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Health and Human Services Committee
February 19, 2016

[LB939 LB1034 LB1081 CONFIRMATION]

The Committee on Health and Human Services met at 1:00 p.m. on Friday, February 19, 2016, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on confirmations for the Commission for the Deaf and Hard of Hearing, the Foster Care Advisory Committee, LB1034, LB939, and LB1081. Senators present: Kathy Campbell, Chairperson; Sara Howard, Vice Chairperson; Roy Baker; Sue Crawford; Nicole Fox; Mark Kolterman; and Merv Riepe. Senators absent: None.

SENATOR HOWARD: We'll get started. We're a few minutes late, Senator Campbell is in a meeting right now. So we'll get the hearing started. I'm Senator Sara Howard, I represent District 9 in Midtown Omaha. Per our committee tradition, we'll start with introductions to my right.

SENATOR FOX: Senator Nicole Fox, District 7: downtown and south Omaha.

SENATOR KOLTERMAN: Senator Mark Kolterman, 24th District: Seward, York, and Polk Counties.

JOSELYN LUEDTKE: Joselyn Luedtke, committee counsel.

SENATOR CRAWFORD: Good afternoon. Senator Sue Crawford, District 45, which is eastern Sarpy County.

SENATOR RIEPE: Merv Riepe, I represent the good people of District 12, which is Millard and Ralston.

ELICE HUBBERT: I'm Elice Hubbert, I'm the committee clerk.

SENATOR HOWARD: And would the pages like to introduce themselves.

JAY LINTON: I'm Jay Linton, I'm a senior ag economics major at UNL.

ASHLEE FISH: I'm Ashlee Fish, I'm from Seward, Nebraska, and I'm a business administration major.

SENATOR HOWARD: Okay, we ask that you turn off your cellphones. And although handouts are not required, testifiers who do have handouts, we ask for 10 copies of them. If you will be

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testifying, we ask that you fill out an orange sheet and hand it to the committee clerk, Elice Hubbert. We do use the light system in this committee. You'll have five minutes: four minutes on green, one minute on yellow, and at the red point I will wave my arms and encourage you to conclude your testimony. We do need you to spell your name; that's not for us, that's for the transcribers. And I think that's all of our housekeeping, yes? Okay. All right, with that we will open the hearing for the appointment of Dr. Peter Seiler to the Commission for the Deaf and Hard of Hearing. And I understand you have an interpreter as well? All right, could you state both of your names and spell it for the record?

PETER SEILER: My name is Dr. Peter, P-e-t-e-r, last name is S-e-i-l-e-r. And this is the interpreter and she will spell her name. [CONFIRMATION]

MOLLY KEEFE: It's Molly, M-o-l-l-y, Keefe, K-e-e-f-e. [CONFIRMATION]

PETER SEILER: (Exhibit 1) This is my first confirmation, to be honest with you, so I'm hoping you guys will be able to help me. I've been to this committee many times. I used to be the executive director for the Commission for the Deaf and Hard of Hearing, then I retired. Now because I'm older I retired...so when I saw the board that we have currently, I said to myself these are the people I would like to work with, people that have a vision of helping people who are deaf and who are hard of hearing, not helping one group more than another. So that's the same vision as mine. And then Mr. Wyvill, he's the executive director currently, and used to be an old friend of mine as well...but I'm not responsible for his behavior. [CONFIRMATION]

SENATOR HOWARD: Well, thank you, Dr. Seiler. We were hoping that maybe you could give us a little information about your background. [CONFIRMATION]

PETER SEILER: Okay. I grew up in the small town, in Chicago, Illinois. There's only eight million people that live there. First I went through a deaf oral program and then I transferred to a hearing classroom. My parents were not satisfied with the deaf oral program that I was in. There were not IEPs back then, there was no IDA, there was no ADA, there was no information for my parents to reach out and find information. Really, God blessed me with those two parents helping me to learn English and later then encouraging me to learn American Sign Language. They were really my models of how to meet people in the world. Then I applied to Gallaudet University--it's a deaf college, the only one in the world. And I couldn't get in, I wasn't smart enough. They told my parents that the hearing classes were not good enough, so I went ahead and applied at a hearing college to learn English. I got a wrestling scholarship, so I could wrestle any of you at any time. I did get my master's in deaf education and my doctorate in school administration. I became very involved in the deaf community and the hard of hearing community as well, because I could go back and forth with talking and signing. One of the things that struck me was

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that my parents didn't have anyone to help them. So I became a parent advocate to help with the schools and to fight for the children's rights. One of the biggest things that really bothered me were hearing aids for children. Many children go without hearing aids because insurance won't cover them, and it costs so much money. And it is a learning tool to help children learn. You know, when I was growing up, we were poor. And at the time, I didn't realize they gave all their money to get me hearing aids. I didn't suffer, my parents made sure I had everything I needed. I had food, discipline, school, all of that, but you know, there were no bicycles in the house, no TVs. So that's one of my goals as a parents rights' advocate, to advocate that children can get hearing aids through health insurance. The other thing I'm hoping to accomplish is open captioning for movies. I'm tired of people deciding for me what movies I can watch. You can watch Kung Fu Panda, but maybe I want to watch this movie. Oh, sorry, it's not captioned, this is the only one with open captioning. And I don't think that's fair, to be honest. So I see this board now supporting my ideas, so that's the reason why I would like to be involved in this board.
[CONFIRMATION]

SENATOR HOWARD: Thank you, Dr. Seiler. Are there questions for Dr. Seiler? Senator Crawford. [CONFIRMATION]

SENATOR CRAWFORD: Thank you, Senator Howard. And thank you so much for being here. I don't have a question as much as just more of a comment. We're just very pleased to have someone with your expertise and experience and your personal family experience that you're bringing to the board. And also very happy that you know and are excited about working with the people who are on the commission, on the board. So thank you for being here today.
[CONFIRMATION]

PETER SEILER: You're welcome. [CONFIRMATION]

SENATOR HOWARD: Other questions for Dr. Seiler? Seeing none, we have a very brutal process for appointments. Once we've finished our discussion, we will most likely approve your appointment, and Senator Campbell will share what we've learned from you in this appointment hearing today and will represent you well on the floor, and most likely you will be appointed. So we very much appreciate your time today, Dr. Seiler. [CONFIRMATION]

PETER SEILER: Thank you so much, Senators. Thank you, thank you all. [CONFIRMATION]

SENATOR HOWARD: Is there anyone in the hearing room who wishes to speak on the appointment for Dr. Peter Seiler? Seeing none, Elice are there items for the record?
[CONFIRMATION]

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ELICE HUBBERT: There is nothing for the record. [CONFIRMATION]

SENATOR HOWARD: Fabulous. That will close the appointment hearing for Dr. Peter Seiler, and I will hand it off to my colleague, Senator Campbell, who has just arrived.
[CONFIRMATION]

SENATOR CAMPBELL: Okay, we're going to take a five-minute...well, most people are...we've got some people. No, I'm going to let you finish. [CONFIRMATION]

SENATOR HOWARD: Oh, you want me to finish the confirmations? Yes, I'm happy to.
[CONFIRMATION]

SENATOR CAMPBELL: Because we have to rearrange the bills, so I'm sorry.
[CONFIRMATION]

SENATOR HOWARD: Yes, absolutely. We will now open the gubernatorial appointment hearing for Margaret Propp, for the Commission for the Deaf and Hard of Hearing. I was ready to go. Good afternoon. [CONFIRMATION]

MARGARET PROPP: (Exhibit 1) Hi, Senator Campbell and the rest of the committee. Thank you. Three years ago, I came before this board and I talked about how excited I was to have the opportunity to continue the work that my parents started on the board for the Nebraska Commission for the Deaf and Hard of Hearing. My father, George, was one of the deaf leaders at that time that helped develop the legislation that created the Nebraska Commission for the Deaf and Hard of Hearing, and he served on its first board. My mother, Eleanor, was one of the first employees for the commission, and she also served on the board. In my first term on the board, we accomplished a lot. In my first three years, we finally got the interpreter bill passed, along with its rules and regulations, and we started working with the Nebraska Board of Education to make some needed changes in Rule 51. So I look forward to continuing this work with the Board of Education to make sure that our deaf and hard of hearing children in Nebraska are getting the best quality education. And I also look forward to continuing the progress that we've made to make sure that deaf and hearing communities...I lost my place...are being served with qualified interpreters, and that our interpreters are getting the best support that they need to provide the best services. Those are just small pieces of what we hope to accomplish with our current board, along with our new member here. And so I'm looking forward to this year, to the work that we're doing for providing hearing aids for deaf children, and providing open captioning for movies. That's just like a few of the things that I hope that we are going to be able to accomplish in my next three years with the board, along with the quality staff that is there at the commission. I

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thank you for giving me the opportunity to continue serving on the board for the Commission for the Deaf and Hard of Hearing. Thank you. [CONFIRMATION]

SENATOR HOWARD: Thank you, Ms. Propp. For the benefit of those who were not with us three years ago, could you tell us a little bit about your background? [CONFIRMATION]

MARGARET PROPP: I grew up in a family--my mother and father are both deaf, I have an older brother who is deaf, and then other family members. I grew up with American Sign Language as my first language. Being that both of my parents were educators, I became a teacher of the deaf, and I taught for 25 years at the New Mexico School for the Deaf. And retired, after 25 years, and moved back to Nebraska, because I love Nebraska and I needed to be close to family. And have been here since and working on the commission. And I'm doing freelance interpreting around the city. [CONFIRMATION]

SENATOR HOWARD: That's great, thank you. Are there questions for Ms. Propp? Senator Kolterman. [CONFIRMATION]

SENATOR KOLTERMAN: Thank you, Senator. Appreciate you coming today and the work that you're doing. Can you tell me a little bit, and this is more for just informational, my perspective. What's going on in the high schools to further deaf education? Because, as an example, at Seward High School we've got a young lady that's going to be honored here next week. Is she getting sign language at the present time or do they have an interpreter for her? I'm just curious how it works when they go into the mainstream education process. [CONFIRMATION]

MARGARET PROPP: Because the school for the deaf was closed, I think back in 1989... [CONFIRMATION]

SENATOR KOLTERMAN: Right. [CONFIRMATION]

MARGARET PROPP: ...that all deaf and hard of hearing students are now mainstreamed in the public schools, and should be provided with interpreters. So that was one of the things that we were working on with Rule 51, was raising the standards so that the deaf and the hard of hearing students were getting better qualified or better quality interpreters in the schools. So I think any deaf student that's out there in any of the schools, from elementary up through high school, should be working with interpreters. [CONFIRMATION]

SENATOR KOLTERMAN: Great. I should know that, but I don't. [CONFIRMATION]

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MARGARET PROPP: Yeah. But I have to say that, you know, I grew up with...my family grew up at the Nebraska School for the Deaf, both of my parents went to school there, my grandparents went to school there, my brother went to school there. I taught for 25 years at the New Mexico School for the Deaf, and a school for the deaf is the best option for deaf children. And I know that we don't have that here in Nebraska, so that's kind of where my heart is in making sure that our deaf kids are getting the best that we can give them here in Nebraska.
[CONFIRMATION]

SENATOR KOLTERMAN: Thank you very much. [CONFIRMATION]

MARGARET PROPP: Thank you. [CONFIRMATION]

SENATOR HOWARD: Other questions? Seeing none, I just want to say thank you so much for your service. We very much appreciate it. [CONFIRMATION]

MARGARET PROPP: Sure, thank you. [CONFIRMATION]

SENATOR HOWARD: Thank you, and we'll follow the same process as Dr. Seiler. So we're very optimistic. [CONFIRMATION]

MARGARET PROPP: All right, thanks a lot. [CONFIRMATION]

SENATOR HOWARD: All right. Is anybody in the hearing room wishing to speak on the appointment of Margaret Propp? Seeing none, are there any items for the record?
[CONFIRMATION]

ELICE HUBBERT: Nothing for the record. [CONFIRMATION]

SENATOR HOWARD: Fantastic. That will close the hearing for the appointment of Margaret Propp to the Commission for the Deaf and Hard of Hearing, and we will open the hearing for Kristin Huber for a gubernatorial appointment to the Foster Care Advisory Committee. Good afternoon. [CONFIRMATION]

KRISTIN HUBER: (Exhibit 1) Good afternoon. My name is Kristin Huber, K-r-i-s-t-i-n H-u-b-e-r, and I am excited and honored to be nominated for this position on the Foster Care Review Office Advisory Board. A little bit about my background, I grew up in Omaha, I went to college at UNO, and law school at Creighton University. I was a deputy county attorney for eight years,

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five years of that in the juvenile division, where I prosecuted abuse/neglect cases, termination of parental rights, and delinquency cases. So I am very familiar with the foster care system and how children can kind of get lost in that system, and the need for significant oversight, just so the kids who have been taken out of their homes have everything they need and the best chance of getting back home where they should be. I also spent three years doing Board of Mental Health commitments and dangerous sex offender commitments. I am currently the government and community relations specialist for CHI Health up in Omaha, and I have been nominated to take the place of my former boss, Sheree Keely. So I would be honored to take her place.

[CONFIRMATION]

SENATOR HOWARD: Can you tell us a little bit about some of the issues you anticipate looking at further on the Foster Care Advisory Board? [CONFIRMATION]

KRISTIN HUBER: I believe what I am very much interested in is why we have such a high rate of removal, how we can put services in the parental home prior to removal. Also just out-of-state placements--why there is such a high rate of out-of-state placements and how we can work in getting these kids home. Because if we can't fix the family, then we don't really fix anything. And putting a child back into a family that hasn't worked on its issues together isn't going to solve the problem. [CONFIRMATION]

SENATOR HOWARD: Thank you. Are there questions for Ms. Huber? Senator Kolterman. [CONFIRMATION]

SENATOR KOLTERMAN: Thank you, Senator. Talk to me a little bit about the out-of-state placements that you're referring to. What does that involve? [CONFIRMATION]

KRISTIN HUBER: The out-of-state placements where children are placed in group homes in out-of-state placements, either for the reason that Nebraska doesn't have the particular service that the child is in need of or why the placements wouldn't accept--a Nebraska placement wouldn't accept--a Nebraska child. Really looking at those issues and what needs to be put in place in order to make sure kids stay here in Nebraska. [CONFIRMATION]

SENATOR KOLTERMAN: Can I...does any of it have to do with capacity of Nebraska? [CONFIRMATION]

KRISTIN HUBER: I believe so. I believe it does. [CONFIRMATION]

SENATOR KOLTERMAN: Thank you. [CONFIRMATION]

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SENATOR HOWARD: Other questions? Seeing none, thank you for your willingness to serve.
[CONFIRMATION]

KRISTIN HUBER: Thank you. [CONFIRMATION]

SENATOR HOWARD: Thank you for visiting with us this afternoon. Is there anyone in the hearing room who would like to speak regarding the gubernatorial appointment of Ms. Huber? Seeing none, other items for the record? [CONFIRMATION]

ELICE HUBBERT: Nothing for the record. [CONFIRMATION]

SENATOR HOWARD: Thank you. That will close the hearing for the gubernatorial appointment of Kristin Huber, and I will hand it over to Senator Campbell. [CONFIRMATION]

SENATOR CAMPBELL: All right. Well, welcome to the hearings this afternoon. We're going to be shuffling hearings because of Senator Mello's schedule. I have to ask, did you all introduce yourself already? Ah, they're way ahead. I'm Kathy Campbell, representing District 25: east Lincoln. Just to remind you, cellphones--silence...did that, all right. That if you're going to testify, you have to complete an orange sheet on either side and give it to Elice when you come up. And as you come forward and sit down, we need you to state your name for the record and spell it for us so the transcribers can hear that. And we use the lights in this committee, so you will have five minutes. It will be green for a very long time, and then all of a sudden it will go to yellow, and then it will quickly go to red. So keep an eye on the lights, and that would be terrific. I'm going to ask for a show of hands, just so I have some idea. How many people are here to testify on LB939, Senator Mello's bill? Two, okay. And how many are here on LB1034, my bill on the Children's Commission? We have one, all right. And LB1081, to change the provisions? Two, all right. Well, what we're going to do is we're going to get started this afternoon on my bill, LB1034, because Senator Mello is in Appropriations. [CONFIRMATION]

SENATOR HOWARD: Okay. With that, we will open the hearing on LB1034, Senator Campbell's bill to change provisions relating to the Nebraska Children's Commission. Whenever you're ready. [LB1034]

SENATOR CAMPBELL: (Exhibit 1) Thank you, Senator Howard. Let me get all my papers here. Senator Howard and members of the Health and Human Services Committee, my name is Kathy Campbell, K-a-t-h-y C-a-m-p-b-e-l-l, and I represent District 25. LB1034 extends the Nebraska Children's Commission through 2019 and updates the duties of the commission to more accurately reflect the work they have been doing and can help the state by doing. Without

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this bill, the Children's Commission will terminate in July of this year. I want to talk a little bit of history here. When we went through the privatization effort of child welfare and the Legislature adopted LR37 and we did a major study of the child welfare system by the Health and Human Services Committee, as some remember that quite fondly, one of the recommendations that came out of that report was that we establish a Children's Commission, which has representatives of all three branches of government. Those who represent the Legislature are the Chair of the Health and Human Services Committee, the Chair of Appropriations or their designee, and the Chair of Judiciary or their designee. So currently, the three senators: I serve on the commission; Senator Bolz represents the Appropriations Committee; and Senator Pansing Brooks represents the Judiciary Committee. And the Children's Commission also has representatives from the Judiciary: we have a juvenile judge; the head of Probation for the Supreme Court Commission; and we have also added the Foster Care Review Office; and we've added the Inspector General since all of this started. The object of the Children's Commission was to keep again, like the Inspector General, a watchful eye, but also to carry out certain requirements that the Legislature might set for it. For instance, the Legislature said we would like the commission to look at foster care rates--what we pay foster care parents. And the Commission did a tremendous job of working with the Department, coming forward, and then Senator Dubas followed that up with bills to the Legislature. To give you another idea, we had asked for...could you give us some idea about how is data...is data shared between agencies and so forth, which then evolved into a recommendation that came to do LB265, to take a look at that. We began looking at...is there some other way, other than putting them right away--a family--in the child welfare system? Is there an alternative? And work was done with the Children's Commission, and Senator Coash came forward with the Alternative Response. So oftentimes we have said we want the Children's Commission to do this or that. It is probably the only children's commission in the state that has representatives from all three branches of government and also represents all major sectors of the child welfare and juvenile justice system in the fact that we have a CASA volunteer, a county attorney, foster parents have served--people from all across the state of Nebraska who represent a segment of that system. Juvenile justice youth were not originally included in the purview of the commission because at the time they were being served in the child welfare system. And so at that point, it was all in the Department of Health and Human Services. In 2013 OJS was moved to the Judicial Branch in LB561, and those youth are now served by the Office of Probation Juvenile Services Division. LB1034 gives the Children's Commission the express authority to study juvenile justice issues. And I must say the commission has been very welcoming to doing that. They have started working on this, but it was felt strongly that, in the bill to reauthorize the Children's Commission, we should specifically state that the commission also looks at juvenile justice issues. This is important, considering the number of youth placed out of home by juvenile probation and the need for the Legislature to know those youth are being appropriately cared for and where the funding is going and to get good data and recommendations on what the future of those programs. If you remember on the floor of the Legislature when Senator Krist had his bill, I talked about the fact that to some extent we had started down two parallel paths: one with youth

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and juvenile justice; and one in child welfare. What we have through the Children's Commission is the ability to see those paths intersect and to watch them and make sure that the eyes of the Children's Commission are on both of those systems. LB1034 also makes minor updates to the statutes, including changing the mandatory responsibility to hire a consultant for developing a statewide strategic plan...because they did that, they hired it and we have a strategic plan...to a permissive allowance to hire a consultant to update, if need be. At the recommendation of the Foster Care Review Office, the bill includes a requirement for the commission to develop a System of Care plan from prevention through treatment for a child welfare system, including an analysis of case management work force issues and a "no eject, no reject" requirement for child welfare service providers. This should work very nicely, because Senator Howard has talked about an interim study on looking at caseload numbers. And so it will be a good, again, companion piece to what we are asking the Children's Commission to do. At the recommendation of the Children's Commission Structure Subcommittee, the bill aligns procedures with other commissions to avoid conflicts of interest by barring members of the commission and its committees from profiting from the work of the commission. The bill updates reporting requirements for the Juvenile Services Committee to annually, instead of a one-time report to the Judiciary Committee. I have found, in service on this committee and, I must say, before Senator Pansing Brooks came, for the first almost three years of the Children's Commission, Senator Coash represented the Judiciary Committee and did just a great job, and followed through in terms of making sure that Alternative Response was looked at. It's been a great...what should I say? Not only by having the senators there, and we're nonvoting, but we are then able to take the work of the commission because they are advisory to the Legislature. I would like to draw your attention, and in case you didn't look at it, you might have looked a little bit at the fiscal note and you went ah, that's cash funds. That is an error, it is General Fund money. And so when we discovered the error, and I have to tell you we discovered that error this morning, and so a lot of flurry of activity. And Liz Hruska is relooking at the fiscal note and will bring that in. And we have looked at ways to use other money to cover that General Fund cost, at least for this year, so that we could go get them into the biennium and then it would fold into the work of the Appropriations Committee. So I think it will all work out, but I have to tell you I had a heart attack. Because I just, you know, I just had not even thought that well, maybe it is cash funds, and both Joselyn and I proceeded on that. But we're going to work it out; as always, we find solutions. So I'd be glad to take any questions that you have. [LB1034]

SENATOR HOWARD: Are there any questions for Senator Campbell? Senator Fox. [LB1034]

SENATOR FOX: Just one clarification. I know you mentioned something about the Office of the Inspector General, there is communication... [LB1034]

SENATOR CAMPBELL: Yes, she serves on... [LB1034]

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SENATOR FOX: She does serve on this? Okay. [LB1034]

SENATOR CAMPBELL: She serves on the Children's Commission, and actually that has been a great addition, because she talks about what she's seeing broadly and the commission also shares their comments with her. It's been super...great question, thank you. [LB1034]

SENATOR HOWARD: Any other questions? Senator Riepe. [LB1034]

SENATOR RIEPE: Thank you, Senator. And I thank you, Senator Campbell. I had a note on here on some observations. It said that no one has prioritized the bill, and yet it runs out June 30, 2016. Is the Speaker going to... [LB1034]

SENATOR CAMPBELL: That's a great question, Senator Riepe. We had assumed all along that the reauthorization of this would be a consent item. And when we figured out that it would be general funds instead of cash funds, that takes it out of the consent. So what we have worked on is...most likely I'll put forward an amendment to put this bill, if you all approve that it goes out of committee, then we would amend it to the Strengthening Families bill, which is my priority. [LB1034]

SENATOR RIEPE: Oh, okay. [LB1034]

SENATOR CAMPBELL: And if you remember, you probably might not, but in the Strengthening Families bill it requires a Foster Care Normalcy Task Force under the jurisdiction and direction of the Children's Commission. So the two would tie together. [LB1034]

SENATOR RIEPE: So we, fundamentally then, better well pass your bill to get to this one before the June deadline. [LB1034]

SENATOR CAMPBELL: I would guess so, Senator Riepe, we need to do that, but... [LB1034]

SENATOR RIEPE: That's a lot of leverage. [LB1034]

SENATOR CAMPBELL: Yes. We hadn't intended it to be that way, Senator Riepe. We thought this was a reauthorization and we'd gone consent because it fit that. But when it became apparent that it was General Fund, it took it out of that and so then we had to look at an alternative mechanism. We're very creative at the finding an error. So just know that any error you find always can find a solution. [LB1034]

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SENATOR HOWARD: Senator Riepe. [LB1034]

SENATOR RIEPE: Words to live by. The other question I had was there was a comment in here that talked about restricting on allowing members of the commission to profit from their work on the commission. I'm not against the word profit, I'm just trying to be curious if there is any conflict of interest. Or can you clarify or help us with that concern? [LB1034]

SENATOR CAMPBELL: Yes, there was an overview study by a subcommittee that looked at the structure of the Children's Commission--do we need to make changes. And that was one of their recommendations, to be very clear about a conflict of interest, because it had been silent, nothing had ever been said. And we wanted to make sure that people who served on the subcommittees and the commission were very clear that if you had any conflicts and profit then you probably shouldn't serve. [LB1034]

SENATOR RIEPE: And did they have them sign then attestation statements that declared that they were not in fact...or they were without conflicts of interest? [LB1034]

SENATOR CAMPBELL: Senator Riepe, that's a good suggestion. And should we pass this piece of legislation, the update of it, I would assume that the commission then will have everyone sign that. Most of us who serve on nonprofit boards have had to sign those, we just thought it ought to be very clear. So thank you for asking that. [LB1034]

SENATOR RIEPE: No, I appreciate it. Thank you. [LB1034]

SENATOR HOWARD: Any other questions for Senator Campbell? Seeing none, you'll be staying to close? [LB1034]

SENATOR CAMPBELL: Yes, I'll be staying. [LB1034]

SENATOR HOWARD: All right, we will take our first proponent testifier for LB1034. Good afternoon. [LB1034]

BETH BAXTER: (Exhibits 2 and 3) I come bearing gifts. Good afternoon, Senator Howard and members of the Health and Human Services Committee. My name is Beth Baxter, B-e-t-h B-a-x-t-e-r, and I serve as the chairperson of the Nebraska Children's Commission, which I will refer to throughout my comments as "the Commission." I'm here testifying in support of LB1034 and its impact on the work of the Commission. I would like to begin by thanking Senator Campbell for introducing the bill, and truly for her tireless support and advocacy for Nebraska's children and

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families. In my testimony I was going to give you a little history of the Children's Commission, but obviously Senator Campbell has done a wonderful job of that. What I will draw to your attention, I did bring along our 2015 annual report, and would just invite and encourage you to read through that annual report. There's a lot of great information that I think will demonstrate the commitment of all of the Commission members and really the good work that has been done through the Commission and through the various individuals who have assisted and provided expertise to the Commission and our work. LB1034, as Senator Campbell indicated, it assigns additional tasks and establishes juvenile justice as one of the priorities of the Commission. And as she has said, that has been one of our focus throughout the tenure of the Commission, and it becomes even more important now that we've seen changes within child welfare and juvenile justice as well. So I just want to emphasize that we are very supportive of the addition of the priority for juvenile justice services. And we welcome the opportunity to continue past our sunset date, as Senator Campbell indicated, which would be the end of June of 2016. We welcome the opportunity to continue the work of the Commission, and appreciate really the confidence that you all have had in the Commission and other people as well. Further, there are additional tasks for the Juvenile Services Committee, and we believe that they build on efforts that they have done previously and that they are currently looking at. And, as Senator Campbell indicated about the conflict of interest, we felt that that was very important to have that clearly stated, and we will develop a mechanism to carry that out within our structure of the Commission. The addition of the task to develop a system of care is consistent with our previous priorities and our recommendations. And here again, this is a companion to work that the Division of Behavioral Health is doing with the Children's System of Care, and that we've had Commission members participate and be active in that process. So we see that the work of the Children's Commission in systems of care for children and families in the child welfare system will be a strong component of an overall system of care within the state. Finally, the tasks relating to work force issues is an opportunity to continue the work that we have done, and we've identified this as a priority for fostering a consistent, stable, skilled work force to serve children and families. The commission has consistently recognized that child welfare case managers and supervisors are the foundation of the child welfare system, and these provisions would allow the commission to continue to support the many dedicated people working in child welfare. Thank you again, Senator Howard and Senator Campbell, particularly Senator Campbell for introducing the bill. And I'd like to thank the Health and Human Services Committee for your ongoing support of Nebraska's children, as well, and your willingness to seek input from stakeholders who can provide different and varying perspectives around children and families. Thank you, I welcome the opportunity to answer any questions that you may have. [LB1034]

SENATOR HOWARD: Are there questions? Senator Riepe. [LB1034]

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SENATOR RIEPE: Thank you, Senator Howard. And thank you for being here and thank you for the book...I mean, the annual report. The question that I have is did you gain oversight on the juvenile justice when it moved from HHS over to Justice, or did you have it before? [LB1034]

BETH BAXTER: We didn't have...we had oversight in terms of that juvenile justice...those children and youth who were a part of the juvenile justice system, they were under the purview of the Division of Children and Family Services. So yes, we had the oversight in that area. But when there was the shift and the move of the juvenile justice, you know, youth over to Probation, we've continued to focus on it and discuss it. But we haven't had that official oversight for that reform effort. [LB1034]

SENATOR RIEPE: Have you felt like you've made some meaningful contributions by having it under your purview? [LB1034]

BETH BAXTER: Yes, yes we have. And early on we did prioritize...it was a discussion within the Commission that we wanted to assure that all children who were in the custody of the state that we had a focus on those children, regardless of which system or which door that they came into the system. [LB1034]

SENATOR RIEPE: Was your responsive time better? [LB1034]

BETH BAXTER: I don't know. I think, you know, we've been very responsive to issues. [LB1034]

SENATOR RIEPE: Okay, thank you very much. [LB1034]

SENATOR HOWARD: Thank you. Any other questions? Seeing none, thank you for your testimony today. And thank you for your work on the Commission. Is there anyone else wishing to testify as a proponent for LB1034? Seeing none, anyone wishing to testify in opposition? Anyone wishing to testify in a neutral capacity? Seeing none, Senator Campbell. [LB1034]

SENATOR CAMPBELL: You're back to me? [LB1034]

SENATOR HOWARD: We're back to you. [LB1034]

SENATOR CAMPBELL: I was very negligent in not also indicating to all of you that the Department of Health and Human Services are also a part of the commission. CEO Courtney

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Phillips attends all of the meetings, as does Doug Weinberg. And that has been particularly helpful, as you can imagine, as the department has changed and moved forward in those divisions, as we heard from Director Weinberg. It's been great to have them at the Children's Commission. So this is one commission that tries to draw it together to make sure we've got the best policy we can for children and youth in this state. I need to indicate that we will have an amendment to present to the committee, because of the sunset date of June 30, this portion of it would need an emergency. And so we will have that amendment for you when we come back. [LB1034]

SENATOR HOWARD: Was that the AM2230, that you passed out? [LB1034]

SENATOR CAMPBELL: Yes. [LB1034]

SENATOR HOWARD: Okay, perfect. [LB1034]

SENATOR CAMPBELL: Yes, so everybody should have a copy, I think. And unless you have other questions, I don't have anything else. [LB1034]

SENATOR HOWARD: Are there any other questions? Senator Riepe. [LB1034]

SENATOR RIEPE: Quick one. I want to ask one, that is I assume DHHS is really supportive of this. [LB1034]

SENATOR CAMPBELL: Yes, I would have no reason to think that they weren't, Senator Riepe. And you know, I've decided that maybe what we should do for you is when you get kidded about the question, you should say I get one question, but I have a, b, c, and d. [LB1034]

SENATOR RIEPE: Thank you. I hope people on this committee heard that. Thank you. [LB1034]

SENATOR CAMPBELL: Thank you. [LB1034]

SENATOR HOWARD: Any other questions for Senator Campbell? Elice, are there items for the record? [LB1034]

ELICE HUBBERT: (Exhibit 4) We do have a letter of support from the Nebraska Psychological Association. [LB1034]

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SENATOR HOWARD: Fantastic. With that, we will close the hearing on LB1034. Now I will hand it back to my colleague, Senator Campbell. [LB1034]

SENATOR CAMPBELL: I want you to know, Senator Mello, I was ready in case. I'll be glad to substitute for you any time, but not on Appropriations. We're going to move next to Senator Mello's bill, LB939, which would adopt the Nebraska Early Childhood Advantage Act. Senator Mello, good to have you. [LB939]

SENATOR MELLO: (Exhibit 1) Good afternoon, Chairwoman Campbell, members of the Health and Human Services Committee. My name is Heath Mello, H-e-a-t-h M-e-l-l-o, and I represent the 5th Legislative District in south Omaha. LB939, the Nebraska Early Childhood Advantage Act, would establish annual state reporting requirements for the Department of Health and Human Services in administering state-funded home visitation programs. I want to first give you some background on how LB939 was initially developed. Last session, I introduced LR259, to examine Nebraska's current programming regarding home visitation for early childhood education and development, and assess the feasibility of expansion to statewide programming. I connected with the Home Visiting Data for Performance Initiative of the Pew Charitable Trust's Home Visiting Campaign, and learned about their work to support states in using data to improve practice and document the impact of public investments in home visiting. While I've long understood the value of home visiting programs for families and children, and I've personally supported state investment in these programs, along with our colleagues in the Appropriations Committee, digging deeper I learned that the field of home visiting has many models. And with that, various measurement strategies and research as to the effectiveness of the service. Similar to Pew's parameters for their initiative, the goal of LB939 is not to evaluate or compare the impacts of individual home visiting programs or models, but to establish annual reporting requirements by the Department of Health and Human Services on investment in evidence-based programs. The foundational work of former Senator Gwen Howard, state Senator Sara Howard, and my Appropriations colleague former Senator Jeremy Nordquist, along with other supporters have ensured state support of critical preventative home visiting services in the last decade. It is my intent that implementing this accountability requirement in LB939 will lay the groundwork for future investment and potential expansion of home visiting to reach more children, families, and communities across Nebraska. While we modeled the green copy of the legislation after Pew's recommended legislative language, the amendment before you, AM2221, would make revisions appropriate at this time for implementing this new reporting requirement for state-funded programs. The Department of Health and Human Services is federally required to provide evidence-based services delivery and a plan to measure indicators in reporting on the benchmarks. The accountability measure required by LB939 would highlight the work of the department and align the federally required reporting with a new state report. As you will hear after me, the Department of Health and Human Services complies with the federally required reporting under the Maternal, Infant, and Early Childhood Home Visiting Program known as

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the...it's escaping me, and I knew it was going to do it...MIECHV Program. The funds that are used for this reporting are restricted and cannot be used for existing state reporting. This necessitates a state funding provision, which is addressed in AM2221, along with these three other additional changes: the first, it transfers funds from the Health Care Cash Fund to cover the start-up administrative cost for the Department of Health and Human Services for this new reporting requirement; clarifies the exclusion of the Sixpence Program in the Nebraska Department of Education and the Douglas and Sarpy County Learning Community's superintendent's Early Childhood Program; third, it clarifies that the reporting requirement would only be for the funding administered by the Department of Health and Human Services; and lastly, it strikes interested private entities from the list of collaborators. I would like to note though, it does continue to include community partners in the bill. I believe that elements in LB939 compliment Chairwoman Campbell's leadership on the Intergenerational Poverty Task Force over this past interim, as well as our joint work with the Pew Charitable Trust on evidence-based policy making to assess the evidence-based nature of Nebraska's existing state programs on a much broader fiscal level. LB939, as amended, would set a foundation of accountability and reporting for future investments and potential expansion in Nebraska's support of evidence-based home visitation programs in families, in children, in communities that those programs serve. I want to especially thank the Department of Health and Human Services for spending some quality time with us this week to discuss LB939, and inform us about some potential revisions needed in the bill which you have in front of you in AM2221. I would also like to thank the Holland Children's Movement for their work on the legislation, and their ongoing consistent communication and coordination with service providers across the state. While I have focused heavily on the accountability during my opening statement, those coming after me will share some of the impacts of the home visitation programs in Nebraska and how LB939 would be part of building on that success for the future. With that, Madam Chair, I'd be happy to answer any questions you may have. [LB939]

SENATOR CAMPBELL: Thank you, Senator Mello. Senator Riepe. [LB939]

SENATOR RIEPE: Senator Campbell, thank you very much. Senator Mello, you're Chairman of the Appropriations Committee, is that correct? [LB939]

SENATOR MELLO: That is correct. [LB939]

SENATOR RIEPE: Help me out here a little bit, because when I go to look at the fiscal note, on page 1 it says \$82,247 under the cash fund, and on the following page it say \$82,247 under the general funds. And I'm just trying to determine whether that's a cash fund or a general fund. You see where I'm at on that? [LB939]

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SENATOR MELLO: The difference...I'll do my best, Senator Riepe, in regards to what you have in front of you...the bill as it is in the green copy is drafted where we would take essentially...the fiscal note, as you see that \$82,000 would come from existing Appropriations aid programs for home visitation programs. In talking with the department earlier this week, they have let out contracts for the next three years with that aid. And in discussing with them, we came to a conclusion that, instead of asking the department to essentially bring those contracts back and do essentially new contracts over the next three years, to take \$82,000 out of prorated...out of all these contracts over the next three years, that we would instead utilize, for a three-year period, cash funds from the Health Care Cash Fund to cover the start-up cost. And in 2019, we would then take that \$82,000 out of the new contracts that would be let out of the Home Visitation Programs. So in that respect, the general funds...and I guess the question is...I would have to follow-up with both how the Fiscal Office and the department, they obviously came up with the same number. I think in some respect we discussed this issue with both the Fiscal Office and the department, in regards to what was going to probably be put in the fiscal note immediately, but we told them we didn't want to harm any of the...we didn't want the department to have to go back and let out new contracts over a three-year period, if we can instead just use cash funds from another source. And that's what with the amendment we have in front of you, is cash funds from another source. It's not new general fund...even the green copy of the bill, I would remind you, is not new general funds. We're taking existing funds that are available and essentially would be giving it back to the department for administration of the evidence-based research. But instead, we wanted to take a different approach so that we wouldn't cause more work for the department in trying to accomplish what we want to accomplish with the bill. [LB939]

SENATOR RIEPE: I was just a little bit...because the numbers were identical. I was thrown in terms of which was coming from where. Thank you. [LB939]

SENATOR CAMPBELL: Other questions? Any senators questions? I assume you will not be staying to close? [LB939]

SENATOR MELLO: I am going to waive closing to get back to Appropriations Committee if at all possible. Thank you. [LB939]

SENATOR CAMPBELL: If we have any follow-ups, we'll know where to find you. All right, our fist proponent? [LB939]

SARAH ANN KOTCHIAN: (Exhibit 2) Good warm and sunny afternoon, Chairwoman Campbell and members of the Health and Human Services Committee. My name is Sarah Ann Kotchian, S-a-r-a-h A-n-n K-o-t-c-h-i-a-n, and I'm here today in support of LB939, on behalf of the Holland Children's Movement, a nonpartisan, not-for-profit organization founded by Richard

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Holland, committed to improving public policies essential to providing opportunities for success for children and families living in poverty. We would like to thank Senator Mello for his commitment to and introduction of LB939, and also his legislative aide, Rachel Meier, for her diligent work on this bill. As Senator Mello mentioned in his opening, LB939 arises out of LR259. Through our support of LR259 during the interim, I learned a great deal about the incredible work of the Nebraska Department of Health and Human Services public health staff, who are committed to ensuring that state funds are effectively invested to support home visitation services. And so I would also like to take the liberty to extend my sincere thanks on the record to Paula Eurek, Jennifer Severe-Oforah, and Jenny Allman (phonetic) for the lengths they go to in order to meet and serve the best interests of families. During the 2014-2015 contract period, the program served 320 families and conducted 3,149 home visits. The overall purpose of LB939 is to ensure accountability in reporting to the Legislature and Governor for the current and future state investment made in home visitation services. To this end, LB939 sets forth requirements that largely duplicate or overlay the federal requirements for the federal MIECHV Program that you've already heard about. Federal MIECHV requires evidence-based service delivery, a plan to measure indicators, and reporting on the benchmarks. Nebraska DHHS has been working with purposeful intention in recent years so that state-funded programs are also providing services that are aligned, in coordination and complementary, to the federally-funded home visitation program. All programs now utilize the same evidence-based model, and DHHS public health staff are working with the state-funded providers to collect and report similar data as the federal requirements backed programs for continuous program improvement. We want to ensure this work continues and is extended in a way that is beneficial not only to the programs, but also to informing the Legislature and government about this state investment. Many on this committee are no strangers to the fact that home visiting has long been utilized as a preventative health program in local communities, serving infants and new parents. The education, personal relationships, and referral services have helped decrease infant mortality rates, increase positive parenting skills, and decrease child abuse and neglect. The evidence-based framework for home visiting, when implemented to fidelity, shows reliable and measurable impact in important areas of family development to increase things like successful breast feeding; well child visits and immunization schedules; knowledge of child development; the physical, mental, and emotional health of the family; and to decrease things like child abuse and neglect, domestic violence, parental use of drugs, alcohol, and tobacco, and the emergency room visits for both mother and the child. Although one might typically consider home visitation services as benefiting new mothers, we must also always bear in mind that both parents can benefit. One story that has been shared with me that stands out is a referral from the hospital for a family with a newborn baby girl. The mother was having difficulty bonding and had a history of drug abuse. She had previous children removed from her home and Children and Family Services was concerned about her ability to parent this newborn. The father of the baby had had trouble in the past, but was clean and sober and wanted very much to raise this child. Shortly after the birth, the mother abandoned the family and left the area, leaving the father to raise his infant daughter. During the course of

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18 months, the father maintained home visits and attended group events, learning about his child and her needs, and applying what he learned in his daily life. He grew into a confident parent and a role model for other young fathers in the program, and eventually accepted a seat on an advisory board as a parent representative. In closing, we would ask that you consider and support the value that LB939 can bring to data and accountability for the valuable state investment made in home visitation services, and advance LB939 to General File. Thank you. [LB939]

SENATOR CAMPBELL: Thank you for your testimony. Questions, Senators? Senator Riepe. [LB939]

SENATOR RIEPE: Thank you, Senator Campbell. Thank you for being here. The question I have is how many...what other states have this program as such? Many or few, or just...or do you know? [LB939]

SARAH ANN KOTCHIAN: I don't know off the top of my head how many states provide state general funds or state investment in home visitation programs, but all states that meet the requirements can apply for and receive the federal dollars for home visitation programs. And if you would like me to, I can look into that and get back to you. [LB939]

SENATOR RIEPE: No, I just thought maybe you knew off the top of your head. Also, is this program primarily for the children or for the parents? [LB939]

SARAH ANN KOTCHIAN: That's a great question. And my answer is both. This is one of the best preventative programs we have to support parents to be their child's first and most effective teacher and one of their greatest advocates right from the start. [LB939]

SENATOR RIEPE: One of my concerns I guess, maybe it's an editorial more than anything, is you first have to start with the desire, like any form of learning. And I don't know where we're at on that. Listening to news reports, I grow concerned. I may come back, but thank you. [LB939]

SENATOR CAMPBELL: Other questions? Senator Kolterman. [LB939]

SENATOR KOLTERMAN: Thank you for coming today. I just want to make a general comment in answer to Senator Riepe's question. I've seen this program utilized firsthand in a family setting that I'm aware of, and it's just a wonderful program. And thank you all that are working on this. Because when you bring all of these different organizations together and we have this plan in place, it allows us to do exactly what you were talking about. So thank you. [LB939]

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SARAH ANN KOTCHIAN: Thank you. [LB939]

SENATOR CAMPBELL: Any other questions? I just have to say that when Senator Mello mentioned Results First, which is a way of looking at best practices, on looking at your programs and how they match up, I would have to tell you that when we did LR37 and in reviewing the best practices reports that Pew put out...particularly we took a look at New Mexico...this program of home visitation comes up as the number one child abuse prevention program across the country. It just makes a great difference if families have support right from the beginning and can answer questions. And so oftentimes states will put their child abuse prevention money into home visitation because it's such a proven best practice. So thanks for your testimony. Senator Riepe. [LB939]

SENATOR RIEPE: Thank you. I have a follow-up question. How does one qualify for the program and who decides which families get to participate? [LB939]

SARAH ANN KOTCHIAN: That's a great question. [LB939]

SENATOR RIEPE: Has a application interview in the home? [LB939]

SARAH ANN KOTCHIAN: The answer is it depends. It could be based on risk factors that the family may present, and they're reported or referred over. It's a voluntary program, so the parent has to want to participate. How the grants were chosen on who...on the areas on where the money would be distributed was based on a statewide needs assessment. And they really went in-depth in communities to identify where will these services best benefit the community, and then they do outreach to communities to find families, to reach out to families to see if they're interested in the program. Sometimes it can be based on income or other interactions with community partners or agencies or the state. [LB939]

SENATOR RIEPE: Do you ever get in the situation, we did in pediatrics where we would have two parents and sometimes you would have to have one of the...parent who had custody who would have to bring papers in? I mean, do you run into that kind of negotiation out there in the field, of saying who is the in-charge parent? [LB939]

SARAH ANN KOTCHIAN: That is a very technical question related to the program, but I'm very pleased to tell you that someone is following me who has a great amount of experience in direct services and home visitation, and I'm sure she can answer that question. [LB939]

SENATOR RIEPE: Okay, thank you so much. [LB939]

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SENATOR CAMPBELL: Anything else, Senators? Thank you for your testimony. [LB939]

SARAH ANN KOTCHIAN: Thank you very much. [LB939]

SENATOR CAMPBELL: Our next proponent? [LB939]

KRIS STAPP: Good afternoon, Senator Campbell. [LB939]

SENATOR CAMPBELL: Good afternoon. [LB939]

KRIS STAPP: And gosh, do you...looks like you have a full committee pretty much in and out? [LB939]

SENATOR CAMPBELL: Just about. Senator Crawford had to go to open on another bill. So start right out, tell us who you are. [LB939]

KRIS STAPP: I will. My name is Kris Stapp, I'm here representing the Visiting Nurse Association. And you may catch me referring to us as VNA, so... [LB939]

SENATOR CAMPBELL: We need to have you spell it, sorry. [LB939]

KRIS STAPP: (Exhibit 3) I'm sorry. It's Kris, K-r-i-s, last name is Stapp, S-t-a-p-p. I am vice president and oversee VNA's community and public health services, of which our home visitation...early childhood home visitation programs are a part. And I am here today to express our support of LB939, to adopt the Nebraska Early Childhood Advantage Act. First, I must thank Senator Mello, even though he is not here, for recognizing the value of Nebraska's investment in early childhood home visitation for at-risk families, and having the vision to recognize the importance of statewide program reporting, data collection, and analysis. And I would be remiss if I did not also thank Senator Howard and Senator Gwen Howard for their longstanding support of home visitation in the state of Nebraska. And for Senator Campbell and her tireless work supporting these at-risk families. So why is this important? High-quality early childhood home visitation programs make a significant impact on struggling and vulnerable young families. At the same time, it saves time and money in both the justice and human services systems. In May 2012, and I was sure somebody was going to steal my steam here, the Pew Center on the states had a report that they issued called The Case for Home Visiting, that stated that the highest quality home visitation programs produce positive outcomes which yield savings up to \$5.70 for every taxpayer dollar spent. And how does it do this? It's by reducing mental health, criminal justice costs, decreased dependence on welfare, and increased participant employment. Mothers

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in home visitation programs are more likely to deliver healthy babies and less likely to become involved in the criminal justice system, and their children are less likely to suffer from abuse and neglect. In the 2015 Kids Count in Nebraska report, Voices for Children put it actually very well, they really asserted that exposure to childhood abuse and neglect hinders children's healthy social, emotional, and cognitive development. If untreated, toxic stress makes it more likely that children will adopt risky behaviors which negatively impact their future health and success. This is also supported by the Adverse Childhood Experience's study, if you're familiar with the ACE study, which suggests that certain life experiences are major risk factors for the leading causes of illness and death, as well as poor quality of life, in the United States. VNA has been an active participant in state-funded early childhood home visitation since inception, first, in a multidisciplinary collaboration with Child Savings Institute and, now, as a provider of the evidence-based Healthy Families America program. The state's oversight and support has evolved over time, with the move to evidence-based programming setting a high-quality expectation that focuses on prevention and early intervention strategies in working with at-risk families. And what we see are long-term differences can occur for these families, when we look at the impact. Adopting the Nebraska Early Childhood Advantage Act would further the accountability of providers because I do, as providers, feel that we are accountable, but it would also inform the Governor and the Legislature of the value of the state's investment. Much would we gain by funding to support the collection and analysis of program performance and outcome data at the state, provider, and participant level. Although VNA currently collects aggregate client demographic and outcome data based on the federal benchmarks, the MIECHV program, which was established in 2010, a statewide system that provides regular data, as it's defined in LB939, would be a significant step forward in achieving data-informed practices in home visitation and the opportunity to impact outcomes through continuous quality improvement processes. Now my favorite part. And I am sure, because I know the state program that oversees home visitation collects many success stories, but I have one of a family that has been a participant in our Healthy Families America program, and I would like to share that with you. The names have been changed. When "Kari" began home visits with her Healthy Families America nurse home visitor, she had a newborn, and she was struggling to maintain hope. "Kari" suffered chronic depression and was plagued with thoughts of suicide. Living in a controlling and abusive marriage made community referrals for mental health counseling extremely difficult, but "Kari" continued to open the door each week to discuss her concerns with her home visitor. With time, she gained trust and discovered her many strengths and values. For several months, "Kari's" depression made it difficult for her to play and enjoy interacting with her child. Mom was tired and the baby was always fussy. Mom often cried during home visits. After a heated argument with her husband, "Kari" filed for a protection order and was connected with the Women's Center for Advancement to discuss options. Step by step, week by week, "Kari" has learned to establish boundaries, file for divorce, shield her daughter from toxic stress, and gain full-time employment. One day at a time, she is maintaining her bills and has created a safe home for her daughter. She continues to work on her problem solving skills and is actively

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working on new personal goals. The change in baby "Melanie's" personality has been tremendous. She no longer cries and clings to mom when the nurse arrives, she has started smiling a lot, and mom is smiling back. They make silly faces at each other and laugh at the little things. Mom now describes her daughter as a curious explorer. Mom's recent depression score was low, not even indicating mild depression. "Kari" is more confident and now is able to give herself credit for the positive changes she made in her life and her daughter's. And VNA's Healthy Families America program is really pleased to be able to share this kind of growth with the families that we serve. So I thank you for your support of LB939. [LB939]

SENATOR CAMPBELL: Thank you for your testimony. Questions, Senators? Thank you for coming today and the story. [LB939]

KRIS STAPP: You're welcome. I am pleased to. [LB939]

SENATOR CAMPBELL: Absolutely, thank you. Our next proponent? Anyone else? Good afternoon. [LB939]

SHANNON FERGUSON: Good afternoon. I'm not sure of the exact process, I came here on a student assignment. But I have something that I feel that you guys would like to know. [LB939]

SENATOR CAMPBELL: And we need to know your name and spell it. [LB939]

SHANNON FERGUSON: Sure, it is Shannon Ferguson, S-h-a-n-n-o-n F-e-r-g-u-s-o-n. [LB939]

SENATOR CAMPBELL: Okay, go right ahead. [LB939]

SHANNON FERGUSON: I just feel sometimes, as a social work major, that it's really important to know some personal stories, or stories of other members that take a part of programs like this. And I know quite a few individuals that do take a part of this program. And one individual in particular grew up in the foster care system herself and she has five children, and right now she has two in her custody, the rest she has given guardianship away to others within the first probably four months. One went home with someone at two-days old. And the oldest one she has right now, who is five, has gone back and forth to Mexico with different individuals, has been in foster care, and whoever is home will take him. And she just recently had a baby--she's a year old now. And a few different people encouraged her to participate in this program and she's kept this child, and she has her next oldest one now. And it is because of this program, she has spoken to me about this program, the things she has learned, the things that she now sees as

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important. She is breastfeeding this child still. There's just fabulous results from her having someone come in her home to support her. [LB939]

SENATOR CAMPBELL: Thank you for sharing your experience. Questions, Senators? And where are you a social work major? [LB939]

SHANNON FERGUSON: At Union College. [LB939]

SENATOR CAMPBELL: At Union College. For the folks who do not live in Lincoln, can you tell us a little bit about Union College? [LB939]

SHANNON FERGUSON: I could. Union College is a Seventh Day Adventist college, it's been here...I'm not sure exactly when it started, but it's been here for quite a long time. [LB939]

SENATOR CAMPBELL: Yes. My husband and I had the opportunity to serve on an advisory board for Union College and we were so impressed with the programs. Because you have a physician assistant program, do you not, at Union College? [LB939]

SHANNON FERGUSON: Yes, we do. And the International Rescue and Relief Program. So Union, through a lot of their different programs, is very heavily involved in the community. [LB939]

SENATOR CAMPBELL: Yes, very much. Anyway, thank you for sharing your story. Very important. Anyone else as a proponent for the bill? Anyone in opposition to the bill? Anyone in a neutral position to the bill? Okay, Senator Mello has waived closing, so that completes the hearing. [LB939]

SENATOR KOLTERMAN: Anything to read into the... [LB939]

SENATOR CAMPBELL: Oh, sorry. There she is waving. Thank you, Senator Kolterman. Elice, we have items for the record. [LB939]

ELICE HUBBERT: (Exhibits 4 and 5) We do. We have two letters of support: one from Nebraska Health and Education Alliance; and one from Voices for Children. [LB939]

SENATOR CAMPBELL: Then that officially closes the hearing, and we will move to LB1081, my bill. Senator Crawford, do you want to? [LB939]

SENATOR CRAWFORD: I will, thank you. Welcome, Senator Campbell. [LB1081]

SENATOR CAMPBELL: (Exhibit 1) Thank you, Senator Crawford and members of the Health and Human Services Committee. My name is Kathy Campbell, K-a-t-h-y C-a-m-p-b-e-l-l, and I represent District 25. LB1081 directs the Department of Health and Human Services to exclude certain income related to grant-funded research participation when determining eligibility for TANF, SNAP, childcare, and LIHEAP. I would like to give you some background on the purpose for the exclusion. We have a very unique opportunity here, and this bill ensures Nebraska can be a part of a nationwide study by neuroscientists, economists, and developmental psychologists on poverty and the outcomes of children. UNMC has been selected as one of the four research hospitals in the country to help conduct the first US study on whether unconditional income has a causal effect on the cognitive, social, emotional, and brain development of infants and toddlers in low-income families. The researchers have gathered significant financial support so that the increased income does not come from the government. But they want to assure a no-harm approach, not only for the sake of the families participating, but also because without this bill and the exclusion of the income provided by grant funds for this study, the income they provide would bump families off of TANF, SNAP, childcare, and LIHEAP assistance, and not actually cause an increase in income, which is the whole point of the study. The study is so important to see if there is a causal relationship and not merely correlation between income and child outcomes. That kind of evidence just does not exist. The results gained by this study, not to mention the renown for UNMC, will help future legislators make smarter, more informed policy decisions about funding for public assistance programs. LB1081 would permit grant-funded researchers, for a limited period of time, to provide a limited stipend to families in poverty, without otherwise altering their eligibility for the public assistance programs I've named. LB1081 does not require the state to increase benefits, and the increased income does not come from the state. In fact, there is no financial impact to the state for this bill. The exclusion is narrow, it applies solely to income that research participants receive as part of a study to determine the impacts I've outlined. There is precedent for this approach. Nebraska has used income pact research to set its current aid to poor families. In 1995, the Legislature passed LB445, which prevented different benefits to various recipients to study the impact. The "Employment First" pilot ultimately resulted in today's statewide system. Statutes currently direct Nebraska's Department of Health and Human Services to exclude other sources of income for reasons that benefit the goals of the state. For example, student financial aid is disregarded. I've also provided the committee with an amendment AM2180, which was requested by the Department, that clarifies the exclusion must be permissible under federal law, and sunsets the exclusion in six years, at the end of year 2022. The amendment also includes a provision for LIHEAP, Low Income Home Energy Assistance, that was inadvertently left out of the original draft. And there are two other testifiers here that are going to be a lot more detail to this. I first heard about this program...or this opportunity, like a year ago or two years ago, when it was first being looked at. But to have Omaha chosen as one of the four in the nation is really quite a

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signal event, I think, for the state and, certainly, the work at UNMC, and for the families. Hopefully, we would gain the research and be able to set programs so legislators who sit in our spots several years from now can have the benefit of this research. And I'll take any questions that you have, or you may want to wait and talk to the experts. [LB1081]

SENATOR CRAWFORD: Thank you, Senator Campbell. Any questions? Senator Baker. [LB1081]

SENATOR BAKER: Thank you, Senator Campbell. I'm excited about the research that would come out of this. In your amendment, when you talk about "if the exclusion is permissible under federal law," do you think there's some doubt? [LB1081]

SENATOR CAMPBELL: I'm going to let them answer that question. How it was explained to me was no, but I think the Department wants to be very clear. And it's like stating things for the record, they want to make sure it's in the record. [LB1081]

SENATOR BAKER: And what would happen if they couldn't take on that additional income? Would the program still go forward? [LB1081]

SENATOR CAMPBELL: I don't believe so, we'll let them answer that. But I'm pretty sure that they probably would work that out. And they can also tell you what the other three sides are, because I kind of lost track of that. [LB1081]

SENATOR CRAWFORD: Thank you. Any other questions for Senator Campbell? Thank you. [LB1081]

SENATOR CAMPBELL: Thank you, Senator Crawford. [LB1081]

SENATOR CRAWFORD: So we will now hear from testifiers in support of LB1081. Welcome. [LB1081]

ELIZABETH EYNON-KOKRDA: Thank you very much. [LB1081]

SENATOR CRAWFORD: And the seat is very low there. [LB1081]

ELIZABETH EYNON-KOKRDA: It is, it's low. Members of the committee, my name is Elizabeth Eynon-Kokrda, spelled E-l-i-z-a-b-e-t-h E-y-n-o-n, hyphen, K-o-k-r-d-a, and I am here

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on behalf of Nebraskans for Poverty Research, in support of LB1081. Most everything that Senator Campbell said was about what I was going to say. So what I would like to do instead is jump to some of the questions, for example, that were raised. Senator Baker, I think you asked about the question of federal law. Our understanding, we do actually have a letter from the Department of Health and Human Services that states that this is permissible. It's permissible for TANF, which is ADC, and childcare. LIHEAP follows SNAP right now under law, SNAP being the food stamp program, and SNAP legally has a clause that says if the state excludes this for TANF, it may also exclude it for SNAP. So we have no reason to believe, based on what we've gathered from the federal Department of Health and Human Services and from SNAP regulations. However, I am aware that the Health and Human Services Department, as Senator Campbell alluded, said we just want to make sure; and so the exclusion. And one of the things that could happen is, because this is a federal block grant to the states, what if the feds were to change their rules three years from now? Well, then we wouldn't want to have a law on the books that would say do opposite of that. So I think it's basically to make sure that we never run afoul of federal law. [LB1081]

SENATOR CRAWFORD: Senator Baker. [LB1081]

SENATOR BAKER: Yes, following up on that. What would happen, worst-case scenario, the law changed and you couldn't do this? Would the program end? [LB1081]

ELIZABETH EYNON-KOKRDA: Well, the study probably would not need to end to the extent that they'd already received it and they would have to probably shortchange the study. In other words, let's say three years from now they've done it, they wouldn't be able to do that fourth year of research. I can talk to you a little bit more about the details of what the study anticipates, which is it includes at this point 1,000 mothers across the United States. And the four sites are: New York City, where there's already been a pilot program, to make sure that they can gather the data; Minneapolis; and New Orleans; along with Omaha. And these sites have been chosen precisely because they have diversity in many ways. They have diversity in the number of urban cities; they have diversity in the different populations that are being served; and they have diversity in the programs, because the states receive these federal block grants, but different states choose to use them differently, employ them differently, have different exclusions. [LB1081]

SENATOR CRAWFORD: Yes, Senator Riepe. [LB1081]

SENATOR RIEPE: Thank you, Senator. My question would be is what would be the size of your population that you're going to be studying? [LB1081]

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ELIZABETH EYNON-KOKRDA: In Nebraska, it would be 250 women who have hopefully just...have a young child. That's why they're cooperating and coordinating through UNMC, that has not only the great equipment to do child development and brain neurological research, but also that it's in the heart of Omaha, where it's anticipated low-income women are largely being served. Of the 250 women, because it is a randomized trial precisely to get to the causal issues, 125 would receive the stipend that is of a significant enough level to determine that it makes a difference, and the other 125 would be I guess what you would basically called the... [LB1081]

SENATOR RIEPE: The control group? [LB1081]

ELIZABETH EYNON-KOKRDA: The control group. Thank you very much, the control group. And they would receive a very small stipend. [LB1081]

SENATOR RIEPE: Are these single women or does it matter? [LB1081]

ELIZABETH EYNON-KOKRDA: It doesn't matter, no. We don't know. They haven't been selected yet, but they do...I think it is of note that they are selected before they understand that this is income. So in other words, they are asked would you be willing to participate in research about the development of your child, and it's only after they say they are willing to do that that they are made aware that the income is involved. [LB1081]

SENATOR RIEPE: How long do you think it would take you to put together your 250, so that you can then, in essence, start? [LB1081]

ELIZABETH EYNON-KOKRDA: My understanding is they don't expect that's a challenge at all. [LB1081]

SENATOR RIEPE: Oh, okay. Is there a reward for participation for anybody? [LB1081]

ELIZABETH EYNON-KOKRDA: No, that wouldn't be permissible under the ethical rules for IRB. And even the main funder for the research is the NIH, that requires people to follow all of the federal laws. [LB1081]

SENATOR RIEPE: Sure. Okay, thank you very much. [LB1081]

SENATOR CRAWFORD: Senator Kolterman. [LB1081]

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SENATOR KOLTERMAN: Thank you, Senator Crawford. And thank you for coming. So this grant...that it's going to go to UNMC, correct? [LB1081]

ELIZABETH EYNON-KOKRDA: No, the grant would be an NIH grant that goes to researchers that are on the main team that sought the grant, then that main team is participating with UNMC. So I'm sure that some of the expenditures from the grant will benefit UNMC, because of the expenses of doing the research. [LB1081]

SENATOR KOLTERMAN: Okay, thank you for clarifying that. And then are all of the women coming from Omaha metropolitan area? [LB1081]

ELIZABETH EYNON-KOKRDA: We anticipate that they should all be in the Omaha metro area. I'm hesitating, but I believe that they want to make sure that they keep it in that area because of the...like I said earlier, the diversity of people. It's so they understand who they are dealing with and the benefits that are available, based on the specific locales. [LB1081]

SENATOR KOLTERMAN: This intrigues me simply because two nights ago I sat down with another institution in Nebraska that's doing research similar to this. And the more we can have, the better off we're going to be. It's just it sounds like a great program. [LB1081]

ELIZABETH EYNON-KOKRDA: Thank you. [LB1081]

SENATOR CRAWFORD: Any other questions? Thank you so much for your testimony. [LB1081]

ELIZABETH EYNON-KOKRDA: Thank you. [LB1081]

SENATOR CRAWFORD: Welcome. [LB1081]

DON WESELY: (Exhibit 2) Senator Crawford, members of the Health and Human Services Committee, for the record, my name is Don Wesely. And this chair is really low, I feel like some porridge. My name is spelled D-o-n W-e-s-e-l-y. I am here representing Nebraskans for Poverty Research. Been working on this since last summer, when Elizabeth got ahold of me about the idea. And I got to tell you, I was like Senator Campbell, and Senator Campbell knew about this even before I did. It's exciting. I mean, Nebraska will be part of a national study to help us understand impacts of poverty on child development, brain development particularly, and otherwise. And so it has a tremendous potential to benefit the state, and Omaha in particular, but the whole nation. So I was all in to try to help this to happen. We thought at first, frankly, that

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maybe DHHS could just administratively do this, and they've been very cooperative. We've been talking to them for months about this, and they've been very cautious, they've had some situations where they didn't get full approval and move forward. They want to be sure everything is okay with this, and so we applaud their caution in trying to make sure they get approval. They have requested from the national offices to get something back in writing. We actually delayed the hearing on this for a while, hoping that we'd get word, and we haven't gotten it yet. But we're very confident that we will get that. As was mentioned by Elizabeth, we've already got one letter saying that. So we think we will be okay to go forward. I did pass out for you a letter from Katherine Magnuson, she's one of the leads on this--she's out of the University of Wisconsin. But it gives you also some of the other researchers in the second page from Columbia, UC Irvine, NYU, Maryland, Harvard, and the Med Center would be part of that as well. And, as was mentioned, there will be four cities selected and Omaha will be one of them, so we think it has great potential. It doesn't cost anything, I mean, it will all be...I think many of you met Katie Weitz, and the Weitz Foundation will be funding much, if not all of the additional resources to these low-income individuals, and we want to recognize what a tremendous gift that is for her to do and her family foundation. And I think there's a letter, as well, from her that should be part of the record. I don't know if that got to you. Okay, thank you very much. Katie would be here, but she's seeing Hamilton in New York City, so she couldn't be with us today. I think this is great, I think it will be wonderful. I'd be happy to answer some questions as well. I'm trying to look if there's anything else I need to share with you. But we have had a chance to talk to you individually, and we think this will be a project that we'll be proud of. And after four years, we'll know much more about the impact of poverty on babies and children. [LB1081]

SENATOR CRAWFORD: Thank you. Any questions? Thank you. [LB1081]

DON WESELY: Thank you. [LB1081]

SENATOR CRAWFORD: Anyone else wishing to testify in support of LB1081? Anyone wishing to testify in opposition to LB1081? Anyone wishing to testify in a neutral capacity? Do we have any letters for the record? [LB1081]

ELICE HUBBERT: (Exhibits 3 and 4) We do. We have a letter of support from Dr. Katie Weitz, executive director of the Weitz Family Foundation; and also one from the National Association of Social Workers-the Nebraska Chapter. [LB1081]

SENATOR CRAWFORD: Thank you. Senator Campbell, would you like to close? Senator Campbell waives closing, so this will end our public hearing on LB1081. [LB1081]