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Appropriations Committee  
February 27, 2017

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[LB71 LB242 LB302 LB303 LB514]

The Committee on Appropriations met at 1:30 p.m. on Monday, February 27, 2017, in Room 1524 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB71, LB302, LB303, LB242, and LB514. Senators present: John Stinner, Chairperson; Kate Bolz, Vice Chairperson; Rob Clements; Robert Hilkemann; John Kuehn; Mike McDonnell; Tony Vargas; Dan Watermeier; and Anna Wishart. Senators absent: None.

SENATOR STINNER: Good afternoon. Welcome to the Appropriations Committee hearing. My name is John Stinner. I'm from Gering and I represent the 48th Legislative District. I serve as Chairman of the committee. I'd like to start off by having members do self-introductions, starting with Senator Clements.

SENATOR CLEMENTS: I'm Rob Clements, District 2. I'm from Elmwood, Nebraska.

SENATOR McDONNELL: Mike McDonnell, LD5, south Omaha.

SENATOR KUEHN: John Kuehn, District 38, seven counties in south-central Nebraska.

SENATOR STINNER: To my left is Senator Hilkemann. He is presenting a bill in another committee. My name is John Stinner. I'm with the 48th District, Scotts Bluff County.

SENATOR BOLZ: Senator Kate Bolz. I represent District 29 in south-central Lincoln.

SENATOR WISHART: Senator Anna Wishart. I represent District 27 in west Lincoln.

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

SENATOR WATERMEIER: Dan Watermeier, District 1, Syracuse.

SENATOR STINNER: Thank you. And to my left, assisting the committee today is Jennifer Svehla, our committee clerk. To my right is our fiscal analyst, Kathy Tenopir. At each entrance you will find green testifier sheets. If you are planning on testifying today, please fill out a green sign-in sheet and hand it to the committee clerk when you come up to testify. If you will not be testifying at the microphone but want to go on the record as having a position on a bill being heard today, there is white sign-in sheets at each entrance where you may leave your name and

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other pertinent information. These sign-in sheets will become exhibits in the permanent record at the end of today's hearing. To better facilitate today's proceeding, I ask that you abide by the following procedures. Please silence or turn off your cell phones. Move to the reserve chairs up here in the front when you're ready to testify. Order of the testimony will be introducer, proponents, opponents, neutral, closing. When we hear testimony regarding agencies, we will first hear from the representatives of the agency and that representative of the agency will not be under any kind of time restriction. Thereafter, we will hold other testifiers to a five-minute limitation. I would ask that you first spell your first name and then your last name for the record before testifying. Be concise. It is my request to limit your testimony once again to five minutes. Written materials may be distributed to the committee members as exhibits only while testimony is being offered. Hand them to the page for distribution to the committee and staff when you come up to testify. We need 12 copies. If you have written testimony but do not have 12 copies, please raise your hand now so the page can make copies for you. With that, we'll begin today's hearing with the University of Nebraska. Welcome. [AGENCY 51]

AGENCY 51 HEARING

SENATOR STINNER: I would like to reopen the hearing on LB71. Senator Pansing Brooks, welcome. [LB71]

SENATOR PANSING BROOKS: (Exhibits 1, 2, 3, 4, and 5) Thank you. Thank you, Chairman Stinner and members of the...I'm so sorry, where (inaudible)? [LB71]

SENATOR STINNER: Appropriations. (Laughter) [LB71]

SENATOR WATERMEIER: Bad news committee. [LB71]

SENATOR STINNER: You may want to forget us. [LB71]

SENATOR PANSING BROOKS: Yeah, yeah, it is. Yeah. Sorry. (Laughter) [LB71]

SENATOR WATERMEIER: You just came from Judiciary, didn't you? [LB71]

SENATOR PANSING BROOKS: Yeah. Well, I came from Education. This says Judiciary and I'm going, wait a minute, no, that's not right. So sorry. Hello, "Education" Committee colleagues, how are you all? For the record, I am Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, representing District 28, right here in the heart of Lincoln. I'm here to introduce LB71 today to help our communities address budget and safety issues caused by the emerald ash borer. LB71

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seeks to appropriate \$3 million annually to the Nebraska Forest Service for the Nebraska Tree Recovery Program. This is a grant program that has been in place since 1994 but has not been funded for over ten years. The program was put in place to provide a fifty-fifty match to communities for tree planting after an unusually harsh winter. Today the communities are not asking for assistance due to harsh weather but rather due to the devastating emerald ash borer insect which is attacking our state's 44 million ash trees. The emerald ash borer is an exotic beetle that was discovered in southeastern Michigan near Detroit in the summer of 2002. It was likely brought to North America from Asia in packing materials in the mid-1990s. It is a deadly insect that is killing millions of ash trees across the Northeast and Midwest. This is a tremendous problem because of the destruction it causes. Arbor Day Foundation statistics show that 66 percent of our state lives in a Tree City, a Tree City USA community. There are 103 Tree City USA communities in Nebraska. Meanwhile, well over 50 percent of ash trees will be lost in the first 10 years and nearly 100 percent will be lost within 15 years of its first evidence. The Nebraska Forest System (sic--Service) estimates the cost of removal and disposal of the trees to be \$600 per tree and further estimates that there are approximately a quarter of a million ash trees on public property in our communities across the state. This does not count any ash trees on private lands. The cost of just removing the public trees and not replanting amounts to \$150 million statewide. I first introduced this bill in 2015, three years ago--well, two years ago but it's the third time I'm doing it--because we knew the emerald ash borer was going to migrate into this state and start wreaking havoc on our state's beautiful ash tree population. At the time, I could not get the sufficient support in the Legislature to address the problem because the insect had not yet arrived and Appropriations Committee thought addressing the problem would be premature. Last June the Nebraska Department of Agriculture confirmed that the emerald ash borer was discovered during a site inspection in Omaha's Pulaski Park, making Nebraska the 27th state to confirm the presence of the emerald ash borer. I have distributed a map that shows the emerald ash borer's treatment consideration zone. Communities are now investing dollars to mitigate budgetary impact down the road. Since this is a statewide problem, I am asking the state of Nebraska to partner with communities to address the effects of the emerald ash borer. LB71 provides for a fifty-fifty cost-shared grant program that would help municipalities spread the cost over several years and be able to gradually replace these trees. Trees are so important, both aesthetically and environmentally. They provide oxygen and clean air. Also, every tree across our growing state was hand-planted or is the descendent of a tree which was hand-planted by our predecessors. As we lose these trees, our property values will plummet. The health of our cities will decline and our city coffers will be pillaged. Let's plan for the future of our children and our grandchildren so they love our state as we do. Investing in the battle against the emerald ash borer is both sound and wise. Further, addressing the emerald ash borer is about safety for our communities. Just last week a Papillion woman was riding her bicycle on a south Omaha trail when a tree limb fell onto her. She was bruised everywhere but luckily escaped injury. I have provided a copy of this article for you as well. The photo itself speaks volumes. While the tree in question wasn't an ash, the story shows how brittle trees can create safety hazards for people and

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liability issues for communities and homeowners. Someone from the city of Omaha will be testifying shortly and can offer more details about this event. I also have a handout showing ash tree density across Nebraska and a handout showing an ash-lined street in Ohio that illustrates the effects of the emerald ash borer between 2006 and 2009 when the insect attacked that state. I have some other before-and-after pictures as well so you can see the effects in other locations as well. The Nebraska Forest Service and other experts in this area will be following me and will be able to answer any of your technical questions. In closing, I urge you to pass LB71. I believe that the trees and the canopy in our state provide economic support to our communities because it helps to make them beautiful places to come and settle and to bring businesses. And so I ask that you will pass LB71. And be happy to answer any questions that you might have. [LB71]

SENATOR STINNER: Thank you, Senator. Any questions? Senator Watermeier. [LB71]

SENATOR WATERMEIER: Thank you, Chairman Stinner. I appreciate you coming again, Senator. I missed the number. You said \$150 million to just replant, not to clean up, and that was just on public right of way? [LB71]

SENATOR PANSING BROOKS: No, that was...I'm sorry, Senator Watermeier. It was the cost of removing the public trees. [LB71]

SENATOR WATERMEIER: Okay. That was the cost of removing. That's what I wanted to make sure. [LB71]

SENATOR PANSING BROOKS: But did not include replanting. Was \$150 million statewide. [LB71]

SENATOR WATERMEIER: Statewide. Okay. [LB71]

SENATOR PANSING BROOKS: Cost of removing just the public trees,... [LB71]

SENATOR WATERMEIER: Yes. [LB71]

SENATOR PANSING BROOKS: ...statewide, was \$150 million. [LB71]

SENATOR WATERMEIER: Got it. Okay. [LB71]

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SENATOR PANSING BROOKS: So that doesn't count all of our own private property that has it. [LB71]

SENATOR WATERMEIER: Uh-huh. [LB71]

SENATOR PANSING BROOKS: Thank you. And some of you may have remembered that we have had efforts to tie the ash trees, and they were all tied down Goodhue and there are ash trees on the Capitol. And then the city Parks Department did a good job of doing it around A Street in the zoo area. And over at the university trees were tied as well. So it affects many areas that you just don't even realize. They did that purposely to let the senators see what kind of impact this was going to have. [LB71]

SENATOR WATERMEIER: Okay. [LB71]

SENATOR PANSING BROOKS: Thank you. [LB71]

SENATOR STINNER: Any additional questions? Senator McDonnell. [LB71]

SENATOR McDONNELL: Thank you, Senator. Can you talk about additional funding sources since...like the Environmental Trust? [LB71]

SENATOR PANSING BROOKS: Yeah, I think some other people can. We did look at additional funding sources and we, because of various reasons, I think, Senator, that Mayor Beutler is going to speak to that. But basically, we looked at various funding sources and, for various reasons, the Nebraska Environmental Trust does not fit well with that because that's specifically for other funding. So you can ask Mayor Beutler, who will follow me, on that. [LB71]

SENATOR McDONNELL: Thank you. [LB71]

SENATOR PANSING BROOKS: Or others. [LB71]

SENATOR STINNER: Additional questions? Senator Clements. [LB71]

SENATOR CLEMENTS: Senator, the \$150 million, is that the 50 percent share or is that 100 percent of the cost? [LB71]

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SENATOR PANSING BROOKS: I think that's the whole 100 percent of the cost, but that's a really good question. If you could...I believe that's the cost of removing all the public trees, irregardless of whether...who pays for it, whether the city or in a joint share program. But that's a good question. I hope you'll ask some of the forestry people that follow. [LB71]

SENATOR CLEMENTS: Thank you. [LB71]

SENATOR PANSING BROOKS: Thank you so much, Senator Clements. [LB71]

SENATOR STINNER: Questions? Seeing none, thank you, Senator. [LB71]

SENATOR PANSING BROOKS: Thank you very much. [LB71]

SENATOR STINNER: Welcome. [LB71]

CHRIS BEUTLER: (Exhibits 6, 7, and 8) Mr. Chairman, members of the committee, I assume you're going in the same order: proponents and then opponents, right? [LB71]

SENATOR STINNER: Yes. That is correct. Sorry, I didn't announce that. [LB71]

CHRIS BEUTLER: My name is Chris Beutler and I'm mayor of the city of Lincoln. And I have had restored to me my appreciation of the time that senators spend and the time I used to spend dealing with issues large and small coming from around the state. You are obviously dedicated and I appreciate you listening to us today. I'm testifying on behalf of the League of Municipalities, on behalf of the city of Lincoln. As the senator noted in her opening statement, LB71 restores funding to a grant program that already exists, restores funding at the level of \$3 million annually for what's called the Nebraska Tree Recovery Program. This is an existing statewide grant program that helps fund the cost of removing, disposing of, and also replacing public trees with a 50 percent cost-share from the community. Dr. Josiah, our State Forester, will be able to tell you a lot about the history of the program, everything about the history of the program. It's a program that has generally assisted communities in responding to severe weather events. I want to focus my testimony today, though, on the new impending threat to our community forest, which is the emerald ash borer. Two years ago I was before you to testify on similar legislation, LB461, which Senator Pansing Brooks also introduced. Some of you may recall that at that time I passed around the one sample we could get a hold of, of that little bug that's causing so much destruction. This year I brought nine of them with me because they're local and they're multiplying. If any of you would like to have one for your grandchildren or whatever, you certainly are invited to take one. You will also...you also may be interested in

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some of the bark that's there that shows you the pattern of infestation on a particular tree that came from near, from Omaha actually. Community forests across Nebraska are about to see very significant damage from the EAB. This bug is highly invasive, nonnative insect, attacks and kills all species of North American ash trees. It's already killed hundreds of millions of ash trees across the eastern United States and Canada and has now been found in at least 30 states. That's five more from when I testified before you before. When Senator Pansing Brooks first introduced this issue to the Legislature, we were asked why funding was so urgent when EAB had not been discovered in our state. We had a pretty good answer then but an even better answer now because the EAB has now been confirmed officially in Nebraska and it's likely been here for a few years. In June of 2016 it was identified in Omaha, then in Greenwood, just 16 miles, of course, from Lincoln. According to the Nebraska Forest Service, the evidence indicates that EAB had been in Greenwood for at least three years before it was detected. Now more than ever it is urgent that communities in Nebraska plan and act. Experts have advised us that by the time the EAB is confirmed it has typically already been in the community for three to six years, as was the case in Greenwood. And as the chart I have distributed to you indicates, ash tree deaths increase exponentially and on a large scale beginning six to seven years after the introduction in a particular area. A tree typically dies within just a few years, usually just a couple of years after infestation. And trees killed by EAB become brittle very quickly. These trees will then literally fall apart, causing hazards for property and public infrastructure along streets. In short, the emerald ash borer is already impacting our Nebraska communities, and if others wait until EAB is officially located in their city or town to take action, it may be too late to effectively and efficiently manage the risk. The mortality rate for these trees will simply overwhelm a community's ability to respond. My testimony, as usual, is much longer than the time available. I hope you all will take the time, if you can, to look at the rest of the testimony. And I certainly would be happy to answer what questions I can today. [LB71]

SENATOR STINNER: Thank you, Mayor. Any questions? Senator Hilkemann. [LB71]

SENATOR HILKEMANN: Mr. Mayor, did I understand that your testimony is going to be followed by someone that's an expert in forestry? [LB71]

CHRIS BEUTLER: Yes, the State... [LB71]

SENATOR HILKEMANN: Okay, I'll hold my questions till then. Thank you. [LB71]

CHRIS BEUTLER: ...the State Forester will be next or shortly down the line. He can give you a very good picture of the situation across the state. In Lincoln we have about 10,000 street trees that are ash trees and another 2,000 ash trees in our parks. And so the overall problem is

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estimated at this point to be about a \$30 million problem over 15 years. And I wanted to let you know also, if I may, Mr. Chairman,... [LB71]

SENATOR STINNER: Please. [LB71]

CHRIS BEUTLER: ...in response to the question that we have had a long and difficult debate actually over local funding for this problem and moving ahead as we know we should. And we have gotten into our last biennial budget \$950,000 for each of the two years. So we have our match. We want to let you know that we are not hiding from the problem. We're trying to deal with it and we wanted to take advantage of the state's interest, past interest in helping with disasters of one type or another, whether they're storms or tornadoes or the tree recovery program, which was set up to replace trees destroyed by aspects of the climate. So there's a history of the state of Nebraska helping and we, of course, given the scale of the problem we're dealing with at the local level, wanted to test the waters for your support and help. [LB71]

SENATOR HILKEMANN: I could follow that up then with when you...were you serving in the Legislature when the Dutch elm disease came? [LB71]

CHRIS BEUTLER: I think that I probably was, although I don't remember the exact years of the Dutch elm disease. Counsel is shaking her head as... [LB71]

KATHY TENOPIR: That's where the Tree Recovery Act started, because of that. [LB71]

CHRIS BEUTLER: Is that where it started? Okay. [LB71]

SENATOR HILKEMANN: Okay. Okay. Thank you. [LB71]

CHRIS BEUTLER: I hope, if you check out my vote, it was the right way. (Laughter) [LB71]

SENATOR STINNER: Senator McDonnell. [LB71]

SENATOR McDONNELL: Mayor Beutler, thank you for being here. The request for LB71 is \$3 million. Are you open to a lower amount? [LB71]

CHRIS BEUTLER: Given the Chair's announcement, we're open and would be grateful for whatever help we can get. Three million dollars is spread across the state, of course, and if you looked at things in proportion of population, that would maybe add \$300,000 a year or

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something less than that to the \$950,000 that we've set aside annually. So it would...I wanted to give you a sense of the proportion that it might help locally, speculating on...totally speculating on how the grants might be given. I don't really know that. But it would be helpful if this bill could happen and, yeah. [LB71]

SENATOR STINNER: Additional questions? Senator Wishart. [LB71]

SENATOR WISHART: So I have two questions. [LB71]

CHRIS BEUTLER: Okay. [LB71]

SENATOR WISHART: First, if this appropriation doesn't happen, what are...what's the city going to be able to do to deal with this problem? Where are you going to get the funds to be able to deal with this problem? [LB71]

CHRIS BEUTLER: You know, we have a number of funding sources that the Legislature has seen fit to give us. We have the property tax, we have sales tax, and we have a few different kinds of miscellaneous taxes. We also are careful to identify grant sources when and if we can. Obviously, different grant programs deal with specific kinds of things. The Environmental Trust is the closest thing we can identify as a possible source of help in the area of grants. I think the history has been that they deal mostly with planting trees and there might be some help there with regard to that aspect of the program that deals with replanting the trees. But they have not characteristically ever gotten into the other aspects of clearing trees and educating people about the problem and dealing broadly with the problem as we're doing in this case. Property taxes is...a combination of property and sales tax was what the \$950,000 was that we relied upon to get going on this. And I guess I'd put in a plug for not diminishing the number of different revenue avenues that we currently have because things like this do come up and we do need flexibility at the local level. So we would be looking at the existing tax source, tax revenue sources. [LB71]

SENATOR WISHART: Okay. [LB71]

SENATOR STINNER: Thank you, Mayor. Any additional questions? [LB71]

SENATOR WATERMEIER: Just... [LB71]

SENATOR STINNER: Senator Watermeier. [LB71]

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SENATOR WATERMEIER: Thank you, Chairman. Thank you for coming, Mr. Mayor. [LB71]

CHRIS BEUTLER: Yeah. [LB71]

SENATOR WATERMEIER: I just want to get my numbers straight here. Thirty million dollars is a rough idea. I realize that's hard to predict. The 12,000 and 2,000 trees, that's probably also hard to predict a little bit too, so 14,000. But your plan includes... [LB71]

CHRIS BEUTLER: I'm sorry, Senator, the 12,000? [LB71]

SENATOR WATERMEIER: Well, in your testimony I read (inaudible) in your testimony... [LB71]

CHRIS BEUTLER: Oh, the number of trees, yes. [LB71]

SENATOR WATERMEIER: ...12,000 trees in the streets, 10,000 in the parks. I was just trying to get an idea of the cost. But the plan does include removal and planting a new tree. But it's the part about removing and disposing of the wood that's another expense that you don't have in that plan. Is that correct the way I'm reading that? [LB71]

CHRIS BEUTLER: We...well, first of all, let me say we'll get back to you and be sure that we're correct on everything that's been included. [LB71]

SENATOR WATERMEIER: Well, just roughly, at \$2,200 a tree is what I kind of look at and I'm just trying to get my arms around how that works in the city budget and just trying to figure out a way to help you. But you are actually appropriating \$900,000 a year currently and that's going to get you halfway. [LB71]

CHRIS BEUTLER: Yes. [LB71]

SENATOR WATERMEIER: Okay. That's what I read in your testimony here. [LB71]

CHRIS BEUTLER: Yes. [LB71]

SENATOR WATERMEIER: Okay. [LB71]

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CHRIS BEUTLER: That's roughly right. We're refiguring things now again. We continually try to hone in on the numbers. [LB71]

SENATOR WATERMEIER: I'm sure it's a very difficult number to come up with. But that's kind of close enough for me to get an idea, just in the big picture, trying to see how it's going to relate to every community in Nebraska and how they're going to try to deal with it. [LB71]

CHRIS BEUTLER: Okay. [LB71]

SENATOR WATERMEIER: So I appreciate you being proactive because really I'm sure a lot of cities are not putting it in their budget and that's...I mean you're doing the best you can, I realize. [LB71]

CHRIS BEUTLER: Yeah. It's, frankly, more difficult, if I may say so, I'm sure it's, from my experience with the League of the Municipalities, it's much more difficult in the small towns than the cities... [LB71]

SENATOR WATERMEIER: I'm sure, yeah. [LB71]

CHRIS BEUTLER: ...in the state. [LB71]

SENATOR WATERMEIER: Okay. Thank you. [LB71]

CHRIS BEUTLER: Yeah. [LB71]

SENATOR STINNER: Any additional questions? Seeing none, thank you, Mayor. [LB71]

CHRIS BEUTLER: Thank you. [LB71]

SENATOR STINNER: Any additional proponents? Welcome. [LB71]

JOHN WYNN: (Exhibit 9) John Wynn from the city of Omaha, J-o-h-n W-y-n-n. On June 8, 2016, city of Omaha arborists discovered the first official emerald ash borer in the state of Nebraska at Pulaski Park near 42nd and F Streets. For several years, city of Omaha arborists have taken guidance from other countless conference speakers, foresters, officials from other cities, made a lot of phone calls to Kansas City and Des Moines who are dealing with this as well. We knew that EAB, the infestation, would be a municipal setting, would stretch the city's

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budget and test our budgets and our crews. We were warned that the infestation, once established, would increase exponential to the point that even the most prepared forestry departments would be overwhelmed with standing dead ash trees. One thing that was made very clear, if we wait until it was discovered, it's too late. All untreated ash trees will be killed by the infestation. Dead ash trees have to be removed swiftly once killed by EAB because they become very brittle. Every attempt should be made to remove them before they die. Our goal is to spread the work out over the next 11 years. Unlike Dutch elm disease of the '60s and '70s that killed an estimated 3 billion elm trees, EAB is predicted to kill 9 billion ash trees. All untreated ash trees will die, but due to the cost of treatment, it's unrealistic for us to treat all the ash trees in the city of Omaha. At the end of the day they're all going to die anyway, so our goal is just to try to remove as many as possible. Understanding the facts of EAB, gaining knowledge, learn from previous infested cities, Omaha arborists starting preparing in 2011. Early inventories were conducted to help understand that we would be facing an EAB infestation. From these early numbers, we have approximately 49,000 public trees on city rights of way; 13.4 percent of them are ash. It was decided in 2011 that in preparation for EAB our city forestry crews would focus on removing ash trees in the city that have defects or were in high target areas, such as playgrounds, picnic areas, to help reduce the number of ash trees. During this five-year period, our crews removed nearly 2,000 ash trees on public land. The inventory includes all public rights-of-way, 240-plus parks, 8 golf courses, 112 miles of trail, and all government facilities. After the discovery of EAB, we began taking bids for treatments. Treatments began almost immediately to get ahead of the further infestation throughout the city. Citywide treatments will begin in the spring of 2017. We are forecasting to spend over \$250,000 a year in the next several years on ash treatments just to spread out the time so it's more manageable for the removals. With all factors involved in a natural disaster of this magnitude, it is estimated to cost the city of Omaha around \$19 million. All treatment and removals have to be established while still managing the entire city canopy. Another challenge that we face is the overwhelming amount of private property owned trees that our code enforcement inspectors will need to deal with. Thousands of additional tree complaints will be added on top of the already 13,000 complaints they get annually. This is another huge safety concern that we will be dealing with, since some homeowners will not be able to afford the cost of a removal. We all know that the benefits gained from a strong tree canopy, the loss of a large amount of established forests will be devastating. Everything from wildlife, pollution, property values, utilities, storm water runoff, and countless more benefits we gain from established trees will be affected. This is why replanting ahead of this disaster is one of greatest importance. This is yet another task that our arborists will need to tackle over the next several years. While we plant many trees every year in Omaha, many of those...many more need to be planted as soon as possible to reestablish the canopy that will be lost. With many challenges we face with EAB and the lessons learned from other states who have been battling this for years, I urge the support of this bill. Over and over again, we have been urged to prepare and to get ahead of the infestation. Let's learn from the lessons of others,

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set an example for other communities who have yet to see emerald ash borer in their city. Thank you for your time and attention, and I'm here to answer any questions. [LB71]

SENATOR STINNER: Thank you. Any questions? Senator McDonnell. [LB71]

SENATOR McDONNELL: Thank you for being here. Going back to the World-Herald article with what happened with Judy Black at 45th and H, in my district, LD5, can you talk about a little bit about your concerns with where the city is in with the position of liability based on where we are with the current situation with the trees? [LB71]

JOHN WYNN: Right now the city of Omaha is already backlogged on some of our removals due to cuts over the past, you know, ten years. So right off the bat, on top of the 11,000 ash trees that we're going to be dealing with, we already have an annual condemned rate of probably 300 trees a year that we deal with on top of storm work and other projects we come across, hangers such, you know, whatever. So the tree crew, our tree crew normally removes. We have two crews right now that remove about 1,200 trees a year. You put another additional...our goal is 1,000 trees a year. We added another crew, but we're still not at that point where we're going to be able to remove as many ash trees as needed to keep it safe. The lady who got injured, it was an American elm tree, kind of the same from Dutch elm disease. We still have elm trees in the city of Omaha and they're still declining, the ones that are surviving. They're kind of like an ash. They decline very quickly and they break up very quickly. There's not a whole lot of elm trees left in the city of Omaha but with the 11,000 ash trees we have, it's going to be the same thing that we're going to be dealing with as that instance with the American elm dying and breaking up very quickly. [LB71]

SENATOR McDONNELL: With what happened with Judy, and thank God she's okay, but has there been other injuries that have not made the paper? [LB71]

JOHN WYNN: We haven't had any injuries that I know of. I know we get a lot of property damage every year. That's why we have four inspectors. They go out and inspect the trees every year. They mark the ones that need to come down. Unfortunately, a lot times we don't get to them trees in a timely manner where they may fail just because of the volume. But that's always a concern. That's probably the worst part about this job is knowing you have to go and look at every tree and know which ones you need to cut down next to try to avoid that. That's probably why we haven't had that happen because people are doing their jobs and we're removing the ones that need to come down even though there's other ones that are standing that are...that need to come down. They're just not as high a target. [LB71]

SENATOR McDONNELL: Thank you. [LB71]

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SENATOR STINNER: Thank you. Additional questions? Seeing none, thank you very much. Additional proponents? [LB71]

LANCE HEDQUIST: (Exhibit 10) Chairman Stinner, members of the Appropriations Committee, my name is Lance, L-a-n-c-e, Hedquist, H-e-d-q-u-i-s-t. I'm the city administrator of South Sioux City and I appreciate being here today to talk about something that we feel is very important to the city of South Sioux City and to the state of Nebraska, a state that has a strong history in terms of trees and the...having the Arbor Center in Nebraska City. I think it's very important for us to address this issue. Our local community had one of the first state orchards in the state of Nebraska. We've been a Tree City USA city for 25 years in the state and across the country, and we do have a very active tree board. Our tree board actually will work with the landowners and will take out trees that are on city properties and will actually take out trees that are on private property after dealing with the people in a public hearing fashion. You note that we spend a lot of money on tree removal. We spent \$388,000 last year, and my town is a town of 13,500 people. So we do spend money to...in our particular community. We don't allow ash trees to be built back on city properties. We look for a variety of trees to be planted, replanted in areas throughout the community. We attempt to plant 500 to 1,000 trees every year within our community. And so we are trying to really make sure that we have a good long-term history, even with the devastation that we know is about to come on us. So we do support the increased funds that's being looked at here today. But I also want to mention, I think it is also a time for innovation. We put in a gasifier unit. It's not a wood-burning unit but it's a gasifier unit that gasifies the trees and those trees, that gas from those trees is then used to provide electricity in our campground in the community--very positive thing to do for the environment. We have since signed an agreement with that company to build a 3 megawatt plant, which is much larger, that will then be used in the community. We think that will give a good positive place for deadened trees to be repurposed and used to create electricity that is actually going to be cheaper than electricity we have today. And obviously, it's a free fuel source. Every time the wind blows our city gets trees on the...throughout the community. We also are working with the University of Nebraska at Lincoln and the architecture students. They're taking some of our ash trees. They're making that into lumber. They're making the first certified laminated tree wood in the state of Nebraska. And they actually have built a shed with the university students in our community. We think that's another positive thing to be done with the trees and a good way to use the logs that come off of the ash trees, and they can be used. (Inaudible) with the ash borer, but that's...you can indeed do that and not cause any problem in that regard. And then finally I'd just note nationwide in places that have the emerald ash borer problem, they also started creating industries. We are starting to make furniture, make wood products in those particular locations. There's no reason that Nebraska can't do that likewise, whether you're working with Cornhusker Industries to make products or you're working with the Game and Parks Commission to make picnic tables to go out throughout the area. So I also urge you to be innovative in terms of your

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solutions to the massive amounts of trees that are going to be laying on the ground throughout all of our communities. Thank you, Mr. Chairman, members of committee. [LB71]

SENATOR STINNER: Thank you. Any questions? Seeing none, thank you. [LB71]

LANCE HEDQUIST: Thanks. [LB71]

SENATOR STINNER: Any additional proponents? [LB71]

LON NUTTER: Good afternoon, Chairperson Stinner and the rest of the Appropriations Committee. Thank you for allowing me the opportunity to speak to you about LB71. My name is Lon Nutter, that's spelled L-o-n, last name Nutter, N-u-t-t-e-r, and I'm the president of the Nebraska Arborists Association. I want to share with you my perspective in support of the...funding the Tree Recovery Act. In my testimony, I want to concentrate on four points, first one being the impact EAB is going to have on smaller communities, and then I really want to impress on you folks the aspect or the safety aspect of EAB, my concern for new entrants into the tree industry, and then the need for certification if this bill is passed. In my role with the Nebraska Arborists Association, I've had the opportunity to talk with many community leaders around Nebraska and I always ask about their readiness for the impact of EAB. Overwhelmingly the answer has been they're doing very little or even nothing to prepare for the invasion, and these are mostly smaller communities. I grew up in Cass County so I'm asking some of those folks and when I ask why nothing has been done, the answer is always funding. They tell me it's hard enough to find money to fix potholes, let alone fund the removal and replacement of hundreds of trees. Their plan right now is just to wait until EAB is in their community and respond the best way they can, at that point. These are communities within the current EAB quarantine area, so if it's not there already I'd be very surprised. But what we need to realize, the greatest lesson learned from this pest invasion, as it's moved its way from Michigan this way, is that you can never plan your response to begin taking action soon enough. By the time you realize you have an infestation in your community, it's often too late. The delayed response not only increases the cost but also the liability involved with these dead trees. From a safety perspective, EAB presents a unique hazard in working with or just having a standing ash tree. In my full-time job, I work for a national tree company with crews spread all over the United States. We have crews working, Michigan, all through the Ohio Valley, Chicago, Milwaukee, so we've had some experience in dealing with this stuff and what we're finding is these infested trees are very unpredictable as compared to other dead trees. I think John touched on it. The ash trees, once they get that, they decline so fast and they become unpredictable and they're very, very, very dangerous. For no apparent reason they may shed a limb, causing it to fall to the ground. In some instances, these limbs have broken off and fallen on personal and public property, power lines. They've fallen on a school bus and then, as in your district, sir, they fell on

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a pedestrian. So these can result in major injuries. This is reliability...or this is a liability that can have a huge negative impact on a small community especially. Another safety issue we are seeing is the unpredictability of ash trees when we go to remove the tree. The tree will break out in big sections or even at ground level, putting the arborist at major risk. What we're having is we'll have a climber up in a tree and for no apparent reason you'll do your tree risk assessment of the tree and then the tree will fail when you don't expect it to. So that's very scary for somebody working that tree. We vowed to take a hard look at and change our policies and procedures when working with ash trees. For this reason, in my role in the Nebraska Arborists Association, we have offered additional training to our certified arborists in regard to working with ash trees so they can be better trained and remove these trees safely. Another fear of mine is new entrants into the tree industry trying to take advantage of the situation and make money. Anytime you have a situation like that, people are opportunistic. I'm not discouraging people coming into our industry but I just fear that they're doing it not properly trained. These individuals may have a lift truck, and I've seen this, they have a lift truck for painting or whatever kind of business. Well, now they're using that lift truck to remove trees and they have no training. These individuals are not certified and they're not trained to deal with the hazards involved with removing these "hyperdangerous" trees, which will put them and the public at risk. If passed, I would ask you guys consider passing some verbiage into the grant paperwork stating that only certified arborists possessing the proper credentials and liability insurance be allowed to perform work with Tree Recovery Act dollars. Thank you for allowing me to come, provide testimony on behalf of the Nebraska Arborists Association. I hope you'll consider my testimony in making your appropriations decisions regarding LB71. Thank you for your time. [LB71]

SENATOR STINNER: Thank you. [LB71]

LON NUTTER: I'll answer any questions. [LB71]

SENATOR STINNER: Any questions? Senator Wishart. [LB71]

SENATOR WISHART: So we had heard previously that there would be somebody from the Forest Service... [LB71]

LON NUTTER: Correct. [LB71]

SENATOR WISHART: ...testifying today... [LB71]

LON NUTTER: Yep. [LB71]

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SENATOR WISHART: ...following you. [LB71]

LON NUTTER: Following me, yeah. [LB71]

SENATOR WISHART: Do you feel comfortable with me asking you some questions on (inaudible)? [LB71]

LON NUTTER: I'll do my best. Anything I can't answer, I'll refer to them. [LB71]

SENATOR WISHART: Oh, okay. [LB71]

LON NUTTER: Yeah. [LB71]

SENATOR WISHART: You know what, I'll wait. I'll wait until they come. [LB71]

LON NUTTER: Okay. Perfect. Okay. [LB71]

SENATOR STINNER: Additional questions? [LB71]

SENATOR WATERMEIER: Chairman. [LB71]

SENATOR STINNER: Oh, Senator Watermeier. [LB71]

SENATOR WATERMEIER: Thank you, Mr. Chairman. Appreciate you coming, I was going to say Lon but, Mr. Nutter. You're suggesting that it be only certified arborists. Would there possibly be enough in the state to do that? [LB71]

LON NUTTER: Maybe not. I think that's... [LB71]

SENATOR WATERMEIER: Do you have any idea? [LB71]

LON NUTTER: If we're talking just the LB71 dollars, I think there would be, yes. [LB71]

SENATOR WATERMEIER: No, to take care of the problem in the state. [LB71]

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LON NUTTER: To take care of the problem I really don't think that there is. It's such a vast problem that... [LB71]

SENATOR WATERMEIER: (Inaudible.) Yeah. [LB71]

LON NUTTER: ...I would hope there would be, but realistically, no, I don't. [LB71]

SENATOR WATERMEIER: Okay. What does it take to be certified specifically for that? [LB71]

LON NUTTER: It takes studying for an exam and getting credentialed. You have to take not only a written exam but in some areas you have to take a skills exam as well. [LB71]

SENATOR WATERMEIER: Are half of these private, half of them in government or working in the city already or would most of them be private individuals? [LB71]

LON NUTTER: Most of them would be private taking these out. There is a good majority that... [LB71]

SENATOR WATERMEIER: I mean that are certified. [LB71]

LON NUTTER: That are certified? A blend of both. Most of them are going to be private,... [LB71]

SENATOR WATERMEIER: Okay. [LB71]

LON NUTTER: ...but there are some who like work for John Wynn at the city of Omaha and, you know, some of the folks in the city of Lincoln, things like that. [LB71]

SENATOR WATERMEIER: Thank you. [LB71]

LON NUTTER: Yeah. [LB71]

SENATOR STINNER: Thank you. [LB71]

LON NUTTER: Yeah. [LB71]

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SENATOR STINNER: Thank you very much. [LB71]

LON NUTTER: Okay. [LB71]

SENATOR STINNER: Additional proponents. [LB71]

MARTI NEELY: (Exhibit 11) Good afternoon, Senators. I am Marti, that's M-a-r-t-i, Neely, N-e-e-l-y. I am president of the Nebraska Nursery and Landscape Association. Thank you for giving me the opportunity to testify. I am testifying on behalf of our organization in support of LB71. Just for some reference, our membership is comprised of any business operating in the state of Nebraska that is actively engaged in the production, utilization, and/or distribution of agricultural and/or horticultural products and materials. Included in this category are businesses which are actively engaged in the wholesale or retail nursery, garden centers, there are certified landscape designers, certified nursery professionals and landscape contractors, as well as persons or entities engaged in allied trades, such as horticultural printers, publishers of the trade papers, dealers and nursery supplies, manufacturers of agricultural implements, landscape architects, and employees of private and/or governmental institutions whose duties are of a horticultural nature. We are a broad and diverse industry. We currently have 151 members in our organization and of that membership we employ over 5,000 individuals. The annual sales resulting from our members alone are over \$142 million per year. This is just a portion of the economic impact represented by the nursery and landscape industry in our state. Others have spoken about the financial impact of attacking EAB now rather than later, and you will hear more from the Forest Service tree representative. Nebraskans are known for being fiscally responsible and this is definitely an instance of pay now or pay later. Not only is this the case when it comes to dollars but it's also with the impact of losing trees on the culture of our communities. Trees play an important part in the life of Nebraska families and have since the beginning of our statehood. We make reference to setting roots down when we move to a new home. Families plant trees at their new house, as if to make it known that this is now home and they are staying here. We are the Tree Planting State, the home of Arbor Day. We use trees to mark the end of the ball field, sometimes using them as second base, the edge of the soccer goal, and the best place to hide in a game of hide and go seek. Young people snatch their first kiss behind a tree or they wait for Dad to pick them up after Friday night's game. We climb them, we picnic under them, and when life is over we bury our dead near them. My dad has planted...my dad is buried next to an ash tree. Unfortunately, it's an ash tree so we're going to lose it, and hopefully the cemetery will plant something else. With the current estimated population of \$1.896 million, I'm sorry, 1.896 million people in the state of Nebraska as of the 2016 data, the cost per person for this program that we are asking is just \$1.59 per person. If we do nothing now, the cost for this program of removing the ash trees and replanting will be much more. Trees are much more than just something that shades us and something that replenishes oxygen and something that feeds us. They are landmarks in our life. We all have stories about the trees we climbed and that we carved on and that we swung from.

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They create fabrics in our communities and they bring us together. And it's unfortunate that the emerald ash borer has come, but it will march on regardless of what we do. So I think it's very important that we look at how can we nip it in the bud and deal with it on a time table that works for us instead of the time table that the ash borer decides works for them. On behalf of the thousands of Nebraskans and the thousands of Nebraskans that work in our industry, that enjoy the benefits of trees, I ask that you consider their value and fund this bill so future generations can continue to experience the good life that trees bring to our communities. Thank you for your time and for your hard work. [LB71]

SENATOR STINNER: Thank you. Any questions? Seeing none, thank you. [LB71]

ERVIN PORTIS: Don't you love these long days? (Laugh) [LB71]

SENATOR STINNER: Welcome. [LB71]

ERVIN PORTIS: No, you do not. Good afternoon, Mr. Chairman, committee members. I am Ervin, E-r-v-i-n, last name is Portis, P-o-r-t-i-s, the Plattsmouth City Administrator, and I'm not going to be redundant from everything you've already...or to everything you've already heard. What I want to do is address a couple questions. I think you asked a question you know the answer to, and it's about liability. You fully know that if we identify that that tree is dangerous, dead, nuisance, disease, it's going to come down. We've got an obligation to take it down as soon as possible. But with limited funding, we can't do it. If we don't and that tree does injure somebody, you know we've got liability. So I appreciate that question very, very much. You asked a question about if this appropriation doesn't happen, what choices do we make? Let me put it in the perspective of a small city, much like the communities that some of you represent. In Plattsmouth, we're about...we're a town of 6,500, about a \$5 million general fund budget and a full-service community. Right now I've got a rescue or an ambulance service that needs three new stretchers. Stretchers, about \$20,000 each, aren't they? They're expensive. And that's motorized stretchers. That's not a stretcher that is going to be capable of handling the morbidly obese. So I've got to make a choice: Do I put in \$20,000 for tree removal and the tree planting next year or \$20,000 less for one of those stretchers, instead get by with two, and incur some risk? Those are the kinds of choices that have been made in the small community. And in a large community it's the same choice, different scale. So with that, any questions you might have? [LB71]

SENATOR STINNER: Questions? Seeing none, thank you. [LB71]

ERVIN PORTIS: Thank you. [LB71]

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LYLE MINSHULL: Good afternoon, Senators. [LB71]

SENATOR STINNER: Welcome. Good afternoon. [LB71]

LYLE MINSHULL: I'm Lyle Minshull, that's L-y-l-e M-i-n-s-h-u-l-l. I'm the park and cemetery supervisor as well as the unofficial tree guy for the city of North Platte, so I also represent the Nebraska Community Forestry Council here today, too, as the chair. Forestry Council represents many organizations and administrations of the green industry, and you've heard from some of them already such as the Arborists Association, landscapers, but we also represent the utilities, the natural resources districts, municipal parks, public spaces, master gardeners, and local tree board members. And we work alongside the Nebraska Forest Service in an advisory capacity for quite some time now, including the initial funding that come from the Nebraska Tree Recovery Act years ago. The mission of the Community Forestry is to promote sound stewardship and we have partnered with the university's Cooperative Extension, Nebraska Statewide Arboretum, and other Nebraska communities and its citizens to emphasize the efficacy of educational programs. We have canceled many green infrastructure grant programs with the Forest Service, which gives us the benefit of serving as an advisory council. So we're looking for the needs, matching the needs with the money. And so I think that's a very good thing that we have that experience there too for that money. I'd like to start out with a historical time line. Some of the folks up here that testified earlier today, you know, talked about some of the disasters that we've already incurred, like 2011 Missouri River flooded, 6,250 trees died, and in Omaha, Bellevue, South Sioux City, to the tune of \$5.1 million. That's not going to stop. Flooding is not going to stop. We, as much as we like to hear that it would and they have control, it's not going to stop. That money is going to continue to be needed. Two thousand twelve we had a drought and we're still seeing the effects of that drought. And thousands of community trees and public lands have died and costing millions of dollars for removal and replanting for that. In 2013 a snowstorm hit Chadron, Nebraska, wiped out, you know, trees there and it cost them about \$170,000 to remove that woody material. Two thousand fourteen, tornadoes and high winds hit the communities of Pilger, Beaver Crossing, Sutton, Wakefield, Burwell, Stuart, and they lost 5,650 trees at the tune of \$4.4 million for removal, disposal, and replanting. So we use this cost-share program, you know, what it's going to do is obviously it's going to take care of the ash removals, disposal, replanting, but what that does, it slows down the movement of that bug and it helps the cities kind of recover. It stretches it out so it helps them recover that. So that's why this money is important to get in there now to do that, to save us some money down the road. We do...we use it...you know, also for, you know, expanded monitoring, detection, and proactive removals. I know that Mr. Wynn from Omaha talked about taking some down but they're backlogged. This would help that and it would help, you know, from the declining ash trees and help confine the infestations. It also would help with community education to let people know what tree to plant in place of that ash instead of trying to put another ash back in there. I know ashes are popular because are very resilient, they're very hardy in this state, but there's also a diverse number of species out there that could

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be planted too. And North Platte experienced...we used the Nebraska Tree Recovery Act money from the years 1996 to the year 2002 and what we did with it was we...was a fifty-fifty grant. We shared the 50 percent that was responsible for the city, 25 percent of it with the homeowner. And so they invested in it, city invested in it, and then the good state invested in it, so we had a good leverage of money there. So this \$3 million is actually going to turn into more than that so it's nice to have that leveraged, and so. And then one final thing. You know, North Platte needed to be proactive to respond to another calamity and so what we're doing with this money is going to affect the very front yards of your constituents. It's not going to be something that's going to be hidden in a highway project or something like that. It's going to be front and foremost and right, and those people can see the results of what that happens. So I encourage you, you know. We need the money for the Nebraska Tree Recovery Act. Any questions? [LB71]

SENATOR STINNER: Thank you. Any questions? Senator Wishart. [LB71]

SENATOR WISHART: So I'm going to try some of the questions on you about trees. First of all, what are we doing in the future to reduce the risk of something like this happening again? We heard about the elms. Now we're hearing about ash trees where whole streets are going to lose their trees. What are we doing across the state to make sure that we have a diversity of trees planted in municipalities? [LB71]

LYLE MINSHULL: Very good question. What we've done is that we're going to go back to the educational component to teach people what species will work out there so we'll have multiple different species out there so we don't have just one species of ash, one species of elms out there. And so we'd like to diversify that just as much as we can. Nebraska State (inaudible) are doing a wonderful job. They're sending trees out throughout the state for trials to see which trees are actually going to work out there. And then we'll advocate those types of trees to be in there too, so. [LB71]

SENATOR WISHART: Okay. And then I worked with my district to get some street trees through an NRD grant. [LB71]

LYLE MINSHULL: Uh-huh. [LB71]

SENATOR WISHART: And there were still dollars available that had not been used in 2016, available by the Lower Platte NRD for street trees. You know, are we making sure we haven't exhausted all of the potential revenue resources that are available now for towns and municipalities to use? [LB71]

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LYLE MINSHULL: Well, again, you know, I am familiar with our NRD that has some money available there too. Their policy is more along the lines of planting rather than removal,... [LB71]

SENATOR WISHART: Yeah. [LB71]

LYLE MINSHULL: ...and so...and disposal. So that's just part of the puzzle there too. To exhaust that in the planting portion of it would be easily done once the emerald ash borer comes into play. [LB71]

SENATOR WISHART: Okay. And then I have been reading about, you know, we had one testifier talk about innovation. I've been reading about a certain kind of wasp that has the potential of killing this ash borer... [LB71]

LYLE MINSHULL: Uh-huh. [LB71]

SENATOR WISHART: ...beetle. [LB71]

LYLE MINSHULL: Correct. [LB71]

SENATOR WISHART: Can you talk a little about that? [LB71]

LYLE MINSHULL: I can talk very little about that... [LB71]

SENATOR WISHART: Okay. [LB71]

LYLE MINSHULL: ...because I'd like to defer that to the Forest Service,... [LB71]

SENATOR WISHART: Okay. [LB71]

LYLE MINSHULL: ...Dr. Josiah. Anyhow, my take on it is that it would be something that would be looked at, you know, however, when you interject some...another species into a nonnative deal, it's kind of like what we do with some of the plants. Like we're experiencing with phragmites right now. [LB71]

SENATOR WISHART: Uh-huh. [LB71]

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LYLE MINSHULL: You know, it will do something else. And so we want to be very, very cautious of what we bring in to something like that. [LB71]

SENATOR WISHART: Okay. Thank you. [LB71]

SENATOR STINNER: Thank you. Any additional questions? Seeing none, thank you very much. Any additional proponents? Seeing none, any opponents? Seeing none, anybody in the neutral capacity? [LB71]

SCOTT JOSIAH: (Exhibits 12 and 13) Good afternoon, Senator Stinner and members of the Appropriations Committee. My name is Scott Josiah, S-c-o-t-t J-o-s-i-a-h, and I serve as State Forester and director of the Nebraska Forest Service. Thank you for this opportunity to provide information to the committee on LB71, which would appropriate funds to the existing Tree Recovery Act. The act was passed by the Legislature in 1994 to help communities statewide deal with millions of trees that were killed by severe weather in 1993. By the early 2000s, the act was no longer funded but remained on the books. The statute directs the Nebraska Forest Service to administer and distribute Tree Recovery Act funds by a competitive grants program to communities statewide. I just need to update some figures that have been tossed around by various folks today and these are the figures I think you should use, based on inventories that we've done and the U.S. Forest Service has done across the state. It will cost municipalities at least \$275 million to remove, dispose of, and replace 256,000 public ash trees growing in virtually every city and town in Nebraska. EAB will also kill at least 640,000 additional ash trees on residential properties and more than 43 million ash trees in our forests. LB71 only addresses the public tree needs. We are fortunate to be able, I'm not kidding, we are fortunate to be able to be having EAB now in Nebraska and not ten years ago. We have learned so much from the experiences of 25 other states, which I'll share here. Bottom line is avoiding responding to EAB only increases and concentrates the costs into a shorter time period and quickly overwhelms community budgets and capacity. As you've heard many times already, EAB exponentially increases its population after initial infestations, killing 70 to 80 percent of ash trees in a community within six to eight years of detection. So it's been there three to four to five years already before we detect it. Within six to eight years most of the trees are dead. And some examples: In Windsor, Ontario, EAB was found in 2002. By 2005, 6,000 trees were dead and it cost \$4 million by 2005. In Ann Arbor, Michigan, EAB was found in 2003. By 2005, 10,000 trees were dead. Partial removal costs were \$2 million by 2005. Beginning four to five years after infestation, the exponential growth of EAB mortality resulted in municipalities doubling or tripling their tree care budgets. That's an average across 25 states. Per capita municipal spending on in-house and contracted tree care quadrupled. You've heard a lot about how fragile and dangerous ash trees are. For more than two years they predicted, after two years of dying or being infested, they unpredictably fall over or drop dangerous, large branches. In Ohio, 80 percent of ash trees fell within five years of dying. A comprehensive approach of insecticidal

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injection of large numbers of trees, combined with preemptive ash tree removals and rapid removal of dying ash trees is the least expensive approach. For instance, Milwaukee, Wisconsin, treated thousands of ash trees and will slowly remove and replace those over 20 years, costing \$25 million. Not treating and removing dead...those dead trees would have cost \$33 million in Milwaukee alone and concentrated the costs in a 10-year period versus 20. By far, waiting to react is the most expensive approach. Funding the Tree Recovery Act would help municipalities spread out and reduce the inevitable costs and better cash flow the required investments. The Nebraska Forest Service is administratively housed in the University of Nebraska. For this reason, funds, any funds that would be appropriated would go to the Forest Service via Program 51, the University of Nebraska. I thought you should know that just so we're all clear. However, we will pass through 91 percent of the funds to communities statewide for tree removal, disposal, and replanting, according to the requirements of this Tree Recovery Act statute. Funds reserved for project oversight are scalable. Should the Legislature decide to appropriate fewer dollars than requested, project management dollars would decrease proportionately. We would also use federal dollars, federally funded positions to help administer this as well because, frankly, it's not enough. We're trying to pass through as many dollars as we can to communities. If the Legislature considers the ash borer crisis as a priority issue for the state, LB71 represents an important step forward. I'll be happy to answer any questions that you might have. Sounded like you had a lot. [LB71]

SENATOR STINNER: Thank you very much. Questions? Senator Hilkemann. [LB71]

SENATOR HILKEMANN: Yes, sir, what's the average lifespan of an ash tree? [LB71]

SCOTT JOSIAH: It depends on where it is. It could be up to 100 years in the forest, although in Nebraska that's probably pushing it. It's probably 60 to 80. In communities, maybe 30 to 40 years would be pushing it. In some cities, very urbanized areas, it might be only 15 to 20. [LB71]

SENATOR HILKEMANN: Okay. So is this emerald ash borer, it's just killing trees that would normally have...at the end of its lifespan anyway. Is that correct? [LB71]

SCOTT JOSIAH: That is not, no. The emerald ash borer kills all trees from one-inch diameter up, all ash trees. [LB71]

SENATOR HILKEMANN: Okay. [LB71]

SCOTT JOSIAH: It does not prefer less vigorous trees or anything like that. It goes after all of them. [LB71]

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SENATOR HILKEMANN: So it's different than like the pine beetle. [LB71]

SCOTT JOSIAH: That's exactly right. It's an invasive species from another continent, from China. And so our trees have no natural resistance to this insect whatsoever. [LB71]

SENATOR HILKEMANN: Okay. And this is a different type of disease than what the Dutch elm disease because of the spreading. Is that correct? [LB71]

SCOTT JOSIAH: Dutch elm disease was a combination of a fungus that was spread by a beetle, introduced in the '50s and '60s. It also spread exponentially but there were fewer elm trees than there are ash trees. Emerald ash borer is simply an insect and it gets under the bark. There's a gallery there, this piece of wood there with a gallery in it. Gets under the bark and it girdles that part of the bark. And when you have thousands of beetles or tens of thousands of beetles attacking one tree, it girdles the tree and the tree dies. [LB71]

SENATOR HILKEMANN: But the fact of the matter is that, according to this one scale, in 15 years there probably will not be any ash trees in this state or very few. [LB71]

SCOTT JOSIAH: In...by the time you find it in the community, within 15 years most of the ash trees will be dead. [LB71]

SENATOR HILKEMANN: Okay. [LB71]

SCOTT JOSIAH: There may be a few that people have treated and continue to treat, and those would remain alive. There will probably be a lingering population of emerald ash borer in the state for many decades to come. [LB71]

SENATOR HILKEMANN: Thank you. [LB71]

SCOTT JOSIAH: Sure. [LB71]

SENATOR STINNER: Thank you. Additional questions? Senator Clements. [LB71]

SENATOR CLEMENTS: I was wondering about the cost of insecticide injection per tree. [LB71]

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SCOTT JOSIAH: It depends on the size of the tree, the diameter of the tree, but generally between \$100 and \$200 a treatment, and that would be every other year. So treatments are an important component of the strategy for dealing with emerald ash borer because it preserves the life of those trees for perhaps 10 or 15 years and spreads out the cost of removing those trees over time. What really hammers municipalities is when virtually all of their trees die within ten years and they just don't have the capacity. There isn't...there aren't enough arborists, there isn't enough staff. They start drawing resources from other social service programs to fund the removal of trees and it just overwhelms their budget. So the strategy that we have found across many states now is to spread out the mortality over as long a period of time as you can so that you can cash flow that over time. [LB71]

SENATOR CLEMENTS: Thank you. [LB71]

SCOTT JOSIAH: Sure. [LB71]

SENATOR STINNER: Thank you. Additional questions? Seeing none, thank you very much. [LB71]

SCOTT JOSIAH: You're welcome. Thank you. [LB71]

SENATOR STINNER: Any additional testifiers in the neutral capacity? Would you like to close? [LB71]

SENATOR PANSING BROOKS: I would just briefly. Thank you. Thank you all for sitting here today and listening to all this. As you can tell, it's a pretty important issue for our state. I sort of like the thought that I just heard recently that, you know, we think about that money doesn't grow on trees. And I would argue in this case money does grow on trees. And all you have to do is take these elevators up to the top and look out over Lincoln, and what do you see? You don't see houses. You see a canopy of trees. And so what does that canopy provide for us? It provides shelter from the sun in the summer. It provides a canopy like an umbrella for our rain and storm water. And so if you think about how important this is for even just going up here in Lincoln, think of how important that is across the state. I found, while we were sitting here, I found an interesting site called the...there's apps for everything, the National Tree Benefit Calculator. And so you can put in what your zip code is, so I put in my zip code in Lincoln, and then it will...and I set up...I put in an ash tree of about 22 inches, and at that point it gives you a cost analysis of the benefits of that, of a tree in my zip code in Lincoln. And so a 22-inch tree--they had me choose between zero and 45 inches, so I chose halfway--they calculate the benefit to storm water, to storm water protection and it says the 22-inch ash tree will intercept 2,693 gallons of storm water runoff this year. And then it goes into that it will help, if it's planted in front of a

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single-family home, it raises the value by \$44 this year. It talks about the number of kilowatt-hours that are impacted in my house by...serving by that...by the service of that tree. And it talks about air quality benefits and the CO2. It's really an interesting Web site, so I lead you there. I can't verify that it's good but it looks like a really pretty good site. And it says that a 22-inch ash tree in my zip code provides, overall, \$196 per year for me at my house. So again, those kinds of benefits are multiplied of course manyfold across our state, across our communities. And again, I hope we have some ability to deal with this crisis that is coming and this crisis that is here. Thank you so much for your time today. [LB71]

SENATOR STINNER: Thank you, Senator. [LB71]

SENATOR PANSING BROOKS: Thank you. [LB71]

SENATOR STINNER: (Exhibits 8, 9, and 13) I do have three letters of support: one from the mayor of Omaha; another one from Christy Abraham, League of Nebraska Municipalities; and Christina Hoyt from the Nebraska Statewide Arboretum. That concludes our hearing on LB71. We are going to change the agenda to accommodate Senator Crawford, who has to go and teach a class. Senator Crawford, would you like to introduce LB302, please. [LB71 LB302]

SENATOR CRAWFORD: Before I start my official testimony, I do want to thank the committee and thank everyone who's here for being willing to accommodate a bit of a change here in schedule and also to say I care deeply about both LB302 and LB303. I'm going to have time to open on LB302, but I'll have to leave right after that. And so my legislative aide will need to open on LB303 and she'll be taking good notes and will be able to give me your questions and concerns. And I apologize for not being able to be here for the full, for both of the bills. With that, good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Sue Crawford, C-r-a-w-f-o-r-d, and I represent the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. And I'm honored to be here today to introduce LB302 for your consideration. LB302 comes from recommendations of the Mental and Behavioral Health Task Force established by LR413. LB302 appropriates funds to create postgraduate fellowships for physician assistants. These fellowships will prepare participants to provide advanced psychiatric and behavioral healthcare in rural and underserved communities, and help Nebraska expeditiously recruit, retain, and increase the competence of our psychiatric prescriber work force. Physician assistants who are interested in specializing in psychiatric and behavioral health services would apply for the postgraduate educational program funded through LB302. Those accepted would gain both didactic and clinical experience through instructional courses as well as inpatient and outpatient clinical rotations in rural and underserved communities across the state. During their rotations, fellows will perform diagnostic evaluations and follow-up appointments under the direction and supervision of professionals to prepare them to serve as

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psychiatric prescribers. At the conclusion of their fellowship, participants will take a comprehensive final exam to prepare them for the National Commission on Certification of Physician Assistants, Psychiatric...Psychiatry Certificate of Added Qualification examination, this examination...excuse me, so let me repeat that again for the record: to prepare them for the National Commission on Certification of Physician Assistants, NCCPA, Psychiatry Certificate of Added Qualification, CAQ. Eighty-eight of the ninety-three counties in Nebraska are designated as mental health shortage areas by the U.S. Health Resources and Services Administration, and seventy-six out of the ninety-three counties are without a psychiatric prescriber. With the 479 PAs practicing across the state, there's a potential to greatly increase accessibility to psychiatric prescribers, but only 16 PAs are currently working in behavioral health. There will be testifiers behind me to explain that barrier and that shortage and perhaps how this preparation for this examination will help in that situation. LB302 will provide for one-year fellowships that will help PA graduates to specialize in psychiatric and behavioral health services and is an important step to help the state increase the competency of the psychiatric prescriber work force. Following my testimony you will hear from PA program directors, behavioral health service providers, and a PA student about the challenges they face in the state in providing psychiatric and behavioral health services to rural and underserved communities, and how PAs can help to close some of those gaps when given the right tools. I appreciate the committee's attention to this issue and will be happy to try to answer questions that you may have. [LB302]

SENATOR STINNER: Thank you. Any questions? Senator Hilkemann. [LB302]

SENATOR HILKEMANN: Senator, how many fellows...how many residents are you thinking you'll have, or P Assistant residents will you have each year with this program? [LB302]

SENATOR CRAWFORD: It's my understanding that this is funding for two per year and for starting up the program. [LB302]

SENATOR HILKEMANN: So we're looking at about \$150,000 per student per year, \$140,000. [LB302]

SENATOR CRAWFORD: I will...two per year, who then obviously will be in our community giving service for many years, but. So that is the cost to provide that training to them for, yes, it is the cost of providing training for two of these fellowships per year, yes. [LB302]

SENATOR HILKEMANN: Okay. [LB302]

SENATOR CRAWFORD: Uh-huh. [LB302]

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SENATOR STINNER: Any additional questions? I'll tell you what, I'll...do you want to introduce LB303 before you leave...or 3, yeah, LB303, isn't it? You could do that. I'll just split it as we go. [LB302 LB303]

SENATOR CRAWFORD: If you...if you would accommodate that... [LB303]

SENATOR STINNER: I will accommodate that... [LB303]

SENATOR CRAWFORD: Okay. [LB303]

SENATOR STINNER: ...just to help you out. [LB303]

SENATOR CRAWFORD: I appreciate that. Thank you. Okay. My apologies to the transcribers. (Laugh) Thank you to... [LB303]

SENATOR STINNER: That's all right. [LB303]

SENATOR CRAWFORD: ...thanks and gratitude to the Chair and committee. [LB303]

SENATOR STINNER: We'll get it straightened out with the transcriber. [LB303]

SENATOR CRAWFORD: (Exhibits 1 and 2) (Laugh) Great. Thank you, Chairman Stinner. I appreciate that very much. Good afternoon, Chairman Stinner and members of the Appropriations Committee. My name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d, and I represent the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. I'm honored to be here today to introduce LB303 for your consideration. LB303 comes from the recommendations of the Mental and Behavioral Health Task Force established by LR413. LB303 appropriates funds for master's level internships in order to improve access to behavioral health services in rural and underserved areas of Nebraska. The internships provided through LB303 work to recruit, train, place, and retain behavioral health professionals to work in primary care medical practices across the state. Treating behavioral health problems in primary healthcare medical practices reduces medical costs, improves outcomes, and increases patient and physician satisfaction. In fact, over 80 studies have been conducted on this "integrated model of service delivery" with results indicating superior outcomes and improved overall health for patients. The American Medical Association has stated, "Embedding behavioral health within primary care practices expands the services a patient can receive and is convenient for the patient. In addition, many medical conditions are greatly impacted by the patient's behavioral choices and mental health issues. By bringing medical and psychosocial services together within primary care the team is better able

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to meet both the mental and general health needs of the patient." Although this integrated model of healthcare can significantly improve access to behavioral health services, especially in rural and underserved areas of our state, we have a significant shortage of behavioral health providers trained to work in these primary healthcare settings. With support from LB303, professionals will train in patient-centered medical care that integrates physical and behavioral health in a single location. If LB303 is implemented, behavioral health services to children, adults, and families will increase by over 4,000 patient sessions annually. Furthermore, graduating behavioral health students who know how to serve in the primary care setting...excuse me. Furthermore, graduating behavioral health students will know how to serve in the primary care setting which will help alleviate primary care physicians who are often put in the uncomfortable position of diagnosing and treating behavioral health problems and allow them to direct their time and resources back to providing primary physical healthcare services. The UNMC Integrated Behavioral Healthcare Training Program is a leader among rural states, is being replicated in Pennsylvania, Florida, and Michigan. Expanding funding is needed, however, to eventually provide access to behavioral health for all Nebraska citizens. It is my intent that LB303 would not only fund positions for students at the Nebraska Medical Center but, instead, create a statewide collaborative effort to educate students from all state-funded university and college behavioral health training programs and engage our Behavioral Health Education Center, or BHECN, partners. For that reason I have drafted an amendment for the committee's consideration that will appropriate funds to UNMC to be used by BHECN. Actually, I've drafted two amendments for the committee to consider and choose between. The funding in the green copy can cover 18 slots, but the green copy says 12. The other amendment, AM381, provides funding, a reduced amount of funding, to cover 12 internships. So, and again, these provide training for these interns but also allows us to directly start providing assistance for the primary care providers right now in these locations across the state. And I'll allow people behind me to talk about where those locations are a bit more and what that looks like in terms of the care that patients are receiving as we begin these internships and expand these internships. Given the severe shortages and the need for strengthening our mental health system, 18 is preferred. But we understand we're in a tough fiscal environment and that we may need to start at 12. Both amendments also include the addition of permissive language for doctoral level interns so that students in doctoral psychology programs can access these internships as well. Following my testimony, you'll hear from mental and behavioral health service providers who will speak to the behavioral health work force shortages in our state and how those internships can address these shortfalls. During the neutral testimony, BHECN's associate clinical director will provide more information on who will qualify for the internships and what the program's curriculum will entail. I appreciate the committee's attention to this issue. I'll be happy to try to answer any initial questions you may have. [LB303]

SENATOR STINNER: Any questions? Seeing none, thank you. [LB303]

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SENATOR CRAWFORD: Thank you very much. Appreciate it. [LB303]

SENATOR STINNER: We are going to go back to LB302, and LB302, any additional proponents? [LB302]

MICHELLE BULLER: Okay. [LB302]

SENATOR STINNER: Good evening. [LB302]

MICHELLE BULLER: Good evening. Evening though, right? Yeah. [LB302]

SENATOR STINNER: It's pretty close. [LB302]

MICHELLE BULLER: (Exhibit 1) Chairman Stinner and members of the Appropriations Committee, my name is Michelle Buller and I'm a...oh, M-i-c-h, excuse me, M-i-c-h-e-l-l-e and then B-u-l-l-e-r. I'm a physician assistant in clinical practice at Bryan Heartland Psychiatry and the academic director at Union College physician assistant program where I get the opportunity to be able to teach psychiatry to students and motivate them to kind of go into that field. I was actually a family practice PA before this in Gretna, and I developed a passion, as I was practicing, to move into the specialty of psychiatry. I had many patients that needed care beyond that I could actually give them at that point and so...and it was a very difficult to get them into a psychiatric provider in less than three or four months. So I attempted to find a job myself in psychiatry as a PA and I was told it was not a possibility due to insurance companies not wanting to cover me or credential me, and mostly that was due to their...them not understanding that we can practice psychiatry. But I also believe it's one of the last fields PAs have ever gone into. Payers kept wanting a certificate or a credential saying I was certified in psychiatry, but this was very surprising because all PAs are actually trained in general medicine but many specialize with on-the-job type of training with a supervising physician. So, because, for example, I worked in internal medicine, family practice, and even cardiology, and I really...I didn't need any certain paper saying that I could do those types of things either, and at that time there was only two psychiatric PAs in the state. And so I decided, due to these problems in finding that with credentialing and reimbursement and the desire to receive additional training, I decided to do that and looked into some different fellowships. And I did mine at the University of Iowa and it was a postgrad physician assistant fellowship program and it was one year in duration. And basically it serves a model for the rest of the states across the country. They also gave me some letters of support, as well as some of their alumni who actually practice in the smaller towns, those rural areas, and do some child psychiatry out there. Our PAs go through a rigorous psychiatric course and they do have NPA school and then they do a four-week rotation under a psychiatric provider. What I was very surprised at, many people or students actually get through and they have a very

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strong desire to actually go into psychiatry in Nebraska. And so we have this huge need, yet there's very few jobs that are open, due to maybe administrators maybe just not knowing that we can do psychiatry, and then there's those barriers of course. And so we do need that psychiatric medical management since it is going unmet. PAs are fairly plentiful in the state of Nebraska, and so newly graduated students with interests in psychiatry are being recruited into other specialties, of course with higher salaries, but yet they still would like to do psychiatry. I even get phone calls from other organizations or other states and hospitals because they want to hire PAs in psychiatry and they were wondering how that looks. BHECN has played a huge role in designing a PA interest group in psychiatry at UNMC and at Union College, and we found that they are excited about it. And the first two years of the psych interest group, about 20 percent of enrolled PA students at UNMC expressed interest in being in the group. And really, when you think about that, that could be...turn into 10 to 13 new prescribers per year in the state of Nebraska with just UNMC's alone. Union College had 38 out of 50 that wanted to be in the group as well, whether they went into family practice or psychiatry. We're going to see it in every specialty that we do. And then I did a recent survey at Union and kind of finding out who would be interested even in a fellowship, because that was kind of my biggest concern, and 40 out of 50 students actually said that they would be very interested in doing a fellowship. So the proposed fellowship will consist of comprehensive educational program. It will be didactic and then it would also be clinical. And we will prepare them basically to see the whole patient, improve access to healthcare, hopefully, advance population health, and then integrate that collaborative care. We want them to have mastery in, of course, psychiatric evaluations and assessments, order and interpret diagnostic tests, establish and treat...managed treatment plans that are evidence-based, and order referrals when needed, as well as coding and telehealth. So kind of why is this an effective model? I think that Nebraska will gain providers that will actually stay in the state. There's greater access to care, consistent payer reimbursement, maybe increase the competency that they even feel of the prescriber, especially in those rural areas where we need them the most. And we hope to retain them, even those graduates. So hopefully it's more of a cost-efficient approach in the long run to expeditiously train psychiatric providers for their work force. And so I personally had struggled for years with getting credentialed with payers and reimbursement and so...with Medicaid and different things. So I see my light is on. So the rest of the...my testimony you guys actually have and I don't think there are...do you guys have any questions? Thank you for letting me speak. [LB302]

SENATOR STINNER: Thank you. Any questions? Seeing none, thank you. [LB302]

MICHELLE BULLER: Okay. Thanks. [LB302]

SENATOR STINNER: Any more proponents for LB302? Welcome. [LB302]

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ALYS SEAY: (Exhibit 2) Thank you. Good evening. Good evening, Chairman Stinner and members of the Appropriations Committee. My name is Alys Seay, spelled A-l-y-s S-e-a-y. I'm a first-year physician assistant student at Union College and Union College's Nebraska Academy of Physician Assistants student representative. I'm grateful to be here today speaking to you. I can say an interest in mental health is in my blood. I grew up with a clinical counselor as a father, and from an early age would pick his brain about how he understood people and how he would interact with them. People have always fascinated me and it's easy for me to be curious about others. When I chose to pursue a medical career, I got a job at a psychiatric hospital and spent six months working full time with patients ranging from 5 years of age to 80 years of age. I've seen firsthand how pivotal good mental health practitioners are in the health and outcome of mentally ill patients. A caring, compassionate, and understanding provider can literally change the life of someone struggling with a mental illness, as I myself have witnessed. I'm still in my first year of PA school, but have spent significant time considering which direction to go when I graduate. I dream of being someone who is able to significantly impact and improve the quality of life of any patient I see, whatever field I'm in. High on my list of options after I graduate is psychiatry. I find the complexity of the mind and emotions fascinating. But it is also this complexity that is a barrier. And even though I spent six months in an inpatient unit working full time, I barely even scratched the surface of understanding the patients I was interacting with. I spent almost my entire shift with them and had only begun to learn how to intervene in their lives in a meaningful way. The only way I would feel confident entering the psychiatry field after I graduate is if I went somewhere where I knew I would get intentional training and teaching. More than moving closer to my family or living in the perfect city after I graduate, I hope to go to the place most willing to invest in me and help me achieve competence. While being a well-trained provider rests squarely on my shoulders, some places are more equipped than others to provide the tools and the mentorship needed to help their providers flourish. It will be an opportunity like a fellowship that I'm looking for when I graduate and the learning opportunities available to me will significantly influence the place I choose to go and stay. And I'm happy to take any questions. [LB302]

SENATOR STINNER: Thank you. Any questions? Seeing none, thank you very much. [LB302]

SENATOR HILKEMANN: It's all right. [LB302]

SENATOR STINNER: Did you...? [LB302]

SENATOR HILKEMANN: I'll get it later. [LB302]

SENATOR STINNER: Okay. Any additional proponents for LB302? [LB302]

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KURT SCHMECKPEPER: Good evening. [LB302]

SENATOR STINNER: Good evening. [LB302]

KURT SCHMECKPEPER: My name is Kurt, K-u-r-t, Schmeckpeper, S-c-h-m-e-c-k-p-e-p-e-r, and I'm testifying in support of LB302 on behalf of Nebraska Academy of Physician Assistants, also known as NAPA. And I know now that you guys can totally appreciate the patience that we have as practicing providers, sitting here as long as you do today, so I appreciate that. NAPA is the state professional organization for physician assistants. It's a constituent chapter of the national organization also known as the American Academy of Physician Assistants. NAPA was started in 1975 by the first graduating class of the University of Nebraska Medical Center Physician Assistant Program, and today serves and represents PAs across the state. Our goals as PAs include transforming health through patient-centered, team-based medical practice. NAPA greatly appreciates the work of Senator Crawford and her supportive efforts to fund a one-year, I'm sorry, and is supportive of the efforts to fund one-year postgraduate psychiatric and behavioral health medicine fellowships for physician assistants. NAPA is also grateful for Senator Bolz and the members of the LR413 Mental and Behavioral Task Force...Health Task Force. The task force found that Nebraska in general, and the rural areas in particular, are facing significant work force deficiencies through the behavioral and mental health systems. The creation of the publicly funded, postgraduate fellowships and psychiatric...psychiatry for physician assistants was a recommendation of the task force which found that of the nearly 800 physician assistants in Nebraska only 14 or what I believe I heard was 16 are involved in psychiatric providers. PAs in psychiatry and mental health practice help improve access to behavioral health services and healthcare systems, where physician shortages are painfully a reality. Similar to other areas of medicine, physician assistants in psychiatry ease the physician shortage and provide high-quality medical care at a fraction of a cost of the psychiatrists. Their expertise rounds out the physician-led psychiatric team, ensuring that comprehensive care is available to patients with mental health needs. LB302 would help address the need of the PAs in practice of behavioral health field and, in turn, improve the provision of community-based healthcare services in Nebraska. NAPA is respectfully requesting the committee's support of LB302 and thank you for consideration. And to further elaborate, as a primary care provider myself, I practice in Crete, Nebraska, just down the road, as well as Wilber, a very small town. I would tell you that a quarter percent...I'm sorry, a quarter, 25 percent of my patients that I see on a daily basis have some kind of mental health need. So to have additional providers that I can lean on to collaborate with would be a great resource in the family practice model. And I would encourage any kind of support you guys could give. I am open to any questions. [LB302]

SENATOR STINNER: Thank you. Questions? Seeing none, thank you. [LB302]

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KURT SCHMECKPEPER: Thank you very much. [LB302]

SENATOR STINNER: Any additional proponents of LB302? Seeing none, any opponents of LB302? Seeing none, anybody in the neutral capacity? [LB302]

MICHAEL HUCKABEE: Good evening. [LB302]

SENATOR STINNER: Good evening. [LB302]

MICHAEL HUCKABEE: (Exhibit 3) Chairman Stinner, members of the Appropriations Committee, my name is Michael Huckabee, M-i-c-h-a-e-l H-u-c-k-a-b-e-e. I'm the director of the Division of Physician Assistant Education at the University of Nebraska Medical Center. I've been a certified, licensed PA for 34 years. I've provided clinical services in family medicine, emergency medicine, and pediatrics primarily in Grant, Holdrege, and Lincoln, Nebraska. And I'm here as a health professional offering expert testimony as an individual, not representing the university. UNMC is a state and national leader in physician assistant education. UNMC has educated more than 66 percent of the active physician assistant work force in Nebraska. Our PA educational program, offered at two sites--in Omaha at UNMC and in Kearney on the UNK campus--provides our students with ready access to a variety of learning experiences. As such, we are well-positioned to work with policymakers and educational collaborators to meet the state's health professions shortages. No shortage is more acute than that of the psychiatric work force, specifically, psychiatric prescribers. For example, Nebraska is currently home to 12 psychiatrists outside of the Omaha and Lincoln metro areas, and 64 percent of our current psychiatry work force is over the age of 50. So while there's no one right approach to address the shortage of behavioral health prescribers in the state, the increased utilization of properly trained health professionals, such as physician assistants with advanced training in psychiatry, is one increasingly utilized solution. There are currently ten postgraduate PA training programs in psychiatry across the United States. One of the most successful programs is found at the University of Iowa. The program that Senator Crawford's bill would help to fund, and that Ms. Buller outlined in her testimony, is modeled after the Iowa approach. Not long ago I was working in the emergency room at Phelps Memorial Health Center in Holdrege on weekends periodically for about seven years and I recall several memorable patients needing emergency psychiatric care. My education experience as a PA prepared me to be able to manage the acute patient needs, such as severe depression, acute psychotic episodes, panic attacks, and occasional suicide attempts. My concern was always wondering how these individuals would get the ongoing appropriate care to prevent a future ER visit or a more dire health outcome. I was aware that their primary care physicians were already overloaded. The nearest psychiatric care would be 40 miles away, and with the next available appointments there would be one or two months out. I remember seeing a woman who was there with her husband because she was completely

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overwhelmed with caring for her children, an intense financial burden on the family, a loss of hope, and a sense of desperation that led her to contemplate ending her life. While I was thankful for her supportive husband at her side, it was clear she met the diagnostic criteria for major depressive disorder in addition to dealing with her psychosocial issues. And I could offer support to help return her home, but there was little I could offer her through the emergency room for what she and her husband needed for the next few weeks in follow-up care. However, if either I or another PA in the community had the benefit of this one-year fellowship in psychiatry, the Holdrege area would have professional care available to support that woman and her family with consistent care that would promise a quicker, better outcome. So a one-year postgraduate PA fellowship in psychiatry offers many benefits. First, the one-year postgraduate fellowship model prepares PA prescribers with the psychiatric training needed to enter the work force a full five years faster than their psychiatrist physician counterparts. Second, the existing physician assistant work force educated at the master's degree level in Nebraska is ample and well-distributed geographically already with 791 PAs practicing across the state. Third, the PA program at UNMC, this month receiving continual national accreditation for the maximum ten years, graduates 62 PAs across our two campuses, growing to 66 students per class in the next two years. The majority of these students are homegrown and remain in Nebraska to practice. Lastly, postgraduate PA fellows would share training sites with psychiatry residents, so this training proximity will promote cohesion within the PA physician healthcare team. In closing, the one-year postgraduate psychiatric and behavioral medicine fellowship for PAs at the University of Nebraska Medical Center represents an innovative and cost-effective approach to expeditiously recruit, retain, and increase the competency of the psychiatric prescriber work force in Nebraska. Thank you for the opportunity to testify to you today. I'm happy to take any questions. [LB302]

SENATOR STINNER: Thank you. Questions? Senator Hilkemann. [LB302]

SENATOR HILKEMANN: You're the director of the program at UNMC. Is that what you said? [LB302]

MICHAEL HUCKABEE: That's correct. [LB302]

SENATOR HILKEMANN: What's the length of time just to get the basic PA program? [LB302]

MICHAEL HUCKABEE: At UNMC it's 28 months. Across the country it varies 24 to 32 months. [LB302]

SENATOR HILKEMANN: Thank you. [LB302]

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SENATOR STINNER: Any additional questions? Seeing none, thank you very much. [LB302]

MICHAEL HUCKABEE: Thank you. [LB302]

SENATOR STINNER: (Exhibits 4, 5, 6, 7, 8, and 9) Any additional testifiers in the neutral capacity? Seeing none, we do have letters of support of LB302 from the University of Iowa Hospitals and Clinics; University of Iowa Carver College of Medicine; Keith Guess; NSEA; American Academy of PAs; Olivia Sonderman, UNMC student delegates. And that concludes today's testimony on LB302. We will reopen LB303 testimony. Are there any proponents for LB303? Good evening. [LB302 LB303]

KALEIGH NELSEN: (Exhibit 3) Hello. Chairperson Stinner and the members of the Appropriations Committee, my name is Kaleigh Nelsen, K-a-l-e-i-g-h N-e-l-s-e-n. I am here representing the Nebraska Chapter of National Association of Social Workers. We wish to go on official record in support for LB303. We have a strict code of ethics about our responsibility to serve all of our state's mental health needs. Clinical social workers do the majority of the direct mental health therapy throughout the country and in Nebraska. There are 88 out of 93 counties that are considered mental health shortages in Nebraska. Rural Nebraskans face a lack of access to mental healthcare because of the lack of service and great travel distances in these underserved areas. The Behavioral Health Education Center of Nebraska released a report in 2015 stating rural areas don't have all the resources to support mental healthcare. The shortage could increase because more than half of the licensed work force are older than the age of 50. In more recent studies, there are only four counties and parts of three counties in Nebraska that do not have a shortage of mental healthcare, indicating that the shortage has increased. At the national level, 75 percent of rural and frontier communities do not have any mental health professionals, affecting up to 45 million Americans. We support continuing education opportunities for social workers to provide mental health services for rural (inaudible) people. This bill would allow opportunities for internships to master level students to support our rural communities. This bill aligns with our policy statement to attract and retain social workers in rural settings by creating incentives, networking, professional development, and role modeling for effective practice. There's a clear need for access to mental healthcare and this bill would be the beginning of the process. We ask you to advance LB303 out of committee. Thank you. [LB303]

SENATOR STINNER: Thank you. Any questions? Seeing none, thank you. [LB303]

KALEIGH NELSEN: Thank you. [LB303]

SENATOR STINNER: Any additional proponents? [LB303]

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ANNE BUETTNER: (Exhibit 4) Well, good evening, Senator Stinner and committee members. I am Anne Buettner, A-n-n-e B-u-e-t-t-n-e-r. I am the chair of the...legislative chair of the Nebraska Association for Marriage and Family Therapy. We speak to support LB303. Licensed marriage and family therapists are licensed mental health practitioners. There are three disciplines (inaudible) and licensed mental health practitioners. And the minimal requirement is a master degree of one of the three disciplines. And licensed mental health practitioners is the largest behavioral health work force in Nebraska. There's about 3,000 of us including the provisionals. Provisional means those who are about to be licensed. Okay? So should the committee move LB303 forward, this will be the first time that internships are available to master level behavioral health professionals. Now we believe and I believe Joe, Dr. Joe Evans of BHECN, shall talk more about the importance of cultivating the motivation to work at rural areas at the graduate level, and we certainly believe in that. And stipends is the best incentive, the best incentive. And then of course it is much acclaimed in the research that the behavioral health integrated care approach is the best approach in rural health, and that means the collaboration of primary care physicians and mental health or behavioral health practitioners. And probably Dr. Joe Evans will, you know, talk more about that and I don't need to belabor that. So to talk about marriage and family therapists, we are included as one of the disciplines of focus of the internships and our training program is located at UNL, and UNL is to be added to the list of the four master level behavioral program...behavioral health training programs. And as a matter of fact, we already have a certified integrated behavioral health training care program located at UNMC and we have established that in more or less the last 15 years. And we can make immediate impact in our contribution to the cause of training rural behavioral health professionals. Now the credentialing of licensed mental health practitioner is incepted 24 years ago, okay? Like I said, if LB303 passes then it's the first time we receive some master level internships. I myself, as a mental health provider, marriage and family therapist, come from a semi-rural town, Grand Island, and I have clients and patients coming from Ord, Broken Bow, Red Cloud, Wolbach, I mean towns the size of Syracuse and Heartwell, you know? And they have to spend half a day, sometimes even almost a whole working day to come just for a one-hour or 50-minute session. It is really stress upon stress. And so I just think that when the interns can go on site to provide face-to-face services, you know, really boots on the ground, I mean this will be so useful. What I have distributed to you, the last two pages are two maps and it's the 93 counties. And the data I provided by the Licensure Unit of our DHHS and they are really up to date because it's only two days old, okay? And you can see that just look at the...not the provisional but the first map, and out of 93 counties, 30 counties have no licensed mental health practitioner, and 15 counties have only one licensed mental health practitioner. So there you go, it's already 45 counties, half of the 93...more than half of the 93 counties. So should you pass LB303 or move it out of committee, there's a chance that in a few years' time we can return and give you a different map of county distribution. So at this time, that's all I need to say. And thank you for your focus on rural behavioral health work force shortage solution. You have any questions? [LB303]

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SENATOR STINNER: Thank you. Any questions? [LB303]

ANNE BUETTNER: No? [LB303]

SENATOR STINNER: Seeing none, thank you. Additional proponents. Good evening. [LB303]

CATHERINE JONES-HAZLEDINE: (Exhibit 5) Hello. Good evening, Chairman Stinner and members of the Appropriations Committee. My name is Dr. Catherine Jones-Hazledine, C-a-t-h-e-r-i-n-e J-o-n-e-s-hyphen-H-a-z-l-e-d-i-n-e, and I'm a clinical psychologist with Western Nebraska Behavioral Health Clinics. I appreciate the opportunity tonight to provide testimony in favor of LB303. As a psychologist in some of the most rural areas of our state, I strongly support passage of this bill. I'd like to direct my comments, if I could, to two key features of this bill: first, the continuation and extension of the screening project that's been implemented for the past three years in various parts of our state. We were delighted in our far western area to be able to be a member in the data collection in some of our primary care settings, and I've had an opportunity firsthand to see the extent of problems identified by those screeners. But perhaps even more importantly I've had the opportunity to see the impact for families of having those issues identified and being able to talk with someone about their concerns. Families, especially families in rural settings, often feel isolated and alone in dealing with their children's issues. They're unsure if the behaviors are normative or not. They're unsure what resources or help might be available. Having these screeners done right within their primary care settings and being able to be contacted with results of the screeners and with resources available has had a huge impact on a number of families that I've seen. One of the issues out my way, of course, and in much of the state as you've heard, is that identifying the need is only really part of the problem. Once the need is identified, ideally we want to be able to address it immediately. Unfortunately, in most of the state again, as you've been hearing, there is simply a shortage of behavioral health providers, really of all disciplines, to address those needs. And that brings us to the second part of LB303 and this is a part that I'm particularly passionate about, and that is the creation and expansion of a behavioral health work force. Western Nebraska Behavioral Health Clinics, the clinic system that I run, has outreach currently into eight communities in underserved counties in Nebraska. I like to think that these communities are actually among some of the more fortunate in our highly rural area because they actually have some providers, but as we go about the business in our...what we call the "circuit rider" model of behavioral health where we travel from one clinic to the next over the course of the week, we are able to be in some of these communities only one day every two weeks and that level of care is simply insufficient for most problems. Many of these communities have been underserved for so long that what we find is what we call train wreck situations. What these are is these are actually multigenerational patterns of dysfunction and illness and substance abuse. They've developed over time from problems that maybe could have been relatively easily addressed years and years ago, but the resources simply weren't available, and the problems, instead of going away, simply

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grew and expanded over time. So now we're left with cases that require a much larger investment of clinical time in order to make gains. In some areas there have been attempts to place clinicians from other places to meet this need, loan repayment programs, for example, but the outcomes to those programs are generally not good. It turns out that individuals from urban areas do not really tend to stick in communities like Rushville, Nebraska. That's where I'm from and that's where Western Nebraska Behavioral Health Clinics is centered. There are no movie theaters. There are no stop lights. There's no Starbucks. Most importantly, there are few of the typical resources and agencies to support overall health and wellness, so turnover of providers is very high. As a result, it's been our practice for many years now to take students each year from Chadron State College, provide them some training. Over the past 12 years, we've provided training to some 20 students at practicum or internship levels of training, and we have good retention rates. It turns out that if we can access local students, we can provide training, many of them will stay. There are, unfortunately, obstacles to training. The most significant are finding agencies in which we can have those people receive their training, and of course funding. The proposed plan would train 18 students each year, 36 over the two years. Based on conservative estimates, conservative client loads within a clinic like mine, each of those providers, once trained, would see somewhere around 20 visits each week, 1,000 or more per year multiplied by however many years such a provider might be in practice. In areas that might previously have had no or insufficient services, that's a huge impact. I see the red light there and I'm winding up. [LB303]

SENATOR STINNER: It's okay. You're from Rushville. You're allowed to go over. [LB303]

CATHERINE JONES-HAZLEDINE: Well, bless your heart. Thank you so much. (Laughter) This is the first time being from Rushville is paying off, I got to tell you. [LB303]

SENATOR STINNER: I know how far it is. (Laughter) [LB303]

CATHERINE JONES-HAZLEDINE: (Laugh) So putting a face on that impact is easy for me, working as many years as I have in those areas, but I'd like to be able to draw that just a tiny bit for you and it's the face of the young mother that we saw nearly a decade ago, herself as a teenager in one of our clinics. And she came in recently with her young troubled child now. The problems are not gone from her family but she knows where to come to in her rural area to access the assistance that she needs and her son is getting those services years before she herself did. And we have to feel that that is a progress in those multigenerational issues. In summary, anyone working to improve behavioral health in underserved areas will tell you that the process is a marathon, not a sprint, and I believe that LB303 is an important part of that run. Thank you for your time and attention. [LB303]

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SENATOR STINNER: Thank you. Any questions? [LB303]

CATHERINE JONES-HAZLEDINE: And I came a really long way, so feel free to ask any questions you've got. [LB303]

SENATOR STINNER: Did you tie into the Scottsbluff group? [LB303]

CATHERINE JONES-HAZLEDINE: We actually have an outreach clinic in Scottsbluff. [LB303]

SENATOR STINNER: Okay. [LB303]

CATHERINE JONES-HAZLEDINE: We send providers up there a day a week and I, myself, go to do evaluations and things as well. It's one of our eight sites. [LB303]

SENATOR STINNER: Are you doing telehealth and...? [LB303]

CATHERINE JONES-HAZLEDINE: We do telehealth as well. [LB303]

SENATOR STINNER: Okay. [LB303]

CATHERINE JONES-HAZLEDINE: Yeah, we do. We do across that entire area, we do telehealth. [LB303]

SENATOR STINNER: Very good. Go ahead, Senator Hilkemann. [LB303]

SENATOR HILKEMANN: Will these interns be generating any fees? [LB303]

CATHERINE JONES-HAZLEDINE: You know, that's an excellent question and what I...Dr. Evans, I think, will be able to talk maybe some more about that. What we find with the students who are trained in our clinic is that these are master's level students and they haven't yet completed their master's degree. So they're in the course of completing a master's degree and, as such, they can't be licensed. So the earliest that they could be licensed is completion of the master's during that provisionally licensed period after. So typically, no, these students would not be able, by most insurance companies, to be able to be reimbursable. [LB303]

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SENATOR HILKEMANN: Okay. And I think you kind of alluded to that one of the problems you have is having enough licensed or trained people to...and to train the interns. Is that correct? [LB303]

CATHERINE JONES-HAZLEDINE: I mean and that's certainly a problem because there are limits to how many. So you know, I'm out there kind of by myself and I can only supervise five by licensure rules. And so...and I have generally that amount most of the time. [LB303]

SENATOR HILKEMANN: Okay. And the final question is I hope you know Mike Kearns. [LB303]

CATHERINE JONES-HAZLEDINE: I know a lot of Kearnses. [LB303]

SENATOR HILKEMANN: Yeah, okay, then she's from Rushville. [LB303]

CATHERINE JONES-HAZLEDINE: (Laugh) Yeah. [LB303]

SENATOR STINNER: Okay. Thank you. Any additional questions? Seeing none, thank you very much. [LB303]

CATHERINE JONES-HAZLEDINE: Thank you. [LB303]

SENATOR STINNER: And drive safely. [LB303]

CATHERINE JONES-HAZLEDINE: Thank you. [LB303]

SENATOR STINNER: Any additional proponents? Seeing none, any opponents? Seeing none, anybody in the neutral capacity? Good evening. [LB303]

JOSEPH EVANS: (Exhibit 6) Good evening. I'm afraid I'm the notorious Dr. Evans and we have relatives in Randolph too. Chairman Stinner and members of the Appropriations Committee, my name is Dr. Joe Evans, J-o-e E-v-a-n-s. I'm a professor of psychology at the Munroe-Meyer Institute and also I'm the associate clinical director for the Behavioral Health Education Center of Nebraska, or BHECN, which I'll refer to it in the future. I'm testifying today as an individual and as a behavioral health professional in response to a request from LR413--the Behavioral Health Oversight Committee which met this last summer, including Senator Bolz, Senator Campbell, Senator Crawford. And the request was made for suggestions for improving the

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behavioral health work force in Nebraska. I'd like to thank members of the Appropriations Committee for this opportunity to speak about LB303, which provides funding for this very important objective. First, however, I'd like to give some background about things that Dr. Jones-Hazledine was talking about with our screening process. In 2013, the Nebraska Unicameral, in response to concerns about lack of behavioral health services for our children and adolescents, passed a bill initiated by Senator Amanda McGill establishing a program to screen potential child and adolescent behavior problems in primary care medical settings. Initially, this was a pilot project and it covered three clinics, two in rural areas and one in an urban area, but it's expanded now. During 2015 it was repassed as LB240 and has been expanded to 11 primary care sites across the state. Screenings cover childhood depression, anxiety, oppositional behavior, conduct disorder, ADHD, learning problems, etcetera, and results have been extremely consistent over time. That is that about 21 percent of parents either identified behavior problems within their children's behavior and/or are asking for help. So this is one in every five parents. One of the considerations with this bill would be a continuation of some of this funding, so this wouldn't necessarily be brand new funding. This is money funded, money that's been allocated to the University Medical Center for the past four years. With continuation funding, we will be able to attract, to recruit, to train, place, and retain trainees in underserved areas, particularly in rural areas. At the present time, as has been mentioned before, we have significant shortages in Nebraska. We are well under national averages for numbers of behavioral health providers. Seventy-four percent of our behavioral health work force practices in the Omaha and Lincoln areas. That leaves only 26 percent to serve the rest of the state, the other 900,000 people who are spread over 70,000 square miles, which in turn, as was pointed out earlier by Ms. Buettner, that means that we have close to 50 of our counties that have zero or one provider. I am a clinical psychologist and I treat patients and I can still recall a patient several years ago from the O'Neill area who the family traveled to Omaha to get services. And this is a trip of basically 180 miles, or 360 miles round trip. Costs to the family involved loss of work hours, pulling their adolescent and other kids from school, gasoline costs, meal costs, wear and tear on their vehicle, and having to spend nearly six hours on the road. So these are the types of things that could have been avoided if we would have had a provider closer to their home community. One promising solution for this shortage is the integration of behavioral health providers into primary care medical practices, as was described by Dr. Jones-Hazledine. This approach creates a medical home for families to get both their combined research, excuse me, combined--yellow light went off, distracted me--their combined physical and mental healthcare at the same time. We have 179 primary care practices in rural Nebraska. Only less than 15 percent of those have an available behavioral health provider. At the same time, our Medicaid program in the state of Nebraska has adopted the philosophy of integrating behavioral healthcare, and basically what we're finding is that the Med Center has been able to produce a series of training sites where we have services being provided in 23 rural and 13 urban areas. LB303 will expand BHECN's training capacity through creation of 18 funded internships, as has been mentioned before, from psychology, from counseling, from social work, marriage and family therapy. And basically, the collaboration that

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has been established between UNMC also reaches out to the other colleges in the state that provide training in mental health. So, for example, we have programs at Chadron State, Wayne State, UNK, UNL, UNO, Bellevue University, Doane College, etcetera, and each of these programs has been working with us and all are in support of this concept of integrated behavioral healthcare. A major goal of this program will be to place behavioral health professionals into medical practices in all 49 of the Nebraska towns with populations of at least 2,500. This is our first goal. And the reason we say that is because economically to make this work, unless we also have the "circuit rider" model that Dr. Jones-Hazledine was talking about, we have only...we have 521 cities, towns, and villages in Nebraska with populations ranging from 440,000 in Omaha to a village with 1 in the entire population. The median, the size that cuts that population half, is 316. So we have half of our towns in the state that have less than 300 individuals living in them. How do they get services? Well, they generally are going to be going to a medical practice in one of these towns with at least 2,500. So our hope would be that eventually this approach would produce a solution to our concerns about having access to behavioral health providers across the state. As a representative of Nebraska's behavioral health work force team of professionals, I would greatly appreciate your support in this bill. And I'd be open to any questions. [LB303]

SENATOR STINNER: Any questions? Senator Hilkemann. [LB303]

SENATOR HILKEMANN: Sorry. I'm looking at this number that you have here on the second page. Says the Nebraska Medicaid program, you have, you said, 15 percent of 179 primary practices in greater Nebraska. [LB303]

JOSEPH EVANS: Correct. [LB303]

SENATOR HILKEMANN: You're talking outside Lincoln and Omaha. [LB303]

JOSEPH EVANS: That's correct. There's 400... [LB303]

SENATOR HILKEMANN: There's only 179 primary care practices in the other 91 counties? [LB303]

JOSEPH EVANS: That's correct. There are actually (inaudible) if you take Sarpy out. [LB303]

SENATOR HILKEMANN: Or there's only 179 that participate in the Medicaid program? [LB303]

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JOSEPH EVANS: Uh-uh. There's 179 total. We need at least to have at least one physician in them. There are 439 in the state; 260 are in Omaha and the Lincoln areas; 179 are in the rest of the state. And again, they range anywhere from 1 provider, 1 doc, to maybe 11 providers. So it's really very spread out. [LB303]

SENATOR HILKEMANN: And are you...and when you're defining primary care, are you talking strictly family physician type care, or are you including internists as well? [LB303]

JOSEPH EVANS: The definition for primary care is primarily in Nebraska it's family medicine but also pediatricians, general practice pediatricians, and general practice internists. Those are the three. And in some states ob-gyns are also included in that group. But those are the three major ones: pediatricians, family medicine docs, and general internists. Out of the practitioners we have in the state of Nebraska in rural areas, 80 percent are family medicine docs. You know, there's only about 20 percent are actually specialists in that area. [LB303]

SENATOR HILKEMANN: Thank you. [LB303]

SENATOR STINNER: Any additional questions? Seeing none, thank you. [LB303]

JOSEPH EVANS: Thank you. [LB303]

SENATOR STINNER: (Exhibits 7 and 8) Any additional testifiers in the neutral capacity? Seeing none, I have two letters of support from NSEA, and Oliva Sonderman, UNMC student delegates. That concludes the hearing on LB303. We will now open the hearing for LB242. Senator Bolz. Good evening. [LB303 LB242]

SENATOR BOLZ: (Exhibits 1, 2, 3, and 4) Good evening, committee members. Thanks for sticking around for me. My name is Kate Bolz, that's K-a-t-e B-o-l-z. I represent District 29 here in Lincoln. I'm here today to introduce LB242, a bill to establish funding for clinical rotations at Nebraska state correctional institutions and, with the amendment, the Lincoln Regional Center for students studying to be mental health professionals. LB242 came out of the work of the Department of Correctional Services Special Investigative Committee. The committee turned a spotlight on what was and is in some ways...in many ways remains a challenging department and has led to a number of bills in responses. One of the issues that continues to plague the department is work force development, recruitment and retention in general but, in particular, among the behavioral and mental health staff. As of last week, there were 33 vacancies out of 153 behavioral and mental health positions--a vacancy rate of 21 percent. During testimony in October, Dr. Alice Mitwaruciu, the acting behavioral health administrator for Corrections,

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testified that there were 8 vacancies among the 23 psychologist positions department wide. I have handed out a data request from the department and, as you can see, the challenges continue. Shortages of staff in these vital positions mean that inmates who need care are sometimes unable to receive it and that the department has to resort to triage, and that's according to testimony in front of the LR34 Committee, taking care of only the sickest while those who are less sick are left with fewer services until their needs become more critical. When inmates do not receive the treatment they need, they have greater difficulty in receiving programming. And if they do not satisfactorily complete programming they will not be paroled, leading to greater overcrowding in the system. The LR34 Committee specifically recommended that Department of Corrections work with the Behavioral Health Education Center of Nebraska and other partners to design and implement a behavioral health work force and training program for use within the department. I'll note that we heard this proposal not only in front of the LR34 Committee last summer but we also heard a similar proposal from the university system the summer before. LB242 is the funding component for such a program. The bill would increase the number of people who get on-the-job experiences in the correctional field and provide actual treatment for inmates who need it. Additionally, the program is designed to find people who already want to work in this field in a mental healthcare and correctional setting, and this can help the department to recruit those young mental health students when they complete their schooling. The hope is that the state will see fewer of these potential employees leave the state and for them to fill a glaring need in our Department of Corrections. I'll note that this demand will continue. As you all know, the Appropriations Committee approved in the preliminary budget funding for a Reception and Treatment Center at the Nebraska Department of Corrections, including an outpatient mental health clinic and medical and mental health housing that will need appropriate staff to succeed. The project included 176 mental health beds and 43 other beds for skilled nursing, suicide watch, and safety rooms. I think that this proposal will contribute to some of the work force recruitment and retention needs at our Department of Corrections, and I ask for your support. [LB242]

SENATOR STINNER: Thank you. Any questions? Do we have funding put into the \$20 million that we're going to allocate to Corrections to help this situation, or is this separate from that? [LB242]

SENATOR BOLZ: I wanted to propose the bill kind of as a package and illustrate to the committee what could be done here and what the full scope that BHECN has to offer, but I think there is certainly room to discuss how this fits into the corrections funding stream as a whole. So, you know, I think there's some room to find middle ground in terms of whether or not we need additional funding or whether we can find it within the existing allocation that the committee has already moved forward. [LB242]

SENATOR STINNER: Thank you. Any additional questions? [LB242]

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SENATOR BOLZ: Thank you. [LB242]

SENATOR STINNER: Seeing none, thank you. Any additional proponents? [LB242]

MARTIN WETZEL: Good evening, Senators. My name is Martin Wetzel, W-e-t-z-e-l. I'm here to speak in support of LB242. I thank the committee for the opportunity. As a psychiatrist, I've been in practice in Nebraska since 1992. For five years, from 2006 to 2011, I was a full-time faculty member in the Department of Psychiatry at UNMC. Following that position, I worked at the Nebraska Department of Corrections from 2011 to 2016. I continue to serve as clinical faculty for both UNMC and Creighton University. While working at the Department of Corrections, I was core faculty for resident training program and I had the opportunity to offer clinical psychiatry training opportunities to medical students, residents, nurse practitioners, and physician assistants. Because of my experience, I'm here today to support LB242. In medical education the presence of a student, the instructor, and the patient all together at the same time is the bedrock of our profession. Medical education and psychiatry, particularly at the outpatient level of care that involves close supervision of the student, is critical to our profession and requires specific resources in order to support this particular type of teaching. Such teaching opportunities are currently very limited. The correctional synod is an opportunity for training patients in outpatient psychiatry. You heard previous testimony that inpatient and acute psychiatry training is done throughout all students' training. But when it comes to those follow-up cases, this is where we have a great need in Nebraska. Nationwide, it's known that most psychiatric education of students takes place on inpatient units. Where hospitalized patients are easily accessible, they can be rounded on conveniently. However, at this level of care the inpatient setting for the most severely mentally ill represents less than 10 percent of the population that receives psychiatric care. Most patients receiving any type of psychiatric care will be treated on an outpatient basis from their primary care provider, whether that is family medicine, internal medicine, or, as you heard, ob-gyn. Likewise, the vast majority of patients seeing a psychiatrist will be in an office setting, in an outpatient setting, yet the outpatient setting is not where students training in psychiatry see most of their patients. They see them in institutionalized settings. The correctional setting as a training experience stands in stark contrast to the traditional training experience in many ways and presents additional challenges. Certainly the prison setting itself is unique and initially intimidating, and the patient population has higher rates of personality disorder. While student safety is undoubtedly a concern, it's important to note that safety, security, and good working order of the prison is the top priority for all staff, and aggression towards medical staff by inmates is extraordinarily rare. Teaching in corrections offers benefits. Students are immediately made to feel part of a treatment team. In most teaching settings, mental healthcare is isolated in silos from the medical teams. In corrections, there is close integration of medical and mental health services. Patients benefit from student actions on several levels. First, there is a unique approach that every student will bring to an encounter and the potential insider observation that can be additionally useful for the instructor. Second, there's

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an indirect message that is sent to inmates that I think is extremely powerful and that is that their health is getting the attention of two providers and that their health concerns can serve as a formative influence for the next generation of healthcare providers. There are also benefits to the correctional institution itself. Students bring a heightened awareness as members of an academic culture. This can lead to value-added activities for staff in the form of student presentations, publications, and research. The final benefit of teaching in corrections I want to review is what we might call the golden teaching environment: one instructor, one student, and one patient present together for the entirety of the patient encounter. It is like gold, in my opinion, because in medicine in general, and psychiatry in particular, it's rare. Certainly there are situations where the student will see the patient and report to the instructor. Certainly there are situations where the instructor will see the patient while the student observes. It is very rare for the instructor to observe the student, give them immediate feedback in real time. Instructors in the prison setting have more time to see patients. They're not on that treadmill of generating volume to see as many patients as possible to generate revenue. So these factors together lead to a positive influence on students. Regardless of the setting, be it inside the walls of corrections or in an outpatient clinic, it's critical to have the right instructors in place to maintain relationships with students that grow into producing mental healthcare providers for Nebraska. And it is this unique, one special situation where all three of these members are together that develop those relationships. And in turn, I believe this bill will represent money well spent and the return on investment will be a generation of medical providers that can, regardless of their specialty, deliver mental healthcare in Nebraska far better than ever before. Thank you for your time. [LB242]

SENATOR STINNER: Questions? Why did you leave the prison? [LB242]

MARTIN WETZEL: Another opportunity came up and another adventure. The prison turned out to be a very interesting and wonderful experience, and now I'm on a new adventure. [LB242]

SENATOR STINNER: Has UNL approved this program? Have they looked at it? Are they willing to send students to the prison? [LB242]

MARTIN WETZEL: Well, they have. While I was at... [LB242]

SENATOR STINNER: They have. [LB242]

MARTIN WETZEL: ...while I was at the prison, I had UNMC students, I had Union College students, I had residents, I had nurse practitioners training in other areas of the country. As was mentioned previously, finding sites to train people is a very big challenge, and that's another opportunity that corrections offers. It's a nice fit for everybody. It's an opportunity for the student

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to get outstanding outpatient care; to get close, immediate feedback and supervision, unlike many other settings; and it also benefits the patients and the institution. [LB242]

SENATOR STINNER: Thank you. [LB242]

MARTIN WETZEL: Thank you very much. [LB242]

SENATOR STINNER: Any additional questions? Seeing none, thank you. Any additional proponents? Good evening. [LB242]

SPENCER GALLNER: (Exhibit 5) Good afternoon...or good evening, Chairman Stinner and members of the Appropriations Committee, and thank you for the opportunity to testify before you today. My name is Dr. Spencer Gallner, G-a-l-l-n-e-r, and I'm a second-year resident in the joint psychiatric training program of Creighton-UNMC. I will be speaking about my experience from when I rotated at the Lincoln Correctional Center in my fourth year of medical school and also rotating at the Lincoln Regional Center while in my residency at the University of Nebraska Medical Center currently. Overall, I would like to give you the perspective of a trainee. I spent one month working with Dr. Martin Wetzel while at the Lincoln Correctional Center in 2014. I have also spent the past month of February working at the Lincoln Regional Center with various hardworking psychiatrists and psychologists. Prior to my having rotated at these sites I had never considered working for the Department of Corrections. Needless to say, I have had wonderful experiences at these sites. I believe my clinical skills have improved by treating imprisoned populations with severe mental illness. I am now considering a fellowship in Forensic Psychiatry after my residency. I had preconceived notions prior to my first corrections rotation, though while there I was never concerned for my safety. The education I received was worthwhile and I have encouraged numerous medical students to rotate at the Lincoln Correctional Center for the educational experience. Furthermore, I believe it is wise to be exposed to a wide array of educational opportunities to gain a better understanding of various populations and the inner workings of society in general. I'm from the great state of Nebraska and feel a duty to help serve the people of Nebraska in the best capacity I can, which is why these experiences have been so impactful for me. I urge you to give full consideration to LB242, which if enacted would provide additional training and supervision opportunities for behavioral health students with a desire to work in correctional settings. Such a training system will provide opportunities for qualified behavioral health professionals to remain in Nebraska and can create a pipeline to help address the significant shortage of behavioral health providers in our correctional facilities. Thank you for the opportunity to speak before the Legislature. Sincerely, Spencer Gallner. [LB242]

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SENATOR STINNER: Thank you. Any questions? Seeing none, thank you. Additional proponents. Are there any opponents? Seeing none, is there anybody in the neutral capacity? Good evening. [LB242]

BRENT KHAN: (Exhibit 6) Good evening, Chairman Stinner and the Appropriations Committee. Thank you for this opportunity to testify today. My name is Brent Khan, B-r-e-n-t K-h-a-n. I'm the co-director of the Behavioral Health Education Center of Nebraska, known as BHECN. I'm here today to offer expert testimony as an individual, not representing the University of Nebraska. At the request of Senator Bolz and members of the LR34 Special Investigative Committee, BHECN, in partnership with a number of key stakeholders, including the University of Nebraska at Lincoln Forensic Psychology Department, the Grace Abbott School of Social Work at the University of Nebraska at Omaha, the Department of School Psychology at the University of Nebraska at Kearney, and others have developed a program for on-site training of behavioral health providers in a correctional setting. I would like to thank Senator Bolz for her strong leadership on this issue. I understand that a draft has been distributed to members of the committee. This is a model program that, if implemented, would provide opportunities for well-qualified behavioral health practitioners to remain in Nebraska and establish a pipeline to help address the acute shortage of behavioral health providers in our correctional facilities. The training site program has several components, including, among others, there's on-site training. This program will provide state-of-the-art training in a correctional setting for behavioral health providers across the continuum, including psychiatric nursing, physician assistants, psychology, social work, counseling, licensed alcohol and drug abuse counselors, and psychiatry residents. Faculty from the University of Nebraska at Lincoln, University of Nebraska Medical Center, University of Nebraska at Omaha, and the University of Nebraska at Kearney would collaborate with the staff at the Nebraska Department of Correctional Services to provide student training. Professional development for trainees and staff: To enhance the clinical knowledge of the trainees and staff, this program would provide targeted, multidisciplinary education support through monthly webinars and face-to-face training disseminating best practices in forensic behavioral health. This training would be provided by key faculty teaching evidence-based behavioral health treatment to benefit trainees and the Department of Correctional Services medical and behavioral health staff. In addition to clinical training, trainees would also be educated on a range of nonclinical issues, such as ethics, risk assessment, and safety. Also, there's availability of the wellness program for trainees. This program would provide training in stress management, burnout prevention, self-care, and other areas for students rotating at training sites. This type of training is critical due to the high rates of burnout in healthcare and correctional facilities. The Behavioral Health Education Center of Nebraska is the state's dedicated behavioral health work force development agency which was established in 2009 by the Legislature. Since the creation of BHECN, we have worked diligently to increase the number of behavioral health providers working in underserved areas in our state. The creation of specialized training programs to recruit and retain providers, such as the one we

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are discussing, to work with the most needy populations is a core part of BHECN's mission. There is no needier population than the correctional population. Conducting clinical work in a correctional setting presents multiple challenges and requires significant partnership and investment. We welcome the opportunity to work with the Nebraska Department of Correctional Services to address the behavioral health needs of their population, spur work force development, and, in turn, enhance public safety. Thank you again for this opportunity. And with that, I'm happy to take any questions. [LB242]

SENATOR STINNER: Thank you. Any questions? Seeing none, thank you very much. Anybody else in a neutral capacity? Seeing none, would you like to close? [LB242]

SENATOR BOLZ: Very, very briefly. Thanks for your attention so late in the evening. I just wanted to add two short comments related to the questions that were asked earlier. The first is one of the reasons that I think this wasn't a part of the vision of the Department of Corrections' budget is because it is appropriated to BHECN and so that distinction made it more appropriate for a bill. So I just thought I would clarify that. And then the other thing I sort of didn't spend enough time on was the amendment. I heard from stakeholders at the Regional Centers that they would be very interested in participating in this kind of work. As you know from our deficit budget work, one of the reasons that the unit at the Lincoln Regional Center wasn't able to be opened was because of a lack of mental health staffing. And so I just wanted to slow down for a second and clarify those two points. Be happy to answer anything else before we go to the next bill. [LB242]

SENATOR STINNER: (Exhibits 7, 8, 9, and 10) Any questions? If not, I have a few letters, which I can find my...I have several letters in support: NSEA is in support of LB242, National Association of Social Workers, the Nebraska Psychological Association is in support of LB242; and in the neutral capacity, Dr. Mario Scalora, University of Nebraska. That ends the testimony for LB242. We will now go to LB514. [LB242 LB514]

SENATOR BOLZ: Thank you. [LB514]

SENATOR STINNER: Senator Bolz. [LB514]

SENATOR BOLZ: (Exhibits 1, 2, 3, and 4) Good evening. I am still Senator Bolz, K-a-t-e B-o-l-z, and I hope to offer you a brief yet thrilling hearing on LB514. This bill is a simple appropriation to continue the funding of a position that was established following the passage of LB605 in 2015. LB605 established Nebraska's Justice Reinvestment Program. The program seeks to reduce admissions to the prisons by encouraging probation where it is appropriate and to ensure that inmates are prepared for parole when they become eligible. By reducing our prison

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population, we can invest in savings, in prevention, and better evidence-based programs inside the prisons to reduce recidivism. LB605 also created the Justice Reinvestment Oversight Committee, a group that includes cochairs--the Governor, the Speaker of the Legislature, and the Chief Justice of the Supreme Court--all of the branches working together to improve our criminal justice system, to keep Nebraska safe, and to save us money. The Justice Reinvestment Initiative has a steering committee which consists of the chairperson of the Board of Parole, the Probation Administrator, and the director of Department of Corrections, and the State Court Administrator. As may be evident with this level of complexity, some staff assistance was needed to keep the pieces together to work with the various stakeholders, including Council of State Governments Justice Center, the steering committee, and the Justice Reinvestment Oversight Committee. The state hired a coordinator to do that. My bill authorizes funding for this position and we are already beginning to see the positive effects of LB605 but we do need that continued coordination, that continued staff point of contact and someone who can organize not only the stakeholders but the data and the information. You can see that I've brought along an amendment. When we initially put the bill together, we knew that the coordinator needed to continue but we also needed...there needed to be additional conversations about exactly what that looked like. With further conversations with stakeholders, we put forward an amendment that keeps the coordinator position in the Department of Corrections, provides a little bit of descriptive language about what the coordinator might do, and appropriates funds to the purpose. Again, there might be opportunities to find funding or to adjust that dollar amount, but we wanted to make sure that the Justice Reinvestment coordinator position continued. With that, I'd be happy to answer any questions. [LB514]

SENATOR STINNER: So this coordinator would report directly to the director of Corrections? [LB514]

SENATOR BOLZ: The current person in this position is named Amy Prenda, and I guess I don't want to speak for her, but I think that having that position report to someone who is at a high level and has decision-making power is important to make sure that the coordination has the meaning and influence that it needs to have to be influential. [LB514]

SENATOR STINNER: Okay. Any additional questions? Senator Watermeier. [LB514]

SENATOR WATERMEIER: Thank you, Senator Stinner. Thank you, Senator Bolz, for bringing this up. Senator Bolz and I had conversations about this. Ms. Prenda's position actually ends being funded in August from CSG and so I just think it's really critical that we have something in the budget that extends this, because we would really be left with a gap if we didn't continue to do this. [LB514]

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SENATOR STINNER: Thank you. [LB514]

SENATOR BOLZ: Okay. Thank you. [LB514]

SENATOR STINNER: Any additional proponents? Good evening. [LB514]

COREY STEEL: (Exhibit 5) When I wrote this I said good afternoon and now I'm going to have to change that to good evening. [LB514]

SENATOR STINNER: (Laugh) You are well past that. [LB514]

COREY STEEL: Good evening, Senator Stinner, members of the Appropriations Committee. My name is Corey Steel, C-o-r-e-y S-t-e-e-l, and I'm the State Court Administrator for the judicial branch, and I am also a member of the Justice Reinvestment Implementation Committee. Want to thank Senator Bolz for discussion that we've had as of recent to this and thank her for the amendment that has come forward. The Justice Reinvestment Implementation Steering Committee, with the assistance of the issue-specific teams, has accomplished a great deal in the implementation of LB605 since it went into effect, August 2015, and have complete confidence we are on track to fully implement...to fully implement all processes and procedures necessary to realize the project's outcomes expected with the enactment of LB605. This is in addition to the significant work of our individual entities that we do on a day-to-day basis as leaders dedicated to maintaining public safety, reducing recidivism, and addressing the needs of victims. I'm here today to address the JRI, or the Justice Reinvestment, coordinator role. We are in support of the amendment. Below this testimony you will see a listing of accomplishments to date for JRI and LB605. I cannot stress enough the coordination of these accomplishments and committees would not have been made possible without the JRI coordinator. I believe this is a vital role someone must play within our criminal justice system in order to continue the great work we have done with JRI. The JRI coordinator will fill a role of a criminal justice system liaison for all three branches of government, again, a liaison to all three branches, and we also believe that that is vital for the success of JRI and LB605. The preference of the Oversight Committee would be that no new position be created but the coordinator would be absorbed within one of the existing agencies currently working on Justice Reinvestment, which are the courts, Probation, Parole, the Department of Corrections, as Senator Bolz had outlined. Currently, that position is with the Department of Corrections and our preference would be that it stay there so there's some continuity in the way that we have conducted our business. In sum, the JRI Committee is committed to continuing our work on Justice Reinvestment and expects full implementation by August 2017. There's a great value in the work we have done to date. We continue to believe we have the right people around the table who continue to ask questions and problem solve. In order to continue the progress made on Justice Reinvestment and to further effectuate change in the

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criminal justice system, the Justice Reinvestment Steering Committee appreciates the value of continued collaboration between three branches of government beyond August 2017, when CSG Justice Center's technical support concludes. Therefore, JRI Steering Committee recognizes an opportunity to continue to make positive changes in the criminal justice system through leveraging the current resources within our existing branches of government. And that's where I'll conclude my testimony. But the next source is information for you of our accomplishments to date from the oversight from the committee and from all the work that's been done to date. So I'm happy to answer any questions the committee may have at this time. [LB514]

SENATOR STINNER: Thank you. Any questions? Senator Clements. [LB514]

SENATOR CLEMENTS: I'm just wondering how many are on that committee? I'm not aware of it. [LB514]

COREY STEEL: Depending on which committee you...there's three committees that are formed under CSG and LB605. Their first is...and, trust me, I get confused with them as well and I've been a part of this since day one. So, Senator Bolz, I might need some help. So the first one is the overall structure where there is the Governor, the Speaker of the Legislature, and Chief Justice of the Supreme Court, Chief Justice Heavican, that have...actually we've had about quarterly or at least two times a year meetings as an oversight. That's the Oversight Committee. So that's the full Oversight Committee. And on that committee are a lot of representatives from across the state of Nebraska. There's sheriffs, prosecutors, public defenders, a police chief, senators, Supreme Court, Probation, Parole, Department of Corrections and so forth. So that's a large committee that meets more of the oversight, what have you. There is also a Legislative Committee that meets and I believe, Senator Watermeier, that is at the direction of you, as Chair of the Executive Board, correct? And I think there's new committee members on that. [LB514]

SENATOR WATERMEIER: Right. [LB514]

COREY STEEL: And so there is a Legislative Committee. And then there is a Coordinating Committee, which is myself as State Court Administrator, Ellen Brokofsky as the Probation Administrator, Scott Frakes as the director of Department of Corrections, and "Ros" Cotton, who's the Parole chair. And the four of us meet, we've actually been meeting about every three weeks, sometimes every two weeks, but at the minimum once a month and we're working intently on implementation of the outlying legislation of LB605. [LB514]

SENATOR CLEMENTS: Okay. Thank you. But this funds one coordinator position. Is that it? [LB514]

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COREY STEEL: That's correct. It funds one...it continues the funding of one coordinator position. We've had a coordinator since the beginning when we entered into the agreement with Council of State Governments to do Justice Reinvestment. Part of their funding was for two years of a coordinator who does that coordination role and does a lot of behind-the-scenes work for all three of those committees. And so this position would continue that coordinated effort between all three branches and continue the behind-the-scenes work that gets done from meeting to meeting as well. [LB514]

SENATOR CLEMENTS: Okay. Thank you, Mr. Steel. [LB514]

COREY STEEL: Yes. [LB514]

SENATOR STINNER: Thank you. Additional questions? Seeing none, thank you. [LB514]

COREY STEEL: Thank you. [LB514]

SENATOR STINNER: Any additional proponents? Seeing none, any opponents? Seeing none, anybody in the neutral capacity? Good evening and welcome. [LB514]

RYAN SPOHN: (Exhibit 6) Good evening. You're at the bitter end here so I'll lighten the mood by talking about prison overcrowding. Good afternoon, members of the Appropriations Committee. My name is Dr. Ryan Spohn, spelled R-y-a-n S-p-o-h-n. I am testifying in a neutral capacity on behalf of the University of Nebraska due to the state budget situation. But I also realize the investment proposed in this legislation could save the state money in the future. I would like to thank Senator Bolz for introducing this legislation, for the legislators' commitment to reform of the criminal justice system. And let me point out a few key issues that would strengthen the Legislature's approach on this issue if senators decide to move forward. In 2014, Nebraska's prisons were at 159 percent of capacity with an estimated \$260 million necessary for construction costs for new beds, according to the Council of State Governments. During that 2014 Legislative Session, Senator Ashford introduced LB907 stating that Nebraska's juvenile and adult criminal justice systems are in need of accountability, improvements, and increased public safety measures. The bill proposed a Nebraska Center for Justice Research, NCJR, to provide the research capacity necessary to guide these efforts, and \$1 million per year to fund this important work was included in that bill as introduced. At that time, the Council of State Governments was brought to Nebraska to initiate Justice Reinvestment and NCJR was eventually created with a budget of \$200,000 per year. In 2015, many of the CSG recommendations were integrated into LB605, but CSG has completed their work and is no longer providing data analysis or research to guide Justice Reinvestment. Grant funding for the Justice Reinvestment coordinator position is ending in August, as has been stated. And while LB514 provides

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important funding to continue this position, it provides no requirements that agency data be made available to researchers, nor does it provide funding for data analysis or research. CSG had credibility that influenced our policies, not because some expert came and told us what to do. CSG had credibility because they tasked data analysts and researchers to address the problem. As written, LB514 provides funding for an expert coordinator, but the long-term capacity for data analysis and research, which makes this initiative credible, is not addressed. Our state's prison population is too high and our ability to track the impact of LB605 is too limited. To be effective, funding for a data coordinator and research coordinator should be added to LB514 to facilitate data-informed decision making for the future of Justice Reinvestment. This data and evaluation model has proved effective in tracking Nebraska's Vocational and Life Skills Initiative, and would provide the capacity to collect and analyze data from state agencies and local jails for Justice Reinvestment. This is an added cost but the whole point of reinvestment is that dollars saved by reducing incarceration be invested in community-based supervision that is evidence-based and preserves public safety. In 2012, the estimated annual cost per inmate in Nebraska was \$35,950 per year, according to the Vera Institute of Justice. If data-informed decision making reduced our incarceration by only ten inmates per year, my proposal would more than pay for itself. In addition, NCJR's 2016 annual report suggests that every dollar the state invested in the research center was matched by three additional dollars in contracts and grants that funded research and service to the state of Nebraska. A brief Justice Reinvestment Plan and associated budgets are included with my written statement. I thank you for this opportunity to speak with you today. And I would be happy to try to answer any questions you might have. [LB514]

SENATOR STINNER: (Exhibits 7 and 8) Any questions? Seeing none, thank you. Any additional folks in the neutral capacity? Seeing none, would you...Senator Bolz waives her closing. That concludes...whoa, whoa, Office of Inspector General of Corrections has offered a letter of support; and Marshall Lux, Ombudsman's Office, has also offered a letter of support. That concludes our testimony for today. Thank you all. [LB514]