

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee February 17, 2021

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ARCH: Welcome to the Health and Human Services Committee. My name is John Arch. I represent the 14th Legislative District in Sarpy County and I serve as Chair of the HHS Committee. I'd like to invite the members of the committee to introduce themselves starting at my right with Senator Murman.

MURMAN: Hello, I'm Senator Dave Murman from District 38 and I represent seven counties to the west, south, and east of Kearney and Hastings.

WILLIAMS: Matt Williams from Gothenburg, Legislative District 36: Dawson, Custer, and the north portion of Buffalo Counties.

M. CAVANAUGH: Machaela Cavanaugh, District 6, west central Omaha, Douglas County.

ARCH: Also assisting the committee is one of our legal counsels, Paul Henderson, our committee clerk, Geri Williams, and our committee pages, Sophie and Jordon. A few notes about our policies and procedures. First, please turn off or silence your cell phones. This morning we'll be hearing three bills and we'll be taking them in the order listed on the agenda outside the room. The hearing on each bill will begin with the introducer's opening statement. After the opening statement, we will hear from supporters of the bill, then from those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make closing statements if they wish to do so. For those of you who are planning to testify, you will need green testifier sheets on the table near the entrance of the hearing room. Please fill one out, hand it to one of the pages when you come up to testify. This will help us keep an accurate record of the hearing. We use a light system for testifying. Each testifier will have five minutes to testify. When you begin, the light will be green. When the light turns yellow, that means you have one minute left. When the light turns red, it is time to end your testimony and we will ask you to wrap up your final thoughts. When you come up to testify, please begin by stating your name clearly into the microphone and then please spell both your first and last name. If you are not testifying at the microphone, but want to go on record as having a position on a bill being heard today, please see the new public hearing protocols on the HHS Committee's webpage on nebraskalegislature.gov. Additionally, there is a white

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sign-in sheet at the entrance where you may leave your name and position on the bills before us today. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it is necessary for you to attend the bill hearing in progress. The agenda posted outside the door will be updated after each hearing to identify which bill is currently being heard, and the committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist committee members and transcribers in clearly hearing and understanding their testimony. Pages will sanitize the front table and chair between testifiers, and this committee has a strict no props policy. With that, we will begin today's hearing with LB108. Welcome, Senator McCollister. You may begin.

McCOLLISTER: Good morning, Chairman Arch and members of the committee. I am John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I represent the 20th Legislative District in Omaha. Today, I am introducing LB108. Nebraska should be doing more to address food insecurity among low-income households in our state. Despite our comparatively low unemployment, unemployment rate, the COVID-19 pandemic still negatively affects families in urban, suburban, and rural parts of Nebraska. Data during the pandemic show that Nebraska food insecurity has risen to much as 23 percent among adults and 25 percent among households with children since before the pandemic. As we continue to face historically unprecedented hardship as a country and a state, we should be enacting additional policies that support the most people in need. SNAP eligibility is based on income. Eligibility standards for this program are currently set at gross income limit of 130 percent of the federal poverty level, with benefits phasing out as earnings increase. The unintended consequences of this design either creates a disincentive to work toward economic mobility or it leads to a situation where the parent or guardian is working harder, but is financially worse off. This unfortunate result is known as the cliff effect. Today, I am introducing LB108 to address the cliff effect and SNAP by allowing working families to accept raises or other small increases to their income without losing their vital support of SNAP. LB108 would accomplish this critically important change by increasing the gross income eligibility limit while keeping the current net income limit and SNAP unchanged. More

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specifically, SNAP rules apply to a, a two-pronged income test, both before and after deductions like childcare, healthcare, and housing costs. Nebraska's gross income standard before deductions is currently 130 percent of the federal poverty level. Nebraska's net income standard after deductions is currently 100 percent of the federal poverty level. LB108 would increase the gross income limit to 185 percent of the poverty level, while retaining the 100 percent net income limit. While this adjustment-- with this adjustment families that successfully demonstrate expenses like childcare, housing, and medical expenses that still prevent them from being able to afford food to feed their families would still be eligible for SNAP. Here are some facts to keep in mind as we consider policy changes about Nebraska SNAP benefits and the families who rely on them. One hundred percent of the SNAP aid for SNAP is fully funded by the federal government, fully funded by the federal government. Administrative costs for SNAP are split 50/50 between the federal government and our state. These administrative costs are the only cost to the state of Nebraska. Significantly, every \$1 of SNAP benefits generates \$1.70 in economic activity as it multiplies through our local economies. Towns in our state, large and small, benefit greatly from this extra boost in spending. As I mentioned already, the only cost to the General Fund for this legislation would be 50 percent of the administrative costs. The fiscal note indicates a General Fund cost of slightly \$111,000 for fiscal year 2021-22. However, the committee will recall that during the COVID-19 crisis, CARES funds were allocated to Nebraska to provide pandemic EBT benefits. Additionally, our state made use of SNAP maximum allocations originating from the Families First Coronavirus Response Act, which authorizes a supplemental pandemic response option for states in March. These two programs provided over \$50 million in additional SNAP benefits to our food insecure citizens. What's my point? My point is that HHS has already staffed up to cover the expanded SNAP benefits paid earlier this year. The fiscal note of LB108 should be zero. Should be zero. An estimated 10 percent of all Nebraskans need SNAP benefits prior to the pandemic. Now, while we are still faced with the painful effect of this national crisis, the need is even greater. This bill is a cost effective way to help our hungry neighbors. Thank you.

ARCH: Thank you, Senator McCollister. Are there questions? Seeing none, thank you very much. Will you be staying for close?

McCOLLISTER: I will. Thank you.

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ARCH: At this time, we welcome the first proponent for LB108. Morning.

ERIN FEICHTINGER: Good morning. Good to be back in front of the best committee. Chairperson Arch, members of the Health and Human Services Committee, my name is Dr. Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the director of Advocacy and Policy at Together, which is a social service organization in Omaha whose mission is to end homelessness and hunger. It's an ambitious goal and a mission that we live every day by operating one of the largest all-choice food pantries in the state of Nebraska. We are here in full support of LB108 expanding gross income eligibility for the SNAP program and addressing the cliff effect that has unnecessarily caused food insecurity for our neighbors. There are two crucial points from our vast experience in the emergency food assistance world that I want to emphasize today. The incredible need for emergency food assistance we saw in 2020 was avoidable if we had reduced the SNAP cliff effect before today. And food pantries like ours are not a sustainable solution to food insecurity or an effective replacement for SNAP. The last time I appeared before this committee, the world was very different. And I told you that we had a record number of visits to our food pantry in 2019. That record number I shared was 42,242 visits. In 2020, people visited our pantry 154,721 times. It was, as we all keep saying, unprecedented times. We could not have predicted COVID-19, but we could and have said that in a time of economic hardship we would see an explosion of need for emergency food assistance because we have so far refused to fully utilize the most efficient tool in our arsenal SNAP to prevent hunger in the first place. Our 2020 traffic numbers should alarm you because they demonstrate just how many people were too close to hunger before COVID-19. But they should not surprise you because advocates and experts have expressed time and again their growing concern at our inability to curb the need without all of the resources that we could and should have. We are extremely proud at Together of our need-- of our ability to meet the emergency food assistance needs of our community, especially in the midst of COVID-19 when we had to shift all of our food pantry operation to a drive-through model. We will serve every single person who comes to us for food as long as we are needed. And still we are actively working to put ourselves out of business because our measure of success is not profit. Though if it was profit, the 98 successful SNAP applications we helped with in 2019 actually contributed \$339,501 to the local economy. The measure of our success will be the day that we are no

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longer needed because our neighbors are no longer hungry. Allowing people to qualify for and to keep their SNAP will help us do that. Continuing to rely solely on food pantries like ours will not. Finally, you may think that expanding gross income eligibility for SNAP will cost the state money, too much money. Our agency expended \$5,222,000 across all of our food insecurity programs in 2020 to feed people. Money is already being spent by pantries like ours to cover food and salary costs and on other social assistance programs that are made necessary by the instability caused by food insecurity. We have a chance to help feed a lot of people and help a lot of people help themselves and their families while capitalizing on the opportunities for advancement that we all wish to have. We'd like to thank Senator McCollister for his tireless efforts to end hunger in our community. And we urge your full support of LB108. Send any constituents that might need help our way. And I'm happy to answer any questions you might have.

ARCH: Thank you. Are there any questions? Senator Cavanaugh.

M. CAVANAUGH: Thank you. Thanks for being here. I just-- not so much a question, question as a statement as you work in Omaha. I just want to thank Together for all of the work that they've done during the pandemic to serve the citizens. And I know that my constituents have benefited from that. And I really appreciate the work that you have been doing. So thank you.

ERIN FEICHTINGER: Well, I just get to drive down to Lincoln. The people who are there today are doing the real work.

M. CAVANAUGH: Well, thank them on, on, on my behalf.

ERIN FEICHTINGER: I will. I will.

ARCH: Just, just for our education, where-- what's the source of the food that you distribute? Source of dollars that you that-- I mean, \$5 million is a lot of money.

ERIN FEICHTINGER: Yes. So we get most of our food from the Food Bank for the Heartland, which distributes as you know probably all across the state. And we do have, you know, that money-- that food does not cost as much as if we were to go to the grocery store and purchase it. But that said, it's money-- it's, it's food that is purchased at some

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point. We also rely on grocery stores in our area. We do purchase some food from them. Like, for instance, we had a situation in October where we were running out of meat. So we had to work quickly to make some deals with some grocery stores to get meat in our, you know, buy a bigger freezer to keep all that meat for the 250 cars that were coming through our, our drive-through every day. And we also have a community garden and a food sharing program, amongst other things. So we're doing a lot of work to be collaborative and leverage the resources, you know, the limited resources that we do have. But like I said, you know, it costs money. We're already spending this money and, and we're spending a lot of it and we really don't see that need going away in 2021. Our numbers in the last couple of months have not slowed down. So we're doing, you know, not just the food purchasing and all that, but expanding our space, hiring more staff to deal with the traffic like all of that costs money. And so hopefully that answers your question.

ARCH: Yeah, thank you. One other question. Is, is there a common definition of food insecurity that is shared, that is shared by everybody? We use the term, but I--

ERIN FEICHTINGER: Right.

ARCH: --but is, is there a common definition of that?

ERIN FEICHTINGER: I'm going to leave that for smarter people than me behind me to--

ARCH: OK, well, there, there could be others to answer that.

ERIN FEICHTINGER: --who, who would know better the like the definition, you know, for us at Together, anyone who's coming through is food insecure because--

ARCH: OK.

ERIN FEICHTINGER: --they're coming to us for food, so.

ARCH: OK.

ERIN FEICHTINGER: Yeah.

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ARCH: All right. Thank you. Any other questions? Seeing none, thank
you very much for your testimony.

ERIN FEICHTINGER: Thank you.

ARCH: Next proponent for LB108. Welcome.

ANSLEY FELLERS: Good morning. Thank you. Thank you, Chairman Arch and
members of the Health and Human Services Committee. My name is Ansley
Fellers, A-n-s-l-e-y F-e-l-l-e-r-s, and I'm executive director of the
Nebraska Grocery Industry Association. I'm testifying today on behalf
of the grocers as well as the Nebraska Chamber of Commerce and the
Greater Omaha Chamber of Commerce in support of Senator, Senator
McCollister's LB108. We appreciate Senator McCollister's commitment to
addressing what we call the SNAP cliff effect, where efforts by
individuals to become self-sufficient through employment can trigger a
termination of their benefits, resulting in a net loss of income.
Employers witnessed the cliff effect firsthand when they offer a
promotion or a raise to their employees. Once employees develop
essential skills, employers regularly offer raises and promotions in
an effort to retain them. Employees however find themselves in a
situation where it makes more sense to reject a promotion or more
hours because it would place them sometimes just slightly above the
eligibility, eligibility threshold and they would lose their SNAP
benefits. By increasing the gross income limit to qualify for SNAP to
185 percent of the federal poverty level, LB108 would allow employees
to steadily grow their income without immediately losing their
benefits. And it represents another means of attracting workers as
businesses across Nebraska continue to struggle with significant labor
shortages. The fiscal note associated with this bill is entirely
related to administrative expenses, and we would hope a large portion
of these expenses would be covered by dollars the state has received
and could continue to receive in federal COVID-related relief.
Additionally, because most households redeem their monthly SNAP
benefits quickly, SNAP is one of the most effective forms of economic
stimulus. According to USDA's Economic Research Service, every dollar
in new SNAP benefits spent during downturns increases the gross
domestic product by \$1.54. In 2009, the peak year of the great
recession, \$50 billion in SNAP benefits were spent in local stores,
generating about \$85 billion in local economic activity. While many
SNAP dollars are spent in larger stores, the majority of SNAP
authorized retailers, about 80 percent are locally owned businesses

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such as grocery and convenience stores, dairies, butcheries-- butcheries-- butchers, bakeries, and farm stands. For these small businesses, particularly in high poverty areas, SNAP purchases can account for a significant share of total sales. Nebraska should be rewarding work, not punishing modest increases in income with losses of SNAP benefits. We would ask the committee advance LB108. And I would add, just based on the last testimony and since my light is still green, this is isn't in my testimony, but I would also just remind the committee and would like to state for the record, I have a background in agriculture policy and I can tell you that SNAP benefits and spending those dollars in stores locally is a benefit to both the stores and the, the consumers. And not that food distribution programs aren't necessary, we don't oppose that. We appreciate what everyone's doing. And we understand their variety of needs and they need to be addressed in a variety of ways. But this is truly a win-win and it's not, especially in rural areas where lots of food can be distributed sometimes and I will say hurts sometimes local, small industries, local, small grocers, this is truly a win-win. So with that, I'd be happy to answer any questions.

ARCH: Thank you. Are there any questions? Senator Cavanaugh.

M. CAVANAUGH: Thank you. Thanks for being here. It's nice to see you. So, yeah, you, you, you were talking about this and it was something that I was thinking about with the last testifier is and she said that their goal is to put themselves out of business. And, and when she talks about the \$5 million that they spent, it did occur to me that every dollar that nonprofits are spending to feed people that we're not using SNAP, we're taking that out of our local economies. Is that kind of your assessment as well?

ANSLEY FELLERS: Yeah, to some extent. And I know those are always-- it's great that it's always purchased, right, or sometimes it's, it's donated, but it's purchased somewhere.

M. CAVANAUGH: Right.

ANSLEY FELLERS: But SNAP is spent locally, to your point.

M. CAVANAUGH: Right. Yeah, so that's a, a good point to be making and thank you.

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ARCH: Any other questions? Seeing none, thank you very much.

ANSLEY FELLERS: Thank you.

ARCH: Next proponent for LB108.

TOM VENZOR: Good morning, Chairman Arch and members of the Health and Human Services Committee. My name is Tom Venzor, that's T-o-m V-e-n-z-o-r, and I'm the executive director of the Nebraska Catholic Conference, which advocates for the public policy interests of the Catholic Church and advances the gospel of life through engaging, educating, and empowering public officials, Catholic laity, and the general public. And I would like to express our support for LB108. Access to food cannot be reduced to a purely economic question, even if economic and financial considerations are prudent for thoughtful public policy deliberations. While we may not often think about food in moral terms, provision of food is indeed a moral issue. As the United States Conference of Catholic Bishops have noted: Food sustains life itself. It is not just another product. Providing food for all is a gospel imperative, not just another policy choice. This gospel imperative to provide food to the hungry, as we hear in the twenty-fifth chapter of the Gospel of Saint Matthew, is ultimately rooted in the dignity of the human person. Again, to draw from the U.S. Bishops' teaching on food access: The dignity of every person must always be respected because each person is a precious child of God. In light of our commitment to the right to life of every person, we believe also-- we, we believe all people also have basic rights to material and spiritual support, including the right to food which are required to sustain life and to live a truly human existence. This clear commitment to the dignity and value of every human life must be reflected both in individual choices and actions and in the policies and structure of society. The imperative of meeting the needs of the hungry, of course, is a responsibility that falls not only to each and every one of us as individuals, but it is also a responsibility for other forms of community and society, such as the family, religious organizations, private associations, and government entities. Each of these cells of society play a complementary, yet unique role in addressing what Pope Francis has called the scandal of hunger. Being confronted by this scandal should challenge our personal and social conscience in order to achieve a just and lasting solution to hunger. We believe LB108, which would increase a gross income limit for Supplemental Nutrition Assistance Program is a, is a step in the right

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direction for addressing the food security needs of Nebraska's low-income population. The legislative and moral act of raising the gross income eligibility from 130 percent of the federal poverty limit to 185 percent FPL would provide access to approximately 4,000 additional households. Through increasing the gross income eligibility, LB108 helps to reduce the cliff effect, which refers to the sudden and often unexpected decrease in public benefits that can occur with a small increase in earnings. This cliff effect can create an anchor into rather than a ladder out of poverty. By reducing the cliff effect, LB108 creates a culture of opportunity. This culture of opportunity is not only a culture of opportunity to access needed food assistance, but also a culture of opportunity that helps families arrive at economic self-sufficiency and a greater sense of accomplishment. The people of God who make up the Catholic Church in Nebraska will continue to do their part to meet the needs of the poor, whether that be through empowering parents living in poverty with more educational choice opportunities, providing for the spiritual needs of those seeking comfort in Christ, or providing rent, food, counseling, and clothing assistance to Nebraska's low-income families. Catholic Social Services of Southern Nebraska, the charitable outreach arm of the Diocese of Lincoln, last year provided 327 tons of food given to the hungry of southern Nebraska. This includes everything from food pantry services to providing sack lunches to the homeless and hungry to providing full Thanksgiving and Christmas dinners to hundreds of families in need. Catholic Charities of Omaha, the charitable outreach arm of the Archdiocese of Omaha, annually distributes 200,000 pounds of food to more than 55,000 people every year through their food pantries in south and north Omaha and through a mobile food pantry and homebound food delivery programs. The charitable works listed above refer only to the food assistance and do not begin to account for the numerous other material and spiritual needs these two agencies provide. These figures also do not begin to describe what individual parishes throughout Nebraska are providing the poor in their local communities. The point mentioning this work is not to boast of the Church's efforts, but to underscore one last policy point for your consideration. The U.S. Bishops calculate that all food that churches and charities provide to hungry people is only about 6 percent of what is provided by federal government nutrition programs. The Catholic Church, among so many others, is doing what we can to address the scandal of poverty-- of hunger in our communities. But more action is needed if we are to combat hunger in Nebraska. This action must come

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not only from private individuals acting out of charity in selfless generosity, but it must also come from broader societal action, such as public policy solutions. We respectfully request that you advance LB108 to General File, and we thank you for your time and consideration.

WILLIAMS: Thank you, Mr. Venzor. Are there questions? Senator Cavanaugh.

M. CAVANAUGH: Thank you. Thank you for being here today, Mr. Venzor. It seems sort of poetic that you're here today on Ash Wednesday and I, I appreciate that as a, as a Catholic and, and knowing the teachings of, of Christ and the loaves and fishes. And so I very much appreciate that you're here today. I, I didn't realize that the Catholic Services of Southern Nebraska, that's a lot of food.

TOM VENZOR: Yeah, it's a lot of food and a lot of other services they're providing in addition. They provide assistance to women, you know, fleeing from domestic violence, they provide counseling services, rent assistance. I mean, all-- so, yeah, among those things, food is one of the major things that they're doing, especially as you heard earlier from the learned doctor who preceded me, a lot of increase in that kind of services during COVID.

M. CAVANAUGH: And the 327 tons of food, do you know how many families that served?

TOM VENZOR: You know, I was-- when I heard those questions earlier, I was texting my sister-in-law who's actually the director of, of social services at Catholic Social Services, but she hasn't texted me back yet.

M. CAVANAUGH: OK.

TOM VENZOR: So I'll find out. I will find out for you how many families that's serving.

M. CAVANAUGH: Thank you. And thank you for your work.

TOM VENZOR: You bet.

WILLIAMS: Additional questions? Seeing none, thank you for your testimony.

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TOM VENZOR: All right. Thank you very much.

WILLIAMS: Would invite the next proponent. Welcome.

NICHOLETTE SEIGFREID: Thank you. I'm Nicholette Seigfreid, N-i-c-h-o-l-e-t-t-e S-e-i-g-f-r-e-i-d, and I'm here to testify in support of Senator McCollister's LB108. In the fall of 2015, I fled a domestic violence situation with my two children. At that time, I was not employed due to the control of my abuser. I also had been isolated from friends and family and was truly without any support. My son's school counselor helped to connect me with a domestic violence shelter for temporary housing, and the school district's homeless coordinator assisted us in applying for benefits, including SNAP. By December, I had found employment as a program assistant at the Nebraska Foster and Adoptive Parent Association. The role was a perfect fit for me as I had aged out of the foster care system and committed to training-- and was committed to training and supporting foster parents to ensure the success of the vulnerable youth in their care. Initially, the position was 30 hours a week, earning an age-- a wage of \$12 an hour. At this level of earning, I was still receiving benefits like SNAP, Medicaid, and a childcare subsidy. These were crucial benefits that were allowing us to be successful on our own in a safe environment. My children and I lived a modest but comfortable life, never worrying about where our next meal would come from at this time. I quickly was given more responsibilities and a promotion to program coordinator as well as a raise. This initial increase in income did decrease my benefits, but I was still eligible to receive them. Due to the unique nature of my work with the foster care system and my very close relationship with our executive director, I was able to discuss how raises impacted my benefits and the overall financial health of my family. This was a privilege many folks do not have. It can be very difficult to bring up being on benefits like SNAP with an employer and how those impact your ability to care for your family if you accept a raise or a promotion. Over the next year, I moved to full time, received an additional promotion and a raise, ultimately earning \$15 an hour. At this rate of pay, I lost all of my benefits, including SNAP, my childcare subsidy, and Medicaid. I found myself in the coverage gap as I did not qualify for a subsidy for health insurance. Each day I was faced with decisions about what to pay for, trying to weigh the options of paying rent late versus visiting the doctor, the electric bill versus a trip to the grocery store. I struggled to understand how working hard training foster parents for the state of

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Nebraska had led me to living beyond paycheck to paycheck as my bank account was very often in the red. I quickly realized that our financial situation was not sustainable and decided to seek a higher paying job. While seeking alternative employment, I relied heavily on the Food Bank and Backpack Program to feed my children. My supervisor at work often gave me gift cards to the grocery store, bought me meals, and even personally loaned me money to make ends meet. After six months of extreme financial stress, sinking further and further in debt, I did find a new job earning \$40,000 a year. I was finally able to care for my family without wondering how I was going to pay for everything. Well, this is my story. I know that there are many families similar to mine that have unnecessarily felt the impacts of the cliff effect and lost their SNAP benefits and faced food insecurity. As a parent, it feels absolutely unbearable to say that I did not know how I was going to feed my children their next meal. Well, now I am able to do that and I'm earning a comfortable wage. It's so important to be able to feed family-- to feed your family, and it's hard for me to even discuss it today. I urge you to support LB108 to reward hard work and help people move forward. Thank you.

WILLIAMS: Thank you, Miss Seigfreid, and thank you for coming and telling your story. Do we have any questions? Thank you for being here today.

NICHOLETTE SEIGFREID: Thank you.

WILLIAMS: Invite our next proponent. Welcome to the HHS Committee.

ERIC SAVAIANO: Thank you very much. My name is Eric Savaiano, E-r-i-c S-a-v-a-i-a-n-o. Chairperson Arch and members of the Health and Human Services Committee or Senator Williams, I guess, in his absence, I am the Economic Justice Program Manager for Food and Nutrition Access at Nebraska Appleseed. Nebraska Appleseed is a nonprofit, nonpartisan law and policy organization that fights for justice and opportunity for all Nebraskans. And I'm here today to testify in support of LB108. As you're aware, the COVID-19 pandemic has caused widespread and long-term economic food hardship and insecurity. Just to define that for the, the, the body at this point, the USDA defines it as a limited or uncertain access to food at certain times. So it could be a lack of food or a lack of enough food to feed a family or themselves. So there are some specifics for sure that the pandemic has created specific problems, especially in the black and Latinx communities. I'd refer

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you to the chart at the back of our testimony to see how, how that impact has surfaced. However, the most effective and comprehensive and efficient program we have to support these individuals is the Supplemental Nutrition Assistance Program, or SNAP. I wanted to share another example that will hopefully illustrate the, the challenge of the SNAP cliff effect. Consider a single mother of two children working 40 hours a week, you can also look at the chart at the back, the second chart, if she started at \$13.50 per hour and got a 50 cent raise, she would gain \$87 per month in income but lose all \$336 of SNAP benefits that she was receiving. That would be a net loss of \$249 per month. She would not make up these dollars until she earned \$17 per hour from her employer and then she would be back at that baseline that included the SNAP benefits as well as her, her previous income. That is the real life effect-- one more example of the real life effect of the SNAP cliff effect. The current system is actually creating a disincentive to take that raise. When considered from the mother's perspective, not taking the raise is the best option to support her family and ensure her needs and their needs are met. I will say the cost of similar bills as LB108 has been used to argue against eliminating the SNAP cliff effect in the past, estimates from the Legislative Fiscal Office have consistently been based on significantly higher participation increases than have actually been realized in other states who have made similar changes. Even if the LFO's estimates are correct, this policy change is well worth it. While Nebraska pours millions into workforce development programs that train workers in skills they need to move into higher paying jobs, the people in these programs can't take the raises because of the cliff effect. If we want to see better success rates in these programs, addressing this cliff effect is critical. One final note that was not mentioned in the opening by Senator McCollister that could be used to pay for this if it, it was passed into law, the federal Consolidated Appropriations Act of 2021 that passed in December included SNAP administrative relief for states. Based on those figures and the estimates, an estimate that we created, we would estimate that around \$330,000 would go to support SNAP administration, including potential changes to the SNAP eligibility levels. In conclusion, the bill proposed at this time is a commonsense policy change that has repeatedly come before this committee, including three times in the last four years. The longer we wait to pass this legislation, the longer we perpetuate the preventable dilemma people face when returning down economic opportunity so that they can continue to feed

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their families. We urge this committee to not only vote this bill out of committee, but fight for it in the full body. And Nebraska Appleseed and many others stand ready to help make, make it past this year, make it the, the final year we have to talk about the cliff effect. We thank Senator McCollister for bringing the bill and respectfully urge the committee to advance LB108. And I believe those are my comments.

WILLIAMS: Thank you, Mr. Savaiano.

ERIC SAVAIANO: Thank you.

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

ERIC SAVAIANO: Thank you.

WILLIAMS: Invite the next proponent. Good morning.

NYOMI TROY THOMPSON: Hi. Good morning, members of the Health and Human Services Committee. My name is Nyomi Troy Thompson, N-y-o-m-i T-r-o-y T-h-o-m-p-s-o-n, and I am the health policy analyst with OpenSky Policy Institute. I'm here today to testify in support of LB108 because expanding access to SNAP would improve the quality of life of some of the hardest working Nebraskans while promoting growth in the fastest growing industry in the state, the healthcare and social assistance industry. Nebraska's critical infrastructure workers, as defined by the U.S. government, are considered vital not only to Nebraska but the United States public health and economic security. These workers have been keeping us healthy during this pandemic and 360,000 of them are Nebraskans working in industries where the average wage would put a family between 130 and 185 percent of the federal poverty line. One of these industries also happens to be the fastest growing in the nation and is projected to add the highest number of jobs out of any Nebraska industry by 2028 and is pertinent to the HHS Committee, the healthcare and social assistance industry. More than 15 percent of Nebraskans work in the healthcare and social assistance industry. And while many people assume these are well-paying careers, doctors and registered nurses only make up 20 percent of essential healthcare workers nationally. The remaining workers serve a number of roles, including pharmacy technicians, EMTs and paramedics, or a licensed practical and vocational nurses, all of which have much lower average salaries. In addition to the healthcare and social assistance

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industry, there are certainly other sectors of the economy with average wages that would put a family of four between 130 and 185 percent, including protective service occupations, food and agriculture, and transportation, all of whom have been providing a critical service to all of us throughout the pandemic. Because so many of these workers make more than 130 percent of the federal poverty line, they aren't eligible for SNAP benefits. However, because many also make less than 185 percent, they also aren't making what is considered a living wage. For the average Nebraskan family, a living wage is \$25.27 an hour, according to the MIT Living Wage Calculator, which is just 3 cents above the wage of 185 percent of the federal poverty line. The healthcare and social assistance industry is expected to grow by another 17,000 workers over the next 10 years in Nebraska, according to the Department of Labor, which will be critical to the state's economy. In order to attract and, importantly, retain these workers, promotions and pay raises must be accessible without penalty. For many workers, however, these opportunities to excel economically are discouraged by the SNAP eligibility regulations, which scale down benefits quickly and eliminate them entirely at a very low threshold. According to the National Conference of State Legislatures, the cliff effect can create an anchor into rather than a ladder out of poverty for families. They lose more than they gain when they take a job or receive a raise and their safety net is simultaneously weakened or eliminated. For businesses, it often means perpetually recruiting, hiring, and training for the same entry-level positions. To the detriment of all, the workforce shortage is not filled, families do not exit social support systems, and economic growth is stifled. Leaving the income threshold at the bare minimum risks tying families to government support systems and thwarting an opportunity for Nebraska to attract and maintain diverse talent to support a rapidly growing industry. As such, we support LB108 and would urge you to move the bill forward. Thank you for your time and I'm happy to answer any questions.

WILLIAMS: Thank you, Miss Troy Thompson. Are there questions? Seeing none, thank you for your testimony.

NYOMI TROY THOMPSON: Thank you.

WILLIAMS: Invite the next proponent.

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TRENTON BUHR: Good morning, members of the Health and Human Services Committee. My name is Trenton Buhr, T-r-e-n-t-o-n B-u-h-r, and I'm representing the Center for Rural Affairs today. The Center for Rural Affairs works to promote economic opportunity, environmental stewardship, and to strengthen rural communities. These communities are particularly affected by policies surrounding the Supplemental Nutrition Assistance Program because rates of food insecurity, unemployment, and SNAP use tend to be higher in rural areas. In the United States today, poverty rates are highest in rural areas. In a USDA analysis from 2017, total poverty rates in rural America were 16.4 percent as compared to urban America's 12.9 percent, and in 2018, 22.4 percent of rural children were considered poor, compared to 17.4 percent of urban children. Of the 41 counties in the country where the child poverty rate was over 50 percent, 39 of them were rural. Persistent poverty is found mostly in rural areas and especially in rural areas in the south. Although the rates of poverty are growing in the pacific, southwest, midwest, and northeast areas, nearly 80 percent of counties considered high poverty in the country are rural, and all counties with extreme poverty are in rural areas. Other factors which contribute to food insecurity also tend to be higher in rural America. The population of rural America skews older, with 19 percent of the rural population above the age of 65, as compared to only 15 percent in metropolitan areas. Although unemployment, along with other indicators of poverty, have significantly fallen nationwide since the great recession, unemployment has remained consistently higher in rural America than in metropolitan areas. Rural America accounts for 14 percent of the country's population, but only 4 percent of employment growth. These higher rates of poverty and unemployment are factors in the higher rates of food insecurity in rural areas, as compared to urban at 16.5 percent versus 13.5 percent in 2018, respectively. In Nebraska, food insecurity sits higher than the national average at 12.3 percent versus 11.1, and that rate is even higher in rural counties. The highest rates of food insecurity are in the counties of Thurston, Sheridan, and Hooker at 18.9, 15.2, and 17.4 percent, respectively. And the problem is a universal one in Nebraska, however, given that lower rates in urban, urban areas still indicate a higher gross number of food insecure individuals. Also, as we heard from earlier, rural grocery stores depend on SNAP dollars as a consistent source of income. A rural grocery might rely on SNAP for anywhere from 10 to 30 percent of its revenue. This is a critical part of the grocery business and keeps open what might be the only grocery

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store for many miles, especially in very remote areas. According to a well-known study by economist Mark Zandi, expanding food stamps is the most effective way to prime the economy's pump. Every \$1 of SNAP benefits, according to the U.S. Department of Agriculture, translates to \$1.84 increase in gross domestic product. The money allotted through SNAP, since it is going to the families who need it most and has to be used on food, enters the local economy within a matter of weeks rather than being stashed away. Furthermore, USDA research has shown a positive benefit on rural employment when funding is increased. In the interest of these rural families, groceries, and the rural economy. We urge you to vote LB108 out of committee. And thank you, Senator McCollister, for bringing it. I'm happy to answer any questions you have.

ARCH: Thank you. Are there any questions? Senator Walz.

WALZ: Thank you. Thanks for coming today. You were talking about Nebraska, the highest rates of food insecurity are in rural counties. I was just wondering, do you have any information on who makes up that, that population? Is it families, is it older senior citizens?

TRENTON BUHR: I don't actually know the specifics, but my guess is both. I mean, we know that incomes are lower in rural areas. So I think that would express a working population using it. But also there are older folks and, and they also have a lower income generally. So I, I think it's a mix of both. But perhaps I can find some more information.

WALZ: All right. I was just curious. Thank you.

ARCH: Other questions? Seeing none, thank you very much for your testimony.

TRENTON BUHR: Thank you.

*JINA RAGLAND: Chair Arch and members of the Health and Human Services Committee, my name is Jina Ragland, testifying today in support of LB108 on behalf of AARP Nebraska. It is the policy of AARP that food benefits should be increased to ensure nutritional adequacy and prevention of malnutrition for the most vulnerable Americans. AARP NE supports LB108, a bill to address the cliff effect in the Supplemental Nutrition Assistance Program (SNAP) by allowing working families to

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advance in employment and in training programs, and realize greater earnings or new, better-paying employment without an immediate loss of the vital support of SNAP. LB108 would accomplish this, while keeping the current net income limits in SNAP, by increasing the gross income limit from the current 130% of the federal poverty level (FPL) to 185% of FPL. SNAP helps put food on the table for 74,808 Nebraskan households, and on average, provides \$2.13 per meal for a household with an adult age 50 or older in Nebraska. The average monthly SNAP benefit in Nebraska is \$125, with 19% receiving the minimum benefit and 23% (6,588) receiving the maximum benefit. According to a 2020 AARP public policy report, in 2018 over 19 million households participated in SNAP. Of these, 38% (28,475) were Nebraska households with adults ages 50 and older. Despite over 28,000 households in Nebraska with adults age 50 and older participating in SNAP, other analyses found that the SNAP participation rate is substantially lower among older adults than among younger age groups across the country. Possible reasons for this include lack of awareness about the program, confusion about eligibility requirements, a burdensome application process, negative experiences, and stigma associated with a government program. It is widely known that food insecurity can be detrimental for everyone, but as people age food insecurity can have serious long-term effects. While the effects are less documented for the 50-59 year olds, there is vast knowledge on the effects food insecurity has on adults ages 60 or older. For instance, older adults 60 or older who experience food insecurity are significantly more likely, to be in poor health, and to have limitations in activities of daily living (ADL). Food insecurity is associated with greater use of health care services; increased office visits, longer overnight hospital stays, and more emergency room visits. There are other documented consequences to food insecurity including impairment in physical function, diminished immune response, depression, and social isolation. In the AARP Foundation report, "Food Insecurity Among Older Adults," the differences in health outcomes between food-insecure and food-secure persons 50-59 year olds became evident. Food insecure 50-59 year olds were almost twice as likely to be diabetic (19% versus 10%), were far less likely to be in excellent or very good health (17% versus 44%), were much more likely to suffer from depression (16% versus 3%) and were more than twice as likely to have at least one ADL limitation (52% versus 21 %). Disability rates were also higher among food insecure 50-59 year olds: One in two 50-59 year olds experiencing either food insecurity or very low food security were disabled. The

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research concluded that intakes of most major nutrients were lower among the food insecure 50-59 year olds compared to food secure persons in their cohort. SNAP is critical to our aging population and often is the safety net that enables older adults to put food on the table. This program is taking a heightened importance in the midst of the current pandemic. Americans continue to face higher food prices at the grocery store even after the most recent dip in food prices. For people living on a tight budget, including many older adults on fixed incomes, higher food prices can have a significant impact on a household's budget. As people struggle to make ends meet during this incredibly challenging time, food insecurity has worsened. Thank you to Senator McCollister for introducing the legislation and for his ongoing commitment to this important issue. We would ask you to support LB108 and advance the bill to general ftle. Thank you for the opportunity to comment on this important issue.

***ERIC REITER:** My name is Shelley Mann and I currently serve as the Assistant Director of the collaborative SNAP outreach and enrollment efforts of Food Bank for the Heartland and the Food Bank of Lincoln. I'd like to express our support of LB108 and share some information about Food Banks and SNAP with you as you consider advancing this bill to the floor. Hunger exists in all 93 Nebraska counties. Roughly 223,000 Nebraskans are considered food insecure. Neighbors living in the breadbasket struggle to put food on their tables. One in 6 are children who may not know where their next meal is coming from. The ill effects of hunger intersect with every demographic in our state. People experiencing food insecurity vary in age, race, and location with each facing its own unique set of challenges. For example, 86% of U.S. counties with the highest childhood food insecurity rates are rural counties. At Food Bank for the Heartland and the Food Bank of Lincoln, we believe no person should go hungry, and all people should have equitable access to food. The food banks are nonprofit organizations that connect Nebraskans in need to food through direct service and serve as clearinghouses to distribute food to our partner agencies. Both food banks are members of the Feeding America network of more than 200 food banks nationwide. Our food banks secure product donations from food producers, manufacturers, the grocery industry, individuals, groups and government agencies. We spend millions of dollars annually to purchase food to supplement food donations. The food banks distribute food and household essentials through our combined networks of 800 partners, including pantries, emergency

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shelters, schools and other meal providers. The faces of hunger in our state are those of children, families, seniors, veterans and other neighbors. Through our mobile pantry programs, we also deliver food directly to communities with high need but limited food resources. USDA food benefits complement these efforts primarily through SNAP outreach, education and enrollment. Food Bank SNAP specialists and their partners helped more than 11,000 households in Nebraska apply for SNAP. Last year, 81% of those applications were approved for benefits. This puts food onto the tables of those in need and provides a localized economic impact of \$9 for every \$5 in benefits. This almost double boost helps provide support not only for families experiencing food insecurity but farmers and retailers as well. We can take our time applying with clients and provide additional support afterwards to help ensure they have all of the information DHHS needs to process their applications. The story of hunger in Nebraska is more complex than statistics and policy discussion. Kelly, the mother of a young family in Otoe County, knows firsthand what it's like to choose between food and other essentials. She and her husband have worked mostly as farmers and own a small business doing land maintenance. As their family grew, it became increasingly difficult to find child care and part-time work. Unless she could find a job that paid at least \$15 per hour, she could not afford to work and pay for child care. In her rural community, this was just not possible. With Kelly out of work, the family began maxing out their credit cards to keep the lights on. She didn't want to apply for SNAP, but knew it was an inevitable option. When she called our hotline, we were able to connect her to benefits. When summer came back around, Kelly's husband got the opportunity to pick up some extra work. Picking up an additional \$100 a month in work meant losing \$259 in SNAP benefits. With hopes the extra \$100 in work would lead to more work down the line, they took it. Unfortunately, that extra \$100 didn't lead to more and the family now chooses between groceries and bills every month. We hear these stories on our hotline every day. While the food the Food Bank distributes can be there to support in emergency and episodic situations, policy efficiencies in programs can help lift our neighbors out of poverty. In closing, Nebraska's Food Banks will continue to partner with the state and federal governments to support access to food and nutrition assistance to reduce hunger. However, it is important to note that despite our hard work to combat food insecurity in Nebraska, the charitable sector cannot solve hunger alone. Though thousands of pounds of food are constantly moving

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through our distribution center doors and trucks, our mission to move the needle for hungry Nebraskans cannot be achieved through rescued and donated food alone. SNAP provides 12 meals for every one meal provided by Feeding America Food Banks. If SNAP were to go away or be curtailed, the charitable sector is not prepared to replace that volume of food needed by vulnerable Nebraskans. It is for this reason that we support the efforts and outcomes of LB108 and hope it advances to the floor for debate. Thank you for your time and attention to the issue of hunger in our state.

***AMBER BOGLE:** Chairman Arch and members of the Health and Human Services Committee, my name is Amber Bogle (A-M-B-E-R-B-O-G-L-E) and I am the Executive Director of the Children and Family Coalition of Nebraska (CAFCON). CAFCON is a non-profit association comprised of 10 of the state's largest providers of children and family services. We serve Nebraskans in all 93 counties, providing everything from foster care and adoption assistance to mental and behavioral health services. CAFCON is in support of LB108. We thank Senator McCollister for introducing this legislation. LB108 increases the gross income limits for families in the Supplemental Nutrition Assistance Program (SNAP) from 130% to 185% of the federal poverty level. This change addresses the cliff effect for families in poverty. By keeping the net income requirements the same, but adjusting the gross income requirements, LB108 will allow those families that are earning more income but with demonstrated expenses to remain in the SNAP program. CAFCON supports LB108 as it will increase food security for families in Nebraska and help lift families out of poverty. I urge your support of this legislation and ask that you advance LB108 to General File. Thank you for your time and consideration.

***ERIC GERRARD:** Senator Arch and Members of the Health and Human Services Committee, my name is Eric Gerrard and I am a registered lobbyist testifying today on behalf of the Nebraska Child Health and Education Alliance (NCHEA) in support of LB108. The alliance is a unique group of health care and education leaders dedicated to policies that ensure Nebraska children and youth become healthy and successful adults. The NCHEA is in strong support of addressing the cliff effect within the Supplemental Nutrition Assistance Program. This past year has highlighted food insecurities in our communities and Nebraskans need help not only now, but in the coming months and even years while financially recovering from this pandemic. Increasing the gross income limit at an 185% poverty level would allow Nebraska

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families to put food on their tables while maintaining employment, and in some cases, working toward furthering their employment status without the fear of losing these necessary benefits due to the current income level. The alliance urges your support of LB108 and our members thank Senator McCollister for its introduction.

***EDISON McDONALD:** Hello my name is Edison McDonald and I am the Executive Director for the Arc of Nebraska. We are a non profit with 1500 members covering the state. We are advocates working to ensure the most integrated lives possible for people with Intellectual and Developmental Disabilities. I would like to thank the committee for hearing this bill. We strongly support LB108 because it ensures a path to that most integrated life. For Nebraskans with disabilities and their families, SNAP is vitally important. By increasing access to adequate, nutritious food, SNAP plays a key role in reducing hunger and helping people with disabilities to maximize their health and participate in our communities. • An estimated 11 million people with disabilities of all ages received SNAP in 2015 across the United States, or roughly one in four SNAP participants, using an inclusive definition of "disability." • Non-elderly adults with disabilities who receive SNAP have very low incomes, averaging only about \$12,000 per year in 2016, nationally. Their SNAP benefits are extremely modest, averaging \$187 per month in 2016 - or just \$6 per day. SNAP is vitally important, but existing limits and reporting requirements are already harsh, unfair, and harm many people with disabilities and their families by cutting off essential food assistance. Our members are faced with a great many barriers in their lives. This is one barrier that we can help to lower. Basic coverage of needs is vital to the wellbeing of our members and ensuring that people with disabilities are fully included in society. What we find is when our members face these cliffs it limits them from being able to move forward. If they do actually end up going over the cliff on benefits it is frequently at an extra cost to the state as the emergency support causes extra costs that could have been avoided. Lastly, I would like to offer a quote from one of our members. "I receive SNAP, otherwise known as food stamps. I am a hard-working, passionate advocate, who also happens to have a disability. Because of my disability, I am not able to work as much as I would like. Because of that I depend on the Supplemental Nutrition Assistance Program to help make sure that I can get healthy food like clementines." By passing this bill we can ensure

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that our members are able to participate more in the workforce without
the fear of losing benefits.

***TIFFANY JOEKEL:** Chairperson Arch and members of the Health and Human Services Committee, my name is Tiffany Seibert Joekel, and I am the Policy and Research Director for the Women's Fund of Omaha. The Women's Fund testifies in full support of LB108, to increase the gross income eligibility of Supplemental Nutrition Assistance Program (SNAP) benefits, expanding access to vital assistance to more Nebraskans and addressing the benefit cliff. Over 191,000 Nebraska residents are living in poverty, rendering more than 1 in 10 Nebraska households "food insecure," struggling to afford adequate nutrition for their families. SNAP benefits provide crucial resources for low-income families and families living in poverty. In 2019 alone, SNAP benefits alleviated the economic hardships of 161,000 Nebraskans. Of those recipients, more than 72% were families with children. Between 2013 and 2017, SNAP kept 31,000 Nebraskans out of poverty, including 17,000 children. The average SNAP recipient household in Nebraska is afforded an average monthly benefit of \$245 from SNAP, all of which comes from federally funded dollars. Yet Nebraska's current gross income eligibility requirements leave many Nebraskans without much needed assistance. Of Nebraska households not currently receiving SNAP benefits, almost eight percent are living in poverty. Federal SNAP income eligibility requires household net income to be at or below 100 percent the federal poverty level (FPL). Yet this is calculated after deducting significant expenses experienced by households. As such, federal eligibility allows the 40 states, including Nebraska, that have adopted categorical eligibility to set higher gross income eligibility requirements, considering more households above 100 percent FPL prior to these deductions, that may continue to qualify below 100 percent FPL after these expenses are taken into consideration. Yet, at 130 percent FPL gross income limitation, Nebraska is far more restrictive than the majority of states adopting categorical eligibility. Nebraska's neighboring state Iowa allows gross income limits of 160 percent FPL, whereas North Dakota holds a limit up to 200 percent FPL. Recognition of deductible expenses, and current allowance of 130 percent federal poverty level gross income, has already extended SNAP benefits to 27,370 Nebraska households who are above net income eligibility prior to deductions. With every \$1 in federal SNAP generating \$1.70 in local economic activity, further expansion of SNAP gross income eligibility promises not only critical

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supports to Nebraskans, but also an investment in our local economy. By increasing the gross income eligibility to 185 percent of federal poverty guidelines, Nebraska has the opportunity to address the cliff effect currently experienced by SNAP recipients. Many Nebraskans receiving SNAP benefits are unable to accept income raises or higher-paying employment, as the incremental income increase would put them over current gross income eligibility for benefits, while simultaneously not making up for the additional cost of feeding their families without SNAP benefits. As such, working more hours or receiving a raise is unaffordable for many Nebraskans. Nebraska's assistance policies should promote economic self-sufficiency and reward the economic advancement of hardworking Nebraskans. Yet current gross income eligibility levels position a family's ambition for economic advancement in direct conflict with their ability to put food on the table. LB108 would expand assistance to Nebraska families by capitalizing on federally-funded benefits with minimal administrative costs to our state. For the economic stability and health of hardworking Nebraska families, the Women's Fund urges this committee to support LB108.

***BRUCE BOHRER:** Chairman Arch and Members of the Health and Human Services Committee, My name is Bruce Bohrer, I am the registered lobbyist for the Lincoln Chamber of Commerce. Good morning and thank you for the opportunity to submit written testimony on behalf of the Lincoln Chamber in support of LB108, which seeks to address the "cliff effect" in the Supplemental Nutrition Assistance Program (SNAP) by allowing working families to advance in employment and in training programs, and realize greater earnings or new, better-paying employment without an immediate loss of the vital support of SNAP. LB108 would accomplish this, while keeping the current net income limits in SNAP, by increasing the gross income limit from the current 130% of the federal poverty level (FPL) to 185% of FPL. The Lincoln Chamber supports LB108 because we see workforce development efforts as multi-faceted. Efforts run the gamut; including in-house talent attraction efforts at businesses, collaborative industry efforts, and community efforts and policies that give companies more options to engage in talent retention/recruitment. Our efforts also must prioritize support for families in the workforce who are in need and struggle with family expenses (such as proper nutrition). The Lincoln Chamber supports LB108 as a family-friendly workforce policy. The Lincoln Chamber has understood for a long time that our community

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values also can attract and retain talent. Lincoln - and we know this is true of our entire state - is a community that values work, values families and values striving for improvement. The Lincoln business community shares these values. We understand that efforts at workforce development also should include support for individuals and their efforts to learn new skills and gain new knowledge, thereby advancing in their careers. LB108 is an important part of a broader effort for workforce development. We appreciate and thank Senator McCollister for introducing LB108 and urge you to advance this worthy proposal to the full Legislature for debate. Thank you for your consideration.

***JULIE ERICKSON:** Thank you Chairman Arch and members of the committee. My name is Julie Erickson and I'm representing Voices for Children in Nebraska in support of LB108. Children need access to nutritional foods in order to ensure healthy development. Families working hard to make ends meet should not have to choose between a promotion at work and feeding their family. Sadly, because of the way our public assistance programs are currently structured, this is a reality for many families and a major barrier toward economic stability. Too many Nebraska families get trapped in a "cliff effect" where a small raise at work triggers a much larger loss in work supports like child care or food stamps. The pandemic has exacerbated food insecurity in Nebraska, with around 14% of families with children reporting food insecurity toward the end of 2020. It is long past time to fully leverage public programs like SNAP to ensure that they can effectively support families as they work to get back on their feet. Most of our federal programs use the federal poverty line to determine eligibility for public programs. The federal poverty line is a measure that was developed in the 1960s based on the cost of food at the time and updated annually for inflation. In 2021, this measure is outdated and not reflective of what families need to get by. In fact, when we look at what families need to make ends meet, it is typically double the official poverty line. This is why we need to update our public programs to ensure that families can transition more gradually between poverty and being able to meet expenses independently. Fortunately, states can smooth this cliff effect with policies like LB108 and 31 states, including Iowa, Florida, North Carolina, and North Dakota, have all addressed the cliff effect in SNAP. SNAP is an important work-support that helps prevent children from going hungry and has kept millions of children out of poverty. SNAP participation has been shown to reduce low birth weight and infant mortality in newborns,

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decrease the likelihood of childhood obesity, and other positive health and educational outcomes. A recent study completed by the University of Missouri found that a \$100 increase to SNAP benefits reduces the likelihood of ER visits for low blood sugar, or hypoglycemia, in children by 13%, with an average savings of \$1,186 per visit. LB108 leaves the net income requirement for SNAP in place, ensuring that only families who really need it receive this type of assistance. Eligibility is then determined based on whether a family's net income, the income actually available to purchase food, is less than 100% of the federal poverty level. Addressing growing rates of food insecurity is critical to supporting families as they work to recover from the economic impact of the pandemic. We urge the committee to advance LB108. Thank you.

***ANGELA AMACK:** Chairman Arch and members of the Health and Human Services Committee. My name is Angela Amack, appearing before you as a registered lobbyist on behalf of the the Center for People in Need for Chris Funk, Executive Director. Please accept this letter in lieu of testimony for the Committee Statement and Permanent record. The Center for People in Need strongly supports LB108, which proposes to raise the gross income eligibility for SNAP from 130% of the federal poverty guidelines to 185%. The Center for People in Need's mission is to provide services and programs to low-income people that address their basic needs and help them achieve economic independence. One of our primary services is supplemental food distribution to individuals and families whose incomes meet USDA guidelines. Prior to the pandemic income limits were set at 180% of poverty but when pandemic started USDA moved it to 200%. In 2019 we served 3,473 unduplicated families but in 2020 our numbers increased by 71% to 5,948 families who came an average of 3 times a month for food. These numbers are a result of pandemic cutbacks and closures. And while we expect these attendance numbers to decrease in 2021, it's doubtful that we'll see attendance as low as 2019 anytime soon. We are also fortunate that the Food Bank of Lincoln and the USDA have been able to provide us with enough food to meet the demand. As the economy recovers and suppliers begin circulating food currently donated to food banks back to restaurants and institutions, our food supply may no longer meet the increased demand. This pandemic has put many families over the edge financially, by depleting any savings they might have had, maxing credit cards, and leaving families with debts it may take years to repay. The last thing Nebraska families need is to be disqualified for SNAP benefits when

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their net income is at 100% of poverty but their gross income goes over 130%. Moving that top line to 185% of poverty is simply good public policy. For several years, Nebraska has had a rate significantly higher than the rest of the country of people who are food insecure but do not qualify for federal nutrition assistance. The 2019 Lincoln VITAL Signs Report created by the University of Nebraska Public Policy Center and commissioned by Lincoln's largest public and private charitable organizations reveals troubling data about food insecurity in Nebraska and Lancaster County. Based on USDA's food insecurity surveys Nebraska has about the same level of food insecurity as the United States, at 12%. But 43% of food insecure Nebraskans including 37% of food insecure children DO NOT qualify for federal nutrition programs like SNAP and Free and Reduced Lunch. That's 14% more than the U.S. figures for all people and 16% more than for food insecure children. For Lancaster County the figures are slightly worse at 15% and 18% respectively. And this was before the pandemic sent family budgets spiraling. We believe the primary reason for our higher rates is our ridiculously low gross income requirement set at 130% for SNAP when the federal government allows us to go up to 200%. Why do we do this? We know that children whose bodies and brains are still developing are particularly susceptible to the negative impacts of food insecurity, including asthma, anemia, anxiety, learning problems and higher hospitalizations. Food insecurity is damaging to adults as well, including obesity, anxiety, depression, and for pregnant women premature births and low weight babies. Nebraska's gross income requirement for SNAP at 130% of poverty has been keeping too many of our fellow Nebraskans, including their children, food insecure. Please support raising the gross income limit to 185% proposed in LB108. It will ease the burdens on Nebraska's low-income families and children as well as the strain placed upon Nebraska's food banks and pantries. Thank you for your consideration.

***JASON HAYES:** Good afternoon, Senator Arch, and members of the Education Committee. For the record, I am Jason Hayes, Director of Government Relations for the Nebraska State Education Association. NSEA supports LB108. NSEA thanks Senator McCollister for introducing this bill to address the "cliff effect" in the Supplemental Nutrition Assistance Program by allowing working families to advance in employment and in training programs, and realize greater earnings or new, better-paying employment without an immediate loss of the vital support of SNAP. SNAP helps low-income families keep food on the

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table. When families have food on the table, children come to school with food in their stomachs and ready to learn. Our teachers know that students learn more when they have the nutrition needed to fuel their brains. Research tells us that childhood hunger has long-term and detrimental effects on cognition, physical and mental health, academic performance and behavior. Increasing the gross income limit from the current 130 percent to 185 percent of the federal poverty level will allow families to take that pay raise or move to a better job and continue to be able to put food on the table. We owe this to all of Nebraska's children. The NSEA, on behalf of our 28,000 members across the state, asks you to advance LB108 to General File for consideration by the full body. Thank you.

***MEGAN HAMANN:** Chairman Arch and members of the Health and Human Services Committee, my name is Megan Hamann and I am submitting testimony today in support of LB108 on behalf of the Lincoln-Lancaster County Food Policy Council. The Lincoln-Lancaster County Food Policy Council is a diverse group of farmers, gardeners, businesses, organizations, and individuals with one shared goal: to improve our local food systems. LB108 has the capacity to aid in this goal, by expanding the gross income eligibility limit of Nebraska's Supplemental Nutrition Assistance Program (SNAP). Many of our members work directly with SNAP recipients as direct service providers and advocates. We hear firsthand of the struggles our community members face in trying to access the food they need to feed themselves and their families, struggles which have been exacerbated by the COVID-19 pandemic. The pandemic has overwhelmed our food system like never before. Our local food pantries have had to turn folks away because they cannot adequately meet the growing demand for food. Even when pantries have enough food, the pandemic has generated huge lines of people seeking extra support where community members are stuck waiting for hours to get the food they need, even in inclement weather. LB108 would reduce the burden on our overwhelmed food distribution sites and help keep folks with food on their tables. LB108 proposes to increase the gross income eligibility limit of the SNAP program. This policy change has been implemented in over 30 other states to address the "SNAP cliff effect" where SNAP recipients who receive small raises at work, lose significantly more in SNAP than they gain in increased wages. Our current system discourages work, making it harder for families on SNAP to become financially independent. LB108 would reward work instead, and support our local economy. This bill does not change

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the net income eligibility requirements of the program, meaning that LB108 will not broadly expand SNAP eligibility. Supporting LB108 would help SNAP recipients become less reliant on public benefits. LB108 makes common sense, especially in these uncommon times. LB108 has the power to support our food system, our pantries, and our fellow Nebraskans. For all of these reasons, we urge you to support this bill by voting it out of committee.

***AL DAVIS:** Good afternoon, Senator Arch and members of the Health and Human Services Committee: My name is Al Davis (A L D A VIS) testifying today as the registered lobbyist for the 3000 members of the Nebraska Chapter of the Sierra Club in support of LB108. LB108 is a good bill which addresses the needs of Nebraska's poorest citizens and provides them some flexibility as they move into better-paying positions. Many aid programs are well-intentioned and do good work but are often hemmed in by hard divisions between eligibility for programs based on specific circumstances which do not fit every family. You can't pigeon-hole a family with its multiple needs into neat categories and LB108 seeks to address these restrictions. Supplemental Nutrition Programs are the primary tool available for government to help those less-fortunate. But SNAP's strict guidelines do not offer flexibility to young working parents. Depending on the circumstances, child care and rent can consume a significant part of any parents' income leaving them short when they arrive at the grocery store. And often the decline in benefits resulting from small raises in pay can actually result in less disposable income to the breadwinner in the family. This bill is designed to provide flexibility for those individuals. We want to thank Senator McCollister for introducing this bill and we urge that you move it to the floor for full debate as soon as possible. Thank you.

ARCH: Next proponent for LB108. Seeing none, are there any opponents for LB108?

***STEPHANIE BEASLEY:** Good morning, Chairperson Arch and members of the Health and Human Services Committee. My name is Stephanie Beasley (S-T-E-P-H-A-N-I-E-B-E-A-S-L-E-Y), and I serve as the Director for the Division of Children and Family Services within the Department of Health and Human Services (DHHS). DHHS is here to testify in opposition to LB108, which would expand Supplemental Nutrition Assistance Program (SNAP) by increasing the gross income limit for a sub-program within SNAP from 130% of the Federal Poverty Level (FPL)

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to 185% of the FPL. The administration of the SNAP program is funded 50% by SNAP federal funds and 50% by state general funds. LB108 would require over \$2 million (\$2,048,888) in state general funds for administrative costs to implement that is not accounted for in the Governor's proposed budget to the Legislature. Thank you for the opportunity to testify today.

ARCH: Seeing none, is there anybody that would like to testify in a neutral capacity? Seeing none, Senator McCollister, you're welcome to close. As you're coming up, I would indicate that we received five letters for the record, all proponents for LB108, and we received several written testimonies. And I'll, I'll read off the associations here. These are proponents: AARP of Nebraska, Food Bank of Lincoln, Food Bank of the Heartland, Children and Family Coalition of Nebraska, Nebraska Child Health and Education Alliance, the Arc of Nebraska, Women's Fund of Omaha, Lincoln Chamber of Commerce, Voices for Children, Center for People in Need, NSEA, Lincoln-Lancaster County Food Policy Council, and the Nebraska Chapter of the Sierra Club. And one written testimony in opposition from DHHS, Stephanie Beasley. You are welcome to close, Senator McCollister.

McCOLLISTER: Thank you, Chairman Arch and members of the committee. Good tester-- good testimony today, I believe. Only one negative, only opponent. This is the third time I've been before this committee with a similar bill in an effort to raise the gross income level for SNAP. And I think given the COVID situation that we have this year, perhaps this is my best chance to move this bill out of committee and onto the floor and then receive passage. Couple of things that we should realize about this, this bill, the multiplier effect, you know, every dollar spent in SNAP has a certain amount of economic activity associated with it. We've heard a couple numbers, \$1.80, \$1.74. But the important thing to know is it does bring increased economic activity. And in some small towns in Nebraska, that is pretty darn important. So it is a good program from that standpoint. We heard from the last testifier from rural Nebraska. Rural counties suffer the most because of food insecurity. Rural counties. You know, maybe it's because food pantry programs exist in urban areas that, that reduce the incidence of, of food insecurity. I don't know why that is, but we need to recognize that rural Nebraska suffers more greatly than the urban areas in our state. You know, given my testimony earlier about HHS, I don't mean to be critical of HHS. They have performed magnificently during this crisis. I mentioned that two additional SNAP

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benefit programs came through the federal government, the so-called EBT supplemental SNAP program, and also the Families First Coronavirus, Coronavirus Act. And both of those programs brought extra SNAP benefits into our state. We also recognize the pernicious nature of the cliff effect. This is something we can fix by increasing the gross income level in this bill. I'm grateful for your attention and I would hope this, this year we can move this bill-- advance this bill onto the floor so we can get it in effect as soon as possible. Thank you. Any questions?

ARCH: Are there any questions for Senator McCollister? Senator Cavanaugh.

M. CAVANAUGH: Thank you. Thank you, Senator McCollister. I'm just looking at the letter from DHHS, and it's pretty soft opposition. It just says that it's not accounted for in the Governor's proposed budget. So it sounds like if you can work with Chairman Stinner, we, we could take care of that.

McCOLLISTER: Well, I contended in my opening that they've already made it possible. They've already staffed up to, to follow through on this program. And, you know, I've seen worse fiscal notes from HHS. So I think this is, this is fairly minimal. And I think it was you that pointed out that we've received CARES money that could, could be utilized to, to fund this, this program to increase the, the gross income level. Thank you for that.

M. CAVANAUGH: Well, this is encouraging. So thank you.

McCOLLISTER: Yeah.

ARCH: Other questions? Seeing none,--

McCOLLISTER: Thank you.

ARCH: --thank you for being here this morning. That'll close the hearing for LB108.

HUNT: Hello.

ARCH: Hello. We will now open the hearing for LB121. Welcome, Senator Hunt.

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HUNT: Thank you, Chairman Arch and thank you all for your patience. Good morning, Chairman Arch and members of the Health and Human Services Committee. I'm Senator Megan Hunt, M-e-g-a-n H-u-n-t. And today I am presenting LB121, a bill that would correct a disparity in how the state determines access to the Supplemental Nutrition Assistance Program, also known as SNAP. Under current statute, an individual with a conviction for drug distribution or with three or more felony convictions for possession or use of a controlled substance is ineligible to receive SNAP benefits. They can't get it at all. LB121 removes this lifetime ban and allows these individuals to become eligible for SNAP if they have either completed their sentence or if they are serving a term of parole, probation, or post-release supervision. To be clear, if somebody is serving a term of parole or probation or post-release, they're being drug tested, they have to participate in a drug rehabilitation program. And so we know that they're not using at that time. And as long as they're in compliance with that program under this bill, they would be eligible for SNAP if they otherwise meet the eligibility requirements. The intent of this bill is to remove a major barrier to successful reintegration for formerly incarcerated people while also reducing hunger for affected people and their families and correcting a disparity in how the state decides which individuals with criminal histories deserve SNAP eligibility. In 2019, this committee advanced a similar bill unanimously out of committee. That was my bill, LB169, which failed on a cloture vote on General File. This bill is in the same exact format as that bill with the language of the committee amendment included. It's the same thing that we came to an agreement on in 2019. This bill has been brought many times and I will continue to bring it because it continues to be necessary. Last year, I brought the same bill and it was heard just before we broke for our break that we took because of COVID. And that was when nothing was really getting heard without a priority. This bill did not get a priority. And so for that reason, we're bringing it back. The issue is the state doesn't have this kind of ban on eligibility for SNAP for any other kind of conviction. Those who commit assault, robbery, child sex trafficking, you name it. Think of any crime you can think of. People who commit these crimes, pay their debt to society, come back out into, into the world and are free and have, have done their time, they can get SNAP. And so what this is, is an arbitrary judgment about who is and who isn't deserving of assistance in our state. And it's something that we need to think about changing if we care about recidivism and if we believe that the

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purpose of incarceration is to rehabilitate people when they serve their sentence, if they deserve a second chance, then this is a bill that we need to pass. This year, of course, there's been a lot of talk about Nebraska's prison overcrowding problems. The Governor and the Department of Corrections are asking us to come up with 230 million taxpayer dollars to fund a new prison. And yet simple solutions like LB121 are glaringly obvious. By allowing former offenders who have paid their debt to society to eat at no cost to the state, we can help them from ending back up in prison on the state's dime where we will be paying for them. I'd like to share some data on this issue to demonstrate that expanding SNAP access for formerly incarcerated people instead of pushing them toward reoffending will result in cost savings for the state. A person convicted of a drug felony spends an average of 1.6 years in jail, and the average cost to incarcerate a person for 1 year in Nebraska is about \$36,000. So that's a cost of recidivism of about \$58,000. The Fiscal Office provided no fiscal note to this bill because the SNAP program is federally funded. There is no change to the state budget. Only changes would be our state's policy against formerly incarcerated individuals. So we can either provide SNAP benefits the way I see it is we can give them these benefits to help them get back on their feet and support their families or we can spend \$58,000 to incarcerate repeat offenders who did not have the proper resources to successfully reenter their communities. Over 600,000 individuals are released from state and federal prisons every year who face serious barriers to attaining employment and housing. Barriers that are reinforced by our current statute in Nebraska. Making it more difficult for formerly incarcerated people to access food assistance, perpetuates cycles of poverty, negatively impacts children who depend on them, and increases rates of recidivism. The population utilizing SNAP benefits, of course, is really diverse. In fact, I've relied on SNAP benefits myself, turning to public assistance for a hand up just as thousands of other parents have done in Nebraska for a variety of reasons that are out of their control. How are parents supposed to concentrate on finding work if all they can think about is their hungry child? That's why so many people who reoffend commit financially motivated crimes like drug distribution or theft, theft of food, these things that people turn to because they cannot provide for their families. Often, we get that there are households and families and individuals and children that reside in these statistics. Everyone within the state of Nebraska should be able to put food on their table. I think this committee agrees about that.

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I think this committee agrees that there should be a concern in Nebraska that 12 percent of our population is food insecure. I think we're all concerned that 16 percent of our children in Nebraska live in poverty, that 18 percent of children in Nebraska are food insecure. And for some of these kids, the only meal they get all day is the one they get from school. We can reduce that number by removing barriers such as the right to SNAP benefits. I would urge you to consider what is the most fair, prudent, equitable policy for the people of Nebraska. When the Governor and Department of Corrections comes to us and asks us to find \$230 million for building a new privately contracted prison facility, does that make sense? When we have individuals who have paid their debt to society, they've served their time, they've done all the right things that the state has asked them to do, but we deny them eligibility for the most basic human need, food. They need to support their families, not even just themselves. Passing LB21-- 121, excuse me, will cost nothing to the state. But keeping people starving will certainly contribute to overcrowding. If someone with a drug conviction doesn't have the means to eat or feed their family, they are more likely to, to reoffend. Are we going to throw away hundreds of million dollars locking more people up because they needed temporary assistance? Or can we drop this antiquated, unfair policy that is based in moral judgment, which we can say confidently because it only applies to drug offenders? Thank you. That's my opening. If you have any questions or concerns about this bill, I would love to address them. I think the committee is familiar with this bill and the issues around it, but I'm happy to answer any questions you have. Thank you.

ARCH: Thank you, Senator Hunt. Are there questions? Senator Williams.

WILLIAMS: Thank you, Chairman Arch. And thank you, Senator Hunt. You mentioned in your opening that the bill that you have brought this year includes the amendment that we looked at, I guess, two years ago now. Can you explain that amendment again so that we clearly understand that, that piece?

HUNT: Yeah, so what the amendment says is that if you're serving a term of post-release supervision, probation, or parole, that has to be a condition of being eligible for SNAP benefits. So it's not that you can break your parole, break your probation, and then apply for SNAP. It puts those guardrails in place to say, which is the intention of the bill, if you have paid your debt to society, if you've done

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everything the state asks of you, if you've rehabilitated, which is what we want our justice system to do, then you can be eligible for benefits just like everybody else. And of course, it's not easy to be eligible for SNAP benefits either. You have to fill out a lot of paperwork. You have to go through, like, these very in-depth interviews. You have to prove your financial need. When I was on SNAP, I had to, like, screenshot my bank statement and send them, you know, copies of my bank statements and copies of, like, my grandma bought me Disney stock when I was born. So I had to, like, go figure out how much stock I owned in Disney and send that to the department. Like, it's very, very involved. And for low-income people, for people who don't have such access to technology, these are big burdens that they have to meet to be eligible for, for public assistance. And so it's not like it's really easy to get on it.

WILLIAMS: And, and if you, if you know, during that period, if it was a probationary period, constant drug testing is going on during that period or it's a violation of this.

HUNT: That's exactly right. If, if, if during the period of probation, parole, or post-release, if they are using drugs, they would not be eligible for SNAP under this bill.

WILLIAMS: Correct. Do we have any estimate of how many people this might affect?

HUNT: So in the past two years, the department has denied benefits for 751 Nebraskans because of this, this stipulation in our, in our policy about if you have three or more convictions or if you have distribution charges, that you can't be eligible. So in Nebraska, it's 751 people, but you have to extrapolate as well. A lot of times these people are caregivers for their parents or they have children at home. And so it's not just 751 individuals, it's them and their entire families. And also, this isn't just people who just got out of prison or just got out of jail. This bill would apply to somebody who, say, there's, there's a woman who got a distribution charge when she was 18 or 19. She did her time. Now she's 40 years old. She's a single mom, three kids, two jobs. Some hard times, perhaps because of the pandemic, applies for SNAP, and is surprised to find out that she's not eligible. And in Nebraska, she will never be eligible and there is nothing she can do to remedy it because of this law. So what I would like to do is change that so that the 751 people in Nebraska and their

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families who fall through the cracks because of this policy, who just
need a temporary hand up and are eligible that they can access that
and it will come at no cost to the state.

WILLIAMS: Thank you, Senator Hunt.

HUNT: Thank you.

ARCH: Other questions? Seeing none, thank you.

HUNT: Thank you.

ARCH: I assume you'll stay to close.

HUNT: I will. Thanks.

ARCH: OK. Thank you. We'll now open for the first proponent for LB121.

NYOMI TROY THOMPSON: Hello.

ARCH: Good morning.

NYOMI TROY THOMPSON: Good morning, Chairperson Arch and members of the
Health and Human Services Committee. My name is Nyomi Troy Thompson,
N-y-o-m-i T-r-o-y T-h-o-m-p-s-o-n, and I'm the health policy analyst
at OpenSky Policy Institute. I'm here to testify in support of LB121
because providing those who have served time for felony drug
convictions access to the Supplemental Nutrition Assistance Program
can provide food security for Nebraska's most vulnerable families,
create a bridge to self-sufficiency, and promote a safer, more
equitable Nebraska. Economic instability defines the lives of the
previously incarcerated from the moment they are released to
reintegrate back into their families and communities. Not only do 91
percent of returning citizens report being food insecure when they are
released, but the employment rate of formerly incarcerated people is
nearly five times higher than the unemployment rate for the general
United States population. SNAP, however, can help lower both
statistics. SNAP has a work requirement that requires unemployed
participants to participate in an employment and training program for
at least 80 hours a month, and failure to comply results in a loss of
benefits. The SNAP Employment and Training program strategies include
building the skills of less job-- less job- ready work registrants,
with the goal of promoting long-term self-sufficiency for the SNAP

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participants. A prominent barrier to employment for the previously incarcerated is lacking the education, training, and skills employers seek. Therefore, allowing full access to SNAP will not only reduce the risk that newly released individuals with drug convictions will reoffend, but also give them the tools they need to become gainfully employed. Preventing access to nutritional assistance doesn't just impact the previously incarcerated individual, it spreads to the livelihood of their families. The children of the previously incarcerated are disproportionately black, indigenous or people of color and statistically more likely to live in deep poverty. Living in deep poverty results in hunger, food insecurity, and nutrition-- excuse me, nutritional deficiency leading to poor mental health and educational performance. Having the resources to mitigate food insecurity is not only an investment in Nebraska's children experiencing these collateral consequences, but an investment in Nebraska's communities that also face the impact of poverty and hunger. For these reasons, we'd ask that you advance LB121 and I'd be happy to address any questions you may have.

ARCH: Thank you for your testimony. Are there any questions? Seeing none, thank you very much.

NYOMI TROY THOMPSON: Thank you.

ARCH: Next proponent for LB121.

ERIN FEICHTINGER: Hello again.

ARCH: Welcome.

ERIN FEICHTINGER: Chairperson Arch, members of the Health and Human Services Committee, my name is Dr. Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, director of Advocacy and Policy at Together. We are here in full support of LB121, repealing the lifetime ban on SNAP for certain drug felony convictions. SNAP is a highly effective program at reducing food insecurity in our community, far more than continuing to rely on food pantries and other emergency food assistance. The unnecessary barriers that we have elected to put in front of people who are experiencing hunger, such as this lifetime ban have contributed to the despair and the need that we saw in our food pantry line in 2020. We will continue to do this work because it is necessary, but it is not a sustainable solution, as evidenced by our

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growing pantry numbers year after year, which I have provided for you. And just to note, sometimes when I look at these numbers, they just look like numbers and it's just a reminder that these are all people in our community who are hungry. We do not ask for a person's criminal background before giving them food, because what matters to us is that our neighbor is in need. They are hungry and we have food to give them so that they are not hungry. We are of the belief that this is all that matters and why we are here again in support of this bill. We know that this lifetime ban is impacting real people in our community who turn to us over and over again because the state of Nebraska has told them no. Choosing to place unnecessary and arbitrary barriers in the way of people who want only to feed themselves and their family is antithetical to our mission of ending hunger in our community. Furthermore, in our experience administering emergency food assistance and undertaking SNAP outreach, this barrier does not make any practical or moral sense. We urge you to once again pass this bill out of committee to fight for it on the floor and to be a partner with us in our mission to end hunger in Nebraska. As always, send any constituents who are in need our way. And I'm happy to answer any questions you might have.

ARCH: Thank you. Are there questions? Seeing none, thank you very much.

ERIN FEICHTINGER: Thank you.

ARCH: Next proponent for LB121.

DERRICK OLIVARES MARTINEZ: Good morning.

ARCH: Good morning.

DERRICK OLIVARES MARTINEZ: Chair-- Chairman Arch and members of the Health and Human Services Committee, for the record, my name is Derrick Olivares Martinez. That is Derrick, D-e-r-r-i-c-k, Olivares, O-l-i-v-a-r-e-s M-a-r-t-i-n-e-z. And I appear before you today in support of LB121. I currently work for Food Bank of Lincoln. Upon my release from incarceration on March 12 of 2012, I found myself homeless. Between living in my car and a nearby hotel, Motel 6, I was able to shower two days a week. I would eat bananas and drink water for most meals. At random, fellow coworkers, also felons, would give me cold sack lunches. I contacted Department of Health and Human

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Services as I was seeking assistance for food stamps or what is known as SNAP. I was, I was told due to me being a felon with a distribution conviction, I did not qualify for assistance. I broke down and reached out to a family member that allowed me to stay at his place until I had money for my own place. I was determined to ask for assistance once again. I struggled as most of my money was for rent, bills, or child support. After starting a new job in construction, I had a few health issues. I moved into my own place after a short time of working construction. During this time, I continued to put healthy food on my, on my plate and my daughter's during visitations. Most visits I went without eating just so that my daughter could eat. I decided to attend college. My field of study was in human services. The choice of the field that was made was from my past experiences. I felt I needed to make a difference in others' lives. I started classes and lived off my grant money, student loans, and donating plasma. In November of 2016, I was rushed to the emergency room. I had kidney stones and a black mass on my right kidney. In December of 2016, I was rushed to the ER once again. This time the doctor said, forget about the kidney stones. We need to talk to you about the mass. A little bit later, the doctor was performing a partial nephrectomy. After surgery, they discovered that the black mass was, in fact, cancer. I asked how this could be? The doctor explained it was because of lack of nutrition and some hereditary traits. Surgery took place on March 12, 2017. I returned to work a few weeks later. I was put on a Mediterranean diet that I could not afford at the time. I contacted Department of Health and Human Services once again. And the same response, you're a felon with a distribution conviction. Every year for the, for the last four years, I pay \$70 in specialty visits until I meet my deductible. After that, I still spend-- I still pay for the specialty visits. My future is going to be challenging because it is not if I'm going to get another cancer, but when. The roughly \$2,000 I start spending each year for medical treatment could go towards healthy food on my table. This is where SNAP would help in this situation. The odds of me needing SNAP are great. Social Security checks would barely cover my rent and maybe medical payment. As my health deteriorates, there's no doubt in my mind I will need help with food, SNAP. There are hundreds of felons that go through all of life's ups and downs alone without food and even with a job will struggle. SNAP would and could do a lot for their physical and mental health. A strong support system is also needed. I am fortunate to have that in an, in an employer, colleagues, loving friends and family. For my community, I serve on the board of

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directors for a couple of nonprofit organizations and serve on committees. I donate and volunteer with nonprofits in the community. I'm doing my part in providing for my city, my county, and my state. I support LB121 because I feel that everything that I have shared could help the next individual succeed. Thank you for the opportunity to share and can answer any questions. Thank you.

ARCH: First of all, thank you for coming this morning and sharing your story with us. Are there questions? Senator Cavanaugh.

M. CAVANAUGH: Thank you. Thank you for, for being here. What, what do you do at the Food Bank?

DERRICK OLIVARES MARTINEZ: I work in, in child hunger. And right now overall, everybody is doing the same thing. So we're out hitting, hitting the pavement from our office staff, great office staff, and everybody that's working underneath is just out doing the same thing right now. And so we're out putting food in the backs of folks' vehicles going through these food distributions. And that's, that's what we're doing at this time. So anything like this pandemic that just set everything off with hundreds of people that probably would never-- thousands of people that would never ask for SNAP or ask for help are reaching out for help. And these are folks that I'm sure that they have a lot of pride, that it took them everything in them to just go through that drive-through because they come through look--looking shocked. But that's, that's my primary duty at Food Bank.

M. CAVANAUGH: And how old is your daughter now?

DERRICK OLIVARES MARTINEZ: My daughter's 15.

M. CAVANAUGH: Oh, OK. Wow. Well, you're setting such a great example for her as just a member of a community, regardless of, of your past. It's really admirable the work that you're doing. So thank you and thanks for being here today.

DERRICK OLIVARES MARTINEZ: Thank you. I appreciate it.

ARCH: Other questions? Seeing none, thank you again for coming.

DERRICK OLIVARES MARTINEZ: Thank you for your time.

ARCH: Next proponent for LB121.

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ERIC SAVAIANO: Hello again. I'll try to follow that. Thank you very much. Chairperson Arch and members of the Health and Human Services Committee, again, my name is Eric Savaiano, E-r-i-c S-a-v-a-i-a-n-o, and I'm the Economic Justice Program Manager for Food and Nutrition Access at Nebraska Appleseed. Again, we are the-- a nonprofit legal advocacy organization that fights for justice and opportunity for all Nebraskans. And I appreciate this opportunity to testify for LB121. I'll skip around the testimony you're-- you've been handed. But as it stands, individuals with distribution-related charges, convictions are permanently barred from receiving SNAP food assistance and individuals with fewer or two or fewer possession or use-related convictions can only access SNAP if they are participating in or completed a legis-- a licensed treatment program that's licensed by the state of Nebraska and, and nationally. This partial ban actually acts as a de facto ban in many cases because of a lack of access to or lack of need for treatment. Of course, LB121 would lift Nebraska's food ban for all drug-related offenses. I want to mention that in conversations with treatment facilities around the state and in testimony that you've been handed as written testimony from places like CenterPointe, we've learned that two to six months is the average wait time for entrance into a treatment program in Nebraska. That's depending on the location as well as on your gender. I think it takes a little longer to get into a treatment facility for males. I'll also mention that we've been, we've been made aware of accredited treatment program lists in Nebraska, and we know that upon mapping those we see those are few and far between, especially in the more rural parts of our state. Accredited facilities are only, are only allowed to host folks who are inpatient. Outpatient services are not accredited for treatment for this need, and that reduces accessibility even further for these folks. Facilities require 12 to 16 treatment sessions, which can range from 12 to 14 weeks of treatment as well. And that is just to say that it is difficult to get treatment if you are required to do that, and especially if you're just required to do that for access to SNAP. You may also consider the challenge that folks face when they exit incarceration that perhaps they do not require, they do not have a substance abuse problem. And so they are required then by the statute to attend a treatment facility and inpatient spend 12 to 6-- 12 to 14 weeks in treatment. And yet they do not have a substance abuse problem. This is a challenge for this group to consider as we talk about this bill. One final thing related to the treatment issue, court orders require a pretense investigation when folks are released

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from, from incarceration that includes a substance abuse evaluation. The court then uses that info to create a individualized plan for each individual exiting incarceration that may include substance abuse treatment. It-- this, this ban is and this treatment plan that is required by statute is unnecessary and is duplicative if a individual does-- if, if an individual does need that assistance because the court is already providing it. I'll just mention a couple more things from the testimony. Families are impacted by this ban as well. More than 74 percent of SNAP participants in Nebraska are families with children. If one person is banned, they can still apply for assistance for children, but the overall household receives less benefits. Twenty-four other states have removed this lifetime ban. Similar bills have come before this committee, as you have heard. And just finally, Senator Williams, your question about the number of individuals? Oh, he's not here, but the number of individuals impacted, 751 is the number denied each year. However, there are a number that is unaccounted for related to the number of folks who do not anticipate being approved because they know of this, but also the number of people who've heard rumor or changes to the law that have caused them not to apply at all. There are also 40 to 60 individuals released from incarceration each year that possibly could be under this ban. And so the number is far greater than 751 individuals and would impact a lot more folks. With that, I'll take questions. Thank you.

ARCH: Thank you. Are there questions? Seeing none, thank you very much for your testimony.

ERIC SAVAIANO: Thank you.

ARCH: Next proponent for LB121. Welcome.

SPIKE EICKHOLT: Thank you. Good morning, members. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t, appearing on behalf of the ACLU of Nebraska in support of LB121. Our interest in the bill and our support of the bill is not just for the public policy reason that's behind the bill, but the, the intersection that this bill has with criminal justice reform. And it may seem sort of odd to maybe some of the members of this committee, because you don't often hear those types of bills. But one of the things that we've been encouraging the Judiciary Committee and the Legislature do over the last few years is to create a meaningful or an effective reentry program for former offenders. And by reentry, I mean, when they get out of prison, when

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they get out of jail, re-assimilating them back into society on a path that's going to ensure that they won't re-offend again. And this bill encourages that. And this bill is a component of that meaningful reentry program. What it would provide for is that as the, as the bill would-- as the bill is introduced, it would amend the law to provide that somebody who's found guilty or convicted of a felony as a drug offense would not be ineligible for SNAP benefits. This matters-- anecdotally, it matters. I've represented people with drug crimes for years. If you talk to anybody, prosecution, defense side, they will tell you that the first three or four months when people are out of custody or out of jail or prison is critical. If they're going to succeed or if they're going to fail, that's the time to sort of help people. For the most part, when people get out of incarceration, they are poor. They are going to be eligible. They're going to need assistance in some way to make sure they don't revert back to earlier ways. I've handed out a Harvard study. It's not very lengthy. It's like five or six pages. It's a little bit dated, it's 2017. But this study looked at the repeal or the removal of the SNAP exclusion for drug felons and whether that had an impact on lowering recidivism. And it did, about a 10 percent reduction in recidivist rates for those states that have removed the ban. You probably heard the history, and I'm sorry I was in another committee, but for whatever reason, the, the Congress back in the mid '90s provided that people who are convicted of drug felonies were ineligible for SNAP benefits. The states had the option, I think, at that time to opt out of that program and more and more states have done so. And we would encourage this committee to do that as well. In many respects, it's arbitrary, I would submit, to exclude this felony. I've represented many people with drug histories and drug problems and drug addictions. Not everyone who goes to prison because of a drug problem is convicted of a drug offense. Right? They can be found guilty of related crimes, forgery, theft, fraud, all-- burglary, all kinds of other felonies that are not going to exclude them from getting SNAP benefits. Yet, they still have a drug problem. And I would encourage the committee to advance it for all those reasons that I've articulated before, or at least I tried to articulate. If anyone has any questions, I'll answer them. But I would encourage the committee to, to advance this bill.

ARCH: Thank you. Are there questions? Senator Walz.

WALZ: Thank you. I was going to ask Eric this question, but I couldn't find the information quick enough. I didn't want to ask something that

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he explained to me. You talked about the first three to four months is
crucial, and I would totally agree with that. He said that there are
about 870 individuals who are currently incarcerated due to drug
offenses. Do you know how many people are incarcerated overall? Not--

SPIKE EICKHOLT: Overall in prison?

WALZ: Yeah.

SPIKE EICKHOLT: About 5,800.

WALZ: 5,800. OK. And 87-- 870 are due to drug offenses. OK.

SPIKE EICKHOLT: Right.

WALZ: And then the other question, and you might not have the answer
for this, but how many treatment facilities do we have in Nebraska?

SPIKE EICKHOLT: I mean, we have a variety of them in the eastern part
in Lincoln and Omaha. And, you know, they sort of run the range for
what you can afford. There are some very robust, intensive, very good
programs for people who can afford them if they have insurance. Maybe
insurance will pay for that as well. Not to diminish the, the quality
of services the other ones provide, but they do have sliding fee
scales for other programs. I'm most familiar with what they have here
in Lincoln. I think somebody may have testified before, the state as
part of LB605 has invested in probation and post-release supervision
to aim toward people with drug problems. I think as the earlier
testifier said, when you are found guilty of a felony drug offense,
the court will prepare a presentence investigation. Actually, the
Probation Office does it. Part of the LB605 provision provides that
the Probation Department will actually pay for a provider to do an
evaluation of that person. And then the judge will, as an order of
probation or post-release supervision, will have as conditions of
their probation, whatever the evaluator recommended they do, whether
it's an intensive outpatient treatment program, intensive inpatient,
or there's aftercare or some similar level of supervision, they have
to do that as part of their probation or post-release supervision. And
then if they are paroled, oftentimes as part of their parole as well.
The state does have some ability to assist financially in that if it's
a part of probation, either a sliding fee, matching funds, some
similar thing. But that money is not-- it's limited like many things

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are, unfortunately. But the state has made that investment through our
Probation Department really since LB605 in the years past.

WALZ: OK. And I, I mean, I probably know the answer to this, but I'm
imagining the three to six months is due to a waiting list.

SPIKE EICKHOLT: Right.

WALZ: OK.

SPIKE EICKHOLT: Waiting list availability in the western parts of the
state, those options, those providers are even fewer, you know, if you
got somebody that's going to go back home. What you don't want to do--
like any kind of Corrections policy, you want people coming out of the
prison better than they were going in. Right? Because most of them are
going to come out, especially the drug offenses. You don't have a lot
of life sentences with drug offenses, if any. So most of those people
are going to get out. You don't want them reverting back to the same
group of people. You don't want them going back to selling drugs to
survive. You certainly don't want them going back to using and
committing other crimes. And one way to do that is to-- and this is
anecdotal, but people generally get in the habits of living right. So
if you get them on the right path early on and provide them with some
sort of assistance like SNAP will, then they're more likely to succeed
if they just stay on that path of living.

WALZ: Yeah. All right. Thank you.

ARCH: Thank you. Other questions? I, I have one.

SPIKE EICKHOLT: Sure.

ARCH: And, and it's not directly related to this bill, but it-- it's,
it's regarding substance use treatment. What, what currently is
available within prison for substance use treatment?

SPIKE EICKHOLT: They do have some programming, they have some
treatment inside the prison system. Generally, they try-- it's limited
space for all the reasons, because of short staffing, too many
inmates, and many-- too many people eligible for the different
programs. They try to prioritize those people who are in prison who
are closer to their parole release date. There's some debate on
whether that's a good thing to do. Some argue that you ought to start

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getting people into treatment and programming right when they go into the door. We can't do that in our system because we just have too many inmates, not enough staff, not enough programs. And when you've got two of your facilities on a staffing emergency level and all those other things, you just can't let people out of cell to go to those things. What Director Frakes has explained he tries to do is try to focus that treatment when people are getting close to their parole eligibility date. If they can't get in, if they're not done with their program, if they haven't done it meaningfully well enough, then the likelihood of the depart-- the Board of Parole paroling them is just minimum. They're just not going to. You're not going let some addict out on the street that has done nothing but sit in prison for a while.

ARCH: OK, thank you. Seeing no other questions, thank you very much for your testimony. Next proponent for LB121.

TOM VENZOR: Good morning, Chairman Arch and members of the Health and Human Services Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the executive director of the Nebraska Catholic Conference and I'm here to express our support for LB121. I think you've already heard, you know, some of the moral principles I kind of laid out in LB108 for why we're here and what we're proposing for this committee to consider as they think about these sort of SNAP eligibility issues and is why I think you've heard a lot of them really good, sort of nuanced public policy arguments behind this so I will try to save you a little bit of time on all that but-- with, with the testimony I'm providing. Adequate and nutritious food is a basic need that is integral to protecting the life and dignity of the human person. SNAP provides an important governmental program that assists in meeting this basic need to combat hunger in the nation by feeding millions of persons every year. In doing so collectively as a state community, we are able to help foster a society that feeds the hungry, as Christ instructed in the twenty-fifth chapter of the Gospel of Saint Matthew. Eliminating access to SNAP for those who have at some point in their lifetime committed certain crimes related to drug offenses creates risk to successful reentry into society, a risk that can be readily mitigated by supporting LB121. In the past, this committee has heard multiple proposals for addressing SNAP eligibility for those who have committed certain criminal offenses related to drug offenses. And the NCC has supported these proposals in their overarching goal of addressing food access to those reintegrating into society. Granting more access to SNAP benefits is an important step to self-responsibility for those

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who are overcoming previous drug-related convictions or addictions. And in addition to the assistance that is provided through SNAP, as I talked about in LB108, the Catholic Church and her many parishes, organizations, and programs across the state remain an avenue, among many others, for assisting those who have difficulties in their present circumstances in accessing the basic need of food, among many other basic material and spiritual needs. And the Nebraska Catholic Conference respectfully urges your support for this legislation. And I thank you for your time and consideration.

ARCH: Thank you for your testimony. Are there questions? Seeing none, thank you very much.

TOM VENZOR: All right. Thank you very much.

ARCH: Next proponent for LB121. Good morning.

STEVE CERVENY: Good morning, Chairman Arch, Senators of the Health and Human Services Committee. My name is Steve Cerveney, S-t-e-v-e C-e-r-v-e-n-y. I'm a captain with the Omaha Police Department, 505 South 15th Street, Omaha, Nebraska, 68102. I oversee the criminal investigation sections-- section of the department. The Omaha Police Department would like to voice our support of this-- of LB121 because we firmly believe this proposal allows people who have been convicted of nonviolent drug offenses to maintain their dignity as they work to rebuild their lives in a positive manner. We feel the elements contained within this bill would help provide meaningful measures to help break the cycle of crime that too often revolves around individuals who desire to actively improve their situation but are unable to escape consequences that are currently in place. And we agree-- we feel-- we agree with the assertion that this proposal would help greatly with the success of reentry programs. Thank you.

ARCH: Thank you. Are there questions? Seeing none, thank you very much for your testimony.

STEVE CERVENY: Appreciate it.

***ASHLEY VOLNEK:** Chairperson Arch and Members of the Health and Human Services Committee: My name is Ashley Volnek, Program Director at CenterPointe's co-occurring residential treatment center in Lincoln, Nebraska. I am writing this testimony in support of LB121. I have been

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with the organization for over 10 years, working with individuals with severe mental health and substance use issues. In these 10 years, I have worked in a variety of positions including case management, therapy, and now as the director. In this process, I have become very familiar with SNAP benefits and the impact that these benefits have on the individuals that we serve. CenterPointe works with individuals that have legal histories, including distribution of a controlled substance and possession charges. Our current system of limiting access to SNAP benefits because of these charges, causes unnecessary barriers to regaining independence plus mandatory completion of treatment has its own set of barriers. The wait time to get into treatment, specifically CenterPointe's long-term program, can range anywhere from a few weeks, to a few months. The wait time, met with the program criteria which includes such items as diagnosis, treatment history, medical necessity, and funding sources, impact the availability of the resources to all individuals who may be required to complete treatment to reinstate SNAP eligibility. Treatment options also vary tremendously depending on what part of the state you are residing in. For example, there are more treatment options available on the eastern side of the state, near large cities, than there are out in the western part of the state. Proximity to these areas, along with eligibility requirements for programs, make the requirement of treatment completion an unattainable request for some individuals. An example of the impact of these barriers is from a recent participant in CenterPointe's program. This individual is a male in his early 50's that completed 4.5 months of treatment. He has not been eligible for SNAP benefits for over 20 years because of a distribution charge in 1999. This specific individual has completed multiple treatment programs in the state of Nebraska, completed his prison sentence of 3 years and is still being denied SNAP benefits 20 years later. This individual has dealt with chronic homelessness, depression and difficulty maintaining employment. He is having to continue to pay for a mistake that happened years ago and is being denied benefits that would assist him in getting back on his feet. During his most recent treatment episode, his therapist worked with him on his options for SNAP benefits. It was interesting to find that while searching for options, the SNAP website has a non-discrimination clause, but is discriminating against individuals with felonies. In conclusion, the passing of LB121 would allow individuals who have past legal charges, to have the opportunity to receive benefits that can make a significant difference in their ability to successfully reintegrate

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back into the community, reduce the cycle of continued homelessness, and reduce the financial strain of continued legal involvement due to the lack of access to assistance for basic needs. Thank you for your time and consideration on this matter.

***ERIC REITER:** Members of the Health and Human Services Committee: My name is Shelley Mann and I am writing you today in support of LB121 on behalf of Food Bank for the Heartland and the Food Bank of Lincoln. Our organizations are engaged members of the Feeding America network, the largest hunger relief nonprofit in the United States. Together, we distribute nearly 35 million meals to people in need across Nebraska and Western Iowa. Despite the physical pounds of food that we move through our distribution center doors each day, we know safety net programs are essential to end hunger across Nebraska. SNAP benefits are critical for Nebraskans experiencing food insecurity. Hunger is still prevalent in Nebraska. SNAP combines security with dignity. Nebraska's Food Banks collaboratively employ 10 full-time people whose sole function is to educate and assist eligible Nebraskans related to SNAP benefits. I serve as an Assistant Director of this program. LB121 addresses a service gap in Nebraska. SNAP buoys people in some of their most vulnerable times. A single housing eviction can be detrimental to a person's ability to find work, housing and other essential resources. Food is support. It is vital for sustainability and successful acceptance and integration into society. The limitations that currently exist around nutrition assistance for those with drug felonies are cumbersome. Further, they are confusing for those with dated convictions working to successfully re-enter the community and re-establish themselves. Through our partnership with the Department of Corrections, we are able to help a large number of ex-offenders to get assistance with food upon their release. We are able to provide assistance with applying for SNAP benefits to ex-offenders with a variety of past convictions but at this time we are unable to assist those with drug felonies that do not meet the current requirements. These clients are unable to receive this critical support, while their peers are able to apply with no barriers. The changes proposed in LB121 would make a significant impact on a targeted group of Nebraskans, who have served their time and are in a vulnerable societal position. LB121 follows in the footsteps of neighboring states like Iowa and South Dakota, who have already eliminated the barriers to food access for those with prior drug felony convictions. Additionally, it would eliminate the burden

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on DHHS to track down paperwork related to rehabilitation requirements and other legal information. The current processes can be unnecessarily time consuming for an already overburdened DHHS staff and is onerous for clients. This bill provides stability and freedom for otherwise struggling families and individuals. It streamlines the application process and reduces barriers to re-entry by creating a point of access to one of our most basic needs. We support LB121 and encourage the committee to advance it to General File for debate. On behalf of Food Bank for the Heartland and the Food Bank of Lincoln, we encourage the committee to vote to support a bill that addresses access to SNAP benefits for those with prior drug related felonies on their record and advance it from committee. Our goal is to end hunger in Nebraska. SNAP benefits would make a significant difference in this population's access to food and fending off hunger. Thank you for your time and attention.

***TIFFANY JOEKEL:** Chairperson Arch and members of the Health and Human Services Committee, my name is Tiffany Seibert Joekel, and I am the Policy and Research Director for the Women's Fund of Omaha. The Women's Fund of Omaha writes in full support of LB121, to reverse unnecessary restriction to Supplemental Nutrition Assistance Program (SNAP) eligibility for Nebraskans who have drug-related convictions and reduce recidivism rates for such crimes. In 2017, over 220,000 Nebraska residents were living in poverty, including nearly 72,000 Nebraska children. 13.5 percent of Nebraska households are currently classified as "food insecure," struggling to afford adequate nutrition for their families. SNAP benefits provide crucial resources for low-income families and families living in poverty. In 2017 alone, SNAP benefits alleviated the economic hardships of 176,000 Nebraskans. Of those recipients, 74% were families with children. That same year, SNAP kept 34,000 Nebraskans out of poverty, including 16,000 children. In 1996, among the slew of "War on Drug" legislation, Congress passed additional SNAP eligibility restrictions that created a lifetime ban of SNAP benefits for those who have experienced drug-related convictions. However, this federal code allows states to opt-out of such restrictions, continuing to provide SNAP to those with drug-related conviction, or to modify the restrictions, as Nebraska previously has, allowing limited instances in which someone with such a conviction could qualify for benefits. Since 1996, 24 states and the District of Columbia have eliminated this SNAP eligibility ban, with an additional 25 modifying it to increase eligibility. Nebraska's

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modified eligibility requirements remain unnecessarily restrictive, harming families facing food insecurity and preventing reintegration of formerly incarcerated Nebraskans. A criminal record already poses barriers to future employment, preventing Nebraskans from fully reintegrating or maintaining financial security. SNAP eligibility is particularly critical given this barrier to employment when considering that unemployment makes someone 12 to 15 percent more likely to be food insecure. By preventing someone from building financial security or putting food on their table, our policies are currently pushing individuals back to previous crimes committed for survival. SNAP benefits, along with other public assistance, can reduce recidivism rates by up to 10 percent. SNAP eligibility in the case of previous drug conviction is particularly critical for Nebraska women and their families. Women in state prisons are more likely than men to be incarcerated for a drug-related felony, and drug-related charges represent the single greatest reason for female incarceration in federal prisons at 57 percent of female incarcerations after conviction. In state prisons, roughly 1 in 4 women is incarcerated for a drug-related conviction. Current SNAP eligibility restrictions for drug convictions may limit the ability of the entire family to access benefits. This is all the more alarming when considering the over 70 percent of single-parent households are headed by single-mothers and that 60 percent of women in state prisons have children under the age of 18. Upon completing their sentence, many of these mothers will struggle to support their families, and do so without critical SNAP benefits. More than 1 in 3 children living in a single mother-lead household is living in poverty in Nebraska. Current SNAP eligibility limitations not only pose tremendous harm to the financial security of the mother after drug convictions, but also to her entire family, threatening their ability to receive proper nutrition and rendering children hungry. To better ensure food access for all Nebraskans and support families rebuilding their lives after incarceration, the Women's Fund urges this committee to support LB121 and advance this bill to General File.

***JASON HAYES:** Good afternoon, Senator Arch, and members of the Education Committee. For the record, I am Jason Hayes, Director of Government Relations for the Nebraska State Education Association. NSEA supports LB121 and thanks Senator Hunt bringing this bill forward. While those convicted of criminal activity certainly owe a debt to society, we believe Senator Hunt's bill encourages offenders

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toward treatment or recovery while providing basic food assistance to those in need of such assistance. SNAP helps low-income families keep food on the table, and a parent's conviction shouldn't keep a child from eating. When families have food on the table, children come to school with food in their stomachs and ready to learn. Our teachers know that students learn more when they have the nutrition they need to fuel their brains. Research tells us that childhood hunger has long-term and detrimental effects on cognition, physical and mental health, academic performance and behavior. The NSEA, on behalf of our 28,000 members across the state, asks you to advance LB121 to General File for consideration by the full body. Thank you.

***JASMINE HARRIS:** Dear Senator Arch and Health & Human Services Committee Board Members, My name is Jasmine L. Harris. I am the Director of Public Policy & Advocacy for RISE. I request that this written testimony be included as part of the public hearing record that shows RISE is giving testimony in support of LB121 and ask that committee members vote to advance this bill to general file. RISE is a non-profit organization that works with people who are currently and formerly incarcerated. We offer a six-month program that focuses on employment readiness, character development and entrepreneurship. We serve people incarcerated at seven of the Nebraska Correctional Facilities with this program and offer reentry case management services as people return home. The sole purpose of the Supplemental Nutrition Assistance Program (SNAP) is to provide nutrition assistance to low-income individuals and families. However, the US Congress enacted The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that put a lifetime ban on people with felony drug convictions from receiving SNAP benefits. Congress also gave states the ability to opt out of these requirements, but Nebraska continues to operate in a modified version of this program. Working with individuals as they are returning home after incarceration puts RISE in a position to witness firsthand the struggles many encounter trying to adjust back to life outside of a correctional facility. Coming out of incarceration to no employment is a barrier on its own. This is one of the barriers that then begets more barriers. With no source of income, we have individuals who now have to address other barriers like food insecurity, which is being without reliable access to a sufficient quantity of affordable, nutritious food. Someone coming out of incarceration with no means to provide nutrition to themselves should qualify for this program without restrictions based

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on conviction type. According to the Nebraska Department of Corrections, the 2020 fourth quarter population summary showed that about 14% of the population is serving a sentence due to a drug conviction. Because Nebraska continues to deny SNAP benefits to people with felony drug convictions when they are released from prison, this adds another 768 individuals who may be subjected to food insecurity when they return to the community. Although there are food banks across Nebraska, many are concentrated in the more populated areas of the state. We have people who are released from incarceration to rural areas of the state that either do not have a food bank or the food bank has limited operating dates and times. LB121 will remove this barrier of food insecurity for a portion of the population we work with and allow them access to food from dependable sources like stores that have normal operating times and quality, nutritious food. As part of RISE's policy plan, we are working towards successful policy and legislative changes at all levels of government that impact the daily lives of people impacted by the system and their families for economic and social outcomes that include employment, housing, transportation, education, living conditions and civic participation. Securing SNAP benefits to help an individual sustain life while getting their lives on track is one of the things we believe is essential to the success of people as they return home. Removing any significant barriers to obtaining life's basic necessities is a priority for our organization and the people we serve. Again, we ask that you vote LB121 out of committee to general file.

***ANGELA AMACK:** Chairman Arch and members of the Health and Human Services Committee. My name is Angela Amack, appearing before you as a registered lobbyist on behalf of the Center for People in Need for Chris Funk, Executive Director. Please accept this letter in lieu of testimony for the Committee Statement and Permanent record. The Center for People in needs strongly supports LB121 which removes the SNAP benefits lifetime ban for individuals with a conviction for drug distribution or with three or more felony convictions for possession or use of controlled substances. The Center for People in Need's mission is to provide services and programs to low-income people that address their basic needs and help them achieve economic independence. One of our primary programs is TRADE, (Tackling Recidivism and Developing Employability) funded since 2015 by a grant from the Nebraska Department of Corrections. Our program provides training for people who have been released from Corrections within the past 18

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months or are within 18 months of being released. Our training programs include, welding, forklift and warehouse training, CAD drawing, and advanced manufacturing courses through ToolingU. In addition, we provide CORE classes to help people with resumes, employment letters, workplace etiquette and expectations, and job search skills. Many men and women who come through our TRADE program have committed drug felonies. They are our only participants who have SNAP restrictions placed on them because of their crime. They come out of corrections with the same problems and needs as people convicted of other crimes such as sexual assaults, murder, theft and child trafficking. They leave with only \$100 in their possession unless they have worked in the prison for wages ranging from \$1.21 to \$3.00 A DAY. And, if they have worked, it's likely that most of it has been taken for child support. The funds they come out with doesn't go very far, and many do not have family or friends to help them. How utterly absurd it is to punish drug offenders by withholding federally funded SNAP benefits when no one else is punished in that way. They have served their time just like everyone else. And, like everyone else, they need the food and nutrition support that SNAP can give them. We know from working with people in our TRADE program that no one wants to go back to prison. But not being able to make it financially is the largest contributor to recidivism. Receiving SNAP benefits can make all the difference to a person who is trying to start over. Please support LB121 so that all people who leave Nebraska's Correctional Facilities will have equal access to Nebraska's SNAP program. Thank you for your consideration.

***JULIE ERICKSON:** Thank you, Senator Arch and members of the committee. My name is Julie Erickson and I am representing Voices for Children in Nebraska in support of LB121. Our state policies should support families in building a better future. Voices for Children in Nebraska supports LB121 to strike provisions banning certain persons with drug-related felony convictions from participating in the Supplemental Nutrition Assistance Program (SNAP) because it removes a barrier to stability for Nebraska children. One group of people affected by this provision are parents. It is estimated that 41,000 Nebraska children, or 9% of our total child population are affected by parental incarceration. In 2017, Voices for Children organized listening sessions with Nebraskans who have personal experience with parental incarceration to discuss how our justice system has affected the lives of children. Several Nebraska parents reflected on multiple barriers

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that they faced upon re-entering society, including accessing food assistance. What we have learned corroborates a growing body of research that suggests that children have shouldered significant costs as a direct result of decades of punitive public policy decisions. Children depend on strong relationships with adults, and research has linked parental incarceration to a multitude of adversities that last into adulthood, including antisocial behavior, poor educational performance, and decreased physical and mental health. Most alarmingly, research suggests that altogether, the effects and strain of the incarceration of a family member oftentimes lead children to demonstrate law-breaking behavior and become justice-involved, themselves. Our current ban creates an additional burden for many children in our state in a time when many families are struggling. Food insecurity was a growing problem in Nebraska prior to the pandemic and many families have faced additional challenges with losses of income or jobs. Excluding individuals for a crime for which they have already paid is contrary to the effectiveness of a program intended to provide temporary support during challenging times. The current ban makes the process of reentry more difficult for parents and can have serious collateral consequences for their children. We thank Senator Hunt for her leadership and urge the committee to advance LB121. Thank you.

***MEGAN HAMANN:** Chairman Arch and members of the Health and Human Services Committee, my name is Megan Hamann and I am submitting testimony today in support of LB121 on behalf of the Lincoln-Lancaster County Food Policy Council. The Lincoln-Lancaster County Food Policy Council is a diverse group of farmers, gardeners, businesses, organizations, and individuals with one shared goal: to improve our local food systems. LB121 is a crucial step towards this goal, by ensuring SNAP benefits are accessible to all Nebraskans in need. LB121 proposes to eliminate the restrictions on SNAP for Nebraskans with certain drug convictions. LB121 would stop unnecessarily punishing these Nebraskans who have already served their time. In eliminating the ban on SNAP benefits for folks with drug convictions, it would reduce unnecessary hardship in our state. Ensuring food access for these Nebraskans is key to strengthening our communities and reducing recidivism. Too often, who you have representing your case affects the outcome. If you're poor, you are more likely to be convicted. Folks with prior drug convictions create (are) an incredibly vulnerable population. These community members consistently struggle to access

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jobs, especially jobs that allow them to afford the food they need for themselves and their families. LB121 makes sure all our community members can access the food they need to live, so they can make amends and participate in the future of the state we all call home. The Lincoln-Lancaster County Food Policy Council firmly believes this is a necessary step in improving our food system and achieving healthier, more resilient communities not only for the sake of those it directly affects, but for all Nebraskans. For all these reasons, the Council urges you vote LB121 out of committee. All of our community members need to be able to access food. Your vote could help make this possible.

ARCH: Next proponent for LB121. Seeing none, is there anyone that would like to testify in opposition to LB121? Welcome, Director Beasley.

STEPHANIE BEASLEY: Good morning, Chairperson Arch and members of the Health and Human Services Committee. My name is Stephanie Beasley, S-t-e-p-h-a-n-i-e B-e-a-s-l-e-y, and I am the director of the Division of Children and Family Services that is within the Nebraska Department of Health and Human Services. DHHS is here to testify in opposition to LB121 as it would allow a person convicted of drug distributions to receive SNAP benefits. LB121 also removes the requirement for an individual convicted of a drug felony to participate in or complete a drug treatment program as appropriate in order to be eligible for SNAP benefits. LB121 would allow someone still serving a term of parole, parole, probation, or post-release supervision to receive SNAP benefits. It is important to note that as long as they receive treatment post conviction that they can receive benefits at this point while on parole. DHHS is supportive of Nebraska residents striving to overcome drug addiction and rebuilding their lives after a felony sentence. DHHS does not believe the system should support individuals convicted of three or more felony charges. Rather, DHHS supports completion of sentencing and participation in treatment programs as appropriate before receiving SNAP benefits. Thank you for the opportunity to testify today. I'd be happy to answer any questions.

ARCH: Thank you. Are there questions? Senator Cavanaugh.

M. CAVANAUGH: Thank you. Good morning, Director Beasley.

STEPHANIE BEASLEY: Good morning, Senator.

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M. CAVANAUGH: So we've heard about the cost for incarceration. How much does it-- what is the average cost for SNAP benefits a month for a person?

STEPHANIE BEASLEY: So the average benefit I think is \$200, but hold on, I have the amount for you. It's-- the average benefit per household in federal fiscal year 2020 was \$243 per month. The average benefit per person in federal fiscal year 2020 was \$112 per month.

M. CAVANAUGH: OK. So oftentimes when the department is here testifying in opposition to bills, it's because of the fiscal note and this bill does not have a fiscal note. And so I thought perhaps that this time we would have you here in support because there's no fiscal impact. And it's clear that it's not a strain on the agency to execute this, this change in statute. Is that correct?

STEPHANIE BEASLEY: Well, I think what was testified earlier to is pretty accurate, 750-plus people were denied last year or deemed ineligible. So it--

M. CAVANAUGH: According to the fiscal note from DHHS, not from our Fiscal Office, it says that basically that the cost could be absorbed within the department.

STEPHANIE BEASLEY: Right, so--

M. CAVANAUGH: So there's not really a burden to executing this program.

STEPHANIE BEASLEY: Correct.

M. CAVANAUGH: OK, so it's a philosophical opposition.

STEPHANIE BEASLEY: Yeah, the cost would be absorbed. The benefits that are coming through are 100 percent federal. And so the cost for determining eligibility could be absorbed within current.

M. CAVANAUGH: Right.

STEPHANIE BEASLEY: Because we were already determining eligibility on these applicants.

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M. CAVANAUGH: I'm just trying to be clear about what the actual opposition is, because normally it's fiscal, there's no fiscal impact. It's not hard to execute. It's actually very feasible to execute, it appears, based on the, the notes in the fiscal note. So it's purely philosophical that the department doesn't think that we should be providing food to a particular group of individuals in our state. Yet, we will spend \$2,916 a month to house and feed those same individuals if they are reincarcerated.

STEPHANIE BEASLEY: So the Department of Health and Human Services has opted to choose a modified ban. So SNAP program at the federal level basically says that there is a ban on felons receiving-- persons who have felonies receiving benefits, but states can modify. So they can either-- they can have a lifetime ban, a modified ban, or no ban. And Nebraska is one of-- and I, I-- many states--

M. CAVANAUGH: We are the only one.

STEPHANIE BEASLEY: --I think about 25 states who have chose a modified ban.

M. CAVANAUGH: We don't-- we have done nothing. Nebraska is the only state that has not done a modified ban or a no ban.

STEPHANIE BEASLEY: The modified ban is the requirement for treatment prior to receiving benefits.

M. CAVANAUGH: OK. So I, I just am struggling to understand the department's position on this. If, if the federal government had never implemented this program when they did the war on drugs, would the department be asking us to ban felon-- convicted drug felons from access to SNAP?

STEPHANIE BEASLEY: I'm not sure I understand the question, so if, if SNAP-- if this program didn't exist?

M. CAVANAUGH: Right, if, if--

STEPHANIE BEASLEY: Would be--

M. CAVANAUGH: No, if the drug felon ban never existed. If that never happened in history, then--

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STEPHANIE BEASLEY: I think that's hard to say. I mean, I, I don't know what the federal policy versus what Nebraska's policy would be an application of federal policy at that point. I think that's a--

M. CAVANAUGH: Well, philosophically, your argument is philosophical or your opposition is philosophical. So philosophically, would the agent-- the department be asking us to ban convicted drug felons from receiving SNAP?

STEPHANIE BEASLEY: So Nebraska Department of Health and Human Services has opted for that modified ban. Yes.

M. CAVANAUGH: Why aren't you asking us to ban other types of felons?

STEPHANIE BEASLEY: So there are other felonies that are banned from receiving SNAP benefits if they are not in compliance with their sentence. And I can get you a list of those felonies.

M. CAVANAUGH: Right, but if they're in compliance with their sentence, they're not banned.

STEPHANIE BEASLEY: Correct.

M. CAVANAUGH: Right. So why aren't you asking us to ban other felonies?

STEPHANIE BEASLEY: We are, we are looking at this, we've--

M. CAVANAUGH: Why are we--

STEPHANIE BEASLEY: --chosen--

M. CAVANAUGH: --why are we not expanding this to ban sex traffickers?

STEPHANIE BEASLEY: So they-- those felony convictions can be banned if they--

M. CAVANAUGH: They can be banned,--

STEPHANIE BEASLEY: --they are not in compliance with--

M. CAVANAUGH: --but they're not automatically banned.

STEPHANIE BEASLEY: They are not automatically banned if they--

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M. CAVANAUGH: Why not?

STEPHANIE BEASLEY: --are in compliance with their treatment or their
sentence.

M. CAVANAUGH: Why don't you ask us to do that? I just-- I don't
understand why this particular population of people is problematic for
the department.

STEPHANIE BEASLEY: So there are-- so when you look at the application
of this provision in SNAP, so there are 25 states who have no ban on
drug felons in any way. Twenty-three states, including Nebraska, who,
who have chosen to have a modified ban allowing under certain
circumstances for a recipient to receive that and five other states
with a permanent ban for all felons for drug conviction.

M. CAVANAUGH: I'm not talking about what other states are doing or in
modified bans.

STEPHANIE BEASLEY: I understand, Senator.

M. CAVANAUGH: I do not understand why the Department of Health and
Human Services has a problem with approximately 700 Nebraskans having
access to food. Why--

STEPHANIE BEASLEY: So--

M. CAVANAUGH: --why are you coming in opposition? I just-- I don't
understand.

STEPHANIE BEASLEY: So the opposition is--

M. CAVANAUGH: This is not clear.

STEPHANIE BEASLEY: The opposition is the preference and the push for
treatment. So if they have completed treatment, then they are eligible
unless it's a--

M. CAVANAUGH: But they can't complete treatment--

STEPHANIE BEASLEY: --it's a distribution or selling conviction.

M. CAVANAUGH: Right. So we still-- OK.

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ARCH: Thank you. Senator Walz.

WALZ: Thank you, Senator Arch. The testimony from Derrick was really great. Thank you. It was five years, he-- his release from incarceration was March of 2012, and then he became ill and asked for help again in 2017. I'm just wondering if there is a way that the department could possibly work with Senator Hunt to possibly fill that gap. The other thing that we heard was that it takes three to six months for somebody to even get into treatment, which is, you know, knowing that the first three to four months is critical to a person's ability to succeed. So I'm just, I'm just curious if, if there was an opportunity for you to work with Senator Hunt and maybe--

STEPHANIE BEASLEY: Certainly.

WALZ: --see if we could do something to help--

STEPHANIE BEASLEY: Certainly.

WALZ: --people since they're--

STEPHANIE BEASLEY: And, Senator, you asked the question earlier about how many treatment facilities, and I believe there are 55 inpatient. I-- my team gave that answer as well. So I believe that-- but those are inpatient. And so it's-- I don't really have a complete number of how many treatment facilities there are. Those are the only inpatient ones that we know of.

WALZ: Right. Yeah. All right. Well, I was just--

STEPHANIE BEASLEY: Certainly, Senator.

WALZ: --again hoping that there could be a conversation regarding those first three months.

STEPHANIE BEASLEY: Certainly.

WALZ: Thank you.

ARCH: All right.

M. CAVANAUGH: I--

ARCH: Senator Cavanaugh.

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M. CAVANAUGH: Thank you. Who is responsible for ensuring that our
citizens are food secure? Does that responsibility lie with DHHS?

STEPHANIE BEASLEY: So I believe we certainly have a role. Yes, a
significant role.

M. CAVANAUGH: And you're not filling that role for this population.
And as we've heard, communities are filling this role. So is it the
continued expectation of DHHS to neglect this population and put it to
communities?

STEPHANIE BEASLEY: I mean, it is our-- we plan on continuing the
policy, as is right now, where we have a modified ban to encourage
treatment and for those who are convicted of personal use in
possession and that there be a lifetime ban for sale and distribution.

M. CAVANAUGH: And what is the--

STEPHANIE BEASLEY: Felony conviction.

M. CAVANAUGH: --what is the view about how this impacts children?

STEPHANIE BEASLEY: So families, it is an individual
disqualification,--

M. CAVANAUGH: Yes.

STEPHANIE BEASLEY: --not a, not a household disqualification. So
family of four, it is the person who has that conviction that is
disqualified. But the children and any other household members who do
not have that disqualification can receive those benefits.

M. CAVANAUGH: Right, but their benefits are reduced because--

STEPHANIE BEASLEY: That individual's benefits is-- are, are
eliminated. Yes.

M. CAVANAUGH: Yes, but their income is counted.

STEPHANIE BEASLEY: I, I don't, I don't believe so.

M. CAVANAUGH: I think that was the case last year, but--

STEPHANIE BEASLEY: I can confirm, but I do not--

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M. CAVANAUGH: That would be helpful.

STEPHANIE BEASLEY: OK.

M. CAVANAUGH: So we know that the role of food insecurity for children is significant in, in their outcomes. So does-- is it the department's view that, that they want to take an active stance in participating in systemic poverty?

STEPHANIE BEASLEY: No, that is not our stance.

M. CAVANAUGH: OK, well, this seems to be working directly towards systemic poverty. This is a system of poverty. We heard testimony today about how this perpetuates the system of poverty and recidivism. And there's some philosophical point here that I don't understand about drugs. And so I've just-- the only explanation I can come up with is that the Department of Health and Human Services has decided that they want to be an advocate for systemic poverty because you're not working to address the systems of poverty. You're working in opposite to that. Is that not the case? Can you tell me how that is not the case, how this doesn't work towards systematizing poverty? How does this not systematize poverty?

STEPHANIE BEASLEY: Senator, we're, we're encouraging treatment and recovery.

M. CAVANAUGH: I understand for-- take drug addicts out, just drug distribution, how are you not systemizing poverty with this stance?

STEPHANIE BEASLEY: This policy does eliminate someone who has been convicted of felony distribution and felony sale from receiving SNAP benefits.

M. CAVANAUGH: And that systematizes poverty by keeping that in place, does it not?

STEPHANIE BEASLEY: It does eliminate that support. It does eliminate them from receiving that benefit.

M. CAVANAUGH: Thank you.

ARCH: Seeing no other questions, thank you very much.

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STEPHANIE BEASLEY: Thank you, Senator.

ARCH: Anyone else wish to speak in opposition of LB121? Is there anyone that would like to speak in a neutral capacity for LB121? Seeing no one, Senator Hunt, you're willing-- you're welcome to close. I would indicate that there were three proponents in letters for the record we received for LB121. In addition, we received written testimony this morning from CenterPointe, Food Bank of Lincoln, Food Bank of the Heartland, Women's Fund of Omaha, NSEA, RISE, Center for People in Need, Voices for Children, Lincoln-Lancaster County Food Policy Council, all proponents for LB121. You're welcome to close.

HUNT: Thank you so much, Chairman Arch and members of the committee, and thank you so much to everybody who came to testify on this bill. I think you can tell by my affect that this is a very important one to me. This is one that's really likely to be my priority this year. I can tell you a little bit based on research about how this is likely to play out in Nebraska if we pass LB-- what is it even-- LB121. So a study conducted at the University of Maryland in 2018 looked at individuals that committed drug-related crimes in Florida before and after the, the state introduced a lifetime SNAP ban for people with drug convictions. So basically, another state already had kind of an experimental field for us to see. So what happened to your formerly incarcerated people before and after the state implemented the ban, just like Nebraska has. The study found that the individuals who were convicted of these crimes after the SNAP restrictions were put into place were more likely to return to prison and that the crimes that resulted in their recidivism were primarily spurred by financial need. And so the gut check is there, right? We can say, well, it makes sense. It's common sense that if there is a lifetime SNAP ban in a state, that maybe the people who recidivate and go back to prison are committing financially motivated crimes because they're hungry. The gut check is there, sounds right. But we also have research in Florida saying that is exactly what happened. And up to 10 percent of the, the people who recidivated were because of this ban is what the research found, because it just exacerbates their financial hardship so much. The current ban creates a lifetime punishment on top of the time that people already serve in prison. Our justice system gives people with convictions for possession, use, and distribution a penalty. We ask people to pay their debt to society, to be model citizens when they are incarcerated, to do their post-release supervision, their probation, their parole. But by having this policy in Nebraska, we put

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another lifelong punishment on top of all of that. That, as you heard the director from DHHS say, we don't do that for any other crime. We don't do that for any other crime in Nebraska. A mistake in your past can cost a person access to SNAP decades later when they're most in need of SNAP to get back on their feet. I would like this bill to come out of committee unanimously. We're all going to catch up Senator Ben Hansen and get him on board with this. And I want you all to help me work this. I will be working this and I want you all to help me work this on the floor because read between the lines. We heard the opposition testimony from the department. I don't believe that Director Beasley holds that view in her heart. Listen to how she was answering questions from Senator Cavanaugh, from Senator Walz. There's no reason that our state should be denying people these benefits. It is a decision from the top and we are the Legislature. We make the laws. The department will enforce the laws that we pass. And I want members of this committee to ask ourselves, what is the reason? Who is this serving? How is it helping anybody like Derrick coming out of our justice system who then have to continue to pay for a mistake when they've paid all the other debts the society has asked them to pay? What is the reason? Who does this help? Why? Why? It's commonsense policy, it's good for kids, it's good for families, it's going to affect a relatively small number of people. When we talk about the opposition, about people having three or more drug convictions, well, the big problem is that they've already had three convictions. And so this must be a really, really bad person or something like that. If someone has had three or more drug convictions and served the sentence for those convictions, which could be, you know, 12 years, it could be 20 years, if they come out and they are meeting their terms of post-release supervision, parole, probation, which includes drug testing, which includes not breaking any other laws at all. If you break any other laws, you're not in compliance with your, with your parole or probation. The number of people that are going to be affected by this, it's worth it. It's OK. This is not going to be soft on crime thing for you. This is not going to be anything that anybody could really criticize you for. So this is a policy that's the right thing to do. It makes financial sense. It makes social sense in terms of the cost of sending these people back to prison. Let's pass it. Let's get this done this year. Thank you.

ARCH: Thank you. Are there any other questions for Senator Hunt? Seeing none, thank you very much. Oh, I'm sorry, Senator Cavanaugh.

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M. CAVANAUGH: I'm just trying to find from-- this was actually from the testimony on LB108 from Mr. Venzor. And it's stuck in my mind. And I'm just trying to find it to, to share with you before I ask my question. And I apologize. It's what he called hunger and food insecurity, and it was very powerful. Well, I will come back to it.

HUNT: One thing I will say is maybe we'll find out in floor debate, but maybe there is a perception among conservatives that this is soft on crime. And what I would say to them is when you have Senator Megan Hunt and the cops and the Catholics on board with something, maybe it's actually a good idea. So.

M. CAVANAUGH: I mean, I was going to, to make a comment as well about--

ARCH: Senator Cavanaugh, you may.

M. CAVANAUGH: Oh, sorry, today, today is Ash Wednesday. And I had mentioned that to, to Mr. Venzor. And, and maybe this is the confluence of a, a greater power, whatever power that might be coming together to say now is the time. And I found, I found it. We can address the scandal of hunger in our communities. And that's what this bill does. And I am so grateful to you for bringing this bill. Thank you.

HUNT: Thank you.

ARCH: Thank you. With that, we will close LB121, and we will open LB356. Welcome, Senator Hunt.

HUNT: Thank you. Good morning, Chairman Arch, members of the Health and Human Services Committee. I'm Senator Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8 in midtown Omaha. I'm here to present LB356, a bill to opt Nebraska out of a practice that is being used to, to determine eligibility for food assistance. The intention of this bill is to not leave federal funds on the table for hungry Nebraskans. This bill has no fiscal note and there's no additional cost to Nebraskans. This bill that I'm introducing is really about a moral question that we are called to answer to address the reality of Nebraskans today in 2021. I brought LB356 after hearing from community assistance nonprofits that have seen a rise in complaints of SNAP recipients being disqualified for having their benefits cut as a

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result of a failure to meet the requirements for another assistance program. So basically someone is applying for SNAP. They're eligible for SNAP under the SNAP, you know, rules and regulations, but they're not eligible for TANF if they don't meet the requirements for TANF, and so then their SNAP is cut. This is the problem that this bill seeks to solve. In looking into this issue, we discovered that the State Department of Health and Human Services is currently making use of two options under federal law that are allowing Nebraska to automatically punish SNAP recipients for factors unrelated to their SNAP participation. As background, in 1996, the federal Personal Responsibility and Work Opportunity Reconciliation Act, which doesn't roll off the tongue and neither does the acronym, was passed and signed by President Clinton. The Act was a welfare reform package that was designed to encourage work in exchange for time-limited assistance, which overhauled welfare programs and install TANF as the main welfare provider for low-income families. Under that Act, states were provided with several optional practices that they could adopt when determining SNAP eligibility. The previous bill, LB121, is one of them where you can limit somebody's SNAP eligibility based on drug offenses specifically, not any other offenses, but drug offenses is what was included in that federal package. The state of Nebraska adopted two options that are still being used today, despite a majority of states having done away with them. LB356 as introduced would opt us out of Section 819 of the PRWORA. That's that big Act that I just said earlier that, that was passed under President Clinton. This Section 819 is known as the comparable disqualification option under SNAP. It has been the cause of recipients being unfairly sanctioned for factors outside their control. The comparable disqualification option that we would be opting out of says that if SNAP recipients do not meet requirements from some other program, they may be disqualified from SNAP. Oh, I have to pass this out. I have an AM here. With AM235, which, which I'm passing out now, we would further opt the state out of a different section of the PWORA [SIC] that allows states to cut SNAP benefits by 25 percent if the recipients' benefits are reduced under another program. It has come to our attention that DHHS is using both of these options to reduce and/or disqualify SNAP recipients for failure to meet work or education requirements for TANF or AABD, which is Aid to the Aged, Blind and Disabled. And the difference between situations in each of these situations where sanctions are being applied is unclear. So I have a problem-- I'm doing this bill because I have a problem with the

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fact that people are being disqualified from SNAP because they disqualified from something else. And then the secondary problem that this bill seeks to address is that these disqualification criteria are being applied unequally, kind of arbitrarily. We hear stories of people who are disqualified because of some reason and then someone else who isn't disqualified for the same reason. So it seems like it's a little bit arbitrary. Let's pass this bill and just make it really clear what it is that qualifies people for SNAP and TANF and AABD and everything else. Why should the department be able to reduce or disqualify someone from food assistance automatically just because they didn't meet the requirement from some other program? Benefit eligibility should be determined per each program individually. That's how it's meant to be, because not all program's requirements are structured in the same way. For example, the federal Families First Coronavirus Response Act suspended the time limit on SNAP benefits for unemployed adults without dependents, which is work requirements through the end of the emergency. However, under the reduction of benefits and comparable disqualification options, Nebraskans are still receiving reduced SNAP benefits for failure to meet TANF work requirements. This bill would end that unnecessary and expensive penalty. And what I would say to Nebraska taxpayers is by opting out of these programs, what our state is essentially doing is saying all of your federal tax dollars, they can pay for benefits for Iowans, for Missouri residents, for Kansas residents, for Colorado. All of our neighbors all over the country can get these SNAP benefits that Nebraskans are paying for with their federal tax dollars. But in Nebraska, we're leaving these benefits on the table. We're not going to take advantage of them. And so really, we're, we're giving a short shrift to the taxpayers when we do this. I can tell you a real-world example of a specific problem. Nonprofits have had many complaints of folks losing or having their benefits cut as a result of taking online classes instead of in-person classes, which is, of course, due to the pandemic. It's not like they want to take an online class, it's just the reality of this year, and it's what people have to do. For many Nebraskans, learning online is a new circumstance. It's not something they meant to do. They're not trying to learn online. Previously, TANF did not allow for online classes to meet the work education requirements. We did speak with the department about this and we appreciate that they've amended the rule to allow for distance learning to satisfy the requirement. However, it's my understanding and the understanding of our office and other advocates we've been

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working with that the department is still requiring in-person study hours. So if there are in-person study hours that that sometimes leads to a disqualification. It also requires a lot of documentation and other requirements that make it basically impossible to use for many people. This bill would help make it so that people who need to learn online due to a pandemic or whatever reason that they can actually engage in this education without facing these other barriers. Under our current law, we are asking Nebraskans to choose between their education and their benefits, which they are eligible to receive. But I don't think that's the intention of the law and that's not the intention that any of us have making people choose between benefits they're entitled to and eligible for or their education in person or online or whatever is available to them. Under current regulations, the benefit reduction option leads to a 25 percent reduction in the household SNAP allotment. This is a sizable reduction in benefits that hits families with children the hardest. Department data shared with us indicates that at least 80 families have been subject to this sanction in January 2021. We also heard anecdotally that DHHS may not be implemented these two options consistently, sometimes for the better, which is when they don't impose the disqualification if there are young children in the household and sometimes for the worse, which is sometimes they eliminate staff entirely. And it's really unfair for Nebraskans to face these penalties unequally. If somebody fails to qualify for SNAP, that should only be assessed based on their eligibility for SNAP, not based on their eligibility for anything else. Nonprofits have received more calls in the last year about this than ever and the primary example is folks who have been sanctioned for noncompliance with work or education requirements for TANF, either because they're taking online classes because of the pandemic or they're unemployed and can't find work because of the pandemic. While the pandemic brought this issue to light and the impacts of these options that Nebraska has taken is probably more severe at this time. The bottom line is that the options currently exercised by the state of Nebraska are unfair and unnecessarily punitive. It's the pandemic that brought this to light because we see how many more people this impacts and makes me think, OK, maybe we should fix this overall. Thirty-seven states have opted out of the comparable disqualification option that is struck in the introduced bill. This change, as well as the change in the amendment that strikes the reduction of benefits option, comes at no cost to the state because SNAP is federally funded. So, again, I'll ask you, do you want your federal funds to

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fund everybody's SNAP? Or do you want Nebraskans to be able to take advantage of those tax dollars that they're already paying? You will see the fiscal note is blank. The state's current election to use these options is unnecessary and causing harm in situations like we are seeing now where folks are being sanctioned under TANF for things that are outside their control because of the pandemic and then they're losing SNAP. It doesn't make sense to disqualify a person under one program and then have that disqualification transfer over as a secondary punishment in a completely separate program whose rules they have not violated. The intention of this bill is to not leave federal funds on the table for hungry Nebraskans and to provide commonsense clarity about the eligibility for benefits. It's really about a moral question that we're called to answer. And it's also a tax money question. It's a financial question for our state about what makes the most fiscal sense when we think about the money our citizens are spending and the benefits they're getting back for that money, which in Nebraska, we can make that higher and better at no cost to us. Thank you.

ARCH: Thank you. Any questions for Senator Hunt? Seeing none, thank you very much.

HUNT: Thanks.

ARCH: We'll now welcome the first proponent for LB356.

ERIC SAVAIANO: Hello again, and thank you for this opportunity. Chairman Arch and members of the Health and Human Services Committee, my name is Eric Savaiano, E-r-i-c S-a-v-a-i-a-n-o. And again, I am the Economic Justice Program Manager for Food and Nutrition Access at Nebraska Appleseed. We are a nonprofit, nonpartisan law advocacy policy organization that fights for justice and opportunity for all Nebraskans. And we're here today to testify in support of LB356 and its amendment. I believe the senator explained this really excellently. I do not have a lot to add, but would just say that this was a-- an issue that came to light because of the pandemic and is especially harsh during a pandemic. It should be easier for people to meet basic needs through safety net programs amidst this, this challenge, not harder. But the state's options to take these reductions and disqualifications are, are forcing folks into dire situations. Just to reiterate briefly, since it is a new bill, new concept, this is a-- an issue between the two programs, SNAP, which

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we've talked a lot about today, and then the Temporary Assistance to Needy Families called Aid to Dependent Children here in Nebraska. Both of these require-- have, have parts of their, their programs that require work requirements to participate. The, the option-- I'd, I'd say the federal requirement for these two programs is that and because of the PRWORA legislation federally from 1996, the federal requirement is to hold these benefits steady and hold them stagnant. If a sanction happens in TANF, SNAP benefits are required to hold steady. The option that Nebraska is taking up, the first is to potentially reduce benefits by 25 percent in SNAP because of a sanction in TANF. And the other option that they are taking up is to disqualify someone from the SNAP program when they are disqualified from the TANF program. So these are both options that the state could opt out of and we feel that it is necessary to do so. Just one more brief statement. If, if a family were only on SNAP, these benefits would hold constant no matter if they were-- they would not have sanctions as an option because they're not participating in TANF. However, individuals who happen to be on both TANF and SNAP are being punished just by the fact that they receive assistance from both. Once again, I'll reiterate that 37 other states have opted out of these options and Nebraska should receive their public benefits based on the rules of each program, not lose them after-- through unfair, unnecessary links between them. Thank you to Senator Hunt for bringing this bill, and we respectfully urge the committee to advance it.

ARCH: Thank you. I have a question.

ERIC SAVAIANO: [INAUDIBLE]

ARCH: So how similar are the work requirements between TANF and SNAP? In other words, if they-- if, if, if it was not automatic that they would be disqualified under SNAP, would if you went over and evaluated SNAP, would they disqualify on that basis alone?

ERIC SAVAIANO: That's a great question. And, and it leads me to think that this option is designed to potentially make it streamlined to help folks coordinate between them.

ARCH: Yeah, I don't know that, I don't know that. That's not what I'm--

ERIC SAVAIANO: Right.

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ARCH: --that's not in my--

ERIC SAVAIANO: OK.

ARCH: --purporting. But I just-- it's just the question.

ERIC SAVAIANO: Sure. Actually, I'm not exactly sure about the structure between the work requirements in SNAP and TANF. I just know that the, the, the confluence in connecting them is something that is a penalty in reality. So if folks are meeting requirements, work requirements-- or, I'm sorry, if folks are not meeting work requirements in TANF or SNAP, they are penalized in those because of the rules of those programs automatically, because that's, that's how the system functions. That's the guidelines set up for those to function. However, this 25 percent reduction or disqualification is simply a punishment over and above what is already required of the programs to do so. But I can get you more information about the work requirements from both these as well.

ARCH: All right, thank you. Are there other questions? Seeing none, thank you very much for your testimony.

ERIC SAVAIANO: Thank you.

***JULIE ERICKSON:** Thank you Chairman Arch and members of the committee. My name is Julie Erickson and I am representing Voices for Children in Nebraska in support of LB356. LB356 is a technical and no cost change to the SNAP program that ensures that children aren't unnecessarily subject to increased hunger when a parent is sanctioned due to challenges with complying with the program requirements for the Temporary Assistance for Needy Families (TANF) Program. In Nebraska, this federal program is called Aid to Dependent Children (ADC). Over 10,000 children in almost 5,000 families participated in the ADC program in 2019. Due to program requirements, a family must have a very low income to be eligible for ADC. Further, the income provided by the program is also minimal when compared to the cost of basic expenses. The monthly average payment per family in 2019 was just \$424. Due to the family's economic circumstances, these children in our state are often most in need of support to ensure that they have meaningful access to opportunity. The federal program requirements for TANF were updated in the 1990s and are strict and outdated. For minimal income, families are subject to stringent work or education

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standards that can be challenging to meet in the best of times. During the pandemic, the challenges of meeting program requirements have been exacerbated. It is our understanding that Nebraska is not using the maximum flexibility allowed federally and has resumed "sanctioning" families for not meeting ADC program requirements. Applying this sanction to SNAP, even if the child is still eligible, impacts the family's overall food budget. Especially during a global pandemic, we should not be exacerbating child hunger by utilizing the stringent ADC program requirements to penalize families who are also relying on SNAP. We urge the committee to advance LB356. Thank you.

***TIFFANY JOEKEL:** Chairperson Arch and members of the Health and Human Services Committee, my name is Tiffany Seibert Joekel, and I am the Policy and Research Director for the Women's Fund of Omaha. The Women's Fund testifies in full support of LB356, to opt out of Supplemental Nutrition Assistance Program (SNAP) comparable disqualification and ensure all those eligible for SNAP may access benefits. In 1996, Congress established the ability for states to apply comparable disqualification on SNAP, disqualifying an individual from SNAP when someone, who is otherwise eligible for SNAP benefits, does not meet eligibility standards of a different public assistance program. Where federal code allows states to opt-out of such disqualification, Nebraska has instead adopted comparable disqualification between SNAP and Temporary Assistance for Needy Families (TANF). Currently in Nebraska, if an individual does not meet specific TANF eligibility requirements, the Department of Health and Human Services may automatically reduce or suspend SNAP benefits, even when otherwise eligible for SNAP. Nebraska remains one of only 11 states nationally that has yet to opt-out of comparable disqualification, imposing undue burdens on families in critical need of assistance. In 2017, over 220,000 Nebraska residents were living in poverty, including nearly 72,000 Nebraska children. 13.5 percent of Nebraska households are currently classified as "food insecure," struggling to afford adequate nutrition for their families. SNAP benefits provide crucial resources for low-income families and families living in poverty. In 2017 alone, SNAP benefits alleviated the economic hardships of 176,000 Nebraskans. Of those recipients, 74% were families with children.vii That same year, SNAP kept 34,000 Nebraskans out of poverty, including 16,000 children. Of Nebraska households not currently receiving SNAP benefits, almost eight percent are living in poverty. As SNAP remains a critical investment in the

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financial security of struggling Nebraskans and alleviates the poverty felt by our community, we must ensure all those eligible for SNAP can access benefits. LB356 would ensure that all those eligible for SNAP may access benefits, regardless of eligibility status for other public assistance programs. This bill would expand critical assistance to Nebraska families by capitalizing on federally-funded benefits with minimal administrative costs to our state. For the economic stability and health of Nebraska families, the Women's Fund urges this committee to support LB356.

***JASON HAYES:** Good afternoon, Senator Arch, and members of the Education Committee. For the record, I am Jason Hayes, Director of Government Relations for the Nebraska State Education Association. NSEA supports LB356 and thanks Senator Hunt for bringing this bill forward. Food providers across the state are straining under the load of requests from Nebraska citizens who are struggling to feed their families during COVID-19. The state of Nebraska has only increased this burden by allowing DHHS to automatically cut benefits to families that fail to meet arbitrary requirements under other federal benefit programs. While families across the country aren't required to meet work requirements while COVID limits employment opportunities, Nebraska families are still burdened with this regulation. Similarly, while COVID has driven adult learners to on-line learning for the health and safety of students and instructors, Nebraskans are unjustly penalized for taking online classes by cutting their SNAP benefits. SNAP helps low-income families keep food on the table. When families have food on the table, children come to school with food in their stomachs and ready to learn. Our teachers know that students learn more when they have the nutrition they need to fuel their brains. Research tells us that childhood hunger has long-term and detrimental effects on cognition, physical and mental health, academic performance and behavior. LB356 opts Nebraska out of the comparable disqualification option, lifting a considerable load off the backs of Nebraskans sorely in need of relief. The NSEA, on behalf of our 28,000 members across the state, asks you to advance LB356 to General File for consideration by the full body. Thank you.

***ANGELA AMACK:** Chairman Arch and members of the Health and Human Services Committee. My name is Angela Amack, appearing before you as a registered lobbyist on behalf of the Center for People in Need for Chris Funk, Executive Director. Please accept this letter in lieu of testimony for the Committee Statement and Permanent record. The Center

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for People in Need strongly supports LB356 which will eliminate penalties for SNAP participants who do not meet requirements in other federal benefits programs. The Center for People in Need's (CFPIN) mission is to provide services and programs to low-income people that address their basic needs and help them achieve economic independence. We provide three different programs that help people gain economic independence. One of our most successful programs is called POP (People Obtaining Prosperity). Through private foundation funding, full tuition assistance is provided to Southeast Community College (S.C.C.) to people who qualify for federal tuition assistance and who maintain a 2.9 grade point average. Most of our program participants are people in their 30's with families, and many receive SNAP benefits. Because of the pandemic most S.C.C. classes went to online instruction. The fact that DHHS does not qualify online courses toward compliance for the TANF education requirement unfairly penalizes people who may have no other options. We also just started offering Advanced Manufacturing courses in our TRADE program (Tackling Recidivism and Developing Employability) through an on-line program called ToolingU. Southeast Community College is helping us access this program, which provides very substantive training. It would be very unfair if any of our TRADE students had SNAP benefits reduced because they were taking these courses online. The entire Comparable Disqualification Option seems unfair, confusing, and extremely bureaucratic. Please vote to have Nebraska join the 37 other states who have opted out of this option and support LB356. Thank you for your consideration.

ARCH: Other proponents for LB356? Seeing none, is there anyone that would like testify in opposition to LB356?

STEPHANIE BEASLEY: Good morning again, Chairperson--

ARCH: Good morning.

STEPHANIE BEASLEY: --Arch and members of the Health and Human Services Committee. My name is Stephanie Beasley, S-t-e-p-h-a-n-i-e B-e-a-s-l-e-y, and I serve as the director of the Division of Children and Family Services within the Department of Health and Human Services. DHHS is here to testify in opposition to LB356, as it would undo the executive action the Governor has taken to participate in the federal SNAP program. DHHS has sought several waivers and supports provided to Nebraskans during the pandemic to address the needs across

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our state. In May of 2020, the administration changed the SNAP household work requirement disqualification to an individual qualification. This change temporarily disqualifies the individual who failed to comply rather than the entire household. As a result, SNAP benefits continue for other members in the household, ensuring children may receive SNAP, SNAP benefits even when a parent is noncompliant. DHHS, along with the Nebraska Department of Labor, provides supports to individuals working to gain skills and access to employment opportunities which lead to self-sufficiency. TANF's Employment First program and SNAP Next Step Employment and Training program are in place to ensure individuals are supported in reaching their employment goals. This support may include help with job search, preparing for interviews, occupational skills training, and on-the-job training and tuition assistance. Additional supportive services may be ordered to assist with transportation costs, required work attire, and educational materials. We are in discussion with Senator Hunt's office to provide information regarding the decision to participate in available SNAP options. Additionally, DHHS will continue to support flexibilities of online class during the pandemic. I greatly appreciate the opportunity to share this information. Happy to answer any questions at this time.

ARCH: Thank you. Are there any questions? Senator Cavanaugh.

M. CAVANAUGH: Thank you. I was looking at the Act from 1996 that Senator Hunt had mentioned and, and the executive order, I guess I'm not, I'm not clear, is, is the executive order, would-- wouldn't that supersede any changes that we made during the pandemic?

STEPHANIE BEASLEY: It's not an exec-- are you, are you referencing, Senator,--

M. CAVANAUGH: Sorry.

STEPHANIE BEASLEY: --my testimony?

M. CAVANAUGH: Yeah, sorry. So chronology here, we have the Act of 1996 that the state opted into. The Governor has issued an executive order for the household versus individual SNAP benefits during the pandemic, correct?

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STEPHANIE BEASLEY: Well, actually, that was regulation based on-- so that was in May of 2020, so the regulations changed to say that it doesn't-- it's only disqualifying that person in the household.

M. CAVANAUGH: That's a permanent change?

STEPHANIE BEASLEY: Um-hum.

M. CAVANAUGH: Oh, OK.

STEPHANIE BEASLEY: Yes, Senator.

M. CAVANAUGH: Thank you. That's the clarification I needed. So this would undo that. But if we could amend it, we could keep that, correct? We could keep in our, our regulations that only the individual, not the household, loses their SNAP.

STEPHANIE BEASLEY: So that is a permanent change.

M. CAVANAUGH: But you're saying that this bill would undo that permanent change?

STEPHANIE BEASLEY: No.

M. CAVANAUGH: Oh, then I misunderstand.

STEPHANIE BEASLEY: So this bill, this provision--

M. CAVANAUGH: It says it would undo the executive action.

STEPHANIE BEASLEY: Well, the executive action to participate in the comparative disqualification.

M. CAVANAUGH: Right.

STEPHANIE BEASLEY: So that's in our plan that we have submitted that Nebraska has opted for that.

M. CAVANAUGH: OK.

STEPHANIE BEASLEY: To have that comparable disqualification, this bill would remove the Governor's action. So it's what just says--

M. CAVANAUGH: OK.

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STEPHANIE BEASLEY: --it would remove the Governor's action. And so
it's not an executive order.

M. CAVANAUGH: I see.

STEPHANIE BEASLEY: It was the--

M. CAVANAUGH: Executive action.

STEPHANIE BEASLEY: Yes.

M. CAVANAUGH: OK.

STEPHANIE BEASLEY: Yes, Senator.

M. CAVANAUGH: But then-- so my question is, is it possible to amend
this bill to include that exemption?

STEPHANIE BEASLEY: To include the exemption. I'm sorry, I'm not sure I
understand what the question is.

M. CAVANAUGH: To, to include the work requirement disqualification to
an individual instead of a household? Is-- we can talk about this
later.

STEPHANIE BEASLEY: Yeah.

M. CAVANAUGH: I feel like I'm--

STEPHANIE BEASLEY: So our regs that we-- we promulgated regulations,
my understanding, this would have been prior to my arrival, but so and
those took effect in May of 2020.

M. CAVANAUGH: Right.

STEPHANIE BEASLEY: And so now the sanction or the disqualification
actually no longer occurs for the household prior to May of 2020.

M. CAVANAUGH: Right.

STEPHANIE BEASLEY: It actually occurred for the entire household.

M. CAVANAUGH: Right.

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STEPHANIE BEASLEY: But if I am-- so if I am receiving both TANF and SNAP and I'm not participating or I'm not complying with the TANF work requirements, what this-- what our opting in for this basically says there's a comparable disqualification. The federal guideline is that you could not increase my SNAP benefits as a result of my not being compliant with the TANF--

M. CAVANAUGH: Um-hum.

STEPHANIE BEASLEY: --employment pieces. So but what we did in May of 2020, is to say it doesn't disqualify the household if I'm not compliant with the work requirements in TANF, it just disqualifies me.

M. CAVANAUGH: OK.

STEPHANIE BEASLEY: If that helps clarify.

M. CAVANAUGH: Yeah, that does help. Thank you.

STEPHANIE BEASLEY: OK. It's complicated.

ARCH: Thank you. Any other questions? Seeing none, thank you very much.

STEPHANIE BEASLEY: Thank you, Senator.

ARCH: Anyone else wish to testify in opposition to LB356? Seeing no one, is anyone like to testify in a neutral capacity? Seeing no one, Senator Hunt, you're welcome to close. As you're coming up, I would mention that we received three letters of support for LB356 and we received four written testimonies this morning, Voices for Children, Women's Fund of Omaha, NSEA, Center for People in Need. You're welcome to close.

HUNT: Thank you, Chairman Arch. To be clear, and we can always talk, you know, on the floor. We can catch up about this bill later and the one before it. To be clear, SNAP does have work requirements and I know we have a lot of fans of work requirements in the Legislature and this bill would not change that. You can be in complete compliance with SNAP. You can be doing all of the work requirements, all of the training programs. You can be a model SNAP recipient doing everything right. And then for some reason you can get a sanction in TANF and then you lose your SNAP benefits or they're decreased. And that's what

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this bill seeks to correct, because the two programs have very similar
work requirements. But at the end of the day, they're separate
programs and the eligibility for the program should be evaluated
separately. That's it.

ARCH: Thank you, Senator Hunt. Are there questions? Seeing none, thank
you very much.

HUNT: Thank you.

ARCH: This will close the hearing for LB356, and we'll close the
hearings for the morning as well for the committee.

ARCH: Good afternoon and welcome to the Health and Human Services
Committee. My name is John Arch. I represent the 14th Legislative
District in Sarpy County and I serve as Chair of the HHS Committee.
I'd like to invite the members of the committee to introduce
themselves starting on my right with Senator Murman.

MURMAN: Hello, I'm Senator Dave Murman from District 38, represent
seven counties to the south, west and east of Kearney and Hastings.

WILLIAMS: Matt Williams from Gothenburg, Legislative District 36:
Dawson, Custer, and the north portion of Buffalo Counties.

M. CAVANAUGH: Machaela Cavanaugh, District 6, west central Omaha,
Douglas County.

B. HANSEN: Ben Hansen, District 16: Washington, Burt, and Cuming
County.

ARCH: Also assisting the committee is one of our legal counsels, T.J.
O'Neill, and our committee clerk, Geri Williams, and our committee
pages. Could you stand up and just introduce yourselves, please?

REBECCA HECKEL: I'm Rebecca.

KATE KISSANE: And I'm Kate.

ARCH: Welcome. A few notes about our policies and procedures. First,
please turn off your or silence your cell phones. This afternoon we
will be hearing two bills. We'll be taking them in the order listed on
the agenda outside the room. The hearing on each bill will begin with

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the introducer's opening statement. After the opening statement, we will hear from supporters of the bill, then from those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make closing statements if they wish to do so. For those of you who are planning to testify, you will find green testifier sheets on the table near the entrance of the hearing room. Please fill one out and hand it to one of the pages when you come up to testify. This will help us keep an accurate record for the hearing. We use a light system for testifying. Each testifier will have five minutes to testify. When you begin, the light will be green. When the light turns yellow, that means you have one minute left. When the light turns red, it is time to end your testimony and we will ask you to wrap up your final thoughts. When you come up to testify, please begin by stating your name clearly into the microphone and then please spell both your first and last name. If you are not testifying at the microphone, but want to go on record as having a position on a bill being heard today, please see the new public hearing protocols on the HHS Committee's web page on NebraskaLegislature.gov. Additionally, there is a white sign-in sheet at the entrance where you may leave your name and position on the bills before us today. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it is necessary for you to attend the bill hearing in progress. The agenda posted outside the door will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist committee members and Transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. This committee has a strict no props policy. And with that, we will begin today's hearing with LB554. Welcome, Senator Blood.

BLOOD: Might I say, Chairperson Arch, that you've got that down to a T.

ARCH: Thank you, almost memorized.

BLOOD: I could see that.

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ARCH: Oh, I'm sorry. Please proceed. I didn't realize you were waiting. Please.

BLOOD: No worries. So good afternoon to you, Chairperson Arch and to the entire HHS Committee. My name is Senator Carol Blood, spelled C-a-r-o-l B as in boy-l-o-o-d as in dog, and I represent District 3, which is western Bellevue and southeastern Papillion, Nebraska. Thank you for the opportunity to share LB554, also known as the Licensed Professional Counselors Interstate Compact, with you today. So as I've discussed with Senator Arch and his staff, this compact, as all compacts, is a constitutionally authorized, legally binding contract between states. It has the same format and function as the Nurse Licensure Compact, the EMS Compact, the Physical Therapy Compact, the Psych Pact, and several others. So it's clear that we are living in a very mobile society compared to when many of us were growing up or that of our parents. But according to the publication Counseling Today for professional counselors, moving requires obtaining licensure again in their new state. Because individual state requirements for licensure varies widely, especially in the number of postmaster's supervised counseling experience and examination requirements, it can be very difficult and time consuming for counselors to transfer their licenses. Additionally, most states also require that counselors be licensed in the same state in which their clients reside, which limits practitioners' ability to provide therapy via telebehavioral health. Being unable to counsel from a distance doesn't just limit counselors' potential practice avenues, but it also often forces clients who move to seek a new mental health practitioner. As we continue to hear in almost all medical professions, the American Counseling Association has also long considered lack of licensure portability to be one of the most critical issues facing the counseling profession. One of the questions I was asked by Senator Arch was in reference to how are these compacts crafted and what prevents states from changing their content in the future? So I'd like to walk you briefly through this process on this particular compact, since I've not done it with the last two, but know the process is pretty consistent across the board for all compacts. So in October of 2019, an advisory group composed of ACA members, representatives from state licensing boards, state legislators, and attorneys for state licensing boards met in person. Follow-up phone meetings were held in November, December, January and February. And during these calls, the advisory group members had an opportunity to further discuss how they wanted to handle specific

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elements of the compact and talk with representatives of other compacts. Then a drafting team composed primarily of lawyers who serve on the advisory group and lawyers from NCIC and several other professionals who have the specific expertise in licensure requirements, was created and scheduled to meet in March of 2020. The goal was to produce a draft by May or June. The draft went back to the advisory group for review and then entered a formal CSG compact stakeholder review, an eight-week process for gathering feedback from state licensing boards, state legislatures, and state and national membership organizations. The drafting team then reviews the feedback and makes any needed changes. The updated draft will then be presented to the advisory group, which will either endorse it or make further changes. So once the advisory group endorses the final version, the plan is then presented to the states and the legislative process of implementing the compact begins. And that, my friends, is how we birth an interstate compact. I know it's not as thrilling as the birds and the bees, but it's pretty darn interesting. So the counseling, this counseling compact authorizes interstate practice both in person and through telehealth by professional counselors who have valid, unrestricted home state license in a compact member state. The practice of professional counseling takes place in the state in which the client is located at the time of the counselor-client encounter. Counselors must observe the laws and rules of the state in which they are practicing. This compact, as others we have passed, takes effect upon its enactment by 10 states. I'd like to add that the National Center for Interstate Compacts at the Council of State Government facilitates the development of the counseling compact and is providing technical assistance to the states considering these compacts. Also like the other compacts passed in the state, this compact has the enthusiastic support of the Military Families Office at the Department of Defense. In fact, the DOD has been a consistent financial supporter and participant in the creation of these compacts. Now, this particular compact refers to counselors; and under Nebraska's guidelines, that means a licensed independent mental health practitioner that includes diagnosis and treatment of major mental illnesses or disorders without supervision or consultation. So Nebraska has a multitiered licensing and certification system. The highest license that a mental health counselor can earn is independent mental health practitioner. This license, unlike the mental health practitioner license, allows for diagnosis of major mental illness and consultation is not necessary. Mental health practitioner licenses are

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generic in the sense that they can be earned by social workers and marriage and family therapists, as well as counselors. Adjunct certification as a professional counselor lets the public know that one's training is in counseling. A person who is licensed as an independent mental health practitioner and certified as a master social worker may use the title license-- may use the title licensed independent clinical social worker. That's a long name. A person who is licensed as an independent mental health practitioner and certified as a professional counselor may use the title licensed independent professional counselor. A person who is licensed as an independent mental health practitioner and certified as a marriage and family therapist may use the title licensed independent marriage and family therapist. The main purpose of this particular compact for counselors is to facilitate interstate practices of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of counseling services as previously mentioned. The compact preserves the regulatory authority of states to protect public health and safety to the current system of state licensure. And so as is true with the other state compacts that have been passed and that are pending, it's fashioned in this way and the compact is designed to achieve the following objectives: increase public access to professional counseling services by providing for the mutual recognition of other member state licenses; enhance the state's ability to protect the public's health and safety; encourage the cooperation of member states in regulating multistate practice for licensed professional counselors; support spouses of relocating active-duty military personnel; enhance the exchange of licensure, investigative, and disciplinary information among member states; allow for the use of telehealth technology to facilitate increased access to professional counseling services; support the uniformity of professional counseling-- counseling licensure requirements throughout the states to promote public safety and public health benefits; invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses; eliminate the necessity for licenses in multiple states; and provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements. And just like our existing and successful compacts,

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there is no impact on Nebraska's scope of practice. It is not a takeover of our state's regulatory authority. This and our other compacts have no significant fiscal implications for Nebraska. This and our other compacts enhances the state's authority to protect the public and regulate the counseling profession. And lastly, as with our other compacts, it leaves state-specific licensure requirements in place. So next year there's actually going to be another interstate compact that'll go in front of Education. So states are moving very quickly on these compacts and implementing them have gone very smoothly. And Nebraska has been a leader. And I'd like to remind everyone today that this bill supports our own Governor's quest to become the number one military friendly state in the country. These compacts are a great addition to the list of why folks would want to move here and stay here if given the opportunity. So when it comes to our military families, I always remind my peers that when you save the family, you save the mission. There's so much stress involved with moving your family often, moving your family, often without your spouse. Why should licensure be added to your list of stressors? Also, if your spouse is close to retiring from the military, the chances are greater that they may stay if the spouse is employed in a job where they're happy and settled. I'd also like to mention our nonmilitary counselors, many from across Nebraska, who have taken time to write letters of support to this committee for this compact. This is something this particular industry definitely wants and needs. I ask that you consider Execing on this bill and vote it out onto the floor. It can potentially be added to my existing priority bill on the floor and we could move Nebraska forward by passing the remaining compact bills with the addition of this particular one. With that, I thank you for your time and I'm happy to answer any questions you may have.

ARCH: Thank you. Are there questions? Senator Cavanaugh.

M. CAVANAUGH: Thank you. When you start talking about military spouses, it made me think of today is one of my very good friend's birthday, Sarah [PHONETIC]. She lives in California. She's a military spouse. She was actually the spouse of the year for the Navy two years ago.

BLOOD: Oh, nice.

M. CAVANAUGH: Yes. And she's a-- she was a teacher, but she had to, she didn't have to. She chose to follow her husband around the country

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and gave up teaching eventually and now works in a different field
that doesn't require licensure. So I just wanted to comment on that
because it's her birthday and made me think of her. So thank you.

BLOOD: I think that's-- that's very telling. You should know that the
next interstate compact is going to be coming down the pipeline is
actually for teachers.

M. CAVANAUGH: Well, she's not from Nebraska, but maybe I can recruit
them here.

BLOOD: They--

M. CAVANAUGH: He's in the Coast Guard so I'm not sure that he gets
stationed here.

BLOOD: If she stays there long enough, eventually he'll follow her
there.

ARCH: Other questions? I have a couple.

BLOOD: Yes, sir.

ARCH: How do--you said counselor is LIMHP, licensed independent mental
health practitioner.

BLOOD: Right.

ARCH: How-- does it specify that in here? I would imagine other states
may call it something slightly different.

BLOOD: So it's-- it's in our state statute as such. And if you go to
the website it's described exactly how I just described it. And so the
way that the compacts work, if we were just writing it for Nebraska,
we would make it mirror what we have in state statute. But when you do
an interstate compact like that, you talk about counselors. So what we
look to is what's in our licensure and what's in our licensure is what
I just described. So we're describing counselor in Nebraska when we
look at the interstate compact.

ARCH: So if we went-- so if we went back to regs, I'm assuming, or
licensure, maybe it's in statute, we would-- we would see a definition
of counselor being LIMHP?

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BLOOD: Yes, you're going to see this definition.

ARCH: OK. The second question, would we be the first to sign onto this
compact? Are there other states who have signed on?

BLOOD: I know they've had multiple hearings in other states. And so I
can't verify that we are going to be first or third--

ARCH: It's in process.

BLOOD: --at this point.

ARCH: It's in process in the other states,--

BLOOD: It's in process in other states.

ARCH: --unlike some of the other compacts that we've heard.

BLOOD: Right.

ARCH: There are up to eight states that have already committed or
whatever. But--

BLOOD: And I have to be very frank, Senator, Chairperson Arch, is that
it doesn't matter that you're 1 or 20. It-- it-- it doesn't have an
advantage or disadvantage because all the compacts are the same fee
wise. All the compacts are the same bylaws-wise. All it really does,
if you happen to be first, is it shows that you're a leader.

ARCH: So we've had-- we've had instances where we get amendments.
Right? I mean, your work, you're working with other states and
understanding what other states are doing and we get amendments to
some of the compacts.

BLOOD: Um-hum.

ARCH: How do-- how do amendments to a previously introduced compact,
how do those occur?

BLOOD: So that-- that organizational group that I talked about, which
is why walk through that because I thought you might ask that
question. So really, in Nebraska, the only amendments we usually bring
are if we have to kick a bill out in time to get it turned in, we
might have some tweaking to do to make sure it matches our statute.

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But the one thing that Nebraska consistently does is NATA always brings an amendment forward. It pertains to liability. And so we would take that amendment and we send it to that group of people that I talk about and we're like, this is what Nebraska needs to do if we're even going to have a chance of getting a bill passed. They have all the attorneys and all the members of the organization from all the states look at it and everybody gets a vote either yes or no. So if they were to say no, then we wouldn't do the compact because we won't do it without the liability portion here in Nebraska, which I think is very important, by the way. And we're not the only state that has brought that liability amendment, but the liability amendment doesn't change the mechanisms within the bill of how it works. Does that--

ARCH: Um-hum.

BLOOD: OK.

ARCH: Yes, thank you. Any other questions? Seeing none, thank you.

BLOOD: Thank you.

ARCH: Are there any proponents for LB554?

ERIN POOR: Good afternoon, everyone. My name is Erin Poor. I want to thank you all for allowing me to share this testimony today.

ARCH: Could you please spell your name, please?

ERIN POOR: Yes. I even wrote "spell" in my Word doc here. I didn't say it, but it's E-r-i-n P-o-o-r. I currently live in Lancaster County, specifically right here in Lincoln's Near South Neighborhood. I'm a graduate student at Doane University studying clinical mental health counseling. In three years, I hope to be a licensed mental health practitioner and a licensed drug and alcohol counselor. And within five years, I hope to be a licensed independent mental health practitioner. It is a mouthful. You're totally right, Senator Blood. This compact is really important to me because it will expand access to quality, lifesaving mental healthcare for people in Nebraska. And it will support the counselors who are pursuing education and careers in Nebraska. Portable licensure, like that granted in the interstate compact, is the future of our field. The American Counseling Association, which is our professional organization for counselors in this country, has made it the goal to advocate for these interstate

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compacts. This is what we hope to see as the future of our field as professionals. I am a student and I'm paying to attend a private college in Nebraska so that I can become a counselor and serve my community. I'm telling you that I hesitated before enrolling because it is an investment to go to school and it's an extreme investment to go to a private school. And I was nervous that potentially, if my life took a turn where I need to move out of Nebraska, that the career that I'm embarking on now as a mental health counselor in training would not be available to me if I moved somewhere else. This is a significant investment that I'm making in this-- in this education. My family is making an investment in this. This is for our generations basically. I want to know that this education that I'm investing in, that the thousands of hours that I will be working to train as a mental health practitioner and then as an independent mental health practitioner will be able to stay with me, that I'll be able to have this career if I go somewhere else. I was kind of learning about this process of interstate compacts. I'm a new graduate student. I just started last semester and I was told that this was probably the way that things will be going. And so I thought, OK, put my advocacy hat on. I will help this effort. Thank you, Senator Blood, for introducing this. I'm going to just hope that my lawmakers will believe in the importance of this and we'll do it. So I said, OK, let's go. I'm going to do this. And I've started. I've begun this process. And I really, really hope that I'll be able to be in this career for-- for the rest of my life. The other thing is that we need more mental health practitioners in this state. We particularly need more mental health practitioners for people whose primary language is not English. Last night I was sitting in my Zoom class for Doane University. We're doing classes online. And I was talking to them about today. And we started talking a little bit about why it's so important for us to have more counselors that speak Spanish as a primary language or who speak other indigenous languages or languages from all over the world. And I have two friends who are from Grand Island, Nebraska, and they said that in that entire town, there are two counselors that speak Spanish, who are fluent in Spanish. And Grand Island has a huge Spanish speaking population for two counselors. That's not OK. That's not OK. And we're not graduating counselors that are Spanish speaking at the rate that we need to to be able to keep up with that demand for Spanish speaking counselors. If we pass this interstate compact, we can have Spanish speaking counselors from other states supporting Nebraskans right here and having a healthier community right here. The other thing is that

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I'm a citizen of Cherokee Nation. My grandparents left the Cherokee Nation reservation in the 1960s and moved here in Lincoln, raised their family. And that's how I'm here today. But someday I do dream of going back home, as they call it. I want to live in Cherokee Nation. I want to be of service to my community there. I want my license to be able to work when I move there. Yes, it is in the boundaries of Oklahoma, but Cherokee Nation is a sovereign nation, so I'm sure there'll be a whole nother situation there. But I'd like to know that this career that I'm choosing is compatible with that goal as well. So please consider this interstate compact. It really will make a huge difference for mental health counselors in our community. And thank you all for listening today.

ARCH: Thank you. Are there any questions? Seeing none, thank you very much for your testimony today.

ERIN POOR: Thank you.

***AMBER BOGLE:** Chairman Arch and members of the Health and Human Services Committee, my name is Amber Bogle (A-M-B-E-R-B-O~G-L-E) and I am the Executive Director of the Children and Family Coalition of Nebraska (CAFCON). CAFCON is a non-profit association comprised of 10 of the state's largest providers of children and family services. We serve Nebraskans in all 93 counties, providing everything from foster care and adoption assistance to mental and behavioral health services. CAFCON is in support of LB554. We thank Senator Blood for introducing this legislation. LB554 adopts the Licensed Professional Counselors Interstate Compact. The intent of the compact is to improve access to professional counseling services. CAFCON supports LB554 as it will make it easier to attract new professional counselors to Nebraska and will increase access to telehealth services. CAFCON has several members that provide mental and behavioral health services and this bill will help address the shortage of counselors and mental health professionals in Nebraska. I urge your support of this legislation and ask that you advance LB554 to General File. Thank you for your time and consideration.

ARCH: Other proponents? Seeing none, are there any opponents? Seeing none, anybody want to testify in a neutral capacity? Seeing none, Senator Blood, you're welcome to close. As you're coming, I would mention that we received two letters in support, letters of record in

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support. We also received one written testimony this morning from the
Children and Family Coalition of Nebraska and it was a proponent.

BLOOD: That's all the letters of support that you have, Senator?

ARCH: That's what I'm told.

BLOOD: All right. We may want to talk afterwards because I think we
sent letters of support that maybe got lost in transition.

ARCH: I don't know.

BLOOD: We'll figure it out.

ARCH: I don't know.

BLOOD: So, so friends, I want to talk about the letters of support,
but now-- but we-- we recruited letters from all over the state of
Nebraska, and I'll make sure that they get shared with you. But I want
to say before I forget, Senator Arch, if you look at page 5, line 7,
that clearly answers your question, I believe, on the definition
before I forget.

ARCH: Thank you.

BLOOD: My pleasure. I'm an enthusiastic supporter of interstate
compacts and I've been in front of you for multiple interstate
compacts. And you've always been kind enough to-- to move them out to
the floor because they serve so many people within that specific
industry. But more important, they serve Nebraskans. We don't have
enough employees within the mental health profession to serve the
population that we have, and so we have to find unique ways to make
that happen. Now, interstate compacts came before me because of the
work that I have done at the Pentagon. They're enthusiastic supporters
of these types of compacts and they put their own funds into the
development of these compacts. And I love it when we get another tick
in the box on the chart that they keep because it helps move us closer
to being a leader. And with all due respect, Offutt Air Force Base is
the number one employer in the state of Nebraska. We should constantly
be putting-- adding to that foundation and doing whatever we can to
keep those well-educated and young employees here in the state of
Nebraska. And interstate compacts are just a small piece of that
puzzle. Not to mention is, as I've said before, is in support of the

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Governor's goal to make this the number one military friendly state in the whole United States. But we have a long ways to go and it's going to take a lot of little bills like this to make it happen. I know that there's concern about want-- not wanting to be the first in the compact, but truly, there is no difference between being the 1st or the 10th or the 20th. If you look at the Audiology Compact, when I first brought it to you, had we passed that, we would have been the first. Twelve months later, I think we're the 8th now. That's how fast these compacts are moving. So this isn't a presumption thing where we-- we-- we put it into the law and we hope that it happens. As you heard this young woman say before me, it's happening. It's happening in almost every medical profession, and it's happening in addition to reciprocity, because people want the ability to go from state to state to state. They don't want to just want to come here and work. They want to be able to work across state lines, especially when you're being transferred every two years. And so I plead with you to please Exec on this compact. And here's the upside. If I get all three compacts passed this year, I won't be visiting you again next year with the compacts. So there's that upside to that as well. So with that, I'd be happy to answer any additional questions. And I do appreciate your time.

ARCH: Thank you. Are there any questions? I have one more.

BLOOD: Yes, sir.

ARCH: You reference page 5, line 7. "'Licensed professional counselor' means a counselor licensed by a Member State, regardless of the title used by that State, to independently assess, diagnose, and treat behavioral health conditions." Would that include psychologists?

BLOOD: No, it does not include psychologists. And again, it goes back to our state statute and our definition.

ARCH: Because they can independently assess, diagnose, and treat behavioral health conditions.

BLOOD: Yes.

ARCH: So that's-- that's why I--

BLOOD: But they aren't counselors.

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ARCH: OK. All right.

BLOOD: Good question.

ARCH: Thanks. All right. Thank you. Seeing no other questions, thank
you very much. This will close the hearing for LB554. We will now open
the hearing for LB628. Welcome, Senator Morfeld.

MORFELD: Good afternoon, Chairman Arch, members of the Health and
Human Services Committee. For the record, my name is Adam Morfeld.
That's A-d-a-m M-o-r-f as in Frank-e-l-d, and I represent the
"Fighting" 46th Legislative District in northeast Lincoln. I'm here
today to introduce LB628, a proposal that seeks to modernize the
Dentistry Practice Act for faculty licensees. This bill was brought to
me by the University of Nebraska Medical Center and the Creighton
University School of Dentistry, who have programs with faculty
members, mostly out-of-state recruits, who seek and receive faculty
licenses under the Dentistry Practice Act. The issue of modernizing
the existing act has been a part of ongoing discussions and
negotiations with UNMC, Creighton University School of Dentistry, and
the Nebraska Dental Association. LB628 serves as a shell bill to
provide interested parties a vehicle to update the statutes after they
build consensus. It is my intent to provide this committee with a
white copy amendment that would replace the green copy of LB628 this
session, which then, Chairman Arch, it'll be up to your discretion on
whether or not you want to hold a hearing on that amendment. I would
ask that the committee hold LB628 until that time. It is my
expectation that both dental colleges and the Nebraska Dental
Association will come to a solution this session that will allow our
higher education institutions, one of which is located in my district,
to be able to recruit out-of-state faculty through utilizing an
updated faculty license process. Failure to get a solution should be a
concern to all of us, which at some point may require this committee
and myself to take more active roles in negotiating compromise. Once
again, I want to thank the University of Nebraska Medical Center, the
Creighton University School of Dentistry, and the Nebraska Dental
Association for coming to the negotiating table and working on this
issue together. And I look forward to bringing their consensus
solution back to this committee. Since LB628 is a shell bill, I have
asked no testimony from the stakeholders today for this hearing with
the expectation that we'll perhaps have a more robust hearing down

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the-- down the road. With that, I'd be happy to answer any questions
that you may have.

ARCH: Thank you. I'm assuming-- I'm not seeing any questions.

MORFELD: I want to make it quick and painless on all of you. Thank you
very much.

ARCH: Thank you. Thank you. That will close the hearing for LB628 and
we'll close the hearings for the committee for the afternoon.