

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Appropriations Committee February 23, 2023  
Rough Draft

**CLEMENTS:** My name is Rob Clements. I'm from Elmwood. I represent Legislative District 2. I serve as Chair of this committee. We'll start off by having members do self-introductions starting at my far right.

**ERDMAN:** I'm Steve Erdman, District 47.

**LIPPINCOTT:** Loren Lippincott, District. 34.

**DOVER:** Robert Dover, District 19.

**DORN:** Myron Dorn, District 30.

**CLEMENTS:** We may have other senators who come and go during the hearing because they have bills in other committees to present. Assisting the committee today is Tamara Hunt, our committee clerk. To my left is our fiscal analyst, Kenny Boggs. And our page today is Kate from Kansas, a UNL student. And Malcolm will be-- Malcolm is looking for chairs. We'll try to provide some more chairs for you [INAUDIBLE] out there. At the entrance, you'll find green testifier sheets on the table. If you're planning to testify today, please fill out a green testifier sheet and hand it to the committee clerk when you come up to testify. If you will not be testifying but want to go on record as having a position on a bill being heard today, there are white sign-in sheets at the entrance where you may leave your name and related information. These sign-in sheets will become exhibits in the permanent record after today's hearing. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please silence your cell phones. For bills, the order of testimony will be introducer, proponents, opponents, neutral, and closing. When we hear testimony regarding agencies, we will first hear from a representative of the agency. Then we will hear testimony from anyone who wishes to speak on the agency's budget request. When you come to testify, spell your first and last name for the record before you testify. Be concise. We request that you limit your testimony to five minutes or less. Written materials may be distributed to committee members as exhibits only while testimony is being offered. Hand them to the page for distribution when you come up to testify. 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'll begin today's hearing with Agency 5, Supreme Court. Welcome.

[AGENCY HEARINGS]

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**CLEMENTS:** There other-- other testifiers regarding Commission on Law Enforcement and Criminal Justice? Saying none, do we have any position comments? Seeing none, that will conclude Agency 78 and we will open the hearing for LB176. Senator Dungan, welcome.

**DUNGAN:** Good afternoon, almost said good morning. Time flies fast. Good afternoon, Chair Clements and members of the Appropriations Committee. I'm Senator George Dungan, G-e-o-r-g-e D-u-n-g-a-n. I represent the good people of northeast Lincoln in Legislative District 26. Today I'm introducing LB176. LB176 is a bill that appropriates an additional \$600,000 to the Supreme Court from the General Fund for fiscal years '23-24, and then again in '24-25. This additional funding will go to the Supreme Court Agency 5 Program 34 to increase payments for interpreter services for the deaf and hard of hearing, as well as those that are unable to communicate in the English language. Court interpreters have not seen a pay increase since the early 2000s. I believe they've not had a pay increase since 2004. This lack of pay has resulted in many interpreters turning to private practice instead of taking cases within our judicial system. When we can't get an interpreter, cases get rescheduled, needlessly extending proceedings at great cost to the state. Just earlier this week, Chief Justice Heavican in his State of the Judiciary, spoke about the importance of court interpreters, stating, quote, Our contract interpreters are hopeful this body will fund an increase in their daily rates this year, end quote. And that's exactly what LB176 would do if enacted. There are plenty of experts here to testify in favor of this bill, from interpreters to court officials and members of the Supreme Court or people who work for the Supreme Court. I want to take a minute to talk a little bit about my own personal experience. For those who don't know and I've talked about it before, but I'll reiterate, I served as a public defender for nearly a decade. Many of my clients were folks who were not English speakers. And I've worked with people who are deaf or hard of hearing as well as nonoriginal English speakers. The court interpreters that I worked with were, to put it frankly, incredible. The court interpreters are overworked and underpaid and we see it every single day. Vast majorities of clients who don't speak English are in all sorts of different courtrooms, and so the interpreters are bouncing from floor to floor, courtroom to courtroom. And when you see how hard they work and the efforts they're putting into it, it's frankly pretty incredible. We have an obligation and a duty, statutory obligation, to make sure that our courts are accessible to those who don't speak English. It's literally something that we must do. And so it's essential to make sure we have court

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interpreters. In my time as a public defender, I watched some of our incredible court interpreters leave the courthouse and move into the private sector. I applaud them for doing that. Obviously, I think it's fantastic they're doing what they have to do. But one of the main reasons they did that was because they simply weren't getting paid enough to remain working for the actual language access services with the courts. My clients oftentimes saw cases continued not just for a few days, but for months, because the court interpreter was overworked and unable to come to Courtroom 22 where that person had a docket call and maybe was going to have that case resolved. Literally, I've seen cases that would have been resolved that day get continued for 90 days and even longer, again, at great cost to the state. So to me, this is a really good return on investments. It's fulfilling an actual statutory obligation that we have to make sure that our people who are in the court system have access to that court system, and it simply is just the right thing to do. You're going to hear from a number of people after me who are court interpreters and they can tell you their personal stories. But I just know from my working with them at the public defender's office that they are superheroes who do incredible work and need to be getting compensated for that. Not having had a pay raise since the early 2000s is incredibly problematic, and they definitely work for every penny they're getting. And I think you're going to hear that from them. So happy to answer any questions you folks might have. And I would urge your consideration of LB176.

**CLEMENTS:** Any questions? Seeing none, thank you for your testimony. We now invite proponents for LB176 to come forward. The first proponent.

**KELLY VARGUEZ:** Good afternoon. My name is Kelly Varguez, K-e-l-l-y V-a-r-g-u-e-z, and I am one of Nebraska's court-certified Spanish interpreters. In 2007 or so, I left my profession as a public school Spanish teacher because I had two small kids and couldn't figure out how to balance daycare costs with workload and-- and everything. And I found my way in 2009 to court interpreting, and I was overjoyed. I was relieved to find a profession that checked all my boxes for me. It was challenging. It had flexible scheduling. I could use the language skills that I'd worked very hard to develop, and it was well-paid enough that I could figure out daycare for my small kids. And the more I offered my services in court, the more inspired I was to learn how much leadership Nebraska had shown at a national level in the early 2000 by establishing a rigorous certification program and requirements and by offering what was at that time very competitive wages that attracted talented individuals to our profession. And over my years in the courts, I've really been fortunate not only to work with wonderful

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public defenders, prosecuting attorneys, judges, court staff and members of the community who need language access services, but also with a-- an amazing cohort of very qualified interpreters, some of whom were refugees when they came here and they worked their way into a profession like interpreting; some of whom as children were asked to-- were-- were unfairly asked to interpret for their own parents in some of the most heartbreaking or tense or frightening situations that we can imagine. And-- and Nebraska has shown leadership in saying that that's not good enough for us in our court system. We're not going to let that happen. We need qualified, talented, neutral parties to provide these language access services. But over my 12 years working in the state courts, I have seen personally how as our wage-- wages have stagnated, numbers of new interpreters joining our ranks is dwindling. The last time we welcomed a new certified interpreter of any language to our roster was in 2016. And in 2009 when I was certified, there were at least three other people certified at the same time. So the numbers have really dropped as our wage-- wages have stagnated. And I think that is directly related to how much our purchasing power has fallen over these 19 years that we've gone without any kind of a rate increase. And I think that LB176 is very much worthy of your support. My colleagues and I do the type of work that-- that allows Nebraska courts to provide the access to justice that we are so committed to. And I do not want to see a program that has meant so much to me personally and that does such good work for our state languish. So I very much request your support of LB176 and would be happy to answer any questions.

**CLEMENTS:** Questions? Senator Dorn.

**DORN:** Thank you, Senator Clements, and thank you for being here.

**KELLY VARGUEZ:** Thank you.

**DORN:** Do you know approximately, maybe somebody else can answer it later, approximately how many interpreters there are in the group or whatever?

**KELLY VARGUEZ:** On our roster. I believe when we initiated the process this year of rate increases, we had a working roster of approximately 40 individuals.

**DORN:** Are they on there-- they're not all full time then. They're part time or as needed or how does that work?

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**KELLY VARGUEZ:** Only three Spanish interpreters statewide are full-time Nebraska state employees. The rest of us are all freelance contractors, and so we are called in as needed. Many of the courts in more rural parts of the state have dedicated days where they bring interpreters in for a full day in order to efficiently use the funding and the court time. In Douglas County where the volume is higher, there are approximately four to five Spanish interpreters only in the building every day. And weekly, we have a number of interpreters of other languages, such as languages of the Sudan, of Myanmar, the Middle East present also interpreting. And this also covers ASL so we have interpreters present for the deaf and hard of hearing. And of that group of people that I work personally with at the Spanish group, I've seen almost, I would guess, about 40 percent of my colleagues move on to different things just since shortly prior to COVID, looking for full-time employment and just no longer available to serve the courts.

**CLEMENTS:** Senator Lippincott.

**LIPPINCOTT:** Thank you, sir. Do you get paid per hour? Per case? How does that work? And how much is that? Is it graduated pay? And then also, what are the qualifications? Do you have to take a written test, an oral test? How does that work?

**KELLY VARGUEZ:** The way that this works for-- for all interpreters was whether we achieved certification or not is that we are brought in on an as-needed basis for a two-hour minimum block of time. And we cover the-- the maximum number of cases that we're able to cover in that amount of time. So we're paid \$50 an hour and we're guaranteed a minimum of two hours time paid and we cover whatever number cases are needed that we're available for in that time to-- and then our registered colleagues who aren't certified yet earn, I believe, \$35 an hour for each hour and they're guaranteed the two hours. To become certified-- to become registered or certified, you are asked to pass a written exam that tests ethics, knowledge of the court system, and high register English vocabulary. And from there, you move on to an oral exam that tests your ability to interpret simultaneously, which is what you'll see ASL interpreters often do hearing-- hearing spoken language and signing as they hear it. We do the same thing with spoken language. Consecutive is used for testimony, so-- so that we don't have too many voices going at once. There's a test-- testify-- someone testifies, there's a pause within the interpretation. Cite translation is the third mode we're tested in and that's when you read a document

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in one language and you translate it out loud in real time into your other working language.

**CLEMENTS:** Any other questions? Senator Dover.

**DOVER:** So, you said there's full time and there's contracted.

**KELLY VARGUEZ:** Yes.

**DOVER:** And the full-time are employees of--

**KELLY VARGUEZ:** Of the state of Nebraska, to my understanding.

**DOVER:** Are they part of the union?

**KELLY VARGUEZ:** Not that I know of.

**DOVER:** That's all the questions I have. Thank you.

**KELLY VARGUEZ:** Thank you.

**CLEMENTS:** Are you-- do you receive any travel/mileage expenses?

**KELLY VARGUEZ:** There is a travel allowance and it's-- it's, I believe, 80 percent of the hourly fee. So it is-- it's a smaller amount than we are-- we make hourly. And it's only if the events that you're called to interpret lasts longer than the two-hour minimum. And we do-- we do get paid mileage at the government-approved rate. But most of those 40 individuals that I mentioned, from that amount of money, we're, you know, we're paying insurance and, you know, just taxes, we reduce from that all of that stuff. So we don't take home clean that amount of money. And-- and on top of it, it's not that we're working 40 hours a week at that rate. Because of the way the courts work, it wouldn't be efficient to have 44 interpreters paid, you know, 40 hours a week at that rate.

**CLEMENTS:** Did you say 80 percent of the hourly rate?

**KELLY VARGUEZ:** Is travel time--

**CLEMENTS:** Travel.

**KELLY VARGUEZ:** --currently.

**CLEMENTS:** What's the-- what's the federal mileage?

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**KELLY VARGUEZ:** I believe right now it's something like 62 cents a mile.

**CLEMENTS:** [INAUDIBLE]

**KELLY VARGUEZ:** Some of my colleagues that travel more might be able to--

**CLEMENTS:** Thank you.

**KELLY VARGUEZ:** --let me know.

**CLEMENTS:** Seeing no other questions, thank you for your testimony.

**KELLY VARGUEZ:** Thank you.

**CLEMENTS:** Other proponents for LB176.

**MARIA ARRIAGA:** Hello again. My name is Maria Arriaga. Oh, thank you. Thank you for your time. My name is Maria Arriaga, M-a-r-i-a, Arriaga, A-r-r-i-a-g-a, and I'm the executive director of the Nebraska Latino-American Commission. I'm testifying in favor of LB176. And I want to thank Senator Dungan for introducing this legislation. As you might know, the cost of living around the world has increased considerably and this country obviously not an exception. And everything, as it commonly says out there, everything goes up except the salaries. So the needs continue. We have to adjust to the expenses that we are facing. And obviously if the salary doesn't change, it's-- it's a struggle every time and bring us a detriment in the quality of life, obviously. So let's talk now about the importance of having a qualified personnel to be able to interpret the different variants of the language, especially in an area as important as Supreme Court. Many people simply don't understand how complex language can really be until they are confronted with the task of having to move something important from one language to another. I can say from my own experience that it's a very complicated task, especially when it comes to situations in which definitely-- definitive sentence is at stake. It's incredibly easy for important nuances and a lot of true meaning to get lost in translation if you don't know-- if you don't have the services of a qualified interpreter. Quality becomes even more important if you work in a field like medicine or in this case law that requires a working understanding of a specialized terminology and complex subject matter. Many times it is believed that interpreting is a matter of how being able to understand other language and being able to speak it to make it one's self understood, but really interpreting

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implies giving a real and strict meaning of the phrase in a completely different language with either structural, grammatical, syntactic, terminological, phonetical, and even cultural way. For example, an interpreter from English to Spanish and vice versa has to know the different regionalisms and idioms that all the variants of the Spanish have. It is not the same Spanish from Spain; it is not the same Spanish from Mexico; it's not from Chile; and even is not the same Spanish as we spoke here in United States where there are already subcultures that are expressed in Spanglish. So in short, language isn't it-- and the interpretation, it's an endless study which is complex and must be valued as such. I personally know how difficult it is to retain a staff currently with so much competition outside that offers better salaries. Of course, I understand the need to look for better options, but at the same time I'm very concerned that the quality of these services might be diminished due to lack of personnel or lack of qualified personnel. I believe that a job like this should be recognized with corresponding increases accordingly to the current situation in the country and according to the cost of living. I stress the preponderance of this matter, and I urge you to advance this bill to the General File. If you have any questions, I'm happy to answer.

**CLEMENTS:** Any questions from the committee? Seeing none, thank you for your testimony.

**MARIA ARRIAGA:** Thank you.

**CLEMENTS:** Are there additional proponents for LB176? Welcome.

**VLADIMIR BAZAN:** Good afternoon, members of the Appropriation Committee. My name is Vladimir Bazan, V-l-a-d-i-m-i-r B-a-z-a-n. I am a certified court interpreter, Spanish court interpreter in the state of Nebraska. And I have been providing services for the state since 2012. I am one of about 30 certified interpreters in the state at the state level. I am one of five interpreters who are certified at the federal level. And I share those numbers with you just to give you an idea of how difficult it is to do what we do and to get it-- to get certified what we do. We are not just individuals who happen to be bilingual. We are true professionals and we play a vital role in the court's mission to guarantee equal access to everyone in Nebraska. We are recognized as officers of the court and we follow a professional code of ethics. So we are requesting your support today to guarantee that we receive a just compensation just like all professionals should. I am also a former interpreter coordinator for the state of Nebraska. Before you were asking questions about full-time



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interpreters. I used to be a full-time interpreter for the state. For about eight years, I was in charge of arranging interpreters for the courts and probation-- probation offices throughout the state, the last four in Lancaster County. I also participated in yearly orientations, which are designed to recruit new court interpreters. So if you want to be certified, if you want to be a court interpreter, you have to attend orientation. Year after year, I became aware of the increasing difficulty to secure interpreters and the increase in demand for those services. The demand for interpreters in the private sector was also a constant challenge for me as a coordinator, since I was well aware that we could not offer rates that would be competitive enough to persuade. Interpreters to accept jobs in the state courts. Sadly, I also witnessed the reduction in both numbers and quality of candidates who wanted to become court interpreters. Eventually, I myself had to leave what was-- once it was my dream job-- in order to avoid the stress, cost of having to secure interpreters all the time, and also to offer my services in the private sector, which was so competitive and still is. Nebraska is one of the pioneers in the country in guaranteeing equal access to justice through the use of professional interpreters. Securing the funds necessary to guarantee just compensation for the state court interpreters is vital to guarantee access to justice to every individual in our state and solidify Nebraska's commitment to bring equality before the law. Thank you very much.

**CLEMENTS:** Are there questions? Seeing none, thank you for your testimony. Additional proponents for LB176?

**CONSTANZA MEIER:** Good afternoon, members of the committee. My name is Constanza Meier, M-e-i-e-r. I am a certified Spanish interpreter. I have been interpreting certified since 2001. It is the second year that the state offered this certification. LB176 focuses on increasing pay for contract court interpreters. This is an access to justice issue. It is a fundamental right. Language access is equal justice access. Our communities are becoming increasingly diverse, which means there is an increased need for interpreters in the courts of all languages. We are integral to justice. Interpretation is a skill and it should not be assumed that any bilingual person can be an interpreter. The proof of that is that we have not been able to certify any Spanish interpreters since 2014. Unfortunately, we are underpaid and we have not received a pay increase in 18 years. I don't know many people who would stay at the same job without a rate increase for 18 years. Like all professionals, we deserve just compensation. A pay increase is long overdue. A pay increase would

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also help attract and retain qualified interpreters to serve this crucial role in our justice system. Thank you for your time.

**CLEMENTS:** Any questions? Senator Dover.

**DOVER:** So what would be a current wage for an interpreter?

**CONSTANZA MEIER:** Well, we-- we formed the Interpret Advocacy Committee and we are requesting \$85 an hour for certified and \$60 an hour for registered which is people who have gone through the orientation, have passed the written English proficiency exam, and have passed 50 percent on the oral exam.

**CLEMENTS:** Would you spell your first name, please?

**CONSTANZA MEIER:** C-o-n-s-t-a-n-z-a.

**CLEMENTS:** Thank you.

**CONSTANZA MEIER:** Thank you.

**CLEMENTS:** Are there other questions? Seeing none, thank you for your testimony. Additional proponents for LB176.

**FRANKIE MacGREGOR:** Good afternoon, Chairman Clements and members of the committee. My name is Frankie MacGregor, F-r-a-n-k-i-e M-a-c-G-r-e-g-o-r. I'm a certified Spanish interpreter in the state of Nebraska. I have been certified and working in Nebraska courts since 2009. However, last year I found that I was no longer able to meet the costs of self-employment and managing a household, and I got a part-time job until January this year. I was able to take another position as a full-time Spanish interpreter with Immigration Court, where the pay is higher. I'm given a three-hour minimum, and I'm guaranteed a 3 percent pay increase annually. I would gladly return to the state of Nebraska if I could make ends meet with that pay. And besides my own experience, I'm wondering if the committee would allow me to share a letter that was hand-delivered to us from a judge this week.

**CLEMENTS:** Yes, you may.

**FRANKIE MacGREGOR:** Thank you. This is from Judge Geoffrey C. Hall, District Court Judge-- Judge of Dodge County, Sixth Judicial District. Dated February 21, 2023, addressed to the Nebraska Unicameral Appropriations Committee, RE Support of LB176. Dear Chairman and

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Members of the Committee, Please consider this letter my support of LB176 introduced by Senator Dungan. In my experience as a district judge, I have found our court-certified interpreters to be an extremely valuable part of the legal process here in Nebraska. Unfortunately, these dedicated individuals are underpaid and have not received a pay increase in over two decades. In the District Court of Dodge County, we have a growing need for qualified interpreters to help individuals navigate the court system. I believe that a pay increase is long overdue and will help attract and retain qualified interpreters to serve in this crucial role. Sincerely, Geoffrey C. Hall.

**CLEMENTS:** Thank you. Are there questions from the committee? Senator Dover.

**DOVER:** What's the current rate, excuse me, what is the rate you're currently being paid in your new position?

**FRANKIE MacGREGOR:** \$53.96.

**DOVER:** Does that include any other benefits or--

**FRANKIE MacGREGOR:** No.

**DOVER:** --travel?

**FRANKIE MacGREGOR:** For travel, I would get an extra hour of pay every day.

**CLEMENTS:** Any other questions? Seeing none, thank you for your testimony. Additional proponents for LB176? Welcome.

**DALE TAYLOR:** Good afternoon, Chairman, members of the Appropriations Committee. My name is Dale Taylor, D-a-l-e T-a-y-l-o-r. I may be one of the earliest ones certified in the state. I came in 2000 here to the state of Nebraska, up from Mexico, and I went into the Madison County Courthouse at that time because there was someone in front of the window. We're needing some interpretation and there was nobody back that could answer their questions or could know what they were even wanting to do. So I stepped in and said, hey, can I help you? And so I did. And they said, would you help us more because we have those situations all the time? So I said, sure, I'd love to. So that was what started my-- my career in court interpreting. That was back in 2001. In 2002, I began to do it more full time. And it was in 2005 when I was certified as a court interpreter. I was one of the earlier

ones because of the certification that was proposed. Now, before that time, there was no certification process. And so, as has been mentioned by a previous colleague here, Nebraska was very-- a forerunner in some of that process of certifying, getting people that were actually working in the courts were qualified for that position and were actually able to do a job that was worthy of the courts. Since that time, nothing-- well, at that time there was a wage established. It was considered quite meager. And-- and then in 2004 or 2005, I believe it went to the current rate. And that is what we've been working at, at that time. I concur with my other colleagues with regards to the fact that it no longer sustains us as interpreters. In fact, on the private level, I am able to-- to charge other companies, other attorneys privately, \$100 an hour for my services. There are other colleagues of mine in other places that charge more than that, \$110, \$115. And so those are the wages that we can actually charge on the private sector doing this private contract work. One of the challenges that we have is because as a professional interpreter, because it is only as you are needed. If I don't generate enough income through my professional interpreting to support the family, then I am obligated to find a job that will. And so I may look at the public sector where I can work then a regular 40-hour work-- workweek and earn the money that I need to support my family. And so there is that need to be able to not only provide enough service, enough, you know, enough work, but then to make it worthwhile, where that I can then out of my pay, can pay for health and for-- for my taxes and for childcare if that's possible or if that's needed and so forth. And so when you consider that being the, not a net, then there are obviously then there's a lot that comes off the top. And so I am here just to say personally myself, I have turned down many opportunities to work in the courts because I have a better paying gig on the private sector. Obviously, it's a matter of economics. Why take a \$50 an hour job and work when I could actually earn \$100? So it's just a matter of dollars and cents in some ways for us. And the problem is, is that if it doesn't get raised, then we're going to have a harder and harder time to secure interpreters. In fact, right now, basically I do it because I have-- I take pity on my coworkers because they're overworked or because they can't find anybody. And so they'll call me and say, hey, Dale, I really need you right now because there's nobody taking this thing and-- and we're stuck. And so I say, OK, fine. And then I'll-- I'll-- I'll take a job. But that's just the-- the-- the brass tacks I guess. I just wanted to give that personal opinion and support of that. Thank you.

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**CLEMENTS:** Any questions from the committee? Seeing none, thank you, Mr. Taylor.

**DALE TAYLOR:** Thank you, Your Honor.

**CLEMENTS:** Are there other proponents for LB176? Welcome.

**LUNA TSANG-SAHS:** Thank you. Good afternoon. My name is Luna Tsang-Sahs, which is L-u-n-a T-s-a-n-g-S-a-h-s and I'm a registered Nebraska court interpreter. And this is my freelance job and I started back in 2002. And when I attended orientation, in order to be the Nebraska court interpreter, you have to attend orientation and also as has been mentioned, you have to pass the written test and also the oral exam. And back then, you don't need to pay anything to be getting to the orientation. And also regarding to the-- well, you've got to do the written test. You don't have to pay anything unless you fail. Then you have to pay for the second test, and the oral test, you have to pay for it. And then, as I said, that I was-- it was back in 2002 and is back in 2000-- I think like back in 2015 or something like that actually [INAUDIBLE] back to couple-- several-- a couple of years ago and I had been working as a court interpreters and-- but this just my part-time job because it's needed in my language. I've got [INAUDIBLE] my language. I'm one of the Mandarin interpreters and I'm the only Cantonese court interpreter. And for that and because the-- as Senator Dungan mentioned earlier, that it's not easy to be court interpreter because Nebraska required a high level. And I take another-- I have to keep on updating and keep on the training and stuff. And you have to, of course, you have to use your own expense. It's not for the pay rate. And since 2002, actually, I didn't see any raise at all. So it's 2023 now and over 20 years, not even a one dime. That is kind of upsetting, but it's kind of hard to do it and especially when it's like is needed-- as needed. And a lot of times we're being called like the very last minute or maybe within a very short time notice. And also when we get to the courtroom and we don't know which courtroom that we're going to, and they always change courtroom at last minute also. And they don't inform, they don't have communication, and they don't let us know. So when we got there, we were like doing like a scavenger hunt, trying to go through all the faces, all the courtroom, find out which one it is and it is frustrating. And when you get there and you find out that-- that you're late already and then the case is already done. And I believe in everybody have a fair trial. And because of that and people who doesn't speak English and should have a fair trial, too, and that's what the court interpreter is for. So-- and it just-- it just a little bit frustrating. But like I said, we do

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have minimum pay for two hours. And-- but for my understanding in the federal level and is because only over two hours, then you can get extra interpreters for help. And being an interpreter as even training in our intention training mentioned that that if you have a-- if you're bilingual doesn't mean that you can be an interpreter. You have to be trained and be professional, ethical. So because of that is not easy to be one. And so, yeah, that's all I have to say I guess. Thank you.

**CLEMENTS:** OK, very good. Any questions? Seeing none, thank you for your testimony.

**LUNA TSANG-SAHS:** Thank you.

**CLEMENTS:** Other proponents for LB176, please come forward. Welcome.

**RAUL ESCOBAR:** Thank you. My name is Raul Escobar. I'm a certified Spanish interpreter. I was the interpreter coordinator, and in-house interpreter here in Lancaster County for ten years.

**CLEMENTS:** Would you spell your name, please?

**RAUL ESCOBAR:** Yes. Sorry. Raul, R-a-u-l, Escobar, E-s-c-o-b-a-r.

**CLEMENTS:** Thank you.

**RAUL ESCOBAR:** Sorry about my voice. I interpret all day long, and it just kind of goes away after a while.

**CLEMENTS:** Would you start over, please?

**RAUL ESCOBAR:** Sure.

**CLEMENTS:** All right.

**RAUL ESCOBAR:** I'm a certified Spanish interpreter through the Nebraska Supreme Court. I started interpreting in the courts in '98-99. At that time, I was working for NEBHELP, which is now Nelnet, I believe. They were very lenient with me. They used to let me come and go as I pleased. So I started interpreting because I don't know how they-- the courts found out that I was bilingual. So they called and said, can you come help us out? I said, I don't know anything about court language. I don't know that I can, but I'll come look. So when I went to the Lancaster County Court, there was an old gentleman who had been interpreting for many years. He kind of took me under his wing, got a

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bunch of dictionaries, boned up on stuff, and I started interpreting. In 2000, they formalized-- Nebraska formalized the certification process. And I actually didn't pass that exam into-- until 2007. It is a very difficult exam and it should be. Right? People's lives could be at stake. Some of my colleagues were certified earlier than that. They'd been working there for a while, so I was working as a registered interpreter at the time. In 2007 when I passed the exam, Nebraska was, or Lancaster County was, looking for an in-house interpreter and coordinator. So I applied for that and got that job, and I did that until 2017. At that time, we used over 41 languages in the courts across Nebraska, pretty diverse state actually. When I decided to go freelance in 2017, just for family reasons, moved to Seward, Nebraska. I live outside Seward, and I regularly cover about seven different counties that I travel to with the expense on, you know, wear and tear on your car, self-employment taxes, the harder you work, the more they seem to take from you. I'm a taxpayer, so I'm not here to propose that you raise this on the backs of taxpayers. I am a taxpayer. I do believe that we need this-- this raise. We haven't had any new interpreters in seven years. It's not an easy job. Not just anybody can walk in and do it. You do need experience. You need-- you need to gain your experience in court. You need kind of a baptism by fire. You put in all the information in your head. When you're under stress, it comes out and you have to practice. So it is very important, I believe, although a small cog in the wheel of justice, but it is a very important one. We are part of the rubber that hits the road. I work with judges, probation officers, and we get the job done. When I'm not there, they literally can't get the job done. Recently here, we've been having difficulty finding interpreters for trials. It takes at least two interpreters to do a trial, switching every 30 minutes to avoid fatigue. It's very difficult to do that. We've actually lost five interpreters, some to health, some moved out of state, some have moved on to other jobs. So we really need the help. I think better pay will go a long way to attract the talent that we need. I know that being a rural state, we are compared to the rural states around us and say, well, we're paying better than they are. But the truth of the matter is and the true factor that should determine whether you make this appropriation is how do we attract the talent that we need to do a good job in court? How do we provide that equality before the law? I think it should be-- that should be the factor that you consider rather than what is being paid now. Fifty dollars an hour, two-hour minimum sounds really good; \$40 an hour for travel time and then the mileage rate at the federal rate. But the more I travel, the more I spend on my car and repairs. Gas is kind of

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crazy right now. And-- and just the wear and tear on you. I enjoy what I do. Otherwise, I wouldn't do it. I go to seven different counties, sometimes even farther afield than that. And I-- I wouldn't change it. I love working with judges. I love helping them administer justice. So I hope that you will support this bill. Thank you.

**CLEMENTS:** Thank you for your testimony. Any questions? Seeing none, thank you. Other proponents for LB176?

**CADEN TAIT:** Everyone, members of the committee, my name is Caden Tait, C-a-d-e-n T-a-i-t. I'm here to testify as a proponent of the appropriations bill, LB176. I'm here not just as an interpreter who's been certified for almost ten years, I'm also here as a businessman and a family man. So during my time as an interpreter, my family has grown to four kids and I've had to work all that time supporting them. And my business costs have also gone up. I have a website with hosting services, payroll taxes, professional fees, rent, and all the things that a business needs to function. Meanwhile, the wages haven't risen since I got here. And I'm kind of a test case of what's happening in the courts because during my time as an interpreter, I've gradually moved to doing less work for the state of Nebraska and more work for private companies and also now working for the state of Colorado. I'm still a resident of the state of Nebraska, but over the past about a year and a half, I got certified or I received reciprocal certification in Colorado, and I've started working more for them. And now at this point, my work comes about 30 to 40 percent from that state, simply because of economics. With a family of four, my wife stays at home, we homeschool and I need to be able to pay the bills. And even though the hourly wage might look the same or similar between here and Colorado, Colorado being \$55 an hour; here being \$50 an hour, the de facto pay is very different. Because there, it's a de facto half day/full day rate that we're scheduled for whereas here it's the two-hour minimum, which is kept to in almost all cases except for trials. Because of that, my wife and I are also considering and have been considering moving to Colorado and starting a life there. It has made more and more sense for us and for me to be traveling less, taking more work for Colorado. And that'll be a great loss to the more rural counties of Nebraska, which I serve. There are only a few of us certified Spanish interpreters who are willing to travel to places sometimes hundreds of miles away, which is what I do. Living in Omaha, I travel up north all the way to the border with South Dakota and Dakota City in Iowa. I travel out west all the way to Lexington, Nebraska, which, as most of you will know, is very far away; Grand Island out to Lincoln. And it-- with many kids at home and a lot of



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needs, it just isn't feasible to be gone as much as I'm gone. But with the wage increase, it would definitely change the economic dynamics that I have to balance in my life and in my business. With that, I can take any of your questions. Thank you.

**CLEMENTS:** Any questions? Senator Dorn.

**DORN:** Thank you, Senator Clements. Thank you for coming here. So Colorado guarantees you then a half day when you're out there in court?

**CADEN TAIT:** Not by statute, but the coordination is such that the de facto scheduling is half day/full day. So even though by statute they have an hourly rate, the scheduling is half day/full day.

**DORN:** Half day/full day. And when you're in Nebraska, you're working for a court system, then they only schedule you two hours and it may go longer. Or what-- how does that factor?

**CADEN TAIT:** For the most part, unless it's a trial which you are slated for a couple of days, which also might get canceled at the last second and you don't get paid for, they try to keep to the two-hour minimum as best as they can for economic efficiency and for efficiency of the courts. Whereas in Colorado, even though there may be a lot more idle time, they need to secure interpreters. And so they-- they do so because the economics are such that interpreters in the districts that do half day/full day rate will prefer those districts as I do.

**DORN:** Thank you.

**CLEMENTS:** Any other questions? Seeing none, thank you, Mr. Tait.

**CADEN TAIT:** Thank you.

**CLEMENTS:** Other proponents for LB176. Welcome.

**YURIDIA IGBOKWE:** Hello. My name is Yuridia Igbokwe. It's spelled Y-u-r-i-d-i-a, Igbokwe, I-g-b-o-k-w-e, very simple. I'm here as-- as an advocate for the interpreters. I'm the CEO of Lincua Academy. It's a language consulting agency. I provide interpreters for mainly lawyers and nonprofit organization, which is private sector, not just for Spanish, but Somali, Nepali, Russian, anything that they need. And for the interpreter, the reason that I'm here is because my husband and I, we have a law office and we mainly practice immigration and

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criminal, just a little bit of everything. And I was the coordinator for the interpreters. And I realize, wow, just because you're bilingual doesn't mean you are an interpreter. In-- in fact, I call the interpreters superhero because it's what they do is just amazing. And I noticed that when I built the language consulting agency, a lot of the interpreters that they will go to court, they will quit because they say, well, they don't pay me enough. I mean, I'm not going to drive just for \$50 an hour when they can pay me \$150 an hour. And it's very clear. And-- but a lot of them, they-- they do love going to court. They-- they like the public service. They like being officer, an officer of the court. And when I go to court and, you know, I provide my own interpreters for the lawyers-- and then the court has their own interpreters, right? They're not the same-- I notice that they work really hard. First, of course, first, well, they-- we-- we couldn't start the cases, and I'm sure you know because-- public defender. The case doesn't start without the interpreter. And the interpreter has to come first before all the cases. And they're going to like all the floors, all over the place in two languages. I only tried that once at the office and I was so exhausted. I almost passed out. I said, I can't do this. I don't know how you guys do. You're like superheroes. And it's very, very, very sad to hear that in 18 years it hasn't changed. These are professionals with high-level skills. I even took the test one time thinking I can do it and I failed. And I have taken even the ELSA and the pretest. So this is something that requires a lot of experience and it's something that you learn it in court. And I don't think it's fair that in 18 years it hasn't changed. And-- and another thing is that it's-- I know it's budget. I'm a businesswoman and so I understand that part. But they're not doing 40 hours a week either. So even if you extend it to \$80, it's in my view, it's still low, but you know, it's better than \$50. And that's one of the reasons that I'm here, just to speak on behalf of the interpreters. And as a Nebraska resident, the iss-- it needs to happen. It's time to happen. That's it.

**CLEMENTS:** Any questions? Seeing none, thank you for your testimony.

**YURIDIA IGBOKWE:** Thank you.

**CLEMENTS:** Additional proponents for LB176.

**THOMAS FENNEL:** Hello. My name is Thomas Fennell, T-h-o-m-a-s F-e-n-n-e-l-l. And I just briefly want to mention something that hasn't come up. I'm also a member of the board of the Nebraska Association of Translators and Interpreters, and Chair of the Advocacy

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Committee. Speaking personally, I'm a Russian translator and I did not go into interpreting specifically because I could make more money translating. I'm now with the change in the Russian area, looking very strongly at interpreting, and at my age, it's a very daunting perspective to-- to make that shift. Whereas when I came back to Nebraska in 2007, after having lived in Russia for a long time, if the rates had been higher, it would have been more attractive anyhow. The thing that I want to say besides my personal story is that we have to remember that it's not just a matter of defendants' rights here and providing access to justice for defendants. It's also witness testimony, the victims of crimes, and prosecutors also need things to be translated very-- and interpreted very accurately. The last thing anybody wants is a court overturned because a specific piece of evidence was not interpreted and not described correctly in court. So that's all I'd like to say.

**CLEMENTS:** Very good. Thank you, sir. Other proponents for LB176. Seeing none, are there opponents?

**COREY STEEL:** Proponent.

**CLEMENTS:** Are you a proponent?

**COREY STEEL:** I was just letting the interpreters.

**CLEMENTS:** All right. Welcome.

**COREY STEEL:** Thank you. Chairman Clements, members of the Appropriation Committee, my name is Corey Steel, C-o-r-e-y S-t-e-e-l, and I am the Nebraska State Court Administrator for the Administrative Office of the Courts and Probation. Thank you today for-- thank you to Senator Dungan today for introducing LB176 and for the time the committee has spent listening to all of our certified contract interpreters for the state system. I'm going to go a little off script and-- and my testimony is here. The one thing I do want to say is it is a statutory provision in statute, Nebraska Revised Statute 25-2401, "It is hereby declared to be the policy of this state that the constitutional rights of persons unable to communicate the English language cannot be fully protected unless interpreters are available to assist such persons in legal proceedings." So it is a statutory obligation by us in the court system to have interpreters and to have interpreters across the whole state for all proceedings that we-- that take place. In 2011, the state of Nebraska was under a DOJ investigation for not providing high-quality, high-level

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interpretation for not only our court system, but I also want this committee to understand all probation services as well. We must provide interpretation for all probation-based services as well to include now with the Office of Public Guardian as well. Anybody under supervision or care and custody with the state judicial branch must have interpretation if they're doing a presentence investigation, supervision, classes that we perform, all of those functions that we do with probation. Also with the interactions with public guardian with their wards, if they have somebody that is a non-English speaker or needs interpretation through sign, we must provide those services. In your packet I've handed out, you've heard testimony to the Language Access Program. After that DOJ investigation in 2011, we created the Language Access Program, which really refined and honed what we do in Nebraska. As you heard Mr. Escobar testify to that he started there were really no standards. He came, somebody in the court system kind of helped him through that. We created a commission that really set the standards for what interpretation consists of for the judicial branch. It talks about the statutes that are there, the program overview, the priorities, and what have you. The second handout that I have for you is-- and there has been a lot of questions from this committee regarding the rates and what the current rates are for our interpreters. So you will see there's three-- three different rates structures for us currently: certified, provisionally certified, and noncertified interpreters, and those rates are there as well. You've also heard testimony about we have some noncertified interpreters and the provisionally or certified interpreters. That exam is difficult. It's a national exam that the National Center for State Courts has instituted and we have taken that exam and that's the exam that pretty much all states use to certify, particularly Spanish. They're coming up and creating other languages. But at this time, it's predominantly in Spanish that we get that certification in and then those rates that-- that go with that. One thing that we have done is over the years we have done this on several occasions since I've been Court Administrator now for nine years, is we have done studies to see what is the going rate for interpreter services in the state court systems. Obviously, you've heard a lot about the federal system and what have you. And I'd be here to tell you, too, if I could get federal rate for the work that I do, I would want that as well. We know the feds pay higher in everything that the federal government does. We know that. We understand that. But what we've done is we've taken a look at state court systems across the United States, particularly in the Midwest, and the going rate for those. I have those as well. If-- if the committee would like me to-- to share what the going rates are from

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other states, I can do that. We continue to improve the work that we do.

**CLEMENTS:** Yes, I think-- yes, we would like that. You can provide that to us.

**COREY STEEL:** I have them handwritten. What I can do if the committee would like, I could have them typed up and give them to you. Or I can just on the record, give you what some of those rates are for the Midwest states and then provide a written copy.

**CLEMENTS:** For the record, what-- let's have you email those to the committee.

**COREY STEEL:** I can do that.

**CLEMENTS:** To the clerk.

**COREY STEEL:** I can do that.

**CLEMENTS:** The clerk will forward to us.

**COREY STEEL:** Not a problem. Not a problem. And so those are the things that we've continued to do with the Court Administrator's office. It's been three times since I've been the administrator that we have taken a look both nationally and Midwest at what the going rate is for interpreter services and then also the two-hour versus the half a day and what takes place there. So those are the things that we have done within our office as well to continue to look at what we can and can't pay based on our budgetary allotment for interpreter services. Since I have been here with the Court Administrator Office, we started with a five-- \$500,000 budget for interpreter services. This year we are over \$1.8 million and I know it's going to-- for-- for fiscal year 2022 and I know this year will be a lot more. We're in about a 7 to 9 percent growth based on interpreter services across the state. We not only use certified interpreters in the state, we also have to contract for interpreters outside of the state as well and fly them in and pay for that. So that's all rolled into that interpreter services. As you heard, trials, we have to have two interpreters, those types of things. So I'd be happy-- my time's up. I'd be happy to answer any questions any committee member may have.

**CLEMENTS:** Senator Dorn.

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**DORN:** Thank you, Senator Clements. And thank you for being here, Mr. Steel. So-- and that was-- that was one of my questions through this whole process. We started way back when at approximately \$500,000 in the budget; this year you say 1.8 or whatever. Is that based on, I mean, since the rate itself hasn't gone up, I'm assuming then that that's based on volume or need?

**COREY STEEL:** Correct. There's been a growing need every year of interpreter services. You've heard interpreters talk about 40-some different languages across the state. A few years back, we were at 53 languages. I think this year we were at 47, 48 different languages across the state. We also with the trials, the fact that we're having to bring in more certified interpreters for different dialects, different languages is an added cost. I just approved just this past week to bring in two interpreters, one from Minnesota, one from California, for a trial in a court on a child custody matter. I think it was a termination of parental rights, and the family spoke a specific dialect of a specific village, and the cost of that was over 60-- \$6,500 to fly them in, pay their rate, hotel, food, all of those things. So that's the growing trend that we continue to see. And we continue to see more and more in our court systems.

**DORN:** And I'll get back to the \$50 an hour. That's basically-- that's been a court decision to leave it at the \$50 an hour or why I guess the bill here is to increase it by so much or whatever.

**COREY STEEL:** Correct.

**DORN:** So the dollars just don't allow it or why hasn't over time over these 20 years basically we've been-- why haven't we increased it, I guess? Who makes that decision?

**COREY STEEL:** So it is a Supreme Court rule that has set the rates for interpreter services. And so it is not statutorily provision of what the service rate should be. And I met with Senator Dungan and we've had this discussion. He agrees that it should be statutorily a statute that this-- that-- that says here's what you shall pay a contractor in the judicial branch. But the Supreme Court, all three of those times that we've done studies, those have gone to the Supreme Court at the request of an interpreter group to assess the new rates. And the court at this point in time, based on looking at what's taken place in the Midwest, have said that at this point in time there would not be an increase.

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**DORN:** Because we're meeting, basically meeting what the general, our general Midwest rate is, we're meeting that you're saying.

**COREY STEEL:** Correct. We're meeting it in some areas. We're exceeding it in some areas. In some areas, we're a little behind.

**DORN:** So when does that-- and I don't know what the study does, but the study now we're hearing from some of these that the private people are paying more [INAUDIBLE].

**COREY STEEL:** Correct. Correct. Private always pays more than state, Senator. You know that.

**DORN:** I know that. Yeah. When it gets at too much that you can't find staff, I guess that staff you've been able to adequately staff at this point in time.

**COREY STEEL:** At this point in time, we are able to staff. There's always an adequate piece of whereas, whereas the need for more. You also heard the stringent requirements of the exam and the course that takes place, and that sometimes as well is a barrier to getting more people certified. We have on average 10 to 15 individuals about once a year that go through the coursework and take the exam. But the exam is difficult and it should be, as you heard it should be, because they're interpreting in court. This is termination of parental rights. This is trials. This is all of those things, you know, that-- that it should be stringent so that we are holding that standard to that level, which also makes it difficult as well.

**DORN:** Thank you for coming in. Thank you for asking-- answering questions.

**COREY STEEL:** Absolutely.

**CLEMENTS:** Senator Dover.

**DOVER:** When was the last time a study was done?

**COREY STEEL:** We just did this study again this fall.

**DOVER:** OK.

**COREY STEEL:** And those were-- those will be the numbers that I'll provide the committee in a-- in a written document.

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**DOVER:** Thank you.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you, Senator. So you said that your budget is currently \$1.8 million-plus.

**COREY STEEL:** Correct. Fiscal year 2022 was \$1.8 million. Those are our expenditures for interpreter services.

**ARMENDARIZ:** Would you be able to give us a breakdown of where those dollars went: hourly wages, travel, mileage?

**COREY STEEL:** Yes.

**ARMENDARIZ:** All of those different items.

**COREY STEEL:** Yes.

**ARMENDARIZ:** OK. I appreciate it.

**CLEMENTS:** I have a question. Are we talking just district courts or also county courts involved in [INAUDIBLE]

**COREY STEEL:** Any court proceeding, Senator. So separate juvenile courts, county courts, district courts, Workers' compensation Court, any court. Court of Appeals, Supreme Court if there needed to be an interpreter. But there's not testimony, obviously, in those courts as it's attorneys that put on evidence. But it's any court that we would provide and then any service for probation and Office of Public Guardian as well. So anybody on probation that does not speak English, there is an interpreter during their probation, during their meetings, during any coursework that the take-- that they take as far as we do cognitive behavioral groups, anything like that, if there needs to be translation, interpreter services, excuse me, then we would provide that.

**CLEMENTS:** And in county court, the state's paying for the interpreter?

**COREY STEEL:** We pay the state for all the courts.

**CLEMENTS:** [INAUDIBLE]

**COREY STEEL:** Correct.

**CLEMENTS:** Senator Lippincott.



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**LIPPINCOTT:** Couple of questions. Number one, do interpreters also interpret, fill out forms, translate forms? Lots of paperwork goes back and forth in courtrooms. Do they do that? Also your-- how many vacancies do you have? How many applicants do you have? And are any of the applicants not qualified due to no criminal record, misdemeanor, felonies, or any type?

**COREY STEEL:** OK, bear with me while I try to answer all three of your questions. OK. First question was--

**LIPPINCOTT:** Forms.

**COREY STEEL:** --forms. We do have-- we do pay for translation of forms on our website. And then in our court systems, we typically have almost all of our forms translated into Spanish, and then we're working towards other languages as we can. So we do some translation. I think some of the interpreters will tell you interpretation is different than translation. And so when you translate a form, it is a little bit different. So we do have individuals we go to for translation of forms. Yes. The second is as far as these are not employees. We do not have openings. We do not ad-- advertise, so to speak. This is not a state position. These are contracted interpreters. They are-- they are a private entity and they are, in essence, agreeing to interpret for the court system on a-- on a-- it's not a per se where we have an individual contract with each and every interpreter, but it's not an open position. We do have four state positions that are interpreter coordinators in Douglas County, in Sarpy County, in Lancaster County, and in Hall County. Those four positions are state employees. They're employees of ours, and they're in the courthouse. They're in the courthouse. They not only coordinate, one is just a straight coordinator where she coordinates all of Lancaster County and several other counties, the coordination of all the need for the interpreters. So the court system calls and says we have a case, we need an interpreter in this language, and then they find the interpreter and schedule that interpreter. We have three others that also not only do the coordination, but then also do the interpretation within the courthouse, not all the interpretation, but they do interpretation as well.

**LIPPINCOTT:** Criminal record.

**COREY STEEL:** Criminal record. So yes. So when somebody goes through the certification process, we do scrutinize criminal record. And we have in the past, after somebody has gone through the process and we

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do a background check on-- on interpreters, there is a background check. We've had to deny somebody based on a felony conviction of a drug offense in another state. So we have had to do that and all interpreters have gone through that process. So we vet them as they come in. So as they go do the, do the coursework, take the exam, before they are given that certification there is a background check.

**LIPPINCOTT:** Thank you, sir.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you. So the certification exam, is that public, available to the public? And if not, would you make it available to this committee?

**COREY STEEL:** The exam itself?

**ARMENDARIZ:** Yeah.

**COREY STEEL:** I can get you an example of the exam, yes, that's taken.

**ARMENDARIZ:** OK. Thanks.

**CLEMENTS:** You can provide that to the clerk.

**COREY STEEL:** Absolutely.

**CLEMENTS:** Any other questions? Seeing none, thank you, Mr. Steel.

**COREY STEEL:** Thank you very much.

**CLEMENTS:** Are there other proponents for LB176? Seeing none, are there opponents regarding LB176? Seeing none, is there anyone here in the neutral position? Seeing none, Senator Dungan, you may close.

**DUNGAN:** Thank you, Chair Clements, and thank you to the committee. I want to say thank you as well to all the testifiers that came in today. I think it's really important for everyone to hear the individual stories here. I think they touched on a number of things that were vital for what we're talking about. I want to address a couple of the questions that came up briefly and make just a couple of more points. But I'll try not-- I'll try to be brief. First of all, I want to highlight that this does have a specific influence and I think a benefit to rural areas. I think oftentimes we see rural areas disproportionately impacted by the lack of interpreters, especially in

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court circuits where you're traveling from county to county. You know, we've talked a lot about the rates that people get paid for driving. That becomes really arduous and burdensome when you're spending more of your day in your car than you are actually in the courtroom. And so this increase in pay, I do think, would have a true benefit to areas in rural or courts in rural areas. I also just want to highlight again for my personal experience the talent that goes into this. It cannot be understated. And that's not just to say that it's difficult to interpret, but I think we often forget some of the idioms we use and how legalese works. You all, I'm sure, can tell that I talk very fast. These poor people have to keep up with that, and that's really frustrating. In addition to that, when I'm in a trial where we're talking to a client, if I say, for example, we're just going to ask for a continuance and kick this down the road a ways, that's a pretty difficult thing to interpret, to make it accurate. And so those kind of things get brought up in trials and in conversations. And so I just want to highlight again, we're talking about really niche and specific work that we're doing here, and there's actually interpreters in the room today that I didn't know were going to be here that I've worked with in court before, who do simultaneous translation, which is also a whole, you know, different skill set where you're talking and they're talking at the same time, whispering into the client's ear, keeping up with what you're saying quickly in legalese and using idioms. And so it really is a thing that I think is we're getting what we're paying for. And I think that's really important to note. To your question, Senator Lippincott, about the forms, I think Mr. Steel did a very good job of differentiating interpreters from translators. But again, in the courtrooms, it can get pretty crazy. There's oftentimes motions that I have to have a client sign that I'm walking out in the hallway and reading it to the client through an interpreter, and they have to keep up with that and then answer questions through the interpreter as the client is signing the motion in the hallway or something like that. So even though they're not necessarily translating the form, they are having to interpret what's in the form and sort of get across the message of that. So that's important, I think, too. I also specifically want to thank Mr. Steel for being here. One of the things that-- that he mentioned that I think is important to note, we're not talking about statutorily setting a rate. We've heard a lot about \$50 an hour, \$80 an hour. I believe there absolutely should be an increase. And in the conversations I've had, both with the courts as well as the interpreters, we kind of know what those rates are going to look like. But we're not asking the committee here to pass a bill that says thou shalt pay X amount for the interpreters. The court's

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obviously done a lot of work and a lot of studies to figure out what those rates would be. All we're asking for is that appropriation to go to the Supreme Court. And one last clarification, and I think this is to your question, Chair Clements, it's not just to the Supreme Court for interpretation. They're just the office that runs all of the different services. And so, again, I think Mr. Steel did a fantastic job of outlining the different services that these interpreters go to. It's all levels. So happy to answer any additional questions, but I think it's very vital that we work on this now to make sure that we keep these interpreters. As we've heard, we're losing them, and I think we're going to be at a crisis point soon if we don't try to keep people working with our interpreter services. So thank you for your consideration.

**CLEMENTS:** Senator.

**DORN:** Thank you, Senator Clements. And thank you, Senator Dungan, for being here. I should have asked Corey Steel when he was here. Are they ever allowed to do, I call it, now we have in some of the court systems, they have the, I call it the tele or the Zoom-type meeting, are interpreters allowed to do that or? OK, he's shaking his head yes.

**DUNGAN:** Yeah, yes. And so obviously, courts changed a lot during the pandemic and we shifted to sort of a hybrid model for quite some time where you're doing Zoom court, interpreters are logging on there. That's made it easier I know for certain rare dialects, for example, to be utilized. I could go into great detail about the time I did a two-day long hearing with Romanian interpreters via phone because we couldn't find any in the state, and that was a whole ordeal. But yeah, they do work through Zoom, but it's always better to have people there in person. I think, you know, when we're doing-- dealing with these intricate things, talking about legalese, idioms. And I think like Mr. Escobar highlighted, you know, we're talking about people's lives and really serious circumstances. So they try to be there in person. But yes, they can utilize teleservices if need to.

**DORN:** Thank you.

**CLEMENTS:** Any other questions? Seeing none, thank you, Senator Dungan.

**DUNGAN:** Thank you, Chair Clements.

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**CLEMENTS:** We have position comments on LB176. We had 23 proponents, no opponents, no neutral. That concludes LB176. We will move on to LB508. Senator Conrad. Welcome, Senator.

**CONRAD:** Hello. Good afternoon, friends. My name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today representing the "Fightin'" 46th Legislative District of north Lincoln. And it's a pleasure to be back in front of the Appropriations Committee. But my goodness, the setting has changed a bit in this-- this temporary assignment that you have. You have a little bit more elbow room, though, so maybe that's not a bad thing. But I am pleased today to introduce LB508. And I'll-- what this measure would do is it would appropriate \$2 million over two fiscal years to the Supreme Court for the Office of Dispute Resolution to support and increase funding to the Supreme Court for improved mediation centers. So I wanted to provide just a quick background for how I got the idea for this legislation. So last summer I attended a CLE, continuing legal education, course that the Bar Association put on in Lincoln. It was called "Lawyers and Leaders." And in the afternoon session they had a very well attended learning opportunity with many judges from different levels: county, district, and Supreme Court judges there with a lot of stakeholders in the legal community. And they were talking about caseloads and they were talking about access and administration to justice. And we were talking about problem solving courts and other sort of mechanisms that our state had available to-- thank you-- ensure access to justice for our citizens and to balance judicial resources and efficiency. And one of the issues that popped up was from the judges' perspective, and I'm kind of generalizing or paraphrasing here, was just how valuable the mediation centers were across the state for family law issues, for juvenile justice issues, for small claims court issues, things of that nature, and how that really helps citizens to get good outcomes for the legal issues they were facing and how it helped to reduce the court caseload in some regards or streamline or refine issues before it got to the court for final disposition. So it was just a very compelling discussion and it really stayed in my head and in my heart. And after the election, I reached out to the Supreme Court and just said, hey, I attended this great learning opportunity. This issue popped up. It seemed to have great resonance across the political spectrum, across the state. Is there anything that we can do to try and get some more resources to our existing mediation centers now that we have a little bit of breathing room from a fiscal perspective? And so Corey Steel and the Supreme Court and their team were really generous in helping me to

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take that kind of general idea and put it together in terms of kind of a plan that would best meet their needs to expand, to maintain and then expand services. So that's how the-- the bill came together. And just so that you know, this-- the Office of Dispute Resolution and I passed out two materials, one just kind of general bullets and talking point. The other is more of a two- or three-page article from a recent Bar Association magazine that kind of details the history of the mediation centers and alternative dispute resolution issues in Nebraska. So this structure has really been on the books since the early '90s. Actually, my predecessor, Senator Landis, helped to bring forward the legislation that helped to provide the initial infrastructure for the mediation centers across Nebraska. And it's a really smart system. Nebraska is not the only state that has a system like this in place. I think we're one of about a handful of states that have a system like this in place. But what we have seen is that the need for these services has really outpaced the funding that they have available through a variety of different revenue streams. And it's also important to note that they don't turn anybody away because of a lack of ability to pay. So I-- I just wanted to kind of put this history before you, let you know that they provide services in really every corner of Nebraska. And it really is, I think, related to the core function at the judiciary and helps to address a lot of real-life issues that are facing Nebraskans, whether it's, you know, coming up with those parenting plans and people are going through a dissolution or whether it's dealing with juvenile justice issues for young offenders and maybe helping them get set on the right track with restorative practices or those small claims type issues that pop up too. Those are, I think, some of the-- the biggest issues that pop up, but they really provide a lot of different services. So I'm happy to answer questions, also happy to defer to the experts behind me. Yes.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Hi.

**CONRAD:** Hi.

**ARMENDARIZ:** Thank you, Senator Clements. Thanks for being here, Senator.

**CONRAD:** Yes, hi.

**ARMENDARIZ:** What is the current budget for this?

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**CONRAD:** Yeah.

**ARMENDARIZ:** I can-- I can follow that up while you're looking.

**CONRAD:** Sure.

**ARMENDARIZ:** But what do they expect to accomplish with an additional million dollars?

**CONRAD:** Yes. That's-- I don't know exactly what their current budget is, but hopefully some folks behind me might know. And if not, I can look it up in the meantime before the closing. But I know that their thinking was they have about, I think, \$45,000 or so to speak, under kind of their existing revenue streams or structures for each of the six centers. So they were thinking the additional million would provide \$150,000 instead of \$45,000 to each of those six centers. And then it would have about \$100,000 for administration and mediation training, kind of at the-- at the umbrella kind of at the top lines for it free to the centers if that's helpful.

**ARMENDARIZ:** Yes.

**CONRAD:** Yeah.

**CLEMENTS:** Senator Erdman.

**ARMENDARIZ:** Is there-- I'm sorry.

**CONRAD:** No, that's OK.

**ARMENDARIZ:** Is there like a big waiting list or a set amount of court cases that could go to this instead that they have calculated and-- and kind of given the numbers behind the support for the apps--

**CONRAD:** Yeah. So--

**ARMENDARIZ:** --that [INAUDIBLE] seeing so many more?

**CONRAD:** I think that's exactly right. So if you look at the little bullet point sheet that I handed out, you can see that like, for example, back in fiscal year 2003, their case volume was at about 1,200 cases. And then this last year, they were up to 4,300 cases. And so I think that what we're seeing is a real significant and fast rise in terms of the number of cases that they're dealing with there. Now they do get, you know, some resources from filing fees and from state

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appropriations otherwise. But when I opened this conversation with the court, Senator Armendariz, I asked them what would be the right number and what would be the right way to structure the appropriation request to do the most good. Because I was just thinking, you know, I don't know \$1,000,000 per center or something like that to maybe help get an infusion of cash to help them train more people or deal with backlog or-- or maintain their existing good work. And they went back to all of the centers and they said, we feel like this would be the best way to structure that to do the most good based on our caseloads and our needs. So that's kind of how we got to that number was based on feedback from the centers.

**ARMENDARIZ:** And one more question.

**CONRAD:** Yeah.

**ARMENDARIZ:** How much money do you expect to save moving those to a mediation center as opposed to a court?

**CONRAD:** Yeah, that's a good question. I mean, I don't think that we will be in the business of winding down any court operations anytime soon. In fact, I think we'll probably continue to see an expansion thereof. For example, you might see that Senator Aguilar actually has a bill on the agenda about growing the footprint in his area for some more judicial resources. But what I-- so I don't think we'll probably be saving any amount in terms of judicial resources that we can, like, see a budget reduction or a staff reduction in the existing judicial kind of structure. But what I do think we'll see by making this advance investment and expansion is just those cases will receive, I think, more attention and better outcomes before they're just kind of dumped into the court system, so to speak. By having more resources with the mediation centers, it helps to resolve some of those preliminary issues. It helps to identify potential alternatives. It just takes a little [RECORDER MALFUNCTION]-- and makes it work a little bit better so. Is that helpful? OK. I don't think you'll see a projected cost savings, though, on the other side of the ledger with this kind of increase.

**ARMENDARIZ:** OK.

**CLEMENTS:** Any other questions?

**CONRAD:** OK.

**CLEMENTS:** Seeing none--



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**CONRAD:** OK. Well, very good.

**CLEMENTS:** --we'll, invite other proponents for LB--

**CONRAD:** And just so you know, I'm running back and forth to Judiciary, because I have another measure up there too. But I'm happy to answer more questions and continue the dialogue as well.

**CLEMENTS:** All right. Thank you, Senator Conrad. First proponent for LB508. Welcome.

**KELLY RILEY:** Thank you. Good afternoon, Chairman Clements and members of the Appropriations Committee. My name is Kelly Riley, K-e-l-l-y R-i-l-e-y, I'm the director of the Office of Dispute Resolution for the Administrative Office of the Courts and Probation-- Probation, testifying in support of LB508. First, I want to share a little bit about the Nebraska mediation system. The Dispute Resolution Act created a public-private partnership with nonprofit organizations to provide statewide mediation services. This is an extremely efficient and effective delivery model that allows all Nebraskans access to mediation and restorative justice services. The Office of Dispute Resolution and the Supreme Court's Dispute Resolution Advisory Council provide oversight of the six mediation centers and conduct financial and programmatic reviews as part of each center's annual approval process. One of the handouts provided is a roster of the centers. There are two centers that serve the three most populous counties. The remaining 90 counties and four tribal nations are served by four centers. Access to mediation is a priority. To reduce barriers to access, centers travel to where the parties are, and have implemented a virtual option to improve access for rural and urban Nebraskans. On the second handout, you'll see that every year the centers provide mediation and restorative justice services in most counties. The Dispute Resolution Act requires the Office of Dispute Resolution to award grants to approved centers on an annual basis. Since fiscal year 2005, the grant has been \$45,000 per center, a total of \$270,000. The annual grant was made possible through a cash fund that receives revenues generated from a 75 cent filing-- court filing fee. In August 2021, the centers were notified that the annual grant was in jeopardy due to the cash fund's decreasing balance. Every year since fiscal year '14, court filing fees have been less than the grant disbursement. A graph showing the cash fund's revenue and grant expenditure history is included in the handouts. In 2021, the funding shortfall was brought to the attention of the Appropriations Committee. Thankfully, during last year's legislative session, the

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committee appropriated \$270,000 to allow for the continuation of the annual grant at the same amount, which is allowing the dispute resolution cash fund to replenish. Reducing the grant funds to the centers would have been devastating, as they would have needed to reduce staffing and services. The purpose of the grant funds is twofold. One is to subsidize cases that are low-fee or no-fee. Per statute 25-2910, approved centers cannot deny service to anyone due to an inability to pay. Secondly, it helps the centers keep their doors open. Without the centers, the judicial branch and the Office of Dispute Resolution cannot meet our statutory obligations. While the centers still receives the same level of grant funding today as in fiscal year 2005, it's an important to note that the centers handles a lot more cases. The handouts include a graph showing the growth in annual case volume. The increase in cases is a direct result of the number of services now available through the centers. In addition to providing mediation for community-based complex and parents living in separate homes, the centers are trained to provide a safe process to parents when there is intimate partner abuse. They mediate small claims cases and neither party pays a fee. They are mediating more landlord tenant cases. The centers are working with students, their families and school personnel to address school abs-- absenteeism. They're providing juvenile restorative justice, when appropriate, from various referral points: schools, county attorneys, diversion offices, courts and probation. The centers also facilitate child welfare cases, allowing families to have a greater voice in working towards reunification and facilitating conversations when reunification isn't in the child's best interest. Elder mediation is another area of focus for the centers. The reason I'm pointing out all these different case types is that proposed funding in LB508 will support the centers' continued mission to provide and potentially expand their services. For example, upstream juvenile restorative justice cases are currently funded through a \$1 million three-year federal grant awarded to the Administrative Office of the Courts. Financial sustainability is a looming concern when the grant ends. Funding is necessary and beneficial to the state, as restorative justice programs through the centers can keep youth from becoming court system-involved and for other youth may reduce their time within the court system. In summary, the approved centers are a valuable resource to Nebraskans who want to be more involved in the outcome of whatever they may be dealing with. Please note that mediation and restorative justice never takes away a person's access to the courts, nor their legal rights. Thank you for this opportunity to provide information and support of LB508. I

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encourage you to vote the bill out of committee. And if you have any questions, I'd be happy to answer those.

**CLEMENTS:** Are there any questions? Have you requested increase of the court fee?

**KELLY RILEY:** So last year, I think that was a conversation, but I don't know that we made that specific request. But that was a conversation we had with Senator Stinner last year.

**CLEMENTS:** That's set-- is that set by Appropriations?

**KELLY RILEY:** The court filing fee? I think that goes through the Judiciary Committee.

**CLEMENTS:** Oh, OK.

**KELLY RILEY:** That would be a Corey question so.

**CLEMENTS:** All right, we'll talk to Corey about that. Seeing no more questions, thank you for your testimony.

**KELLY RILEY:** Thank you.

**CLEMENTS:** Are there other proponents for LB508?

**MICHELE LUEDERS:** Good afternoon Chairman Clements and members of the Appropriations Committee. My name is Michele Lueders, M-i-c-h-e-l-e L-u-e-d-e-r-s. I am here today in my position as the executive director for the Nebraska Mediation Center, located in Fremont, Nebraska. I am also representing the other three rural mediation centers across Nebraska, and today I'm here test-- to testify in support of LB508. As you've heard previously from Senator Conrad and Kelly Riley, the mediation centers in Nebraska providing a continuum of services that are-- span across all 93 counties, including the four tribal nations. The mediation centers provide individuals an opportunity to work through conflict and repair their relationships. And mediation also allows a neutral third party to facilitate these conversations in areas that are identified by the parties participating in mediation. Rural Nebraska continues to see a reduction in service availability, which also includes having-- which also includes having attorneys available in all counties. Mediation centers can assist individuals in developing potential solutions or resolving the conflict prior to court action. But please note that mediation services do not replace legal representation. I just want to

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share a little bit of information about the four rural centers for your information. The Nebraska Mediation Center, like I said previously, is in Fremont, Nebraska. We cover 24 counties, as well as the four tribal nations in northeast and north-central Nebraska. Our center serves 14 percent of the population, that covers over 22,000 square miles, which is approximately 29 percent of the land space here in Nebraska. The Resolution Center is located in Beatrice, Nebraska. They cover 16 counties in southeast Nebraska, which encompasses more than 9,000 square miles. In the past, the Resolution Center has seen a 58 percent increase in their caseload since 2003. Going into Central Mediation-- Mediation Center in Kearney, Nebraska, they provide services to 35 counties in central Nebraska, covering over 27,000 square miles or 35 percent of the land space here in Nebraska. The population in Central Mediation Center's 35 counties is 318,542 individuals, which is about 16.24 percent of Nebraska's total population. When we go to Mediation West in Scottsbluff, they provide services to 15 counties in western Nebraska. This makes up nearly 23 percent of the land area in the state, but is home to less than 5 percent of Nebraska's overall state population. Additionally, 14 percent of those individuals in the western part of Nebraska, they live below the poverty level compared to the Nebraska average of 11 percent. These factors present unique challenges to the mediation centers. Excuse me-- these factors present unique challenges as mediation centers continue to strive to meet the state mandate in making mediation services available to all residents in all 93 counties. Stabilization of funding is critical to ensure mediation services are not only [INAUDIBLE]. To ensure individuals have access to services, centers travel to where parties are located. Our mediation centers continue to offer both a virtual and a hybrid version so we can meet the clients where their needs are. And with the video conferencing, this has been able to reduce some barriers to ensure services are available across the state. In summary, this funding would significantly support all of Nebraskans. This includes our local communities, counties, other system stakeholders who use mediation services. Mediation is a cost-effective way to empower individuals in conflict and observe them discovering an outcome that is unique and mutually beneficial to their specific situation. I appreciate this opportunity to speak with you today. I encourage you to vote this out of committee. I'd be happy to answer any questions.

**CLEMENTS:** Are there any questions from the committee? Seeing none, thank you for your testimony.

**MICHELE LUEDERS:** Thank you.

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**CLEMENTS:** Additional proponents for LB508.

**CASEY KARGAS:** Good afternoon.

**CLEMENTS:** Welcome.

**CASEY KARGES:** Senator Clements and members of the Appropriations Committee, I'm Casey Karges, C-a-s-e-y, last name Kargas, K-a-r-g-e-s. I'm the executive director of the Mediation Center here in Lincoln, I've been here since '07. Also representing Omaha, the Concord Center and Dan Bechtol. We kind of divided into rural and urban for our testimony today. Two kids get into fight in school, a ticket gets written and it goes to the county attorney. You have options from that point forward. What if kids came to the mediation center? We provide an opportunity for them to get together and work out what went wrong. Could they say they're sorry? Can they pay something back? A way to work themselves back into school. Two friends living together decide not to live together anymore. They fight over how they divide up their stuff. We have options in Nebraska that confuse, that can get really ugly. Or they go to small claims court. Lancaster County, 15 years ago, judges weren't sure about mediation. Today, about any case that comes there, they want to see if they can get together there, the day at court, if they can work something out. Hear one another, come up with options they probably couldn't do in court, to see if they could resolve it in that way. Kid gets removed from the home. They're struggling within the system of what are they going to do next. Now, they come to a mediation center, we bring everybody in. We bring family members in and caseworkers in, attorneys in. And what we try to do is we try to in some way listen to what the family thinks they can do to provide safety for those kids. And then it's the family plan that goes back to the judge. Because the odds are, if the family in some way agrees to it, the odds of them [INAUDIBLE] are just a lot better. It was 30 years ago over the farm crisis that all this got started here. And in some way, it has just exploded. Where today I was working with a group like this 15, 20 years ago, and in some way they were trying to decide, can a case get ordered to mediation. Today, about every case before a judge wants to hear it, wants to see an attempt at it. And so we work with the Office of Dispute Resolution, district court, county court, probation, diversion, local counties, schools, special education, all these opportunities in some way can we work on the resolution before the case has to keep going. I use an example-- and just FYI, Nebraska is a leader when it comes to mediation. This body, the bodies of the court, the bodies that lead this in some way-- we had a huge study that was done actually out of

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Canada on Nebraska. And being from Lancaster County, what got me was, is we do a specialized way to work with all families, even in high-conflict domestic violence cases. We can figure out safe places for that to happen. In that study, 93 percent of all cases in, in Lancaster County that had a custody issue came to a resolution before a judge had to rule, which is remarkable. Through mediation, through attorneys, through them working together, most of the time we can figure that stuff out. What's different in Nebraska is it's not like one is going to win over the other and you never going to see them again. We're going to work with these people. We're trying to create processes where in some way people can handle conflict better. And so through this, what we've discovered from when this first was passed and we have the 45,000 today, it's over a 300 percent increase in cases. It's working and it's working great. And we want to continue to provide opportunities for mediation in all these different areas. And we have places to go. Lancaster County is doing an incredible job when kids get in trouble. We're doing these, you know, we're working brand new in the past couple of years, we're starting to get into truancy. Can we get families and kids together to work out can they come up with a plan, so they can go to the schools and then we can work, work with the support for them to do all of that? So what we're trying to do is, is it has worked. We, we cannot turn anyone away with the inability to pay, which is, with the increase in cases, I mean, we're-- and a let me go back to what we're doing, it's working and we want to continue to find new ways for mediation-- Nebraska to be a leader in the mediation field. Thank you for the opportunity, I hope you support LB508. Any questions that you have?

**CLEMENTS:** Questions. Senator Lippincott.

**LIPPINCOTT:** Your paper that you handed out said that 93 percent of the cases have been resolved before it gets to this--

**CASEY KARGES:** In those family cases. Yes.

**LIPPINCOTT:** Yep. What percent of those has your mechanism helped with?

**CASEY KARGES:** Yeah, great question. What I would say, I'll use Lancaster County as an example. We open up 500 to 600 mediation cases just at our center in Lancaster County, and there's probably 1,700 filings in our county. So we deal with probably a third of those. Now, let me say this. There are incredible private mediators. We have great mediator-- a lot of them are affiliated with us. And some people

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resolve on their own, which is really positive. But we, we touch probably a third of those in Lancaster County.

**CLEMENTS:** Senator Lippincott.

**LIPPINCOTT:** Additionally, your caseload has gone up 355 percent--

**CASEY KARGES:** Yep

**LIPPINCOTT:** --like you say here in your paper. And each center gets about \$45,000 per year?

**CASEY KARGES:** Yep.

**LIPPINCOTT:** So with that increase, how much are you going over that? \$45,000 per center?

**CASEY KARGES:** Oh, we're doing an awful lot. And the model is working, meaning we we go after grants to start new programs, to sustain ourselves. We get filing fees. For, for example, would be parents, when parents come in, we work off a sliding fee scale. And we probably go through our, our \$45,000 in sixth month's period of time for what we can justify. And so-- and what's exciting is new thing is coming up. That the stuff we're doing with schools, five years ago, we weren't doing any of those. Right now at just our center, we're opening up probably 200 cases a year for kids who get in conflict in schools. I mean, and so to develop those, I mean, you know, you just have to start and make it happen. And there's other areas we know-- we're just starting to get into the elder issues, families in conflict with grandma, grandpa. And are they-- do they need to go into a home or kids are fighting or there's just-- there's just areas that I think mediation would be great to lessen the conflict. A lot less time of them, you know, getting into court. We're trying to see if those can be opportunities for people. And we want it available across the state and for even those people that can't afford, we want to use that sliding scale.

**LIPPINCOTT:** So you're saying by July 1, you burn through \$45,000?

**CASEY KARGES:** Oh yeah, for the number of cases that we-- yeah.

**LIPPINCOTT:** So you approximately go through \$100,000 a year, is that right?

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**CASEY KARGES:** Oh, yeah. Yeah. And there's always the next new thing. The elder thing is the next new thing. So we start pilots, we work with-- come in, we work together. Probation, we've done the same thing. That takes a lot of time to come up with those new. And just, just FYI, we have a small staff. You know, we have five on staff. We have a couple of attorneys. At our center, we have 100 mediators that come in and mediate for us, people like you that come in with specialized areas of interest. So we have the ability to grow. People want them-- want to do conflict better. So we can justify the \$45,000 with the growth that we have seen in all these different areas. We can justify easily in the first six months, but we always want to get into a new area. So there's always more opportunities, I think, for mediation.

**LIPPINCOTT:** This question was asked too earlier, and didn't get an answer on it, but obviously we want to do this rather than going through the full-blown court system. Each divorce, I've read this has [INAUDIBLE], but each divorce case costs the government approximately \$30,000. It's expensive.

**CASEY KARGES:** Yeah.

**LIPPINCOTT:** Doing it this way is less, but you can't really give us a concrete number how much money is being saved going this route versus--

**CASEY KARGES:** I've nev-- that is a great question. I've never seen that number. I would say Lancaster County would be less than-- I mean, the people who come to us. But what's exciting to me with the whole mediation stuff is people are realizing that they can work, I mean, they're parents, and if they can work together to figure this stuff out, when it's over with, they didn't bury one another. And so I think there's the financial cost, there's the stress costs, and I think it's making a difference.

**CLEMENTS:** Other questions? Senator Dover.

**DOVER:** As far as working with, you know, youth, or along those lines, you know, I can assume, [INAUDIBLE] I'm guessing there could be a benefit of learning how to have a resolution and then perhaps mature [INAUDIBLE] more mature and as opposed to feeling like the judge did this to them and life is not fair and--



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**CASEY KARGES:** Yeah, what's really cool, we had a program that started out at Lincoln High because of the racial tension that was happening. We had a bunch of kids come to us and they were worried about the conflict that was happening in those schools. So we had one of our center directors work with their principal, and they had this group of girls from different countries. The degree-- created a peer-to-peer mediations. So when the tensions started, they could get people together to try to resolve it before-- well, those kids are now being surrogates in our restorative justice program. When other kids get to schools, a lot of times we put a kid who's been through the program in the room. They've been through it, they've seen it. They know what the kids are talking about. The kids relate a lot better to someone younger than me. So we have these pool of kids who are going through these processes. And Lincoln Public is trying more and more to put restorative justice into their starting classes. We're working with them and trying to have better ways to, to have this stuff happen. So this stuff is bubbling. It's exciting. I think it's really good stuff.

**CLEMENTS:** Seeing no other questions, thank you for your testimony.

**CASEY KARGES:** Thank you.

**CLEMENTS:** Are there other proponents for LB508? Welcome, Mr. Steel.

**COREY STEEL:** Chairman Clements, members of the Appropriations Committee, I was pulled up today by Chairman Clements and his question. To clarify, I wasn't planning on testifying, as Kelly Riley did, based as our director of ODR. And I want to add a few things to, to Casey's testimony. Senator Clements, there was an adjustment in, I want to say, 2016, 2017, I'll get that specific bill, that we had asked for a court fee increase. But it was-- it was particular. It was during child custody. And so the mediation centers started seeing child custody coming to them that parents were not married and statute was specific to a divorce proceeding and child custody. And knowing that now close to half of our population that is not married are having children and cohabitating and what have you, we made an adjustment to that, that statute that said during any child custody proceeding. So not just a divorce child custody proceeding. Because we knew that the divorce wasn't having to take place and there was a fee, a court fee, that then came to our office for the mediation process to set up the parenting plan and all of the work that the mediation centers have done. So we did ask for a court fee increase at that point in time because we were seeing that specific-- we have several different funds that fund the mediation centers. The \$45,000 is one,

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but there are also some other court fees. And as Casey said, it's really pooled funding in how they operate. It's the passthrough that we get, the \$45,000 that goes to each of the centers. They also do some HHS work that the funds did go to HHS. We made an amendment and now those funds directly come to us and we pay for them out of that, those pooled funds as well. And then I believe it was two years ago, Senator Clements, we worked with Senator Stinner at the time to get a \$270,000 direct appropriation to the, to the Office of Dispute Resolution. It was discussed, should we go for a court fee increase or should we have a direct appropriation? And at the time, it was felt that a court fee increase would not be adopted by the body and it would be a better way to go. So it was sustainable \$270,000 that would come to the, to the-- to our budget to then divvy out to the mediation centers. What that, what that's, what that's going to allow us to do is hopefully the \$45,000, as soon as we build that cash fund up, because it is a cash fund that it goes into, allow then we can start doing a 3 percent, 5 percent each year increase on the \$45,000. So it does go up. Because we see the increase and the great work that they're doing and the need for additional, additional sources. So there's a lot of funding that goes into the mediation centers, whether it's families come in and privately pay or an individual privately pays, sliding fee grants, as Casey talked about, they do a lot of grants and we assist with a lot of grants, and then also this, this funding that comes through the state. So I did want to clarify that there were two different in my time that we've made adjustments. One was a statutory adjustment for all child custody and family plans to pay the court fee instead of just the divorce proceedings. And then the second was the \$270,000 direct appropriations.

**CLEMENTS:** Very good. Any other questions? Seeing none, thank you, Mr. Steel.

**COREY STEEL:** Thank you.

**CLEMENTS:** Oh, Mr. Steel, would you spell your name for the record?

**COREY STEEL:** Oh, I'm sorry. C-o-r-e-y S-t-e-e-l.

**CLEMENTS:** Thank you. Any other proponents for LB508? Seeing none, are there any opponents on LB508? Seeing none, anyone here in the neutral position? Seeing none, we have position comments for LB508. We have ten proponents, no opponents, no neutral. That concludes the hearing for LB508 and we will move to LB761. Senator Deboer, welcome.

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**DeBOER:** Thank you so much, Senator Clements. This is my first time here in "Approps" and maybe I think I've only ever once been before "Approps," so I feel a little nervous. Hello. Good afternoon, Chair Clements and members of the Appropriations Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, I represent District 10 in northwest Omaha, and I'm here today to introduce LB761. LB761 requests more funding to the Office of Public Guardian, or OPG, for staffing purposes. On Tuesday, we heard from the Chief Justice in his State of the Judiciary about the OPG. But as a reminder, the OPG provides guardianships and conservatorships for individuals that have been deemed by a county court to be incapacitated and that have no other individual who can serve as their guardian. Individuals who are under guardianship can suffer from mental illness, dementia, chronic debilitating physical ailments, or have developmental disabilities. Once referred for public guardianship, the OPG works to place them with a guardian. A guardian is the decision-maker for the ward under their care, both for financial and medical decisions. The OPG by statute is required to have a caseload of no more than 20 wards per one associate public guardian across the entire office. When the office is at that capacity, any new referrals for the OPG services end up on a waitlist developed and maintained by the OPG. In 2022, 96 individuals who were referred to the OPG were placed on the wait list. But I'm told that judges actually know how long and almost hopeless this waitlist is, so that they don't even refer folks to the list anymore because it is so long. So that number is actually much higher than-- the number of people on the waitlist is actually much higher than what we can see there. While waiting for a guardian to be appointed then, these individuals wait and wait. In some cases this is meant individuals staying a hospital bed for more than a year waiting for a guardian to be appointed before they can be moved to an appropriate facility for their needs. To highlight the difficulties faced by a guard-- our guardians, I would encourage all members of this committee to read the Office of Public Guardian's annual report. On page 12-15 of the 2022 report, the OPG highlights four individuals, their stories and the struggles faced by the OPG while assisting those indi-- individuals. It's quite illuminating to the difficult degree of work faced by our public guardians and the need of those individuals who wait for guardians. Associate public guardians serve in seven districts across the state. And as the committee can imagine, there are some difficulties facing the OPG in filling these important positions in some areas of our state. My understanding is that folks working in other areas will help to try to fill in the gaps for those, in those areas, so that the actual numbers we are lacking in each area

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varies. But ultimately we simply need more guardians. In 2022, judicial branch funds were repurposed to add more openings because everyone recognizes how important it is to support this office. But it was obviously just a start. The need for guardians continues, and we are woefully understaffed for the need that we have. Simply more public guardians means more individuals taken off the waitlist, and we have too many Nebraskans on that list. And that's why I brought LB761. We have to support the Office of Public Guardian-- in their work to adequately serve the needs of Nebraskans. In this bill, I've requested \$700,000 for the Office of Public Guardian for staffing. And that number didn't come out of thin air. Over the summer, I asked State Court Administrator Corey Steel how much it would cost to hire four more public guardians. So four more public guardians at a case ratio of 20 to 1 would mean 80 more individuals off the waitlist. Of course, that doesn't get us through our waitlist, and certainly doesn't, if all of the people that should be on the waitlist were there. Mr. Steel said, in order to hire four new associate public guardians, plus the necessary support staff, it would be approximately \$700,000. The breakout works out to be: four associate public guardians at a total of approximately \$390,000, one case reviewer at approximately \$101,000 and two administrative aides at approximately \$167,000. Michelle Chafee of the Office of Public Guardian will be testifying behind me and could speak to more specifics of their work to increase staff levels and how LB761 would aid in that effort. She can also probably speak to the ratios of staffing public guardians to support staff. One more thing I want to leave you with is the downstream impacts of individuals sitting and waiting for a public guardian and how it affects all Nebraskans, specifically with regard to our hospitals. When an in-- individual is admitted to the hospital with no payer source, no ability to enroll in a payer source, and no one who can make permanent decisions, placement decisions for them, they continue to occupy a bed in the hospital. And regardless of the length of stay, hospitals are only reimbursed by Medicaid on a diagnosis rate system. So that means if an individual was admitted for a procedure that only should require a three-day stay, the hospital only receives funding for those three days, no matter how long they may stay in the hospital. So individuals sitting and waiting for a guardian means a financial and occupancy strain on the hospital. Fewer beds and higher costs for your average Nebraskan. It also means individuals who need the highest levels of specialized and comprehensive care found in our major, major hospital systems may not be able to be transferred to that hospital because there simply isn't room for them. We need public guardians to help those who cannot help themselves, to provide support

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for those individuals, and to be sure they are living in an environment that is best suited to their needs. Lack of guardians affects our hospital capacity, the cost of healthcare, but more importantly, to me, the lack of guardians leads to worse outcomes for these patients. A worse quality of life. Fully supporting the OPG so that we can get folks to the correct level of care is an ultimate cost-savings for our state and leads to better outcomes for folks who shouldn't have to live out the rest of their lives in a hospital bed because there is no one to do their paperwork. Thank you, and I'll answer any questions if you have any.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you, Senator Clements. Thank you, Senator DeBoer, for being here. Since you brought this up, you might not be the right person to answer. Maybe the person behind you can. But were-- when you talk about hospital stays. So if somebody is admitted with no payer and say they have a procedure done that would be a five-day hospital stay and they stay in the hospital for up to a year waiting for somebody or in some cases, is it because the hospital cannot release them without that guardian or--

**DeBOER:** That's correct. So--

**ARMENDARIZ:** And then who picks up that cost if Medicaid--

**DeBOER:** The hospital.

**ARMENDARIZ:** --only pays for the five--

**DeBOER:** The hospital.

**ARMENDARIZ:** Or the five day?

**DeBOER:** The hospital.

**ARMENDARIZ:** So the hospital is now responsible for treating that patient for-- at no--

**DeBOER:** Yeah.

**ARMENDARIZ:** --no cost--

**DeBOER:** Right.

**ARMENDARIZ:** --to the patient or anybody else?

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**DeBOER:** Right. I mean, if the patient had any money. But typically these folks don't have the money to cover that.

**ARMENDARIZ:** OK.

**DeBOER:** They don't have insurance, they don't--

**ARMENDARIZ:** So possibly the hospital is going to bill them, go to collection. [INAUDIBLE].

**DeBOER:** Something like that. Maybe something like that would be there. And someone else can tell you how often that happens, what percentage--

**ARMENDARIZ:** That was my next question.

**DeBOER:** --that you're going to recover.

**ARMENDARIZ:** Could you give me the numbers over the past year of how many people languish in the hospital unnecessarily and for how many days that that totals? This may give us a better understanding, budgetarily why this would be a better plan than, than that. But if you're saying the state doesn't pay for it, maybe, you know, the, the numbers don't play out. So what I'm trying to do is balance. If the state's paying for them to be in the hospital unnecessarily, this might be a lower cost to the state too to fund this instead.

**DeBOER:** It may be a lower cost to the state in terms of a direct cost balance. Like the state doesn't have to pay any Medicaid if they're not enrolled in Medicaid, although they should be enrolled in Medicaid, because then the hospital is covering the cost. But I think there's probably some indirect costs that get worked out if the hospitals have to pay for it. So I can get you those numbers--

**ARMENDARIZ:** OK.

**DeBOER:** And/or someone else can probably have them behind me that--

**ARMENDARIZ:** OK.

**DeBOER:** --that might have those as well.

**ARMENDARIZ:** Because what you're saying is, if they're on Medicaid, Medicaid pays for the procedure they get admitted to the hospital for in the first place. But then they stop once they say it's been a long

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enough time, they should be released. Hospital doesn't have anybody to release them to.

**DeBOER:** Correct.

**ARMENDARIZ:** So now the hospital is on the hook--

**DeBOER:** That is what I'm saying.

**ARMENDARIZ:** --for providing care.

**DeBOER:** Yeah, that is what I'm saying. And that is what is, most of the time, the situation with our folks who need a guardian, is that they don't have a payer. I have another bill in Judiciary-- I have sort of several bills along this problem because this is a problem I feel we need to address. I have another bill in Judiciary that would create-- it's maybe a work in progress, I will admit, but create a temporary public guardian that would allow them just to be the public guardian for purposes of getting the paperwork filled out to get them onto public assistance. And then the placement, maybe that too, we're still working on negotiating and all of that. But then there would be additional, you know, guardianship duties that would be-- they would be on a waitlist for. There are some strong feelings about that bill as well. So I don't see this as-- I'm not just asking you to do this and then I'm going to wash my hands of the problem. I don't think we just throw money at the problem and it's fixed. I think there are a number of things we need to do. But, but honestly, if we had enough guardians, it kind of gets away from having any other problems, right? If people can get to-- it's literally someone just can't fill out the paperwork. If someone can sign for them and can watch out for them and make sure they're getting to the right place and not the wrong place, then we don't have people waiting in hospitals that don't need to be in hospitals. And I probably don't have to tell you that someone who is in a hospital that doesn't need to be in a hospital is having a reduced quality of life.

**ARMENDARIZ:** And can I ask one more question?

**CLEMENTS:** Yes, quickly.

**ARMENDARIZ:** Sorry. So does this solve the problem of the nursing home placement shortage, though, that they would need to be transferred to in some cases?

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**DeBOER:** If they're going to a nursing home, no. I mean, that's, that's another issue.

**ARMENDARIZ:** OK, thanks.

**CLEMENTS:** Excuse me. Senator Vargas.

**VARGAS:** I missed part of the opening, but I did-- I want to thank you for introducing the legislation. Not a lot of people know this, but one of my wife's first jobs was in the Office of Public Guardian. And, you know, she's a public defender, and she now works with, you know, children of families across the state. But this is-- it is a very inherent need. And it is one of these, one of these professions that if you have not-- and I say this professions in terms of a state agency. If you've never had to deal with what the intricacies of the work of the public guardians, as you were describing, it's really hard to understand what the need is. But once you see it, and I've seen it firsthand from my wife, you're like, thank, thank God there is somebody that is doing this work and it's under public oversight of our state.

**DeBOER:** Yeah. The reason the creation of the public guardian, the, the Chief Justice mentioned this the other day, is because there was a lawyer who was basically defrauding a bunch of people and had-- it was multiple hundreds of, of guardianships and, well, it just, it wasn't a good situation. And so we created this office.

**CLEMENTS:** Senator Dorn.

**DORN:** One quick question. It says here it's for \$700,000 for one time-- or in the fiscal note. Is this supposed to be an ongoing, or I guess maybe somebody ans-- will answer that later? In the fiscal note, it's, it's just the one the next-- this fiscal year.

**DeBOER:** Yeah, there's a problem with that. It should be ongoing.

**DORN:** OK.

**DeBOER:** I had a couple of problems with that sort of thing this year with fiscal notes. So we'll see if we can get that straightened out.

**CLEMENTS:** All right, seeing no other questions, were there proponents for LB761? Welcome.



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**MICHELLE CHAFFEE:** Good afternoon, Chairman Clements and the members of the Appropriations Committee. I'm Michelle Chaffee, M-i-c-h-e-l-l-e C-h-a-f-f-e-e, and I'm the director of the Office of Public Guardian with the Administrative Office of the Courts and Probation. I'm here to testify in support of LB761, a request for appropriations of \$700,000 to the Office of Public Guardian to provide services for vulnerable adults in Nebraska who are determined by the court to be incapacitated, in need of a guardian and/or conservator services. The Office of Public Guardian is extremely appreciative of Senator DeBoer for introducing this bill. You're about ready to receive a copy of our 2022 Office of Public Guardian annual report to provide information about the OPG. The OPG is relatively a new entity. The Legislature enacted the Public Guardian Act in 2015 after abuse and financial exploitation was uncovered of vulnerable adults being served by a professional guardian. When you get the report, I'll go over a little bit more for you. But on page 5 of the report, it describes what the Office of Public Guardian does and who we serve. As you'll see from the graph on page 1-- page 5 of the annual report, we served 305 individuals in 2022. And due to the various incapacities that they had, these individuals experienced 1,055 complex medical issues and/or social conditions. And by that I mean that we have individuals who have developmental disabilities, we have people who have dementia. We have individuals with mental health issues, we have individuals with Alzheimer's, we have individuals who have worked with the mental health boards, criminal conditions, etcetera. So most of the individuals that we work with, and you can see on page 5 of your annual report, are not only co-occurring issues, but multiple occurring issues. So page 5 also of the report describes what-- on page 6, the referral sources of the OPG will-- you'll find that very interesting. As you can expect, hospitals and physicians are the number one source of need for our services. In 2022, we had 94 nominations of individuals who needed a guardian or conservator. And of those, 52 of them were from hospitals. Over the eight years that we have served, we've served over 907 individuals, 344 of those came from hospitals. Research has shown that guardianship for incapacitated, seriously ill patients is literally a life and death situation. Incapacitated patients without any type of surrogates account for one of every five deaths in ICUs and twice the median length of stay of all other ICU patients. So if you don't have a guardian, a conservative or a surrogate to oversee, there is a median of twice as long of a stay within an ICU. Vulnerable adults without the ability to make decisions are languishing alone in hospitals with no one to support them or assist in their medical decisions. Many people die

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waiting. The human toll is tragic, absolutely tragic. But secondary and also important is the cost. Without sufficient appropriate guardianship services, significant healthcare costs are incurred. Studies from Florida, New York and Virginia provide evidence regarding the annual savings due to public guardianship programs. Virginia reported a savings of \$5.6 million in healthcare costs in one year, with appropriate public guardian services for 85 adults. So 85 adults had been in the hospitals and it was \$5.6 million to hospital. And also, I would say state and public benefit: Medicaid, Medicare. In Florida, there is a savings of \$3.9 million in healthcare costs in one year due to public guardian services under the study. And the Vera Institute guardian project in New York City projected a \$2.5 million. And this is specifically in Medicaid costs because of-- for 111 guardianship clients. So in other words, you served-- when you were reduced-- discharged from the hospital, it saved the Medicaid payments of that, of that hospitalization. Excuse me. Unfortunately, the OPG has had a wait lists for the last four years. On page 6 you will find information on last year's nomination data. The OPG was nominated in 94 cases in 2022. And of this February 15 of 2023, I took a look at it for this year's numbers. The OPG currently has 43 people in-- on the waitlist, and it also has an additional 20 that are being nominated, that are in the court process. So these 63 vulnerable adults, they are languishing for care, of those, 29 of them were from eight different hospitals that initiated the petitions on these cases. The OPG is the last resort for these vulnerable adults. They literally have no one. The Office of Public Guardian wards are totally dependent for everything. So once they are on our, our wards, they-- we take care of where they live, their medical treatment, the protection of their property, all legal consents, their benefits, their finances, the advocacy for their rights, and ultimately the decision of the end of their life, whether there is a do not resuscitate, whether there's what type of end-of-life decisions are made, are made by guardians. These are truly vulnerable adults. We are the last option for the unfriended elderly. While we do have individuals who have lived in poverty and on the fringes of society, the surprising truth is we also have served judges, attorneys, pastors, teachers, wealthy single bachelor ranchers, vice presidents of national businesses, and even television personalities. The sad reality is that anyone can find themselves in the need of a public guardian. All they need to be is alone with no one in their life and no one to take care of them and have-- be incapable of making decisions. As the annual describes-- the annual report describes on page 2, it is extremely difficult to find

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appropriate services for our wards. Last Christmas, I had eight of our wards that were homeless.

**CLEMENTS:** Your time is running out.

**MICHELLE CHAFFEE:** OK.

**CLEMENTS:** If you could-- would--

**MICHELLE CHAFFEE:** I--

**CLEMENTS:** --conclude.

**MICHELLE CHAFFEE:** I will conclude. It was 35 degrees below zero wind chill, and one of them was being discharged from the hospital to not homelessness, the street, because the person could not qualify for a shelter. So I just want to underscore that the decisions here are [INAUDIBLE] the funds and the money, but the most important person served are the individuals that we serve.

**CLEMENTS:** Are there questions from the committee? Senator Dover.

**DOVER:** It seems though, with, you know, trends in our society with people having less children, having no children, not getting married and divorced, what's the forecast over ten and 20 years for other increases in this being--

**MICHELLE CHAFFEE:** Well, you know that we're in the, in the process of having-- going to have a senior tsunami in our state. And so it is not only just the loneliness of, like, adults and the, and individuals like that, but it also involves the statistics of what our state is looking at. And if you take a look at some of the, the geography information that has been published, Nebraska is-- and I don't want to go into a lot of details with here, but I do want to give you an idea. In Nebraska, we are looking at-- in 2009, we had 39,544 residents who were 85 years or older. And by 2023, that we're looking at a ten, ten times increase. So Americans aged 65 will double from 46 million to 98 million in 2060. Nebraska's population-- here's [INAUDIBLE]-- aged 65 is projected to increase from 240,000 in 2010 to 400,000 by 2030, a growing from-- a 15 percent of population-- of our population to 24 percent of our population in Nebraska. So 24 percent of our individuals will be 65 years and older, and it will be an increase from 240,000 to 400,000 now, 400,000 people. And the greatest impact will be those who are 85 years and older here in Nebraska. The census

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identifies that we will have the eighth highest in the nation in regards to individuals that are 85 years or older.

**CLEMENTS:** Are there other questions? Seeing none, thank you for your testimony. Are there other proponents for LB761.

**MARGARET WOEPPEL:** Hello.

**CLEMENTS:** Welcome.

**MARGARET WOEPPEL:** Thank you. Chairperson Clements, and the members of the Appropriations Committee, my name is Margaret Woepfel, M-a-r-g-a-r-e-t W-o-e-p-p-e-l, and I'm the vice president of workforce quality and data, data with the Hospital Association in Nebraska. I am testifying in support of LB761. After hearing numerous anecdotal stories about the difficulties of transferring patients out of the hospital and into the post-acute setting, the Nebraska Hospital Association began collecting data. This was monthly data on their-- from hospitals directly in the fall of 2022 and through 2023. According to this data, there has been consistently approximately 230 patients waiting longer than seven days for discharge to a post-acute setting. Consistently, there have been between 10 and 20 patients waiting longer than six months post-discharge for placement. Lack of guardianship is one of the top ten barriers to discharge and is attributed to those who have the longest delays, those who have been waiting over six months. Patients, citizens of Nebraska are not happy waiting in limbo at a hospital for weeks or months to get an appropriate post-discharge acute setting location. In the summer of 2022, the NHS launched the Transitions of Care council to monitor and provide solutions for this issue. Members of this council include hospitals, post-acute care professional organizations and the Nebraska Office of Public Guardian. During these meetings, we have explored the prolonged delays for patients being assigned a guardianship. The Office of Public Guardian has reported they're experiencing staffing and resource shortages. The Nebraska Hospital Association supports additional funds towards increasing the capacity to provide appropriate guardians to Nebraska citizens in need. The funding can be used to increase staffing resources and improve guardian retention during this healthcare workforce crisis-- or shortage crisis. Thank you, and I'm happy to answer any questions. And I do have a question-- or answer for one of the questions earlier about the number of patients waiting throughout the year. It's, it's a bit different. But we have 92 hospitals and we collected data from just our systems. So these are the largest hospitals, but there are just four systems in

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Nebraska, and they reported last year that 35,500 uncompensated days. So not quite the same answer, but gives you an idea that we have over 35,000 uncomposit-- compensated days in those four systems last year.

**CLEMENTS:** Any other questions from the committee? Senator Dover.

**DOVER:** So you said that one of the top ten barriers to discharge. What does it rank in the ten?

**MARGARET WOEPPEL:** We didn't ask for a ranking. We just said, please list your top ten. So I don't know where it falls in that top ten.

**DOVER:** All right, thank you.

**CLEMENTS:** Seeing no other questions, thank you for your testimony.

**MARGARET WOEPPEL:** Thank you.

**CLEMENTS:** Are there other proponents for LB761. Are there any opponents for LB761? Is anyone here in a nuclear-- neutral capacity? Seeing none, Senator DeBoer, you may close.

**DeBOER:** I might be here in the nuclear capacity. That's what I heard anyway.

\_\_\_\_\_ : Nuclear?

**CLEMENTS:** Nuclear, I almost-- yeah.

**DeBOER:** That would be good. So I do want to say that I got information that one of our large hospitals alone had 968 avoidable days for patients awaiting a guardian. So 968 days of people waiting in just one hospital for a guardian that they wouldn't have had to be there. The wait times per patient in this hospital ranged from 127 days, as the shortest wait, to 329 days on the high end, and that's after they were medically stable and ready to discharge. The cost to that hospital alone is \$1.3 million a year. So there is an indirect cost to our state, though part of it is we know that having availability of beds in acute, acute care hospitals is an important thing for our state. And when we have folks that are in these acute care hospitals, it means, even if those are in Omaha, it means that, you know, there's kind of pressure all the way on the system. You can't transfer in from other places in other parts of the state if we're taking those beds up for folks who don't need to be there. So, I mean, this is just, it's, it's bad for patient outcomes and it's bad for our state as we're

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trying to make sure that we have healthcare availability throughout the state. You know, there are opportunities for people to have better outcomes if they get to the correct level of care. So that means that if we can get them to the correct level of care, maybe they can get the rehab they need to have a lower total cost later, right? Some of the things that happen to them just being in a hospital bed can exacerbate the problem by sitting there forever and in that limbo, I think I heard somebody call it, can be a problem too. So I very strongly believe in this program. Obviously, you can tell that. I think that this is kind of a win-win for our whole state to get people to the right areas that they need to be. In a time when we're talking about hospital capacity over and over again, when we're talking about nurses shortages, when we're talking about medical staff in general shortages, it doesn't make sense to me to have people in the wrong place. It's an inefficiency in our system. And if there's one thing I cannot handle, it's inefficiencies. So that is my closing. I would be happy to answer any questions.

**CLEMENTS:** Senator Armendariz.

**ARMENDARIZ:** Thank you. One, one last question, would the \$700,000 completely take care of the waitlist?

**DeBOER:** So that would be 80. And currently there are 96. It gets real close.

**ARMENDARIZ:** \$80,000?

**DeBOER:** No, 80 people.

**ARMENDARIZ:** Eighty people.

**DeBOER:** Ninety-six, it gets close. So it's not going to get the entire waitlist. People will still have to wait, but hopefully they will wait less long, even when they are waiting. And obviously all of those folks that judges just aren't putting them on the waitlist. But I thought it would be better to ramp it up slowly, both as a recognition of the fact that there are costs whenever you grow any, any organization too quickly. So to try and ramp it up slowly to do the best that we can, and also because I recognize the hard job that you all have to do and I'm so glad I don't have to do with balancing the money and the various needs that we have across our state.

**ARMENDARIZ:** Thanks.

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**CLEMENTS:** Any other questions? I have a question.

**DeBOER:** Yeah.

**CLEMENTS:** My father was a guardian for more than one person. My brother is a guardian for an elderly lady right now. And I'm aware, I believe I'm aware that after the situation with an unethical guardian that the laws were made more strict and lawyers are not wanting to be guardians anymore because of the burden of it. Are you doing anything about maybe simplifying what reporting the guardians have to do?

**DeBOER:** You know, Senator Clements, that's not a bill that I have this year. That doesn't mean that it isn't part of the whole thing that I'm working on in a longer structure that I'm working on. I think that is part of the solution, too, is to just make sure that those are all the right situations, but also without opening the possibility of that, the problems that we had before.

**CLEMENTS:** I also have a customer who has a, has a family member developmentally disabled and takes care of the brother. And they've shown me the stack of paper they have to send in just to be the guardians, 50 pages-plus. A whole year's worth of very detailed documentation. I would hope somebody would try to work on simplifying that or easing the burden, because I, my, my opinion is, perception is that attorneys used to do this and now they really can't afford to for the time it takes and the burden of it. But that's outside this committee's purview, just a comment I wanted to make.

**DeBOER:** I mean, I think that there, there is something to be said for that, and something we should look at there. But also, my understanding is that this is a growing need or has been a growing need over the last 20 years or so, because folks are less and less wanting to be guardians regardless of the work involved. And that particularly in these cases, these are not straightforward, you've got a person who's more or less able to take care of themselves or, you know, who has a straightforward case. These are pretty complicated cases. I would again encourage you to look at some of those that are highlighted in the OPG's booklet. That these are particularly complicated cases, so that even if we did make those guardianship regulations less difficult, it's not going to probably affect a lot of this population.

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**CLEMENTS:** All right. Thank you. Any other questions? Thank you for your testimony. That-- we don't have any position statements, so that concludes LB761 and that concludes our hearings for today.