

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board February 28, 2024

AGUILAR: Good afternoon. Welcome to the Executive Board. My name is Senator Ray Aguilar. I represent the 35th Legislative District, District and I serve as Chair of the Executive Board. We will start off having members of the committee and committee staff do self-introductions, starting on my far right with Senator Clements.

CLEMENTS: Rob Clements, District 2.

BALLARD: Beau Ballard, District 21.

BOSTAR: Eliot Bostar, District 29.

SLAMA: Julie Slama, District 1.

LOWE: John Lowe, District 37.

TREVOR FITZGERALD: Trevor Fitzgerald, committee legal counsel.

ARCH: John Arch. District 14.

RIEPE: Merv Riepe, District 12.

JACOBSON: Mike Jacobson, District 42.

AGUILAR: Also assisting the committee is our committee clerk, Sally Schultz, and our committee page is Julie Skavdahl of Harrison who is a history major at UNL, and Molly Penas from Fort Calhoun, who is a political science major at UNL. This afternoon we'll be hearing 2 bills and we'll be taking them in the order listed outside the room. On the tables near the entrance, you will find green testifier sheets. If you are planning to testify today, please fill one out, hand it to Sally when you come up. This will help us keep an accurate record for the hearing. Please note that if you wish to have your position listed on the committee statement for a particular bill you must testify in that position during the bill's hearing. If you do not wish to testify but would like to record your position on the bill, please fill out the yellow sheet near the entrance. Also, I would note the legislative-- Legislature's policy that all letters for the record must be received via the online comments portal by the committee by 8 a.m. the day of the hearing. Any handouts submitted by testifiers will also be included as part of the record as exhibits. We would ask that if you do have any handouts that you please bring 12 copies. Give them to the page. If you need additional copies, the page can help you make more. Testimony on each bill will begin with the introducer's opening statement. After the opening statement, we will hear from supporters

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of the bill, then from those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make a closing statement if they wish to do so. We ask that you begin testimony by giving us your first and last name. Please also spell them for the record. Because the Executive Board meets over the noonhour and members have other hearings beginning at 1:30, we'll be using the 3-minute light system today. When you begin your testimony, the light today will turn green. The yellow light is your 1-minute warning. And when the red light comes on, you will be asked to wrap up your final thoughts. I would recommend everyone, including senators, to please turn off your cell phones or put them on vibrate. With that, we begin today's hearing with LB1285. Welcome, Senator Walz.

WALZ: Thank you very much. Good afternoon, Chair Aguilar and members of the Exec Board. My name is Lynne Walz, L-y-n-n-e W-a-l-z, and I represent Legislative District 15, which is made up of Dodge County and Valley. Today I'm very excited to introduce LB1285 which would create a Task Force on Supported Employment, which was an idea brought to me by a constituent so it's my favorite kind of bill because it comes directly from a constituent. Can you hear me OK? OK. As we are all aware, our state is facing a workforce shortage. In December, there were 59,000 job openings with a 2.3% unemployment rate. A lot of the discussion around this severe shortage has focused on attracting and retaining talent, which is key in this discussion; but one that I think is often overlooked, overlooked is the current untapped talent pool already here. Right now, the labor force participation rate of those with a disability between 14 and 64 is 35.1%. As I stated, this idea was brought to me by a constituent who has a family member who's unable to work more than a handful of hours a week because of the risk of losing their benefits. It's an impor-- it's important to note that individuals with intellectual and developmental-- developmental disabilities have significantly higher medical needs and costs attached to their day-to-day living-- lives. That is why it's so important for so many individuals to maintain the assistance that they need to receive. There are 38 what's called Employment First states that currently exist, either through legislation, policy directive or an executive director. Those states include Colorado, Florida, Georgia, Kansas, Maine, Missouri, and Tennessee. Employment First is a national systems change framework that centers the premise that all individuals, including those individuals with the most significant disabilities, are capable of full participation in a competitive, integrated employment and community life. So the bill you see in front of you today is a combination of several phone calls and meetings with

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disability advocates at all levels. They included representatives that employ individuals with disabilities, departments that work with individuals with disabilities, and service providers, among many others. We decided not to declare Nebraska an Employment First state, but rather make sure that we have a solid plan in place to ensure the best rollout for Nebraskans. That is when we decided that it would be a good approach to set up a task force with a mix of experts, self-advocates, businesses, policymakers and those who will be carrying out the plan. So LB20-- LB1285 is a combination of those recommendations. However, I passed around an amendment, AM2690, which is a white copy amendment that cleans up some of the members of the-- some of the members of the committee, provides clearer language, extends the report deadline, and provides a termination date. I'm going to be going over the amendment because that is what the bill actually should be. The task force would look at both barriers and opportunities for individuals with intellectual and developmental disabilities in attaining and maintaining competitive, integrated employment. The task force is made up both-- made up of both voting and non-- nonvoting members. The voting members include the rep-- a representative from the Governor's Office, the CEO of DHHS, the Executive Director of the Nebraska Council for Developmental Disabilities, 2 service providers with experience in delivering supported employment, the Chamber of Commerce, 2 self-advocates with at least 5 years in supported employment, a certified community work incentives coordinator, and a special education transition coordinator. The nonmember-- nonvoting members of the task force include a member of the Legislature, a disabilities rights advocacy group, the Munroe-Meyer Institute at UNMC, employees from voc rehab, the Division of Developmental Disabilities, the Division of Behavioral Health, and Department of Labor. It would also include a supported employment expert who has assisted in other states, and a representative of the Enable Savings Plan. Finally, the task force would take a top down approach by reviewing recommendations from a report prepared for the-- prepared for the Nebraska Council on Developmental Disabilities and then-- and the Nebraska 2023 Supported Employment Action Plan, along with the recommendations from the 3-- LB376 report. The task force would then create a report with an action plan for the executive branch, relevant state agencies, the Legislature, and businesses. The action plan has to include several things that are listed on page 3 of the amendment. Finally, the amendment provides additional time for the report to be submitted and establishes the termination date. I also just want to talk about the comment that DHHS submitted on this bill, stating that this effort is repetitive of existing efforts. I want to push back on that just a

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little bit, because while it's true that this task force is pulling from existing reports and recommendations, this would be a tangible action plan for all partners. It would also provide recommendations on laws that may need to change to accommodate workers with disabilities. Finally, this task force would provide a different level of accountability and make sure that the executive branch are equal voting members to the disability community. I appreciate where DHHS is coming from on this bill. However, we need to make sure that all relevant stakeholders are involved in a conversation from the very start. This bill is really important, not just while we look at our state's workforce shortage, but also to make sure that individuals with intellectual and developmental disabilities have the opportunity to live full lives truly integrated in their communities. We want to make sure that they have opportunities to meet new people, learn new communication and work skills with the goal of being independent and needing less supports. I want to end with a quote from the report that was done from-- for the council: while the history of Supported Employment services in Nebraska is not significantly dissimilar to other states, Nebraska's history does not yet include a truly comprehensive, intentional, and visible effort involving key partner state agencies and key stakeholder partners acting together on a comprehensive shared plan, using resources of all partners in a coordinated way. With that, I'd be happy to answer any questions, but we do have representatives that work very closely with supported employment here to help us out.

AGUILAR: Question for Senator Walz? Senator Jacobson.

JACOBSON: Thank you, Chairman Aguilar. Senator Walz, I guess my question would be on the voting and nonvoting membership. It seems like you got such a large number of--

WALZ: I do.

JACOBSON: --nonvoting members. And I'm trying to figure out if they're not voting are we just making the task force too large and are they really going to be engaged.

WALZ: That was something that we really thought about too, as we were preparing for the bill, and we actually cut back--

JACOBSON: Oh, wow.

WALZ: --on some of the voting members. But there are so many stakeholders that are involved in people's lives.

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JACOBSON: So why the voting versus nonvoting if they're going to be engaged?

WALZ: That might be a good question for somebody behind me.

JACOBSON: Perfect. Thank you.

WALZ: Thanks.

AGUILAR: Further questions? Senator Riepe.

RIEPE: Thank you, Chairman. Thank you for being here. My question would be is I know the Governor was recently talking about trying to cut back on committees. Have they given you any indication as to support or lack thereof?

WALZ: I think they came in neutral if I remember right. [INAUDIBLE] I'd have to check for sure. I was thinking that we had some conversations on a neutrality basis, but I-- I'll have to check.

RIEPE: OK. Thank you.

WALZ: And again, I think that, you know, one of the things that-- one of the reasons that I-- there was some pushback, and I think it had to deal with there wasn't as a-- as a-- as much involvement from all stakeholders through the DHHS system trying to put this together as we would like to have on a task force. Does that make sense?

RIEPE: Yeah.

WALZ: OK.

RIEPE: Thank you.

AGUILAR: Further questions? Senator Bostar.

BOSTAR: Thank you, Chair Aguilar. Thank you, Senator Walz. It's more to follow up on the discussion that Senator Jacobson started. But I'll still put it in the form of a question. Isn't it the case that when the state creates a committee having multiple branches of government as voting members would be unconstitutional, and that's why you are separating nonvoting and voting members?

WALZ: Yes.

BOSTAR: Thanks.

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WALZ: Thank you.

AGUILAR: Any more questions? Seeing none, thank you, Senator Walz. Could we have the first proponent, please. Welcome.

ALEX REUSS: Thank you. Good afternoon, Chair Aguilar, members of the Executive Board. My name is Alex Reuss, A-l-e-x R-e-u-s-s, and I serve as executive vice president for legislation and policy at the Nebraska Chamber of Commerce. I have not read the amendment, but we did come here in support of this concept. We are also here on-- in support on behalf of the Omaha Chamber and the Lincoln Chamber. We're also supportive of this concept. The Nebraska Chamber, as you may know, is the largest statewide business association. We represent a diverse range of businesses spanning all industries and sizes. And through its diversity and inclusion council, members across the state come together to support initiatives that support the wide range of employee populations and promote inclusive growth throughout Nebraska. On behalf of this council, on behalf of our board of directors, the Nebraska Chamber staff would like to thank Senator Walz for introducing this legislation, which would task the state with studying how we can better empower employers to employ and welcome more individuals with intellectual and developmental disabilities into the workforce. These are conversations we've been having on the importance of-- and this is an evergreen importance. So while we have workforce shortages, and it certainly would be great to make sure we're tapping into all employee populations, I think that's something we should always strive towards. And we like the goal of this task force. We would be happy if we were appointed to serve on this task force. I know I can speak on behalf of Omaha and Lincoln Chambers, who'd be happy as well. And I'm sure any chamber you ask would agree. So appreciate your consideration. And again, I haven't seen the amendment of what's prescribed, but we would love to be part of that conversation should this move forward. Thank you.

AGUILAR: Any questions for the testifier? Seeing none, thank you.

ALEX REUSS: Thank you.

AGUILAR: Next proponent. Welcome.

KRISTEN LARSEN: Hello. Good afternoon, Senators. My name is Kristen Larsen. That's spelled K-r-i-s-t-e-n L-a-r-s-e-n. I'm here on behalf of the Nebraska Council on Developmental Disabilities, or NCDD, to testify in support of LB1285. Although the council is appointed by the Governor and administrated by DHHS, the council operates

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independently, and our comments do not necessarily reflect the opinion of the Governor's administration or the department. We are a federally mandated independent council. We're comprised of individuals with developmental disabilities and their family members, community providers and agency reps. And we advocate for systems change and quality services. When necessary, we take a nonpartisan approach to provide education and information on legislation that will impact individuals with DD. Council members support LB1285 and AM2690, which would create the Task Force on Supported Employment. The council's included improving competitive, integrated employment or CIE for individuals with I/DD as part of our state plan goals. We contracted with national subject matter expert, Dr. Lisa Mills, to conduct a comprehensive study of supported employment, or SE abbreviated, outcomes and services for people with I/DD. The study was undertaken to identify strategic recommendations that the state of Nebraska can consider for implementation to improve CIE outcomes. The council's investment was intentional, as we wanted to seek outside expert assistance to research and identify gaps and barriers in the current system, while also securing best practice recommendations to truly impact it. The report, Necessity or Luxury? was published in February of 2023. I'm providing you with a copy of the report and the summary. The study included a focus of gaining an understanding of the history of the policy, practice, and outcomes leading to the current situation. It documented that unfortunately supported employment outcomes for those with under-- with people with I/DD are underutilized. The good news is, is that Nebraska can improve that. Our goal is that the state agencies who administer SE programs will make expanding the use of the services a goal and reality. This was-- it's going to require collaboration, investment, innovation and monitoring. On September 20, the council co-hosted the Supported Employment Summit, which is one of the report's key recommendations, brought over 100 participants and from multiple agencies, advocacy organizations, supported employment service providers and people with lived experience. The summit's goal was to come up with an action plan, and that's also in your handouts. It's still a draft form because we're still working with other partners to, you know, get it all figured out or make sure we've got a good plan. Bottom line, the report and the summit action plan already have done the heavy lift. The Nebraska Council's done the heavy lift like investing a lot of the money in this report and outside, and bringing stakeholders together. A lot of hard conversations were had at that Supported Employment summit. There's a lot of work to be done. We don't need to fund another study. The study is done. We just need a task force to make sure that the ideas and recommendations are implemented. We have a

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road map ready. We just need to make sure-- and it is a time-limited task force. It's not going to go on forever thankfully due to the amendment. So I just think it's important that we have that in place to allow all of us to take some ownership collectively to improve employee, you know, supported employment outcomes for people with I/DD.

AGUILAR: Thank you.

KRISTEN LARSEN: That was a lot to try to get into 3 minutes. I did my best and I've given you a lot of reading material.

AGUILAR: Questions for Kristen? Speaker Arch.

ARCH: Thank you for coming. I have a question. Senator Walz noted in her opening that, that there's 38 Employment First states. But, but this does not declare Nebraska one of those. What was your-- what was your thinking when you deliberated that?

KRISTEN LARSEN: It-- you know, it doesn't. And part of the thinking of that was we really leaned on Dr. Lisa Mills, who's done a lot of work in many other states on supported employment. And really, it's one thing to declare yourself an Employment First state. You have to have the investment and the systems in place to really promote that. And to be honest, that, that means that we need to raise expectations for younger students who are coming out of the school system to not necessarily go into a day service program where they're not seeking competitive employment. We're seeing the younger generation, they want this opportunity, but they need more education and, and investment. And I think if we can get the investment buy-in from folks like Nebraska VR and the Division of Developmental Disabilities and Division of Behavioral Health, then you can go to declaring yourself an Employment First state. I will mention that Kansas did declare themselves an Employment First state and they're not-- they're floundering because they didn't have the money and the, the systems to back it up. So we're wanting to make sure that when we do it right, that we do it right. And we are embarrassed that we're the last state in the nation to be an Employment First state. But we now know how to do better.

AGUILAR: Further questions for Kristen? Seeing none, thank you for coming.

KRISTEN LARSEN: Thank you.

AGUILAR: Next proponent. Welcome.

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ALANA SCHRIVER: Thank you. Good afternoon, Chairman Aguilar and members of the Executive Committee. Thank you for your time today. My name is Alana Schriver, A-l-a-n-a S-c-h-r-i-v-e-r. And I'm the executive director of the statewide membership association for home and community-based providers of supports and services for individuals with intellectual and developmental disabilities. We employ thousands of people who empower individuals with I/DD to reach their fullest potential and enable their family caregivers to enter or remain in the workforce as well. When supported employment services are done well, not only does the quality of life for an individual increase, but so does the return on investment for the state. With the federal match, Nebraska taxpayers see a \$2.78 return for every dollar invested in supported employment services. Key changes made via this task force could increase access, effectiveness and further improve cost effectiveness. We're aware of LB1417 and the Governor's desire to cut down on the number of task forces and committees. However, the Governor also stated in a March 2023 proclamation that Nebraska encourages and supports the employment of individuals with I/DD because it is beneficial for individuals and beneficial for Nebraska employers. Businesses can expand their talent pool, strengthen their workforce by creating a welcoming and supportive workplace, and increase their overall bottom line. We strongly feel that the Supported Employment Task Force proposed in LB1285 would be productive for the state. As Kristen stated in her testimony, what sets this task force apart is that we already have the study she shared with you and those evidence-based recommendations. We already have an action plan that's being put together from key industry-related partners. And additionally, we have the recommendations from LB376. Thank you, Speaker Arch, for that, the evaluation of the DD service delivery system. What we don't have without an official task force is the ability to ensure these recommendations are implemented. As Dr. Lisa Mills concluded in her study shared by Kristen, the power of collaboration is real. At the end of the day, there's no reason why Nebraska should not be a national leader in providing competitive, integrated employment opportunities to people with I/DD. Benefits for the individual include increasing opportunities for community participation and involvement in valued ways that changes public perception and corresponding support for people with I/DD and the publicly funded programs that support this population. Those individuals become a taxpayer rather than dependent on taxpayer funded programs. And there's dignity and pride that comes along with that. And it also insulates people from the direct care workforce shortage, the crisis we're under right now. When people are at work, they don't need to be in day services where we don't have the staff to ensure the

health and safety of everyone in those congregated settings. Because in supported employment, we can use remote supports. There's a lot of technology that's coming into place to help people in the workforce. Right now, the CDC reports that 26% of the U.S. population has a disability of some kind. People with I/DD typically account for 2% of the U.S. population. With a population of 2 million in Nebraska, this means roughly 40,000 Nebraskans have an intellectual disability. The prevalence of developmental disabilities is growing nationally, largely but not exclusively, due to the growth in the incidence of autism. I'm running out of time, but with life expectancy getting closer to that of the general population, it can be assumed that the number of people with developmental disabilities will continue to increase. And if the rate among children becomes the rate among adults in Nebraska, it's estimated that roughly 200,000 working age adults would have developmental disabilities a decade from now. Thank you for your time. Happy to answer any questions.

AGUILAR: Thank you. Questions for Alana? Speaker Arch.

ARCH: So what has-- what's been your experience with the reception from employers with I/DD folks?

ALANA SCHRIVER: Well, for example, we-- if you want to go on Nebraska Public Media, last year we did a special with them on supported employment. And one of the small business owners who are featured in that film has a co-owner. The co-owner we featured was a special education teacher previously, so she was very open to it. Her partner, extremely hesitant, was worried about the extra costs, worried about it maybe not being great for them. They went ahead, they hired an individual and it turned out so awesome for them as a business that now they're looking to expand that. Also with supported employment is the opportunity for self-employment. So we have individuals who started their own businesses and now they can hire other individuals with developmental disabilities. So statistics show that this is a really reliable workforce, and particularly for those open entry level positions in Nebraska. Our individuals we support tend to stay in their jobs. They like routine, they like structure, they like going to work, especially if you can find a really good fit for them. Some people, for example, with autism, have a hyper focus and-- or as the general population may say, an obsession. One individual we support, they-- this sounds really funny, but they like to pick lint off clothing so they have a job at a dry cleaner. I don't know if you guys know, but dry cleaning doesn't remove pet hair. You have to individually remove pet hair. So this individual has their dream job literally removing pet hair. And it's the best employer [SIC] that

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this dry cleaner's ever had. Or in the IT field, for example, a lot of people's skill set fits in there so well. So most business owners are really pleasantly surprised at the reliability and the tenure of the individuals they hire with developmental disabilities.

AGUILAR: Further questions? Seeing none, thank you.

ALANA SCHRIVER: Thanks.

AGUILAR: Next proponent. Welcome.

STACY PFEIFER: Hello, members of the Executive Board. My name is Stacy Pfeifer, S-t-a-c-y P-f-e-i-f-e-r. I'm the director of the Enable Savings Program, and I'm here today to testify in favor of LB1285 and AM2690. As of today, we have 3,951 accounts and \$39,684,620 in assets under management. We help individuals. In the Nebraska Treasurer's Office, it is an honor and humbled to be able to help individuals in this way, and we look forward to helping them more. Part of my job as a director of the program is to educate people all over Nebraska about this plan. This includes not only potential account owners, but employers and other stakeholders as well. I have met several great individuals through this important work. We've come a long way in integrating people into the community. It's only natural that this should be extended through the workforce. Community integration has shown us that individuals with disabilities are capable of much more than we give them credit for. They're smart, hardworking, and committed, and can build their confidence and feelings of fulfillment as they become individuals who can give back to the community they are now a part of. Individuals with disabilities are people with gifts, talents, hopes and dreams just like everyone else. By not taking advantage of these unique gifts and talents, we are leaving a gap in Nebraska. Employers are searching for workers at every turn, and we have individuals who dream of the day they can work with these employers and show them how much they have to contribute. Enable can assist in employment by giving these individuals a place to save their money they have earned. This would allow them to save for larger purchases and to contribute to the economy in Nebraska now and in the future. The work has already been put in for the report that was done answering the question of individuals with intellectual and developmental disabilities joining the workforce, is it a necessity or luxury? It's clear it is a necessity, and collaboration is the best way to get us there. Creating this task force, which brings together individuals with different areas of knowledge and experience, will allow us, as Nebraskans, to achieve our goals. We will find ways to connect the unique and individual talents that these individuals can

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bring to the table and connect them with the right employers who are looking for those unique and individual talents. Identifying the gap is not enough. We need to collaboratively close the gap and make sure these recommendations are followed through. I would be happy to answer any questions.

AGUILAR: Any questions? Seeing none, thank you. Next proponent.

ANDY FOUST: Hello, Chairman Aguilar and members of the Executive Board. My name is Andy Foust, A-n-d-y F-o-u-s-t. I'm testifying today on behalf of my nephew, Tyler, a 21-year-old with an intellectual and developmental disability. LB1285 is important to our family because it brings the stakeholders in the field of developmental disabilities, behavioral health, and those in the labor market to the table to discuss key barriers individuals with developmental disabilities face every day when pursuing and engaging in competitive, integrated employment. Before I worked in my current position, I worked for ENCOR, now Duet, as a residential manager in Omaha, Nebraska. I left my position with the agency in 2002, but remained involved with services because I was a legal guardian of an individual until his death in 2019. Since 2016, I've seen Nebraska take resources like self-directed services and turn them upside down. Agencies closed their workshops and moved to community integration. No longer are we providing supported employment, for example, job coaching. Instead, individuals are spending their days going to group activities in the community they may not even want to participate in. Day services have essentially turned into daycares. My nephew wants to work, but without the risk of losing his services. Our family supports LB1285 because we know Nebraska can do better and should do better for individuals with intellectual and developmental disabilities to live, work, and have a meaningful life. Again, we would like to thank Senator Walz for her dedication to all the families affected by this issue. And I would be happy to answer any questions that you might have.

AGUILAR: Any questions from the committee? Seeing none, thank you.

ANDY FOUST: Thank you.

AGUILAR: Next proponent.

BRAD MEURRENS: Good afternoon, Senator Aguilar, members of the board, Executive Board. For the record, my name is Brad, B-r-a-d, Meurrens, M-e-u-r-r-e-n-s. And I am the public policy director at Disability Rights Nebraska. We are the designated protection and advocacy organization for persons with disabilities in Nebraska. And I'm here

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in strong support of LB1285. And I'll be brief. As the size and depth of Dr. Mills's study indicates, there are many variables to consider and issues to address surrounding supported employment. For many, it is not as simple as just answering an ad or in the paper, or answering or on LinkedIn. The task force created in this bill would be a forum where a variety of stakeholders, each with particular expertise, can discuss and develop systemic solutions. We believe this approach can work as we have been involved in similar roundtable stakeholder discussions on employment, and they were actually fruitful and led to-- led to a couple of different pieces of legislation in previous-- in previous sessions. The study by Dr. Mills is an excellent starting point for these discussions, and provides solid recommendations for systemic change. As a result, we recommend the board advance this bill. I'd be happy to answer any questions.

AGUILAR: Any questions for Brad? Seeing none, thank you. Next proponent. Welcome.

RYAN NEAL: Thank you. Good afternoon. My name is Ryan Neal, R-y-a-n N-e-a-l. I am with apace, formerly Region V Services. And for the past 24 years, it's been my job and my pleasure to support people with disabilities find good paying, community-based jobs. During that time, I have seen some amazing things. I have seen people I support become more independent. I've seen them move into their own apartments from group homes or in some cases become homeowners themselves. I've seen people learn to drive and buy their first cars. I've seen people, due to Nebraska's Enable program, put money away for retirement in order to have a happier, healthier and less dependent future. I've seen people reduce their dependence on federal and state aid programs and make tangible contributions to their communities. In each of these cases, having that good job helped make these achievements possible. I am regrettably here by myself today because of the 3 people I actually wanted to bring in to testify, well, they're all working and could not get time off. So I guess you could say that to some degree employment is working and has some success in Nebraska. And on an individual level, I think that is very true because of all these achievements that I've seen. But on a larger scale, the national employment rate for people with disabilities 16 to 64, in 2023 was 37.1%. The national employment rate for people, by comparison, without disabilities, 75%. So there is quite a disparity. And this, of course, is occurring at a time of a labor shortage across our country and much of our state. I believe there are a lot of reasons that over 60% of the people who have disabilities are not in the workforce at this time, at a time of labor shortage. And I believe that one thing a task force on supported employment can do would be to look into these reasons and come up with

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solutions. This work has already begun with the statewide employment summit of 2023, but now an action plan is needed. What LB1285 proposes is the creation of a task force to specifically address these concerns, make recommendations to policymakers and terminate once the assigned tasks are accomplished. To be very clear, LB1285 does not seek to create a permanent committee. And so I don't believe that its passage would conflict with the desire by Governor Pillen to reduce committees statewide. I think we all see the value of employment to the individual: more money, more independence, and even more personal safety is an outcome of employment. What I think gets missed is what a benefit the promotion of employment is to state agencies and funding sources. I have never seen a person with a disability become less dependent on Social Security or Medicaid benefits without employment being part of the equation. While I have seen very few people in 24 years completely graduate from services, it does happen; and in my experience, never without a good job. On the other hand, those people who work but are not able to completely replace their benefits, the vast majority have been able to reduce benefits to some degree, including in many cases, Medicaid waiver services. Thank you very much for your time. Do you have any questions?

AGUILAR: Seeing none, thank you.

RYAN NEAL: Thank you.

AGUILAR: Next proponent.

EDISON McDONALD: Hello. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm here on behalf of the Arc of Nebraska, the state's largest advocacy organization advocating for people with intellectual and developmental disabilities with members across the state. We're here today in support of this bill. And I think folks kind of already covered most of the main things that I had in my testimony. But I do want to talk about a couple of pieces that I think are important for this committee to consider. Number one, I think this-- the concept of this committee is to go and address one of the most contentious issues within the disability community. How do we make sure we get people access to employment and making sure that it's above minimum wage employment? And I think this is an issue that really tears the disability community. Here within the Arc of Nebraska, I polled our members. About a third of our members are in very strong support of moving away from subminimum wage, a third are in very strong opposition, and a third are in the middle. And I think that third in the middle, really it depends on how it's structured. They want to make sure that these are meaningful jobs and not just

jobs that are going to be performed in a couple hours a week sort of jobs. And so I think one of the things as I look at this committee that I'm a little bit concerned about is making sure we've got a good balance and that we're looking across the spectrum. What I've seen and heard from those other states that have become Employment First states that have had these task forces is typically they try and go and push through legislation. Here in Nebraska, members of the Business and Labor Committee have helped us to stop from pursuing down an immediate path to go and just say, here's a hard deadline, but instead said, let's look at how we can work together. And this is how we work together. But I think we are missing that other side, that opposition side on the task force. Also note on, when it comes to committee members, I'm unsure as to why the Governor has concerns with volunteer committees. I think that volunteer committees, we don't cost the state anything extra. And so for the members of this committee that are volunteers, I think that that's an excellent way to leverage community, community members who want to be engaged and who want to partner on this. And lastly, I'll just say, I think it is so tremendously important to make sure that we increase opportunities for employment for people with disabilities. I was an employer of a person with a disability, which is what brought me into this work. And I've seen over and over again how things that may seem like little changes to everybody else, for folks in our community, makes a huge difference. So I encourage you to move this bill forward and look at working on making sure that all voices are included within [INAUDIBLE].

AGUILAR: Questions from the committee? Seeing none, thank you. Any more proponents? Any opponents? Neutral testifier? Senator Walz to close. While she's coming up, written position comments, we had 3 proponents, no opponents and 1 neutral.

WALZ: I'll just be very brief. First of all, I've been sitting in your seat before listening to all the testifiers, and I'm sure that you're wondering, you know, legislation regarding a task force may not seem like a huge deal. But as you've heard from the people behind me, some really good testifiers, it is a big deal for people with developmental disabilities. For years and years and years, people have been-- parents and advocates have been advocating for people and individuals with developmental disabilities. And without the voices of many, their lives would be-- their lives would look a lot different than they do today. So we've come a long way. But I think that that does need to continue when it comes to providing employment opportunities for people with disabilities. The task force just to-- just to go back to that, allows for expertise, experience, individuals' perspectives and

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input. And most importantly, it provides a lot of ideas, creativity and collaboration. So I think it's important that we have as many stakeholders involved in that task force as possible. As you've heard, there's a study that we already have. We are just wanting to make sure that we have input from all stakeholders to ensure that we have an actual plan in place and that we're following through on that plan. And with term limits, as we've talked about before, it's really important that we put that task force in place to ensure that that happens.

AGUILAR: Thank you. Any follow-up questions for Senator Walz? Senator Lowe.

LOWE: I just want to make a comment that when I was a young man of 26, I was brought back from Colorado to Nebraska to get rid of a problem restaurant and the issues that they were having. And the first thing I did was fire everybody who was involved, except for one man. It was a middle-aged man whose job it was to dish wash. He was the only one that was doing his job in the whole place. And he worked for that company for another 5 years until it finally closed. They do good.

WALZ: Yeah, thank you, Senator Lowe. Appreciate that.

AGUILAR: Further questions? Seeing none, thank you, Senator Walz.

WALZ: Thank you.

AGUILAR: That closes the hearing on LB1285. Now we're ready for Senator Erdman and LR281CA. Welcome, Senator.

ERDMAN: Thank you, sir. Good afternoon, Senator Aguilar and Executive Committee. Thank you for allowing me to testify today. My name is Steve Erdman. I represent District 47. Erdman is spelled E-r-d-m-a-n. I'm here today to present to you a constitutional amendment. And the constitutional amendment would have the Legislature meet in odd-numbered years. The Legislature would meet on odd-numbered years in the-- on the odd years. And the legislation actually says biennial in odd-numbeedr years. And it also explains that we can continue with the annual session until 2027. At that time, we would meet then on the first Wednesday following the first Monday in January, and it would be for a 90-day period. So as I go through this, what I want to tell you is I did some research on this. This has been suggested 6 times since 1971. Let me just refresh what happened since 18-- what happened since 1875 to 1971. In 1875, the constitution said that the Legislature of Nebraska shall meet biannual, and that continued until 1971. In 1969,

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the Legislature met starting the first Tuesday in January, and they met until September 24. They met 165 legislative days. Now, one would think that you could get 165 days in before September 24. And the reason that it took that long is they took off 2 or 3 weeks to plant corn, and then they took off 2 or 3 weeks to harvest wheat. And so the Legislature adjourned for those things. So that was what happened then. And I did some research. I had the Research Department look up what exactly happened and how we got where we are today. And I have a-- I have some information I think you'll find interesting. As we have looked at some of the things that the Legislature used to do, and we now no longer do those things, I think-- I thought it was time we go back and review that. And so I'm going to share some information that was presented by a senator that you all may remember. Jerome Warner had tried this twice. He tried it in '85, and he tried it again in '86. And the reason his initiative caught my attention was because he was a senator that served under the biannual system and then again in the annual system. And so he had some perspective about what would work and what wouldn't. But anyway, this resolution LR-- LR281CA is a constitutional amendment, and it says that the Legislature would begin meeting on the odd-numbered years in the year 2027 for 90 legislative days. OK. So the decision would have to be decided by the voters, and we would put that on the ballot in '24 for the decision by the voters to go to a biannual session. And the senators would then be in session for 90 days on the odd-numbered years, which is the same time that we do the budget. So what they did from 1875 to 1971, that was 96 years, that they functioned every other year. And the question then comes up and numerous times I've had people ask, are there any other states that do this? And so research told me that the 4 states that currently meet every other year is Montana, Nevada, North Dakota and Texas. Those states meet every other year. And I went back and looked to see exactly when they changed from a bicameral to a unicameral what the vote was. The vote was 60% in favor of going to a unicameral. And I did that because I wanted to see what the vote was and what the percentage was when they voted to go to annual sessions. So the vote was 286,000 in favor, 193 [SIC] opposed to going to a bicameral-- unicameral. Then in 1971, the vote-- 1970, the vote was 386,000 total, 194 in favor, 173 opposed. So it was a lot closer. And you'll notice, if you look in your Constitution of Nebraska, it says the Legislature shall meet annually beginning 1971. That's the way it reads. But actually, what happened was the Legislature met every year from 1971 to '75, and the amendment in 1975 was to change when the Legislature started. Because before 1975, it said it shall begin on the first Tuesday in January. And so there were 3 years that it started on New Year's Day. And so the change in 1975 was to make sure that we didn't

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start on New Year's Day, but it was the first Wednesday after the first Monday. So that's how we got where we are today because of the 1975 amendment. Though the Legislature only met biannual in the odd-numbered years from 19-- until 1971, it was still common practice to convene a special session. For the first session under the one-house system took place in 1940. Before the Legislature began meeting on an annual basis in 1971, there were 13 special sessions held, only 1 special session held between 1937 and 1971. So the same year the Legislature met in regular session, that was only happened several times. So since 1971, there have been 22 special sessions. And the most recent were in 2011 there was a special session. And you may remember, some of you in the room served in 2021, we did a special session to do redistricting. So those are the two most recent sessions we've had. So until, until limits on the length of the regular session was, was put in place in 1971, the length of the regular sessions occurred-- the longest session occurred in 1969. And that was one I spoke of earlier. So what I did, I went back and reviewed to see what the average length of session was when they didn't have a limit. And the average from 1937 to 19-- 1970 was 116 days. So they met once a year for 116 days. And so that was the situation that we found ourselves in then. In 1937 to 1969, the number of bills introduced had gradually continued to increase until the record number was introduced in 1969-- think about this; this is one session, one year-- they introduced 1,440 bills in 1969. Sound familiar? So as we look at what happened and we looked at what transpired over that period of time, we begin to understand that as you begin to do more days, you actually get more bills introduced. That's what it shows here. But in that session in 1969, it's amazing. They introduced 1,440 and they passed into law 859 bills in 165 session days. So it was quite significant. So as I said earlier, the 4 states that have a biannual session are Montana, Nevada, North Dakota and Texas. So then I went back and looked to see how many special sessions do these states have. And so I was surprised to see that the special sessions held by these other states is not nearly as significant as I thought it would be. In Montana, they had a special session in 2007, and they had another session in 2017. So they've had 2 special sessions in the last 15 years. And if you look at Nevada, Nevada has very few special sessions. And I've had several, several people ask, Nevada has 4 special sessions. North Dakota has had 4 special sessions. But Texas has the most. Texas meets 140 days on the odd-numbered years. And it was interesting to see in Texas, they've only had special sessions in the years when they meet 140 days. It was back to 1968 before I could find a time when Texas had a special session in the off year. And so Texas has had several. Texas has had 1, 2, 3, 4, 5, 6 in the last 10

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years. They've had 6 special sessions in the same year that they meet for 140 days. So when I was reviewing this, I began to see that one time Governor Exon had asked a senator to introduce the amendment to go back to a biannual meeting. And I thought that the most interesting one were the comments that were made by Senator Warner. I want to read some of those to you about what he thought was the reason that we should go to-- for the biannual session. And if you want to see any of this information, it's interesting reading to see, some of these hearings might have lasted 2 or 3 hours. It took us 30 or 40 pages. And so let me find that. But I thought-- I thought Senator Warner kind of explained it. As I said, he was a person who served in both, both times, both sessions. What he said in his comments, he said: This constitutional amendment deals with the biannual session. We started the annual sessions when you remember 1971, we go back and read the history of what was thought to be going on, or would occur with annual sessions and what probably has been developed as the facts. It is somewhat different. There's a somewhat different reason I put this resolution in for the annual session. However, deals with 3 of the 4 policy-- 3 or 4 practices which I think are appropriate. Number one, it seems to me that neither desirable nor necessary to have a potential change in state policy matters every 8 months, every 8, 8 months, because that's what we currently do. When we adjourn in June, 8 months later we're back here having another session. He went on to say, it appears to me that the large-- it appears to me by the large and the most large amount and the most activity on the annual session is a rerun of another session that you had the year before. And he goes on to comment about, I am not particularly enthused about limiting the number of days. In his set-- in his amendments, he never limited the number of days. But he said, if you're going to limit the number of days, 120 may be the number you'd want to consider. Of course, we now have 150 days in the course of 2 years. We meet 90 days one year and 60 the next. And so consequently, that was what he had said about meeting. He said that it's an opportunity for us to spend more time in LRs understanding the issues and coming back with more thoughtful legislation, because we have a lot more time to work on it. So we had asked for a fiscal note, and we received none. And when we called the Fiscal Office today and said, why did we not receive a fiscal note? They said, we don't do fiscal notes on LRs. And the question then was, this is an LRCA. We should have had a fiscal note. And so consequently we don't have one. So what I did is I looked in the book to see exactly what the legislator-- legislatures cost us on an annual basis. And it's about 6-- \$690,000, \$700,000. So if we met every other year, we would save that money. But here's the-- here's the kicker. The businesses, the people in the state of Nebraska that

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pay lobbyists would save \$21 million every year because we wouldn't need lobbyists on the off year. So this is a proposal I think needs to be considered. We have had opportunities to think about this on several different occasions before. And as I said to Senator Bostar when I came in, last year I was here with a constitutional amendment to go back to a bicameral. And so go big or go home. So I'm here to present this today. And the other issue that I want to tell you is that this is the very last bill that I will ever introduce as a Nebraska state senator. So I count it a privilege to be in front of this committee, and I would open it to any questions you may have. And I'll try to answer those, because I've read through all this stuff. It's very interesting reading what their testimony was, what the questions were, and how it actually turned out. I understand all of the things that happened here. None of these made it to the floor. All right. So I know-- I know that to be a fact. So there's a reason I'm on maybe your second to last day of hearings, because I'm not really thinking that this has much of a chance. But I think it's time for the Nebraska people to have a discussion about how we meet. Thank you.

AGUILAR: Thank you, Senator Erdman. Questions for Senator Erdman?
Senator Riepe.

RIEPE: Thank you, Chairman. Thank you, Senator Erdman, for your intensity and your research and the time you've taken on this.. My question will be given that we now have term limits, how does-- how does that play out in-- same thing? It's still 8 years?

ERDMAN: Yeah. I can't change that.

RIEPE: Yeah.

ERDMAN: You know, so it would be the same. Yeah. So we all know why we did term limits. Right? And that reason is coming back.

RIEPE: Yeah. OK.

ERDMAN: But that's my answer.

AGUILAR: Senator Jacobson.

JACOBSON: I'm just trying to figure out what problem you're trying to fix here.

ERDMAN: Well, I think it's an opportunity for us to have more thought going into what legislation we pass, as well as perhaps it will limit the number of bills that we would put into fact-- into effect. Because

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if we go 90 days, Senator Jacobson, if we go 90 days, at the end of those 90 days, those bills that were introduced stop. They're, they're killed. Then the next year you have to start over. Currently--

JACOBSON: Actually, we go 90 days. Those bills that don't get passed come back the next year and they have to get done in 60 days.

ERDMAN: Yep, that's right.

JACOBSON: OK.

AGUILAR: Senator Lowe.

LOWE: Thank you. Thanks for bringing this thoughtful bill. Staff-- right now we hire staff, and then staff work year after year. When we are not here a year, will the staff then stay on when there's nothing really to do except for LRs and things like that?

ERDMAN: Yeah. I had that question, Senator Lowe. When I checked with Research, what they said was the staff numbers that were on staff before they went to annual sessions was 50. And he said the information that he looked up, they added 10 more staff. So I think it's probably different than that now. But that was the difference when they made the tran-- when they first made the transition, they added 10 more people.

LOWE: Is that kind of what they do in other states too? Did you-- have you looked up Texas, Montana, North Dakota, did they?

ERDMAN: We didn't get quite that-- we didn't get that far. So I don't have an answer for that. But I'll ask Research if they can find that. They're quite-- they're quite efficient over there.

AGUILAR: Further questions? Seeing none, thank you, Senator Erdman. Any proponents? Welcome.

STEVEN STEINKUEHLER: Good afternoon, everyone. My name is Steve Steinkuehler. Thank you for allowing me to speak on my own behalf in terms of how I feel about this legislation that is pending. I won't take up much time, but I am going to provide some information. And I took a little bit different tack in terms of looking at this.

AGUILAR: Could you state and spell your name for the record?

STEVEN STEINKUEHLER: Oh, I'm sorry. S-t-e-v-e-n
S-t-e-i-n-k-u-e-h-l-e-r.

AGUILAR: Proceed.

STEVEN STEINKUEHLER: Thank you. I'm retired now, but in the past life, in my past life, in addition to providing direct patient care, I was responsible for the operations of the Department of Pulmonary Medicine at a local hospital. Those responsibilities included clinical operations, fiscal management, and budgetary responsibility. I decided on my own, I just have a personal interest in this, to review some of the available information on the internet regarding biennial budgeting, and became interested in learning more about this process as part of state government. And then I'll just repeat what Senator Erdman said, because I found this as part of it. For your information, it has been reported that there are currently 4 states that operate under biennial sessions: Montana, Nevada, North Dakota, and Texas. OK, got the handout. As I was reviewing some of the literature, I was able on the internet to pull up and spend some time reading, a pattern began to evolve as it related to annual versus biennial budgetary planning and operations. I discovered studies that discuss the contrast between the 2 types of budget approaches, and noted that there were similarities. Also, the timelines for these studies ranged from 2011 to 2024. Current data seems a bit sparse. I then request an OpenAI or artificial intelligence to describe the advantages and disadvantages of biennial budgeting for state legislatures. The handout you have provide the OpenAI answer to this question. These are reported in the blue ink at the end of the second page of the handout. If the combined legislative leadership can support this proposed budget, this change for budgetary planning, it would seem reasonable to move this project forward and I can support that. I don't know if there's any questions on the data that I presented, but the key thing is the-- is the blue notation at the end of the disadvantages. And then I noted that where I pulled the documents and what the documents' titles were on the internet. Thank you for your time. I said I'd keep it short. That was short.

AGUILAR: Thank you. Are there any questions for the testifier? Seeing none, thank you. Any other proponents?

JEANNE GREISEN: Hello. My name is Jeanne Greisen. It's J-e-a-n-n-e G-r-e-i-s-e-n, and I am representing Nebraskans for Founders' Values today. And I want to thank Senator Erdman for bringing this forward. And I'm so glad I'm here that I get to be here for his last bill introduction. I didn't know. We should have had a big party. Everybody coming today. Anyway so I'm kind of going to build off of what he was saying. I want you all to envision yourself back in the year of 1976, and you're sitting in a committee hearing, and somebody is-- actually

just an introduction of a bill, and you're listening to the introducer, and I'm going to give you some clips of what he said. He said, this is simply asking that the wisdom of this committee allow this bill to be put on the floor of the Legislature. And if the legislators themselves in their good wisdom let the people vote in the fall or in the spring, if you should so choose a constitutional amendment to let the population of Nebraska, the voters, decide after they have now had 4 years of experience experiencing with annual sessions. Then he goes on. He's talking about the, the chaos that's going on because he's had 4 years of an annual session. So then he starts talking about bills and limiting the bills. First of all, Nebraska is a small state. We don't have a big population. We have a one-body legislature, unique. We could be in session and hold a 10 bill limit if that is what you wanted and handle all the business before the Legislature and probably get out somewhere around mid-June or 1st of July and had enough time to deliberate that legislation without rushing. And in the present terms, it is a catastrophe. It is chaos. The legislators themselves are never going to put any iron rules through that are going to say, we are only going to allow you 5 bills. The committees are only going to allow 5. That would be the greatest debate that ever took its course. It would just never be done by the Legislature. It was hard enough to limit-- to put a 10 bill limit. I didn't put any bills in, but I wouldn't want to see any limit in the first place. I think if you got bills and got the adrenal glands to handle them and the blood that flows and you like to put in a lot of bills, then that should be your privilege. And lastly, most importantly, he says: Man or beast is not safe when this Legislature is in session. That is quite a statement. I say that because we ourselves come up with every darn kind of legislation that can be dreamed up. We are in 49 different directions, being policemen in every sense of the word. We are not the firemen, the good guy that comes out with the rescue squad and takes the victim to the hospital or puts out the fires. We're constantly thinking of 10 different ways that either we are taxing people, restricting people, changing laws, and therefore we get into the sense of the word that we ourselves believe that we have got to be in session every year. We don't even have to be in session every year. This is because the people gave us an experiment. We tried it and it's not working. We don't need professional legislators. We need to let the people decide this for us. And what is wrong with placing this on the ballot and seeing how popular in a popularity poll we are? We individually all think that we are great in our own right, but if this is ever put on the ballot, mark my words, the people will say with a resounding vote that this Legislature should go back to the other. And so I am glad that Senator

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Erdman brought this forward, because the role of government is limited. It's about protecting people's liberties, and it's about free enterprise. And I always have to ask the question, after reading all of this and reading some of the bills and watching some Legislature, is how many things that have been passed in this Legislature that truly are unconstitutional. And so I think to answer Senator Jacobson, I think I just-- what is it trying to solve? I think I answered your question.

AGUILAR: Any questions from the committee? Seeing none, thank you. Any more proponents? Seeing none, are there any opponents? Neutral testimony? Seeing none, Senator Erdman. While you're coming up, written test-- position comments: 37 proponents, 13 opponents, no neutral.

ERDMAN: Thank you. Senator Jacobson, I knew that Senator Warner had that very question. So I went and looked it up. And what he had said was that if you meet every other year, someone who is employed in a position that needs more time than we give them now at the 60 and 90, they would have an opportunity to have that 6 months every 2 years to be a legislator, and the other year and a half to work on their profession or what they were doing. So that was-- that was one of the things that Warner commented on. So I'll just finish with this. It-- it's a significant change. It's an opportunity, as you've heard the testifiers say, to give the people a chance to decide. And I'll leave you with what Senator Warner said when he closed on his bill: If you want to put this on consent calendar, it's fine with me.

AGUILAR: Any follow-up questions for Senator Erdman? Seeing none, thank you. That closes the hearing on LR281CA. Motion to adjourn?

LOWE: So moved.

JACOBSON: Second.

AGUILAR: All in favor say aye. We're adjourned.