.

CLEMENTS: Thank you. Thank you, Miss Richters.

SCOUT RICHTERS: Thank you.

CLEMENTS: I am-- we heard from the Senator Lowe that the YRTC staff had expressed support of the fence. Have you talked to staff there that oppose the fence?

SCOUT RICHTERS: I have not talked to staff that oppose the fence.

CLEMENTS: OK. You're not aware of, of people in that facility who are in opposition?

SCOUT RICHTERS: Right. And I don't generally work directly with those people that work in the facility.

CLEMENTS: Thank you.

STINNER: Do you know how old this facility is? How long it's been in business?

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Appropriations Committee March 26, 2019

SCOUT RICHTERS: I think from my research it has been around since like 1881. So--

STINNER: OK. So-- and it's been treating young people and problem young people for a very long time.

SCOUT RICHTERS: Yes.

STINNER: Has there always been escapes or they--

SCOUT RICHTERS: That I am not aware of. But I do think that it is important to note that this has been around for that long of a time without a fence. And it really was conceived as, as a rehabilitative program and not a jail. But that is an interesting point. I don't know the history of escapes from the facility.

STINNER: Now the-- in your handout here you talk about young people in isolation that cause irreparable--

SCOUT RICHTERS: Um-hum.

STINNER: --psychological damage. You wouldn't believe that putting a fence up would be isolation, would it?

SCOUT RICHTERS: No, no. I, I was highlighting that as an example of some-- an area where we could make them reform.

STINNER: OK. Thank you.

SCOUT RICHTERS: Thank you.

STINNER: Additional questions? Seeing none, thank you.

SCOUT RICHTERS: Thank you.

STINNER: Additional opponents? Seeing none, anyone in the neutral capacity?

JULIE ROGERS: Good evening, Chairperson Stinner, members of the Appropriation Committee. My name is Julie Rogers, J-u-l-i-e R-o-g-e-r-s. I'm the Inspector General of Nebraska Child Welfare. The YRTC, both YRTCs, are required to submit critical incidents every time there is an elopement from one of their facilities. And we keep track of those escapes. And so that's the handout you're getting. Those-- these are the numbers of escapes over the last-- a little over four years. And you heard earlier in the, in the testimony, confusion

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

between calendar year and fiscal year. So I've tried to break it down so we can clearly see how calendar year and fiscal year might be reported differently. A couple of things to-- I've, I've also broken out the escapes from furlough, which was also referenced, the ones at the top. And the top table are those escapes from the facility and then escapes from furlough are below. If you-- we report on a fiscal-year basis. So if you look at the bottom table in '14-'15, we-- the YRTC-Kearney had 22 escapes; '15-'16, 62; '16-'17, 12; and '17-'18, 14. There were major changes that happened at the end of the second half of '15-'16 and, and there have-- there's been major improvements to facilities since that time. And I'm happy to answer any questions.

STINNER: What, what were those major improvements?

JULIE ROGERS: OK. So our office, there were a spike in-- as you can see, escapes and assaults. Both staff on staff and youth-to-youth assaults. At the time there-- the facility administrator was put in a different position. And the Office of Juvenile Services Administration wore lots of hats in Central Office. And there was no full-time administrator on campus. We saw a huge change once there was a facility administrator hired and brought in and the Office of Juvenile Services Administrator became a full-time position. So those were the major changes. There's, there's lots of changes that were made to help those situations but those-- leadership was the main cause. And then the cause for improvement as well.

STINNER: Tell me this at-- when you look at that population, I guess that they are troubled, they are on probation, there is some problem with them. Are they violent? Or is there a portion of them that are violent?

JULIE ROGERS: They could be violent. This is-- the YRTC's the only no eject, no reject facility we have in this state. Other facilities or service providers if-- residential service providers, if there's violent youth that assaults another youth or assaults a staff, other providers can kick them out of the program and YRTC doesn't have that ability. So this is a no eject, no reject facility.

STINNER: So if you're looking at that population, should the people of Kearney be concerned about that population getting off, off campus?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

JULIE ROGERS: Well, I think that based on the testimony you've heard and the incidents that have happened, I sure can see why they would be concerned.

STINNER: Very good. Questions? I'm sorry to jump ahead you. Senator Erdman.

ERDMAN: Thank you, Senator Stinner. Miss Rogers, you may have heard in the past that I have not been a fan of neutral, but you have pulled it off. Nice job.

JULIE ROGERS: Thank you.

STINNER: Senator Dorn.

DORN: I, I just have a question, too, for you.

JULIE ROGERS: Sure.

DORN: Do you have any idea of what the population-- if we decrease the population in that facility over this time period or-- I mean, could that have contributed to less or not? I don't know.

JULIE ROGERS: I don't-- not, not significantly enough that it would affect these numbers in my view. I would have to do a little more study and look at the exact population numbers, but I don't think so.

DORN: Thank you.

STINNER: I've got Senator McDonnell, then Hilkemann, and then Clements.

McDONNELL: Do you have the number of assaults? Do you have-- do you know those?

JULIE ROGERS: I, I-- not off the top of my head, but I can give you those, the number of assaults that were reported to our office. I can sure get you those.

McDONNELL: Yes, thank you.

JULIE ROGERS: Um-hum.

HILKEMANN: That was actually-- this was only escapes not assaults?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

JULIE ROGERS: That's right.

HILKEMANN: Thank you.

JULIE ROGERS: Only, only escapes.

STINNER: Senator Clements.

CLEMENTS: Thank you. Thank you, Miss Rogers. I also wanted to ask you if you discussed with YRTC officials whether they're in favor of this or, or against it-- the fence?

JULIE ROGERS: Well, I think-- so the fence that has been planned to-- that is going to be put up-- the, the concern that I've heard is that if a fence is built that youth can scale, maybe the staff can't scale it as well as the youth can scale it and run after the youth. Right now, they're able to run after the youth if they see them running off campus. So that's the concern. But it's not an official concern, it's just-- you know, in talking with different folks, that's the one, one thing that I have heard.

CLEMENTS: All right. Thank you.

STINNER: Senator Hilkemann.

HILKEMANN: If you have a kid-- or clients that ran, ran off the campus and they brought them back, it that considered an escape?

JULIE ROGERS: There's, there's different definitions of attempted escape. That would-- I don't think that would be in our, in our numbers if they just-- like, stepped off campus and then they were brought back or walked back.

HILKEMANN: So these-- I guess, I would think that these who escaped would be people that left,--

JULIE ROGERS: Yep.

HILKEMANN: --they couldn't be found, and they were found by--

JULIE ROGERS: Right.

HILKEMANN: --police officers or some other person.

JULIE ROGERS: Or, or sometimes YRTC staff-- I'm not sure when we were doing our system-wide look at the YRTCs, I know that there were

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

incidences where staff at the YRTC's would physically go out and try and find them and bring them back. I'm not sure if their protocol-- if that protocol has changed in the last couple, couple years. So I can't speak to that.

STINNER: Senator McDonnell.

McDONNELL: Can you find out the difference between a successful escape and an attempt to escape and then get those numbers for us?

JULIE ROGERS: Sure.

McDONNELL: And what's-- how, how they define that?

JULIE ROGERS: Yep. And I did, and I did not include attempted escapes, because our data is not, our data is not complete, because some of the attempted escapes were reported and some were not reported to our office so I didn't include those. But I sure can get you those.

McDONNELL: Thank you.

STINNER: Just looking at the numbers, '15-'16, and probably back further than that, why hasn't a fence been built before this? Do you have any idea?

JULIE ROGERS: I do not. I'm, I'm not sure. I, I think that-- at least my sense, is that it's, it's a campus environment. It's-- the focus has been on treatment and rehabilitation and maybe the offense seems more prison like. I'm, I'm just--

STINNER: But, but you've testified that these many times are violent individuals that--

JULIE ROGERS: Yep, they could be, yes. But I can't say in the past why there hasn't been.

STINNER: Have you followed-- I mean, how many repeat offenders are here coming back? And how many of these young people end up being in our State Penitentiary?

JULIE ROGERS: We have not done an analysis about how many of the escapees go to the Penitentiary. Laws have changed in the last-- I want to say, three to four years. And that since you start prosecution in juvenile court, escapees aren't prosecuted in adult court right away, but rather brought back to the facility. Some of the-- in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

looking at the escape names, I don't see too many youth who escape and then escape again. And we have not analyzed to see why. If they've moved on to prison or moved on to the Buffalo County Detention Center, for example, if they do have adult charges, that could be the reason or other reasons.

STINNER: Senator Hilkemann.

HILKEMANN: So I just, your-- this is your profession. I'm just-- there was a famous movie that build it and they will come. If we build this fence, are we're gonna have more people try to get out of there than-- for over 100 years, there hasn't been a fence there. Is there any concern if we build a fence, we'll have more people try to escape?

JULIE ROGERS: I have not heard that concern. But I could, I could see how that logically could follow.

STINNER: Senator Bolz.

BOLZ: Thanks for your testimony, Julie. I've, I've been to the YRTC in Geneva, but I haven't been to the YRTC in Kearney. I was wondering if you could help me understand what the security of the existing campus is in terms of locked doors in secure areas. I guess, specifically I've, I've pulled up the 2017 annual report and it references a number of things related to safety and security, including additional training, security-- 34 additional security cameras, digital radios, the purchase of an ATV. But it's interesting to me the annual report says that security fences were installed around the recreational area of Dixon's security unit. This unit is designed to temporary hold the most high-risk youth in the facility. Since the installation, there have been zero escapes from this area. So not having been on campus myself,--

JULIE ROGERS: Yes.

BOLZ: --I don't have a great sense of that. Is that higher security area insufficient to keep the rest of the campus and the community safe?

JULIE ROGERS: Yes.

BOLZ: Can you, can you even speak to that?

JULIE ROGERS: So Dixon unit is a living unit that is the highest security unit and that's where the new fencing went around the rec

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

area. It's very small. And that resembles more like a detention center with individual cells that are locked or that can be locked. The other cottages, they're called, are the other living units. And you have to have a key or badge to get in and out of each unit. But people move across campus to go to the boy's dining room, for example, or to school that's there or rec time. So they are moving around campus, but each of the facility's is-- or each of the building's is locked so that-- that's one. And they did install several, several new cameras. They have a-- in the administration building, they have a room that you can, you can look at all sorts of angles. They have also taken a staff person to sit around the perimeter in case someone tries to run, too. So that's another enhancement that they've made.

BOLZ: Thank you. That's helpful.

STINNER: Additional questions? Seeing none, thank you.

JULIE ROGERS: Thank you.

STINNER: Anyone else in the neutral capacity? Seeing none, Senator Lowe.

LOWE: Thank you very much, Chairman Stinner and the Appropriations Committee. I didn't ever think I was going to have to come to the Appropriations Committee because I don't like spending money. But there comes a time when you need things. In the past, YRTC has been under the jurisdiction of Corrections. So things were different back then. And as a, as a young man growing up, my father always pointed there and said, don't ever go there. And we knew the ramifications, and we knew it was a bad place. Many of the youth at that time, were just misplaced youth. They, they borrowed Grandma's car and Grandma wanted to teach them a lesson. But there are also others. Nikko Jenkins, comes to mind. YRTC is full of youth, some misplaced youth. But we have a probation system now that gives you your first and second strike. You're not gonna do much. These, these are youth that have done things multiple times. And they're on a bad path. I brought LB484 to try to work with those youth inside the, the facility by making, making it a felony when you attack a staff member or somebody that works at YRTC. That's not the right answer. We need to work with these youth so they come-- they need to come out and be productive citizens once they come out. They cannot do that by wandering off the premises. Every now and then, not every day, not every month, I will get a text on my phone. And most everybody in Kearney that have signed up for this will get a text on their phone. And it comes out something

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

like this-- this was one from the other day. YRT escapee, Native American juvenile, YRTC, male, ran from staff west of 25th Street and 2nd Avenue, which is in the heart of downtown Kearney. He's wearing green shirt and blue jeans. Subject is 130 pounds, black hair. Call 911 if, if, if, if spotted. That was the one that was out-- they were walking downtown Kearney as a group. They do this now and then for the good ones. That raises the hair on the back of your head just as much as this one. YRT escapee. Three YRT escapees. One white male, black hair. One Hispanic male, black hair. Unknown description of third, male. All wearing green sweatshirts, blue jeans. Possibly driving a 2012 Chevy Tahoe, Nebraska license plate KSDANCE. If observed, call 911. If you are in the city of Kearney and you don't know where your children are, the hair on the back of your head-- neck stands up. You start calling. You don't know where your wife is. If your, if your wife is outside, and if you live anywhere near that, because this will take a few minutes to get to your phone. No telling how far those youth have traveled. These are children, these are young males, who we have taken into our community to be safe. If we don't know where they're at, and we still don't know where one is at, something is wrong. I would like to keep these youth where they belong at YRTC for their safety, because Kearney citizens do have weapons. During our town hall meetings, one of the gentlemen who I respect very much because he was a partner in business with me, says-- and he lives about three quarters of a mile away, he says in the evenings I answer the door with a gun on my hip, because I just don't know. It takes sometimes that long for this report to come out. And he won't let anything happen to his family. So that man probably would not have been harmed. The youth on the other hand, if he came to the door wearing a green sweatshirt or, or looked suspicious and made any kind of advance toward, he may not be here today. And I can say that about that man because he just passed away, a very good friend of mine, two weeks ago. And he'd be, be proud that I bring this up because he was that much afraid of these people. YRTC-- Center is not full of these. Three, four, five of them, six of them at a time. It changes constantly up there. They come in, they go. They, they, they graduate. I've been to a couple of graduations up there. And I'm proud of those young men that graduate and, and are starting a new life. But one escape, one person getting harmed, YRTC, the state being sued for that one person. What is the cost of that? It's much less-- much, much less than the cost of a fence. The cost of security for both the YRTC young men, and the city of Kearney. Thank you, thank you for allowing me to bring this bill to you. And I appreciate the time.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

STINNER: Senator Wishart.

WISHART: Well, thank you so much for coming today. And I have to say it was a very, very compelling hearing. So I'm still trying to figure out where I'm gonna fall on this issue. And one of the reasons is-- you know, when you look-- I agree that, that there is concern when you're looking at 41 people, 41 escapes a year. But when we're looking at this graph, what we're seeing is a significant decrease. So I'm wondering if you had brought this bill ten years ago or even five years ago-- you know, we would be looking at this investment. But now we're looking at a significant investment when we're seeing the trend both in terms of population of the YRTC, but also in terms of escapes really significantly down. So how do we justify then building the fence now?

LOWE: One disaster. It just takes one disaster. And, and neither the youth from YRTC or from one of the Kearney citizens.

WISHART: And then the-- OK. And, and, and I recognize that. And then the second question I have is, you know, at, at some point we are recognizing that these men, these young men are going to be out in society and, and rehabilitated. So do you see the-- in any way a fence will act as a Band-Aid or will let the staff off of the hook in really addressing the major underlying issues that are causing this person to, to be irresponsible again and escape? Because eventually they're gonna be out, and, and my concern is that a fence would be a-- an excuse not to do the really, really tough work to, to help somebody turn their life around.

LOWE: The, the fence will be like an added security guard. The security that is there now, will now be able to take time to work with the youth, to protect the youth if there is a problem from other youth. It, it allows that to happen.

WISHART: OK. Thank you.

STINNER: Senator Clements.

CLEMENTS: Just one more. We heard comments about the population and I haven't heard any numbers. Are you aware of the average number of youth in, in the facility?

LOWE: You know, I, I have had that number and I can get you that number. At one time, it was overpopulated. I don't believe YRTC now is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

overpopulated. I, I believe-- because the probation system that we have now, there are not as many youth up there. But I can get you that number, Senator.

CLEMENTS: Thank you.

STINNER: Senator Hilkemann.

HILKEMANN: Just for clarification, Senator. You, you mentioned that this last escapee that they haven't found was not-- he was, he was on a field trip or outside of the area so a fence would not have protected him-- would have kept him in anyway. Is that correct?

LOWE: No. The one that they had not found was one that did escape from YRTC. The one that they found shortly after that was, was out on a, a field trip.

HILKEMANN: OK. Thank you.

STINNER: Senator Erdman.

ERDMAN: Thank you, Senator. Senator Lowe ahead of you that sheet there, following up a bit on Senator Wishart's comments about the numbers are down. If you look in the far right column the first three numbers there,--

LOWE: Um-hum.

ERDMAN: --it appears that the numbers are up this year significantly over last year. Would you agree?

LOWE: I would agree to that, I would agree to that.

ERDMAN: Even though we had a trend that was down, this kind of cycled through the way it looks. It looks like we're going the wrong way on this one.

LOWE: It's kind of like the weather. Some years it's hot, and some years it's cold.

ERDMAN: Yeah.

STINNER: Additional-- Senator Clements.

CLEMENTS: Just one more comment. I've been handed a note that said the annual report says there were 132 youth on the annual report. And I'm

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee March 26, 2019

sure that does fluctuate with this, but you don't need to give me a better number that's fine.

LOWE: Yeah. And like to respond back to Senator Bolz, if that's fine, about your comment about Dixon. That fenced in area is the size of this room. It does not come close to encompassing. And the campus is more like a, like a college campus or a, a school campus where the border is a street, a canal, a golf course.

STINNER: Additional questions? Seeing none, thank you. That concludes our hearing on LB485. We'll take a ten-minute break, if that's all right.