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Health and Human Services Committee
October 14, 2016

[LR507]

The Committee on Health and Human Services met at 1:00 p.m. on Friday, October 14, 2016, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR507. Senators present: Kathy Campbell, Chairperson; Sara Howard, Vice Chairperson; Roy Baker; Sue Crawford; and Merv Riepe. Senators absent: Nicole Fox and Mark Kolterman.

SENATOR CAMPBELL: Good morning, everyone, and welcome to the hearings of the Health and Human Services Committee. I'm Senator Kathy Campbell and I represent District 25, which is east Lincoln and eastern Lancaster County. We'll do a couple of housekeeping things first. If you're planning to testify today even though we have a list, we ask you to fill out one of the orange sheets that are on either side. Yes, thank you very much. The fan I hear is helping us out. (Laughter) And when you come forward, we need you to state your name and spell it for the record. We'll remind you to please silence or turn off your cell phones because that can be very disturbing. Today we are concentrating on Alzheimer's and also having an interim study. So we're going to start out with Senator Davis is, I think, giving us a presentation on the Nebraska state plan for Alzheimer's disease. And Senator Davis, this has really been a long time coming, hasn't it?

SENATOR DAVIS: It has.

SENATOR CAMPBELL: So, go right ahead.

SENATOR DAVIS: (Exhibit 1) Good morning, members of the Health and Human Services Committee. My name is Al Davis, A-l D-a-v-i-s, and I represent the 43rd Legislative District in the great state of Nebraska. As the chairperson of the State Planning Subcommittee, I'm here today to present the Nebraska State Plan for Alzheimer's Disease and Related Dementias, which has been distributed to you. It presents a path forward for the state of Nebraska to deal with growing concerns surrounding Alzheimer's and dementia in our state. This plan was created by a collaboration of individuals and organizations, many of whom sit behind me today. Together, we form the State Plan Subcommittee of the Aging Nebraskans Task Force. As many of you recall,

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the Aging Nebraskans Task Force was introduced and established by LB690 in 2014 by State Senator Kate Bolz. Among the recommendations for the strategic plan created by the Aging Nebraskans Task Force called for a creation of a state plan that sits before you today. Following my introduction, Clayton Freeman of the Alzheimer's Association will be outlining many of the key points and recommendations of the state plan. In addition, he will explain where the state currently stands on implementing these recommendations as well as suggested paths to move forward. I want to state that Clayton has been a wonderful advocate and a great leader and has done a tremendous yeoman's work on putting this together, and we had a lot of volunteers who spent a lot of time building a good plan. So with that, I'd be happy to try to answer any questions; but I do believe the people behind me can probably do a more adequate job of doing so.

SENATOR CAMPBELL: Senator Riepe, you have a question?

SENATOR RIEPE: Thank you, Senator. Senator Davis, thank you for being here. Good to see you again.

SENATOR DAVIS: Thank you.

SENATOR RIEPE: Did I hear you say outstate Nebraska...plan for outstate?

SENATOR DAVIS: I said...no, I said the great state. (Laughter)

SENATOR RIEPE: Oh, great. Okay. I was just curious whether it was targeted more towards a rural market for some reason and if so, why. Thank you. Thank you, Chairman.

SENATOR CAMPBELL: Okay. Any other questions? All right. Elice, the letters that we've received, have they been about the plan or the interim study?

ELICE HUBBERT: The interim study.

SENATOR CAMPBELL: Okay. We'll make sure that we get the letters in. And so we're going to Clayton, is that right? Okay. Thank you, Senator Davis.

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SENATOR DAVIS: Thank you.

SENATOR CAMPBELL: Good morning.

CLAYTON FREEMAN: (Exhibit 2) Good morning, Senators. Thank you. My name is Clayton Freeman. I'm the director of programs and public policy for the Alzheimer's Association. First of all, I want to thank you for the support you've given our subcommittee of the Aging Nebraskans Task Force.

SENATOR CAMPBELL: We're going to interrupt you because you do need to spell your name for this.

CLAYTON FREEMAN: Oh, I'm sorry. Clayton, C-l-a-y-t-o-n, Freeman, F-r-e-e-m-a-n.

SENATOR CAMPBELL: And do you need a form, Elice?

ELICE HUBBERT: Yes.

CLAYTON FREEMAN: I will fill one out for you.

SENATOR CAMPBELL: All right. Go right ahead.

CLAYTON FREEMAN: Yeah. So, you know, I want to thank you, the committee, for your support of the Aging Nebraskans Task Force and our mission to provide Nebraskans living with dementia and their caregivers or care partners the information, support, and safety they need to continue to live the good life here in Nebraska. The state plan for Alzheimer's disease and related disorders was introduced in June as a living, breathing document that may be edited or revised to best serve Nebraskans living with dementia, as well as to best serve their caregivers and their care partners at any time. The current plan consists of 31 recommended action items, some of which are subitems to larger actions. However, as you can see on the one sheet document we have provided, we have already been able to provide, been able to implement, many of the recommended actions. The plan was devised to produce the most benefit for Nebraskans as

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possible without the need for financial or legislative resources. This was done by researching, compiling, and utilizing the existing resources that have been created by the federal government, as well as other states and entities such as the Dementia Friendly America, the Alzheimer's Association, and others. Looking forward: There are some recommended actions that may need financial and/or legislative support in the future. These items you can also find on the one-page document provided. For example, the Silver Alert program, which we will be discussing later today, may require financial and legislative support. The current plan calls for an investigation into the cost and benefits of a program like this. If our research proves that this plan is beneficial, implementation would require financial and legislative support. Likewise in this current plan, we will research and recommend best practices for a dementia disease registry similar to the state Parkinson's Registry and Brain Injury Registry. If we find this would be beneficial for Nebraskans living with dementia, development of this would likely require financial and legislative support. Items that will require more effort and collaboration between our various organizations will continue to be worked on until January 1, 2017, at which time the Aging Nebraskans Task Force, as well as this subcommittee working on the state plan, will dissolve. We believe that this subcommittee for the state plan, which has representation from a variety of stakeholders, both public and private, for profit and nonprofit, has been a powerful and an effective team and one that we would continue to emulate moving forward. Therefore, we suggest that the current subcommittee should identify and/or appoint a new team of volunteer representatives of their respective organizations to continue the efforts and measurements of this plan post-January 2017. The new team will serve...the new team of volunteers will serve one-year terms and the committee will be renamed the Nebraska Alzheimer's Disease and Related Disorder Task Force. This group will work to ensure any remaining recommended actions are implemented in the state as well as continuing to monitor, measure, and make recommendations for new actions moving forward. The Nebraska Alzheimer's Disease and Related Disorder Task Force will continue in perpetuity or until a sitting task force deems its work is complete.

SENATOR CAMPBELL: Thank you very much. Questions, Senators? Senator Riepe.

SENATOR RIEPE: Thank you, Senator Campbell. Three times you mentioned financial and legislative support. Can you give me some numbers that says what kind of financial support? I

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assume legislation would be enabling. I'm more concerned about what kind of appropriations are we talking about here, both in a one year and then forever?

CLAYTON FREEMAN: It's a good question, Senator. I think that's why, for example today, we're going to talk about the Silver Alert one. I really don't know what those numbers would like until we actually look at what some of these are going to be. For example, if we were to develop a dementia state registry, what would that look like? I think we look to examples like the Parkinson's Association and others who have done that to see what those bills look like and emulate that. I think the Silver Alert that we're going to talk about later may be something that will be done without legislation. It may become voluntary and not have a fiscal note. We don't know that until we begin to look at some of these. I think, you know, these are the kind of examples where we may be able to look at past legislation and begin to say, how did that get funded, and utilize some of those same tools.

SENATOR RIEPE: Are there opportunities to take existing programs and to consolidate and collapse those into this particular program that you're proposing?

CLAYTON FREEMAN: Absolutely, and I think we're going to be looking for those kind of partnerships to say, if there's something that's already existing, can we partner with that, can we become...help them become more effective. Absolutely. You know, I think we want the state plan to be something that is...we want to make it happen. And so the more we can collaborate, work together, find good ways to do this within fiscal limits, that's where we want to be.

SENATOR RIEPE: Okay. Thank you for being here, Mr. Freeman. Thank you, Chairman.

SENATOR CAMPBELL: Senator Crawford.

SENATOR CRAWFORD: Thank you, Senator Campbell. And thank you for your work on this task force.

CLAYTON FREEMAN: Thank you.

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SENATOR CRAWFORD: So are the...is the one point of entry portal, is that something that's already started? Is that something that we have the commitment of the department to work with the committee on?

CLAYTON FREEMAN: Absolutely. And if you...you know, we gave you this sheet here and I'm sure you haven't had a chance maybe to look through all of it, but what's really exciting, Senator, is that the first 17 items on that list are already implemented.

SENATOR CRAWFORD: Oh, okay.

CLAYTON FREEMAN: Now, that portal you're talking about is a landing site on the DHHS Web site which will be a place for anyone to go to, to begin to find out what some of these issues that we've listed--these first 17--are already there. So if you go to that Web site, and what I want to stress is this is a living Web site, a living site, so we're going to be adding to it, developing it as we go along. But we felt it was important that some of these first ones, for example, the paying for care calculator on-line. Easy to do. It's on that Web site. Downloading legal documents for powers of attorney and such, those are now available. So we're very excited to say that those 17 items are complete and this new Web site, or landing site we call it, is now up and running.

SENATOR CRAWFORD: Excellent. Thank you.

SENATOR CAMPBELL: Any other questions, Senators? One of the questions, I'm missing that sheet. Elice, do you have that? That he's referring to the one page.

CLAYTON FREEMAN: I have a free set.

SENATOR CAMPBELL: If you could just leave one with the clerk, we'll make sure that all the senators get a copy.

CLAYTON FREEMAN: And I have packet for each of you with that information.

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SENATOR CAMPBELL: Is this the packet that you're referring to?

CLAYTON FREEMAN: Yes, I think...did you already give those to them? Yeah, that's it.

SENATOR CAMPBELL: We were all kind of looking through them as you were talking.

CLAYTON FREEMAN: Wonderful, yes. Thank you.

SENATOR CAMPBELL: One of the things that I was looking for and maybe I didn't find it, is there a list of the task force members in the report?

CLAYTON FREEMAN: Yes, there is. It's in the full report.

SENATOR CAMPBELL: Oh, in this one.

CLAYTON FREEMAN: Right, yeah.

SENATOR CAMPBELL: Okay.

CLAYTON FREEMAN: The other one is really kind of an infographic, a two-page summary. But everyone on the subcommittee is listed in there.

SENATOR CAMPBELL: Okay. And that's always very helpful because I know from the hearings and all the work that Senator Bolz did, Senator Davis and Senator Bolz, Senator Mello, Senator Cook, and I were the Senators that served on this then, were so impressed with the members of the Alzheimer's Association and, you know, how much work had already gone into this. Will we be the last state to adopt one?

CLAYTON FREEMAN: I hope not.

SENATOR CAMPBELL: But we're pretty close, aren't we?

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CLAYTON FREEMAN: We're close. Yes, we're close. But you know, the state plan we got done and we're now...you know, I always say to the association, I love when our state shows up purple on the maps. And you know, this is really one of the goals was to get this going. And I really want to thank the Aging Nebraskans Task Force. That was the platform, Senators, that really made this happen, I believe. We were able to go to that task force and then they made it a recommendation and then Senator Davis said, I'll take it on. It was just that synergy. But we're going to get it done and I'm looking forward to it.

SENATOR CAMPBELL: Absolutely. Absolutely. Well, there's a lot of great work that's already been done and we thank you very much and hope you'll convey our thanks to all the members of the task force.

CLAYTON FREEMAN: I will do that, Senator. Thank you.

SENATOR CAMPBELL: Excellent. Thank you so much.

CLAYTON FREEMAN: Thank you.

SENATOR CAMPBELL: Senator Davis, is there anyone else who wishes...that you plan to have testify on this? Okay. That will conclude the presentation of the report and I am making the assumption that all senators will receive a packet about the plan, so they're ready to go. We'll go ahead. Senator Davis, you want to come forward and we'll move...while Senator Davis is coming forward, I'm going to have the senators--I think we have everybody now--introduce themselves, so I'll start on my right.

SENATOR BAKER: Senator Roy Baker, District 30, southern Lancaster County and all of Gage County.

JOSH HENNINGSEN: Josh Henningsen, committee legal counsel.

SENATOR CRAWFORD: Good morning. Senator Sue Crawford, District 45, eastern Bellevue, Offutt, and Sarpy County.

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SENATOR RIEPE: Senator Merv Riepe. I'm with Legislative District 12, which is Omaha, Millard, and Ralston.

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

SENATOR CAMPBELL: And we need to have our page introduced. Would you stand up and introduce yourself?

BRIANNE HELLSTROM: I'm Brianne Hellstrom.

BRENDA GALLARDO: I'm Brenda Gallardo.

SENATOR CAMPBELL: And where are you from?

BRIANNE HELLSTROM: I'm from California.

BRENDA GALLARDO: And Wakefield, Nebraska.

SENATOR CAMPBELL: Excellent. So if there's anything, any questions that you have, the pages are very helpful and can locate materials for you. We will open the LR hearing on 507, Senator Davis' interim study. I think what we will do is we'll...the question I'm being asked is whether we're going to do the lights. In here we do lights. We start at five minutes and it's green for a long time, and then it will go to yellow, and you have a minute. I think what we'll do today is we'll do the lights because sometimes that's helpful to speakers to know how much time. But we're...we've got a lot of elasticity, so if you go over the five, it's not like we're going to take the hook and cart you away, so. All right. The interim study is to examine the development of a public notification system to broadcast alerts when vulnerable adults go missing. So, Senator Davis, please start for us.

SENATOR DAVIS: Good morning, members of the Health and Human Services Committee. My name is Al Davis, A-l D-a-v-i-s, and I represent the 43rd Legislative District. I'm here today for an interim study on LR507, which seeks to examine the development of a public information

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system to broadcast alerts when vulnerable adults go missing. Commonly called Silver Alerts, similar programs have been implemented in 43 states including the neighboring states of Iowa, Kansas, and Missouri. There are currently over 33,000 Nebraskans who suffer from Alzheimer's disease or related dementia. And as Nebraska's population increases, so will the number of citizens who suffer from these diseases. It is estimated that the number of individuals over 65 will grow by 31 percent between 2010 and 2020. In addition, the Alzheimer's Association estimates that over 60 percent of the afflicted will wander from home. Those who aren't found within 24 hours risk significant risk of injury or death even when many of them are located within a mile of their homes. There are many responsible steps that can be taken to ensure the health and safety of these individuals. For a state with a current population of fewer than 2 million and an immense geographic area, we need to consider our options to protect the vulnerable portion of the population. Silver Alerts are only one such option. Currently the state of Nebraska operates the AMBER Alert System which is a voluntary partnership between law enforcement agencies and Nebraska broadcasters to announce a bulletin in child abduction cases. The goal of the AMBER Alert is to spur the public to be on the lookout for the affected children and to use the state emergency alert system to air a description of the child. The Silver Alert could function in a similar manner for those affected by Alzheimer's and other dementias to inform the community of the missing individual and their condition so that they can make it home safely. There are several testifiers here today who will discuss their agency and that role in the current AMBER Alert process, how Silver Alerts could be implemented, the challenges that they would face, and what resources would be required. I will be the first to tell you that every state with a Silver Alert or similar program operates differently, and I look forward to hearing the input of the testifiers and the committee on how such a system could best be implemented to serve the affected populations of Nebraska. Thank you for your consideration. I would be happy to answer any questions you may have, but it might be best to wait until the testifiers have introduced first. [LR507]

SENATOR CAMPBELL: Sure. Are there any initial questions for Senator Davis? Okay. Will you be staying the whole time, Senator Davis? [LR507]

SENATOR DAVIS: I hope so. [LR507]

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SENATOR CAMPBELL: Good. All right. We have a list of testifiers this afternoon, or this morning, sorry. The first testifier is Jim McGee. Good morning. [LR507]

JIM McGEE: Good morning. Thank you for allowing me a few minutes here. I formerly worked for a large state agency. [LR507]

SENATOR CAMPBELL: And you have to state your name and spell it. [LR507]

JIM McGEE: (Exhibit 3) Oh, I'm Jim McGee, J-i-m M-c-G-e-e. I live at 5225 Jackson Street in Omaha, Nebraska, and I formerly worked for a state agency. I've been involved with the Nebraska AMBER Plan in other ways to get emergency information to people across the state for the past 20 years. We were the first state, by the way, that was able to have the capability to broadcast AMBER Alerts to motorists across an entire state. Nobody had done that until Nebraska did it. One of the reasons we did that was the PROTECT Act of 2003 came with a little bit of money attached to it. So the agency I worked with at the time, we used that money to upgrade 511 system, to buy a message board, and I believe to update the information kiosks in rest areas to provide for AMBER Alerts. That said, there's an unpassed Silver Alert law in Congress as I've analyzed it pretty extensively. It was passed by the House but not by the Senate, and there's no funds attached to it. So I'll give you a heads up on that, whereas we got a couple hundred thousand for AMBER Alert, there's no money attached. Then that doesn't mean it couldn't be at the last minute, but it's unpassed at the minute. I want to cite just a couple...I'm for missing...helping find and locate missing vulnerable adults. I'm on a committee in Omaha to help identify vulnerable adults during floods and other kinds of emergencies. I'd like to just explain the little distinctive difference between an AMBER Alert. AMBER Alerts are usually multistate. They involve a car. They involve the description of a child, the perpetrator, and automobile, if only the color. Missing vulnerable adults usually are found within a quarter mile of where they were last seen and that's from the Alzheimer's Association's own press releases. That isn't to say there isn't times when you might want to use a highway message board to locate...Jim McGee's missing and his white Subaru is heading toward Denver. But you'd better have the permission of my guardian if you're going to do that and, you know, it's a personal information type of violation for some people. So you've got personal information issues. AMBER Alerts are voluntary. Every member of the state AMBER Alert Committee is voluntary. Nobody is paid. It's

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managed from the Attorney General's Office. Basically all we do is review AMBER Alerts and upgrade them. We have shortened them from 5 hours 15 years ago to about 15 minutes to date to broadcast an AMBER Alert statewide. So we've made a lot of improvement. All I'm telling you is we don't want to follow suit of California, where there are three types of mandated alerts that require the use of message boards, that require the use of the state's assets, like the emergency alert system, and that also require the use of broadcaster air time. So theoretically, you could have three conflicting alerts at the same time, all of which are mandated by the state legislature. My suggestion would simply to be to recommend state agencies allow them to make their decisions when they think that there's appropriate information. For instance, a message board might be the appropriate tool or a lottery terminal, but don't tell them they have to do this. In Pennsylvania, since they passed Silver Alert legislation, they have had hundreds and hundreds and hundreds of Silver Alerts. And what's occurring, you're getting alert fatigue and people aren't going to start paying attention to AMBER Alerts when they happen. Now, you've got coming right at you, there's already a Blue Alert law. I'm not against Blue Alerts. I just think we have to control how we use state assets and the assets of partners, like the Outdoor Advertising Industry, so. I don't want to take up much of your time here. I think I pretty much told you is...my advice would be not to mandate the use of state assets for Silver Alerts. If it's the appropriate tool that day, it might be something that the State Patrol would choose to use, so. Thank you. [LR507]

SENATOR CAMPBELL: Questions, Senators, that you might have? In your research, how many states? [LR507]

JIM McGEE: Thirty-six states. This is kind of a moving...a bouncing ball. Thirty-six states have some form of Silver Alert program. Some are by statute, some are by resolution. For instance, when we started the AMBER Alert program in Nebraska, we didn't have a law that said we had to do it, but we did have an order from the Governor that said state agencies were going to fall in line, we're going to do this with the State Patrol. And even though different agencies are a part of that, the State Patrol is the sole decision maker on when that's the appropriate tool to use. [LR507]

SENATOR CAMPBELL: Well, thank you very much for your information and your testimony today. [LR507]

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JIM McGEE: Thank you. [LR507]

SENATOR CAMPBELL: Thank you. Our next testifier is Brian Rockey. Good afternoon.
[LR507]

BRIAN ROCKEY: Good morning. How are you, Senator? [LR507]

SENATOR CAMPBELL: I keep saying afternoon. Maybe I want it to be Friday afternoon.
(Laughter) [LR507]

BRIAN ROCKEY: It's been a long week. It's a pleasure to be here. I'm Brian Rockey, B-r-i-a-n R-o-c-k-e-y. I'm the director of the Nebraska Lottery. I've got narrative steps and I'll just try to summarize this and certainly answer any questions you have. The Lottery has been associated with the AMBER Alert program for about 15 years. I believe we were the second lottery in the United States to become involved, I think after Florida. We worked very closely with the State Patrol and the Department of Roads, obviously at that time and have since. We have 1,200 retailers across the state, convenience stores, supermarkets, gas stations, liquor stores, etcetera. I think every...there may be two counties in the state that don't have lottery retailers and those are, you know, that's due to population. But for the most part our network covers the entire state. We receive our alert information much the same way other entities or individuals do by e-mail, via the weather radio alert system, and then by text message. So there are a number of us that are signed up to receive that information. There are, as I mentioned, there are multiple contacts. Our security director, our public information officer, our marketing director and myself, operations personnel within our vendor environment. Our vendor is IGT, International Game Technologies. When an alert is issued, the Data Center of the Americas, which is our primary data center, it's a centralized facility in Austin, Texas, we contract with our vendor to run our operations there. They also receive the alert information as do all of our assets, both within the lottery and our vendor assets here in Nebraska. And they convey that information out to our retail network as well as to our personnel, so everybody is up to speed on what's going on. The terminal message is the primary mechanism that we use. Mr. McGee mentioned a lottery terminal. It's basically, it's an e-mail. It's sent out to all of our locations. It's sent as a mandatory message. All operations at that terminal cease until the retailer takes that message. It can be printed. It appears on the

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screen. A lot of retailers in the past have printed it. And when we train retailers on this, we actually suggest that they print that slip off and have it...have a supply handy in case customers, hearing there's an alert, want to take that information with them. Certainly, if there's an update issued to the alert, the same thing goes out and so there's an update in mandatory message that is issued to that to the network. The information is also sent out to retail locations via our ESMM, which is a 17-inch flat screen display that's attached to the Lottery terminal. And if you are at retail during a normal period of events, you'll see information about playing Powerball or what the newest scratch game is or what a promotion might be, or what the lottery beneficiaries are, for example. And those slides rotate. Like a terminal message when an AMBER Alert is issued, that ESMM screen freezes on AMBER Alert and calls attention to the fact that there's something going on. And the Lottery also updates its Web site as soon as information comes available with an alert. And we basically take the information verbatim that we get from the State Patrol. The same thing applies to the terminal message that goes out to the retail locations. The messaging...both the terminal message, the AMBER Alert screen, as well as our Web site, remains active as long as the alert is active; and if there is an update that takes place, then we update it. When information...when an alert is canceled, then we take that information, those slides down and update the Web site as appropriate. The AMBER Alert for the Lottery network is a broadcast system, so we can't pick and choose an area that it goes to. If it's a situation in the Omaha area, retailers in Scottsbluff are going to see it as well. We know in those cases they're often, you know, very mobile and so it's been a good thing. We also have the capability to direct terminal messages, and in some cases slides, to specific areas or retail locations. It's a little more time consuming because of the way the system is set up. If we were to pursue the Silver Alert mechanism, that would be a good near-term solution. If we wanted to go in a more broadcast methodology or pursue a more broadcast related methodology, then we'd have to initiate a software update with our vendor. And we typically allocate up to six months for that sort of process just because it's a large centralized system. Be happy to answer any questions at this time. I would note that over the years...and I couldn't tell you right off-hand how many AMBER Alerts that we've had since the Lottery got involved, but we are aware of at least one instance where the alert information that was seen at retail, the retail personnel--I think it was in Hastings--were able to stall the suspect long enough for the authorities to get there. A similar situation took place in Paxton. I think a patron had heard the alert on, you know, the radio or

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something and relayed it and that played itself out at the retail location as well. That was several years ago. [LR507]

SENATOR CAMPBELL: Questions from the Senators? I had no idea that the Lottery was involved in the AMBER Alerts. You know, you hear it on the radio and that type of thing. What cost is there on an annualized basis, Mr. Rockey? [LR507]

BRIAN ROCKEY: I couldn't tell you for sure. It's negligible because it's part of our contract with IGT, our vendor. We provide...they're paid on a per ticket sold basis and so the terminal, the retail terminal sells Powerball tickets, Nebraska Pick 5 tickets, but it's also used to validate tickets, both instant tickets and scratch...on-line tickets or lotto tickets. So there isn't really a cost per...when the network system that we have currently was activated, we're halfway through a ten-year contract period. Now, when it was activated, that was all built in to the system. It's part of the specifications. So to itemize that, I really couldn't begin to say other than maybe the time that is spent, you know, from the personnel side. Again, that's negligible. I can tell you from having been a public information officer for the Lottery and marketing director previously to what I'm doing now, there were times when, you know, you get an alert somewhere, hear about it, log on to the nearest computer and update the Web site and monitor the process. And, you know, it's an investment of time that we're happy to make and proud to make. [LR507]

SENATOR CAMPBELL: Any other comments? Thank you, Mr. Rockey, for your testimony today. [LR507]

BRIAN ROCKEY: Thank you. [LR507]

SENATOR CAMPBELL: We're learning quite a bit. Our next testifier is Neil Miller. Mr. Miller. Good morning. [LR507]

NEIL MILLER: Good morning. My name is Neil Miller, N-e-i-l M-i-l-l-e-r. I am the Buffalo County Sheriff and I'm on the AMBER Alert committee for the state of Nebraska through the Attorney General's Office. I think one of the things that we really need to have is legislation maybe that kind of directs how an AMBER Alert...what will be done. Currently, you've got law

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enforcement in 93 counties kind of handling things a little bit differently and how or what information may or may not get out. And I think having some guidelines as to what needs to go out, how it needs to go out, and who it's going to go out to is really important. One of the things that is nice about AMBER is that there is a plan. We have a state plan, no matter where a child is abducted from, the plan is going to be the same on how we deal with that and the information that we get out. We don't have that on the Silver Alert side, and I think we really need to look at that. One of the things Jim talked about, and I'll tell you a story because we have a local system in Buffalo County that we notify the public about. It's a voluntary system that allows us for people to sign up for different types of alerts that they'd like to get and then we send that alert out to them based upon when that event may or may not happen. Our feeds for weather come directly from the weather service, but there are things that we put out. One of them is we have YRTC there and those kids run and so the people who live up there feel better if they know that one of the kids has left the property so we put an alert out to the people who sign up for that. But they don't get it if they don't sign up. So it's a voluntary choice that they make. Let me tell you that the media signs up because the media wants to know when that's going on. Same thing here, I think, the media would maybe want to sign up. But we have to be careful about pushing too much out on the EAS alert system. I do agree with that because I think you could inundate people with these alerts. We had a...our system up and we had a 90-some-year-old lady who had signed up for weather alerts and she had thunderstorms signed up. And we had quite a bit of activity one night and I mean a lot of activity coming from the weather service and they sent out quite a lot of alerts. And the next morning she called in to our 911 center director and said, you know, please take me off of that. She said with all those alerts I got, she said I was praying that God would just take me (laughter) rather than get another alert. And so I think that's the one side of the alerting side of things. But the other side of that is that we need to have some kind of alert that we make available so that we can try and locate these people when they do go missing and when they are out there. And the challenge will be from you is, where does that land? What is the appropriate place where we don't overuse the system, but we don't overlook the fact that we have vulnerable adults that are out there that public safety needs to know about, the media needs to know about. So I don't know exactly what the answer is, but I'm certainly willing to work with whoever to try and help come up with what that might be. Because I do think it's an area that we need some guidance in and we need kind of a standard in the state so that whether those people are in Omaha or whether they're out in Scottsbluff, when they go missing, the same rules apply

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or the same procedures will be followed, that the same information gets out to try and locate them to get them back. [LR507]

SENATOR CAMPBELL: Questions? Senator Riepe. [LR507]

SENATOR RIEPE: Thank you, Senator Campbell. I guess I'd like...thank you for being here, Sheriff. [LR507]

NEIL MILLER: Sure. [LR507]

SENATOR RIEPE: I'd like some clarification because I'm a little...I'm reluctant to warrior for statutory language as opposed to maybe policy. I'm not quite sure why a policy in terms of...for some uniformity and enforcement to get to that point would not suffice as opposed to getting some, one more thing on the books for statutory. [LR507]

NEIL MILLER: Sure. And I think that's what you're...you know, you guys have to kind of decide. We're good with whatever you...whether it's a policy, whether it's a statute, we need someone...right now the Attorney General's Office is the agency who is charged with developing what those policies are along with the AMBER Alert Board. And the AMBER Alert Board has law enforcement on it, it's had broadcasters on it. Jim, who also is on that? [LR507]

JIM McGEE: Oh, Weather Service, Lottery, several agencies. [LR507]

NEIL MILLER: So we've got a group that meets and we look to discuss. After every AMBER Alert we have a meeting and we talk about how it went, what we could have done better, was there anything we missed, those kinds of things. But I think if you did something like that, you're going to need to maybe...then it's going to have to be assigned out to like the Attorney General's Office so that we have a group that can come together to help develop policy and how that's going to go. That's my only thing. I understand what you're saying about another law on the books. I get that, but I think that there needs to be state leadership in this in order to have uniformity across the board. [LR507]

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SENATOR RIEPE: I agree. Okay. [LR507]

SENATOR CAMPBELL: Senator Crawford. [LR507]

SENATOR CRAWFORD: Thank you, Senator Campbell. And thank you, Sheriff Miller. I wondered if in Buffalo County, do you have any existing process that you, or a policy, that you provide that gives alerts, that's voluntary that gives alerts to family members who may tell you they have an adult who is vulnerable to wandering? Do you have any county level process that you follow right now? [LR507]

NEIL MILLER: We do. We have a...our system, again, we have the ability to put local alerts into our system. And let me tell you how the...we get the people that we're going to call into the system. One is that we buy the 911 data, so when we are going to put an alert out, it goes out on data that's been purchased. We already have 911 updates. All the counties do. They have a...all the landline telephone numbers are in a database that's maintained for them, so that when you call in from a landline phone, it comes up with your address, your name, that information. We get quarterly updates. The 911 centers in the state get quarterly updates on those names and numbers from the phone companies. We're already paying for those. So we take that data that we've got for those quarterly updates, and we load that into our system. We also have it as a voluntary system of signing up for your e-mail or your text messaging or a actual phone call to a cell phone. So you have the ability to click on how you want to be notified. If we have a missing person, there's a Missing Persons Clearinghouse in the state of Nebraska and that is maintained by the Nebraska State Patrol. But I think that we need more than just that for this particular thing. So you sign up with us, we're going to alert you when a call comes into our dispatcher. Again, the information is coming into local law enforcement that this person has left, is not where they're supposed to be, can't find them. At that point then, that's when we decide whether or not we're going to put that alert out to the public. If you have signed up for that alert, you're automatically going to get it and we have local alerts like I talked about that you can sign up for. Or we can do a geographically-based call. So I can pick a spot on the map--and we talked about 15 minutes from home on a lot of these people--what we're going to do is we're going to put a little circle up there and we're going to say, call within where they could have walked within the last 15 minutes or a 15-minute walk from that house. And we're going to call the people on that

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phone on landline phones. We're also going to send anybody who has put in for notification by other methods on that call as well. So that allows us then to just target that particular area and not put everything else out to the whole system of the state where there's probably not a lot of relevance, something coming out of Omaha for something in Scottsbluff. I mean, it's just not on this particular thing. Are there for AMBER Alerts? Absolutely. But here we're able to do that and I think a lot of the counties have similar systems in place that allow for calling, whether...ours is called Everbridge. There's things called Code Red is another one that's used. There are different notification systems that were purchased through Homeland Security monies through Emergency Management for the state of Nebraska, and a lot of these counties used that money to put these notification systems in. So it kind of comes back to we need a level of coordination of all of these different systems in all these different counties to a single point so that we're doing it the same across the state. [LR507]

SENATOR CAMPBELL: Senator Baker. [LR507]

SENATOR BAKER: Thank you. Thank you for being here, Sheriff. [LR507]

NEIL MILLER: You're welcome. [LR507]

SENATOR BAKER: I understand the need not to inundate people with unnecessary alerts, but I know of a man who, with Alzheimer's. He left from Hamilton County, got confused, ended up in Sidney. So if you restrict it too much, you wouldn't find that person necessarily. [LR507]

NEIL MILLER: And I understand and one of the things that we do, too, we've got a law enforcement teletype network that we can put in and we could put it out to the different 911 centers in the state about this person traveling, maybe doing this, and that's one of the ways to get that information out. I think that there are multiple ways. We've got a lot of different avenues. You know, social media is really a good way to get things out. A lot of places have social media. I don't know why you couldn't do a Silver Alert social media site through one of those to be able to put that out to people who had a concern or wanted to know about those things. I just think there's a lot we can do without overwhelming what we call the EAS system, the Emergency Alert System, because I do think that if we put these calls out through the WEA, or the Wireless

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Emergency Alert system, which is the new system the federal government allowed and they call it IPAWS and there's a lot of acronyms, but basically it just allows us to go in and send a message off on cell phones and people get those regardless. Every phone within range of that cell tower is going to get that. And if you've ever been somewhere when an AMBER Alert goes off, everybody's phone is going off about the same time with that information. That level of imposing government on people, I think people will accept how much you impose on their time based upon how urgent or what the crisis is that's going on. And I think if we overuse that, we run the risk of what Jim talked about. So it's going to be that balance of making sure and using all the resources that we have without overusing them to where people quit looking at this information and just kind of say, ah, man, not that again. I don't want to get it. But I can tell you, too, that we know that something needs to happen because we had a case where we had an elderly couple and the gentleman had some dementia and he took off with his wife and they ended up driving off and we looked for them for quite a while. And they ended up driving off the road and died in an off the...off Highway 2 into a pasture and were not found until the next spring. She didn't sign up for that and I think that anything that we can do to try and help get this information out, to try to get them back, is a good thing. [LR507]

SENATOR CAMPBELL: Any other questions, Senators? Could the AMBER Alert Board also be designated as the Silver Alert? [LR507]

NEIL MILLER: I think that makes some sense. You've got the people at the table who have the expertise in their particular areas about getting this out. I'm very proud of our AMBER Alert committee. I think that it's worked out really well. But the people are at the table that you want to have at the table to get this information out, so I think that's a good place to start. [LR507]

SENATOR CAMPBELL: Any other comments? Sheriff, we much appreciate your public service and thank you for coming to testify. [LR507]

NEIL MILLER: Thank you very much. [LR507]

SENATOR CAMPBELL: All right. Our next testifier is Michael Winkle. Good morning.
[LR507]

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MICHAEL WINKLE: Good morning, Senators. My name is Michael Winkle, M-i-c-h-a-e-l W-i-n-k-l-e. I am the assistant general manager for operations at Nebraska Educational Telecommunications which operates the statewide public radio and television systems. NET has a representative on the AMBER Alert advisory committee, and we have participated as broadcasters in AMBER Alert since the inception of the program. I would...I'm not going to duplicate a lot of what you have already heard. I would concur with the other testifiers that important work to be done is in determining when it is appropriate to involve broadcasters in alerts. And many of those decisions are made...well, all of the decisions are made prior to our activity. The important additional information I can bring to you is we have discussed this with our engineering and operational people and provided proper screening processes set up that if such a system were instituted, it would have negligible impact in terms of our operations and costs, so. And we would, of course, we see it as part of our public service that whatever is appropriate for us to, and how we participate we willingly do so. [LR507]

SENATOR CAMPBELL: Questions? Anyone have questions? Thank you very much for your testimony and for the partnership that you have with the Legislature. [LR507]

MICHAEL WINKLE: Yes, we're proud to do it. [LR507]

SENATOR CAMPBELL: It's amazing to me how many people do watch almost the entire coverage. [LR507]

MICHAEL WINKLE: And I will tell you that we have been contacted by over a dozen states that congratulate us on the transparency of the... [LR507]

SENATOR CAMPBELL: Absolutely. [LR507]

MICHAEL WINKLE: ...we bring to the citizens and wanting to know how they can also go about doing the same things. [LR507]

SENATOR CAMPBELL: Well, you do a terrific job and we can't take enough opportunities to say thank you for the partnership. [LR507]

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MICHAEL WINKLE: Thank you. [LR507]

SENATOR CAMPBELL: All right. Our next testifier is Rod Zeigler. Sir, did I pronounce that correctly? [LR507]

ROD ZEIGLER: Close enough. (Laughter) [LR507]

SENATOR CAMPBELL: Thank you. [LR507]

ROD ZEIGLER: You're welcome. Long as you just don't call me late for supper we're okay. My name is Rod Zeigler, R-o-d Z-e-i-g-l-e-r. I am the chairman of the Nebraska State Communications Committee. I'm also the director of engineering for the Nebraska Rural Radio Association, and I am a board member of the National Emergency Broadcast Association. I'd like to thank all of you for having me today. I'd like to explain how the emergency alert system started and works, if you don't mind. The Emergency Alert System, or EAS as it is commonly called, was created at the behest of the federal executive branch to support the continuity of government program. The primary mission of EAS is to provide a means for the President of the United States to immediately convey information to the American public in times of crisis. When the EAS was created, it was decided that state, local, and tribal entities would also be able to use the system with the understanding that Presidential messages would take precedence. The EAS program is under the direct regulation of the Federal Communications Commission. The Federal Emergency Management Agency and National Weather Service also use EAS as an alerting pathway. The Federal Communications Commission, or FCC, has given the State Emergency Communications Committees, or SECC's and I really don't want to inundate you with acronyms, but that's kind of a second language in all this. The mission of creating and maintaining an operational EAS plan for the broadcasters and cable TV operators in each state, and these state plans are referenced in the FCC rules and regulations. The state plans outline the technical framework of how alerts are to be disseminated throughout each state to the individual broadcasters and cable TV participants. The Nebraska plan also includes the AMBER Alert as an adjunct. The plan also suggests which alerts could be included in each participant's EAS equipment along with those alerts required by the FCC rules and regulations. Wireless Emergency Alerts, or WEA, which are received on cellular phones are not in the purview of the

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State Emergency Communications Commissions. These alerts are created by federal, state, local, and tribal alerting authorities and sent through the FEMA IPAWS, which is integrated public alert warning system, alert aggregator where they are vetted for authenticity and then sent directly to the cellular phone companies for voluntary dissemination. When the cellular industry agreed to carry alerts, they only did it on a voluntary basis. So they can say, no, we're not going to carry those if they...by carrier. If they don't want to, they don't have to. Alerts into the aggregator can be flagged to go to EAS participants as well, but WEA is wholly separate from EAS. At this time, AMBER Alerts in the state of Nebraska can only be disseminated statewide. The State Emergency Management Agency is in the early stages of upgrading this capability to allow geotargeted alerting, which would be beneficial to AMBER and other alerts. Once this new system is in place and working to everyone's satisfaction, it may be time even to revisit how AMBER Alerts are disseminated. Until this new system is functional, I would respectfully suggest that any new alerting category, such as Silver or Blue Alerts be put on hold as far as statewide activation of the legacy Nebraska EAS system is concerned. Thank you again and I'd be happy to answer any questions. [LR507]

SENATOR CAMPBELL: Questions? What's your anticipated date when it will be operational? [LR507]

ROD ZEIGLER: This is a wild guess on my part, but having been involved in things like this, I would say from where they are now, probably a year, give or take, whatever. [LR507]

SENATOR CAMPBELL: Okay. Will that then be nationwide that that capability would be there? [LR507]

ROD ZEIGLER: No, that would just be for Nebraska. And right now, alerting from the FCC is undergoing great changes. We have had more things come out in the last 6 months than I have seen in my 18 years of broadcast experience. They've...the FCC has come out and actually kind of put the hammer down on wireless increasing message size, also mandating Spanish alerting. So things are changing rapidly in the alerting field. [LR507]

SENATOR CAMPBELL: How many states have it by geo? [LR507]

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ROD ZEIGLER: Geotargeting? I have no idea. Washington probably would be the best one.
[LR507]

SENATOR CAMPBELL: Okay. Thank you very much for your testimony today. [LR507]

ROD ZEIGLER: You're more than welcome. [LR507]

SENATOR CAMPBELL: Our next testifier is Jim Timm. Good morning. [LR507]

JIM TIMM: (Exhibit 4) Good morning. My name is Jim Timm, J-i-m T-i-m-m. That does rhyme. I'm the president and executive director of the Nebraska Broadcasters Association or NBA. The NBA is a not-for-profit trade association that represents the interests of Nebraska's TV and radio stations who have been licensed by the Federal Communications Commission, or FCC, to serve the people of their respective communities of license. I'm here today at the request of Senator Davis to explain how broadcasters operate within the current structure of the AMBER Alert system. As you heard through prior testimony, Nebraska Educational Telecommunications, or NET, sends the statewide AMBER Alert notification via the Emergency Alert System, or EAS, upon their confirmation of correct header information in an AMBER Alert. Every FCC licensed TV and radio station is required to have an EAS box that is properly programmed to receive and broadcast AMBER Alerts. These EAS boxes are programmed to interrupt TV and radio programming and deliver details of the AMBER Alert message to the public as provided by the Nebraska State Patrol or NSP. The NSP also e-mails the AMBER Alert details to dozens of TV and radio station personnel through e-mail addresses provided by the NBA. The station personnel receiving these e-mails include news and programming employees, as well as senior management. Depending on the details of the AMBER Alert, TV and radio stations often interrupt regular programming to broadcast more specific details of the alert, as well as providing continuing coverage and updates. Many stations also post the AMBER Alert details on their Web sites and social media channels. Once an AMBER Alert is canceled, TV and radio stations follow similar procedures to inform the public of the cancellation. Within a few weeks of each AMBER Alert, the Attorney General's Office hosts a meeting of AMBER partners to review how the mechanics of the system worked. Upon conclusion of that meeting, I'm responsible for communicating any related information or requests to our member TV and radio stations. I was

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also asked by Senator Davis to explain how expanding this system to include Silver Alerts may affect the AMBER Alert structure. The NBA would strongly recommend excluding use of the EAS system if a Silver Alert program is created for concern of overalerting the public, weakening the effect of the AMBER Alert system, and maintaining the integrity of the EAS system for other mandated alerts as governed by the FCC, FEMA, and the National Weather Service. I have contacted other state broadcast associations in states with Silver Alert legislation or programs. One commonality is that none of those states use their EAS system for the same concerns I just stated. That said, we believe broadcasters who have someone in their coverage area go missing are likely already working with local law enforcement and family members to notify the public. We believe local law enforcement can work with local broadcasters within a certain radius without using a statewide system, as the likelihood of someone with Alzheimer's or dementia getting too far from home, even in a vehicle, appears rare. Further, the NBA might suggest consideration of an "Endangered Person Advisory." Such a system exists in South Carolina. Their goal was to have a broader program that covers people with cognitive impairment regardless of age, disability, or medical diagnosis. It has protected the integrity of their AMBER Alert system and prevented the need to assign a confusing array of different colors or advisory names, all based on the condition or medical diagnosis of the person at risk. In closing, Nebraska broadcasters take tremendous pride in serving the public. Thank you for allowing us to participate in this conversation and I'd be happy to answer any questions. [LR507]

SENATOR CAMPBELL: Questions, Senators? Senator Crawford. [LR507]

SENATOR CRAWFORD: Thank you. Thank you for the information. Just want to make sure I caught the Endangered Person System was in which state? [LR507]

JIM TIMM: South Carolina. [LR507]

SENATOR CRAWFORD: South Carolina. And so that then is any person who is in any vulnerable situation. [LR507]

JIM TIMM: Regardless of age, regardless of medical condition, or diagnosis. The concern, frankly, is we have an AMBER Alert, we're talking about a Silver Alert, Blue Alert, purple, red,

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green, magenta, at what point do we overconfuse and overalert the public? Well, now, wait a minute, what kind of a person is a Red Alert? I forgot what that means. So they decided to have an Endangered Person. They specifically called it an advisory and not an alert to try and keep the integrity of the name AMBER Alert. [LR507]

SENATOR CRAWFORD: So is it separate then from their AMBER Alert program as well? [LR507]

JIM TIMM: Yes. Yes. [LR507]

SENATOR CRAWFORD: That was the one commonality you found was in all these other states they did something and kept it separate. [LR507]

JIM TIMM: The commonality I found in the other states is they're not using the EAS system. [LR507]

SENATOR CRAWFORD: The EAS system. Okay, thank you. [LR507]

JIM TIMM: The Silver Alerts, that's the commonality. South Carolina is the only state that I'm aware of and there may be others, but they're the only one I found out about that has an Endangered Person Advisory program. [LR507]

SENATOR CRAWFORD: Thank you. [LR507]

JIM TIMM: You're welcome. [LR507]

SENATOR CAMPBELL: Other questions? Thank you for your help and your testimony. [LR507]

JIM TIMM: You're welcome. Thank you for having me. [LR507]

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SENATOR CAMPBELL: That concludes our list of testifiers. Senator Davis, do you wish to make additional comments? [LR507]

SENATOR DAVIS: Thank you, Senator Campbell. First of all, I want to say thank you to all the people that came to testify and have participated in this discussion and to my LA who has done a tremendous amount of work on this in the last few weeks trying to pull things together. So what I think we can learn from what we've heard today is that there's a need for some sort of statewide plan or program to implement an alert system of some kind, but probably not to engage in the EAS system, which I think I firmly understand that. In my own perspective with the Weather Alert system, I understand what the lady from Kearney has said many times because the phone will ring and ring and ring. We get them on our cell phone and our landline, so it can be an all-night experience if we have a bad storm. But we do need something. I will tell you two little personal stories of a person who is helping me with my campaign in Alliance has been taking care of her father-in-law who is new to the area. And he was out wandering and got lost. And then we had a woman in my own community whose mother drove down to see her from Cheyenne, Wyoming, turned off on the wrong ranch road and ended up back in a pasture somewhere where she spent the night. It was about like last night. Fortunately, the people who owned the ranch had seen the car go through and never saw it come back out so they were able to find her. So these tools, I think, are needed and I think there's a way to get it done so the discussion today is really a good starting point for us to move forward with some sort of a tool and tactic to try to implement something without putting unneeded burdens on our broadcast system, our EAS. [LR507]

SENATOR CAMPBELL: Any questions, Senators, that you wanted to ask, or comments for Senator Davis? Okay. [LR507]

SENATOR DAVIS: Thank you. [LR507]

SENATOR CAMPBELL: Elice, what letters do we have? [LR507]

ELICE HUBBERT: (Exhibits 5-9) We have a technical letter from the Attorney General's Office. We have letters of support from the Alzheimer's Association; the Douglas County Board of

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Commissioners; Home Instead Senior Care; LeadingAge Nebraska; and Nebraska Health Care Association. [LR507]

SENATOR CAMPBELL: Okay. That concludes our hearing for the day and thank you all for coming and have a good weekend and Go Huskers. [LR507]