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Appropriations Committee
February 11, 2014

[AGENCY 5]

MIKE HEAVICAN: (Exhibit 1) Chairman Mello, thank you very much. Good afternoon to all the members of the Appropriations Committee. My name is Mike Heavican; that's spelled H-e-a-v-i-c-a-n, and I am the Chief Justice of the Nebraska Supreme Court. With me is Janice Walker, the State Court Administrator who gets a lot of publicity these days by threatening to resign; and Ellen Brokofsky, the State Probation Administrator; and we've also got Eric Asboe who is our financial guy. I'm here to address your preliminary recommendations and to make a request concerning the Supreme Court's personal services limit for fiscal year '14-15. First, I request that the committee reconsider its preliminary recommendation and fund the probation officer reclassification deficit request. This request provides the funds to increase the salaries of specialized probation officers in recognition of the high level of expertise needed to supervise probationers with a greater risk to recidivate. It comes as a result of probation's successful transformation in recent years to increase public safety by concentrating resources on high-risk probationers, such as chronic substance abusers, repeat drunk drivers, and gang members. This is an attempt to properly classify and compensate those officer positions that require greater skill and decision-making ability. As I'm sure you are aware, this request was included in the mainline budget bill last session, and then vetoed by the Governor, but no override was attempted. Again I request that the committee reconsider and fund this request. Second, the Supreme Court opposes the recommendation of funding judges retirement from court cash funds, although I recognize that discussions need to begin and have already started concerning the sustainability of judges retirement funding. These cash funds are used for specific purposes; namely, judicial branch education and court computer systems, not retirement. In addition, to our knowledge, shortfalls in funding any retirement system, not just judges, have always been made as a straight General Fund appropriation to the Nebraska Public Employees Retirement System, and never by reducing the operating funds of any entity of state government. However, if the committee chooses to stay with its recommendation, I request that the flexibility to let the Supreme Court determine the

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cash funds that would be used in the amount that would be transferred from each one. Our last request is a significant increase in fiscal year '14-15 PSL for all nonconstitutional officer budget programs. This request is the result of this committee's interest last session in increasing judicial branch salaries. At our budget hearing last year I presented material that showed Nebraska probation officers' salaries lagging behind other states. In addition, LB569 was introduced by Senator Burke Harr. It proposed a salary increase for county court employees. Testimony from judges and staff at that hearing spoke of employees struggling under low salaries compared to jobs in county government, including some that paid higher wages but required far less skill than court positions. Although LB569 did not pass, a small appropriation was added in the mainline budget bill to increase county court salaries. At the same time there was interest expressed by this committee in having the Supreme Court complete a salary survey to compare judicial branch salaries to market conditions. The Supreme Court responded by doing just that, and I have copies with me to provide to you, and I'll give those to you in a minute. The salary survey was conducted by the National Center for State Courts, consultants with expertise in analyzing both court and probation salaries. It found that over 80 percent of all Supreme Court employees when compared to most surrounding states and several Nebraska counties have salaries from 5 to 25 percent below market rates. Unfortunately, the survey was not completed until after the deadline for submitting deficit requests. However, it is the Supreme Court's goal to implement the findings of this survey during the fiscal year '14-15 by increasing employees' salaries. We have the funds to pay for these increases but we do not have the necessary PSL. Therefore, we are requesting PSL to achieve this much needed goal. As I stated, we have the funds this biennium to pay for the salary increases. Let me explain where these funds came from. During the last budget crisis the Supreme Court cut spending in many ways, including delaying in hiring many positions. This committee allowed the Supreme Court to carry over unspent General Funds into the next biennium not only as an incentive to continue saving but also as a reserve that could be used if additional cuts in spending became necessary. Now our first priority for use of these carryover funds is implementation of the salary survey. I can't think of a more fitting use for them

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than to compensate our employees for the sacrifices they made during the recent budget problems, and at the same time solve some of the problems you heard about last year by bringing their salaries up to market rates. I realize that this request to increase PSL did not come through the normal deficit request process, but this is a unique opportunity I believe we should take full advantage of. Thank you for this chance to speak with you today and I would be happy to take any questions that any of you have. [AGENCY 5]

SENATOR MELLO: Thank you, Mr. Chief Justice. Are there any questions from the committee? Senator Larson. [AGENCY 5]

SENATOR LARSON: Thank you, Chief, for coming in. I have a few questions. I guess I'll start on a broad basis. Do you think it's the local judge's responsibility to do clerical work while they're presiding over their courtroom proceedings? [AGENCY 5]

MIKE HEAVICAN: Well, it all depends on what you mean by clerical work. We have implemented a lot of technology changes that allow judges who want and can do it, to make certain kind of entries while they're on the bench. [AGENCY 5]

SENATOR LARSON: That's not necessarily what I'm asking. Do you think it's their responsibility? I ask this because I'm guessing you can know why...or have a hint of why I'm asking it. In rural Nebraska, as I talk to my judges, they seem very frustrated that they have the one clerk that has to stay outside the courtroom to handle the court proceedings as they end, but they don't have the budget from the Supreme Court to have that second clerical person in the courtroom that those in Omaha and Lincoln necessarily have. So the judges in rural Nebraska, as it seems to me, are doing much of the clerical responsibility in terms of entering evidence, taking down a lot of those other things that not necessarily are happening in rural Nebraska, not only slowing down the proceedings but, you know, is it their responsibility to do that? [AGENCY 5]

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MIKE HEAVICAN: We try to provide adequate clerical help for all of our judges. Ultimately the amount of clerical work and the employees and what they get paid is up to what we get from you in our budget. [AGENCY 5]

SENATOR LARSON: Well, I talked to them about that as well, and they said that your solution to their clerical problems that they're facing in rural Nebraska, especially on court days in certain counties, is pulling a clerk magistrate or someone from another county to come help them do the clerical work in the county in which they're presiding; therefore, closing that county clerk court...or that, you know, that county for the day just to offer them clerical work in the county in which the court is presiding. Is that the kind of solution that you're offering to these counties? [AGENCY 5]

MIKE HEAVICAN: I can't help you with the details but... [AGENCY 5]

SENATOR LARSON: Closing counties? But that's what they're telling me that is your suggestion from the court. [AGENCY 5]

MIKE HEAVICAN: We have to deal with the budget, the amounts that you give us. We are... [AGENCY 5]

SENATOR LARSON: And I appreciate you bringing the concept of the budget that we give you, and at the same time I hear from those same counties that when you guys are hiring...and we've had personal conversations about this, is that there are job openings that are occurring within the court system, and that most of those job openings...and you've talked about the move of technology and being able to let rural Nebraska, with this move in technology, you know, take some of the caseloads or some of the clerical work away from Omaha and Lincoln. Yet most of the jobs that are coming open...and excuse my urban colleagues, but most of the jobs that are expanding opportunities are coming from Omaha and Lincoln. So yes, you do have to work within a budget, but it does seem like an abnormal amount of jobs that you are adding to the court system are

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in Omaha and Lincoln, instead of places where they should...or, you know, it's necessary to keep the courts open in rural Nebraska while at the same time with the technology that you've so touted, allowed them to take, you know, some of the casework from...the clerical work from Omaha and Lincoln. You know, what's the answer? I understand that you're trying to put it back on us as a committee, that we haven't given you adequate funding, but the new jobs you are adding are in Omaha and Lincoln. [AGENCY 5]

MIKE HEAVICAN: Well, I would welcome you to attend court sessions in either the county court of Lancaster County or the county court in Douglas County. [AGENCY 5]

SENATOR LARSON: When was the last time you attended a court session in rural Nebraska? [AGENCY 5]

MIKE HEAVICAN: I try to visit our courts. Mostly in the summertime I go around and visit as many courts as I can. And like I said, we do the very best job... [AGENCY 5]

SENATOR LARSON: In rural Nebraska, were you in any of the courts that the judge was doing his own clerical work? [AGENCY 5]

MIKE HEAVICAN: I can't say that I was, no. [AGENCY 5]

SENATOR LARSON: All right. Thank you. [AGENCY 5]

SENATOR MELLO: Senator Wightman. [AGENCY 5]

SENATOR WIGHTMAN: Thank you, Chief Justice. We talked about--and maybe you gave this--what type of salary increase were you looking at? Or I guess we approved it, you said, a year ago. Is that right? And then there wasn't funding for it, is that right, on county court employees? [AGENCY 5]

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MIKE HEAVICAN: You didn't approve funding for county court employees that I recall a year ago. What you it did was approve some funding for probation employees that didn't get through the budget...or it didn't get through the veto process. [AGENCY 5]

SENATOR WIGHTMAN: Okay. Did you give us a percent that you were thinking those should be? Oh, you've got those there. [AGENCY 5]

MIKE HEAVICAN: I've got the salary surveys for you here, and what they show is largely some jobs are 5 percent under, some jobs are as much as 25 percent under. And we would like to fund these recommendations based on how far under market the positions are. So some people would be getting a 25 percent raise; some people would be getting a 5 percent; and a few people would be getting nothing at all. [AGENCY 5]

SENATOR WIGHTMAN: It wouldn't be uniform all over. [AGENCY 5]

MIKE HEAVICAN: It would not be uniform, no. [AGENCY 5]

SENATOR WIGHTMAN: A lot of that depends on assuming on what normal pay is in that particular county or... [AGENCY 5]

MIKE HEAVICAN: Well, it would be based on this salary survey, and the survey utilized a number of counties and also utilized neighboring states, because obviously some of our jobs are comparable to what goes on in other states. [AGENCY 5]

SENATOR WIGHTMAN: So basically 5-25 percent. Thank you. [AGENCY 5]

MIKE HEAVICAN: Um-hum, right. And we have the money available largely to do that. We need the PSL, your cap on... [AGENCY 5]

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SENATOR WIGHTMAN: Will that money be available in future years, or? [AGENCY 5]

MIKE HEAVICAN: In future years you'll have to come up with an increase to that budget base. Obviously we don't have the money to pay for it into perpetuity. [AGENCY 5]

SENATOR WIGHTMAN: Thank you. [AGENCY 5]

MIKE HEAVICAN: Yes. [AGENCY 5]

SENATOR MELLO: Senator Conrad. [AGENCY 5]

SENATOR CONRAD: Thank you so much, Mr. Chief Justice. Just a point of clarification from Senator Wightman's questioning. We did provide some resources, I thought, for employee pay last year. [AGENCY 5]

MIKE HEAVICAN: Well, there were... [AGENCY 5]

SENATOR CONRAD: Maybe not the required amount, but some. [AGENCY 5]

MIKE HEAVICAN: There was the normal kind of inflationary. [AGENCY 5]

SENATOR CONRAD: Okay. [AGENCY 5]

MIKE HEAVICAN: And then there was a very small amount for county court employees; maybe 1 percent, I think. [AGENCY 5]

SENATOR CONRAD: Yes. I think that sounds exactly right. And in relation to those resources in particular, I know my office has received some inquiry as to how those were distributed, and there's some concern about whether or not that resource was meted out in equitable fashion. So I just want to give you a chance to respond to that

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issue if you'd like. [AGENCY 5]

MIKE HEAVICAN: I'm not familiar with all the details of that. What we...the plan we used is not a large amount of money. The plan we used gave a little bit more money to the people on the very lowest salary scales and a little less to the folks on top. [AGENCY 5]

SENATOR CONRAD: Okay. And just the policy reason behind that being it's harder to recruit and retain the entry level... [AGENCY 5]

MIKE HEAVICAN: Because the people on the lowest scale are the most needy.
[AGENCY 5]

SENATOR CONRAD: Right. It's harder to recruit and retain the folks at the lowest rung.
[AGENCY 5]

MIKE HEAVICAN: Again, you know, this is not a large amount of money. [AGENCY 5]

SENATOR CONRAD: I agree. Yes. Okay. But I do hope that if we are able to make some headway in the future in providing additional resources for that purpose, that we can continue having a dialogue about ensuring that they are meted out in an equitable fashion. [AGENCY 5]

MIKE HEAVICAN: If you give us the PSL for this, this arguably puts everybody at their market level. [AGENCY 5]

SENATOR CONRAD: Very good. That's helpful. Thank you. And I know a lot of us are interested in reviewing the results of that study, and we appreciate that hard work. The other question that I wanted to just give you an opportunity to visit about a little bit, not directly related to a budget request in this cycle but as we look forward. In the wake of the Supreme Court decision related to how the Nebraska State Bar Association is

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governed and funded, there had been a very nice partnership for many years for a variety of functions between the judicial branch and the bar association. Have there been conversations from a budgetary perspective back and forth about how those changes will impact the needs of the court or the needs of the legal profession?

[AGENCY 5]

MIKE HEAVICAN: Well, we have constant conversations with the bar association leadership and members of the bar association about various kinds of things. There's a transition period... [AGENCY 5]

SENATOR CONRAD: Yes. [AGENCY 5]

MIKE HEAVICAN: ...obviously going on right now. But in the long run I do not anticipate that the relationship between the Supreme Court and the bar association will be changed dramatically. Issues such as pro se representation, which are hugely important to the court and to judges and, of course, to lawyers too, English language interpreter kinds of things. All of those support kinds of things that the bar association does, I anticipate that we will be working with them to continue those. [AGENCY 5]

SENATOR CONRAD: Okay, that's helpful. Thank you. [AGENCY 5]

SENATOR MELLO: Thank you, Senator Conrad. Joining the committee, for the public record, is Senator John Harms and Senator Kate Bolz. Real quick, Mr. Chief Justice, what's the PSL amount associated with this study? [AGENCY 5]

MIKE HEAVICAN: What's the PSL amount? I want to get this right, so if I screw it up you have to tell me. But I think it's \$4.5 million. [AGENCY 5]

SENATOR MELLO: \$4.5 million? [AGENCY 5]

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MIKE HEAVICAN: Yeah. [AGENCY 5]

SENATOR MELLO: Senator Larson. [AGENCY 5]

SENATOR LARSON: Thank you, Chief. And I should have followed up on these questions. I thought of them after your first questions to me...or my first questions to you and your answers. And they're going to piggyback off the questioning that I had, and I made reference to it in the sense that much of what I'm hearing from a lot of my constituents, workers of the court and judges, as well, are most...and I'll pose it as a question. Are most of the jobs that you've added within the court system--and I know you've talked about the budget and having to work within the budget that you've given us, and I talked about, you know, why not in rural Nebraska? But, in your estimation, are most of the jobs that you've added within the court been in Omaha and Lincoln? [AGENCY 5]

MIKE HEAVICAN: I don't think we've added any employees in Omaha, Lincoln, or anywhere else in the court system. We've added probation employees because this Legislature has given us responsibilities that used to belong to the Department of Health and Human Services. [AGENCY 5]

SENATOR LARSON: And we gave you the funding for that. [AGENCY 5]

MIKE HEAVICAN: Yes. [AGENCY 5]

SENATOR LARSON: And I'll have to talk to them about that concept. And in terms of...and I guess I'll give you another chance to respond to the lack of clerical staff in rural Nebraska. Were those staff that just were cut and not put into...you know, that were just cut out of the court system? Because they used to have someone that did that job, and now they don't. Or is the court...essentially what I'm asking, are court employees as a total down from what they used to be or have those employees...were

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those jobs cut and added somewhere else? Or what exactly...where are they?

[AGENCY 5]

MIKE HEAVICAN: Well, I'm not sure what jobs you're referring to, and I'd have to...

[AGENCY 5]

SENATOR LARSON: Well, as I said, the judges that I talked to used to have a clerical employee, or, you know, one person that could be in the courtroom with them, and then, like the clerk magistrate, would be out of the courtroom taking people as their case finished; the court magistrate would be outside dealing with them. So there would be one in the courtroom and one outside the courtroom. Now it's my understanding that actually in all of my...actually I don't know about one whole county I haven't had the chance to talk to Judge Brodbeck about the issue. But in the rest of my counties, that it's...the judges are handling it by themselves within the courtrooms, and they have the court magistrate... [AGENCY 5]

MIKE HEAVICAN: How about we do this? How about you have your judges call me?

[AGENCY 5]

SENATOR LARSON: Because I am their representative. I understand that you have...and they are retained by the people, and I'm there to represent them. So they can talk to me anytime they wish about any specific issue. [AGENCY 5]

MIKE HEAVICAN: Well, they can talk to you anytime they wish, but there's no point in circuiting...or circling...sending their questions through you. They can call me anytime they wish. [AGENCY 5]

SENATOR LARSON: They've actually, from my understanding, they...one judge has written you a letter about this over a year ago and has yet to receive a reply. So I'd call that on you and the effort of trying to contact you and asking you about the issue.

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Because I did talk to him today and he still hasn't received a reply. So if you talk about asking you, they have. And they feel that that resource is gone so they've come to me. [AGENCY 5]

MIKE HEAVICAN: My apologies to that judge. I certainly will get back to him. [AGENCY 5]

SENATOR LARSON: Thank you. [AGENCY 5]

SENATOR MELLO: Senator Harms. [AGENCY 5]

SENATOR HARMS: Thank you, Senator Mello. Thank you very much for coming and I'm sorry that I missed most of your presentation, but I did want to tell you that I think the Supreme Court has done an excellent job and particularly I want to bring to my colleagues' attention is how much the court system has had to change and how you've had to orchestrate all of this in regard to non-English speaking people. I don't think any of us really realized, until I had a chance to go to a conference, what really has taken place, and the fact that your judges had to place into their system people who are trying to determine, you know, the language, the dialects you're getting from Africa, all over the world, that are coming to this state of Nebraska. And I want to tell you, I think you've done a great job in making that transition. I know we have a long ways to go, but Nebraska is a lot further ahead than most states, and that's because of the leadership you're providing and what you're doing. And so I wanted you to know that and I wanted it a matter of record to show that you have made a lot of progress in this particular area. Thank you. [AGENCY 5]

MIKE HEAVICAN: I appreciate that very much, Senator Harms. And as you are aware, that's one of the really huge problems that many of our judges have to face. Lots of foreign languages, many of them it is very, very difficult to get qualified people to translate and interpret in the court system. And we've employed a lot of technology in

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that area and we've had a lot of cooperation with the National Center for State Courts, and we have a lot of pressure from the Justice Department to make sure that we do that right. So we try very hard in that area. [AGENCY 5]

SENATOR HARMS: I know when visiting with some of the judges, just to find interpreters and how they have to interpret for that judge and they have to stop the proceedings to say, wait, time out here, we've got to...because I don't think you're really...or I'm having difficulty trying to put these two things together. I just think it's been a phenomenal change and you're going to have a lot more pressure put on you because more and more people are going to come to this great state, and I think where you're headed is the right direction. And I just wanted the public to know that and appreciate what you've done. [AGENCY 5]

MIKE HEAVICAN: Thank you very much. The other huge problem that our courts have now, and courts are facing all over the country, is self-represented parties, parties who do not have lawyers, and this is especially big in domestic relations, divorce cases, and so forth. But it is very difficult to process those cases because obviously folks without lawyers do not understand the procedures going on. Judges have to be neutral in their approach to those cases, and they have to have an awful lot of patience. [AGENCY 5]

SENATOR MELLO: Senator Kintner. [AGENCY 5]

SENATOR KINTNER: Thank you for coming, Mr. Chief Justice. Can you give me an example of the \$4.5 million, are we talking about a court employee that, let's say, makes \$35,000, and they will take them up to \$37,000? Or can you kind of put it in some perspective of what kind of salaries we're talking about and what kind of increases you can give us? [AGENCY 5]

MIKE HEAVICAN: Well, generally, our employees are very poorly paid, so anybody who is making \$35,000 in our system is getting up toward the top of the pay scale. Now I

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don't know what our base is for court magistrates...clerk magistrates. It's in the thirties. And those are sort of the top of the line for the court employees. Now the probation employees might be starting a little bit higher than that, but the (inaudible) one is going to... [AGENCY 5]

_____: (Inaudible.) [AGENCY 5]

MIKE HEAVICAN: Thirty-one. But they have a college degree and they obviously have... [AGENCY 5]

SENATOR KINTNER: So this increase would be from, let's say, \$31,000 to \$33,000, or what...can you give me a...? [AGENCY 5]

MIKE HEAVICAN: For some people, sure. [AGENCY 5]

SENATOR KINTNER: Are we talking a couple thousand dollars? I'm just trying to get a... [AGENCY 5]

MIKE HEAVICAN: Yeah, sure, for some people, you know. [AGENCY 5]

SENATOR KINTNER: ...a sense of perspective. [AGENCY 5]

MIKE HEAVICAN: Right. Well, there's your sense of perspective. Yeah, and I'll get these to you in a second. [AGENCY 5]

SENATOR KINTNER: Okay. All right, thank you very much. Appreciate it. [AGENCY 5]

MIKE HEAVICAN: Sure. Thank you. [AGENCY 5]

SENATOR MELLO: Any other questions from the committee? Senator Nelson.

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[AGENCY 5]

SENATOR NELSON: Thank you, Senator Mello. This is a little far afield, but I read recently there's talk about doing away with the bar examination. Would that be a saving to the Supreme Court in any way? Or is that pretty much a self-sustaining? [AGENCY 5]

MIKE HEAVICAN: That's a self-sustaining program. The admissions now, which is the operation of the test and so forth, all of that is paid for by applicants. So none of that comes out of tax dollars or any of that sort of thing. So that savings actually...if the bar exam was done away with, the big savings would be for the individuals who want to be lawyers. [AGENCY 5]

SENATOR NELSON: All right. Thank you. [AGENCY 5]

MIKE HEAVICAN: Yes. [AGENCY 5]

SENATOR MELLO: Senator Wightman. You don't have any? Okay. Any other questions from the committee? Seeing none, thank you, Mr. Chief Justice. [AGENCY 5]

MIKE HEAVICAN: Okay. I'm going to hand these out to you. [AGENCY 5]

SENATOR MELLO: (Exhibit 2) And is it possible I could request the State Probation Administrator Brokofsky come up and explain the letter that we received from the court per request? [AGENCY 5]

MIKE HEAVICAN: It is indeed. She can't wait. [AGENCY 5]

ELLEN BROKOFSKY: Good afternoon. Senator Mello just told me about this, and so I am trying to refresh my memory. Following the State of the Judiciary speech that the Chief Justice delivered in January, the Chief Justice mentioned in his speech that our

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specialized substance abuse supervision program, our SSAS program, was over capacity. And that is absolutely true. That is a program that's intended to be a sentencing alternative. It's a prison alternative. While folks were skeptical, our stakeholders, maybe even our judiciary in the beginning, we've had really good outcomes and seen significant progress; and so there's a lot of confidence in this program now, and the judges have been sentencing to it. Senator Mello came up to me after the speech and said, well, what does that mean, 20 percent over capacity? And we looked at it. In reality, it's about three officers--unfortunately, three officers in different places. I mean, we really sort of need three and a half officers. You don't want to split up people. But that...so I submitted a letter. I told him exactly what it would cost to at least get us in a position where we're not...you know, we have some reasonable caseloads. [AGENCY 5]

SENATOR MELLO: Thank you for giving us a little bit more background on that. Are there any questions from the committee? Senator Conrad. [AGENCY 5]

ELLEN BROKOFISKY: Senator Conrad. [AGENCY 5]

SENATOR CONRAD: Thank you so much for your testimony. And just on that point, because I think that this program is so critical to issues before this body in regards to corrections, reform, prison reform, etcetera. And I see this program as so results oriented in terms of costs and quality outcomes. What is a...just what is a typical caseload for a SSAS officer? [AGENCY 5]

ELLEN BROKOFISKY: Twenty-four to 30. [AGENCY 5]

SENATOR CONRAD: Twenty-four to 30. [AGENCY 5]

ELLEN BROKOFISKY: But 24 is what we set it up for. [AGENCY 5]

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SENATOR CONRAD: Okay. [AGENCY 5]

ELLEN BROKOFISKY: Yes. Really individualized attention, long time on probation. It's really valuable in connection with the reporting center where we provide very close supervision. And the most astounding statistics from the SSAS program that I have seen is the fact that we have a higher employment rate than we do with our DUI sort of pro-social folks, folks who go to work everyday. And so we've been able to keep them employed, and that's pretty exciting. [AGENCY 5]

SENATOR CONRAD: Great. And then just finally, in terms of qualifications to serve in that capacity as a SSAS officer, what exactly are... [AGENCY 5]

ELLEN BROKOFISKY: That's that higher level CVI that I'm talking about. When we first started this transformation, as the Chief Justice mentioned, in probation, the new officers, unfortunately, in 2004--I became administrator in 2005--but the practice was the new one out of college got the high-risk cases because you had to work nights and, you know, it was nothing that anybody wanted to do. So what we've done over the years is tried to switch it so that only the most seasoned, highly skilled people, whether we're hiring them new or whether they're being promoted up, can work in these positions. And what we've really worked hard on is trying to get them compensated so that not only is it comparable pay but that there are people in our system and outside of our system that are striving to do this work. It's sort of a penny saved. [AGENCY 5]

SENATOR CONRAD: Right. And the numbers are something in round terms, I don't want to put you on the spot, but something like the cost to the taxpayer of over \$30,000 a year to house an inmate, and a person who is a part of the SSAS program is \$3,000 or \$5,000 or something like that? [AGENCY 5]

ELLEN BROKOFISKY: Yeah, you would ask me. (Laugh) But it is... [AGENCY 5]

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SENATOR CONRAD: No. Sorry. [AGENCY 5]

ELLEN BROKOFISKY: It's a daily cost that's...it's something like \$7 a day, less than \$10 a day, compared to \$77 a day, something on that order. [AGENCY 5]

SENATOR CONRAD: That's very helpful. Yes, thank you. [AGENCY 5]

ELLEN BROKOFISKY: Yes. [AGENCY 5]

SENATOR MELLO: Any other questions from the committee? Seeing none, I just...one question, Ellen, was the additional growth. You mentioned in the letter, you said that that was only to deal with essentially kind of the waiting list right now. Where do you see, you think the additional growth? I mean, can you give us just a ballpark or kind of your perspective of moving into the future of where that...? [AGENCY 5]

ELLEN BROKOFISKY: Oh, yes. [AGENCY 5]

SENATOR MELLO: For maybe planning purposes for us, knowing that we're looking at prison reform and a variety of other issues this year of where SSAS could, we know, is a potential policy option for the Legislature to consider? [AGENCY 5]

ELLEN BROKOFISKY: Well, that...great question. Originally we looked at those areas of the state where they had the highest sentencing rate for felony drug offenses. That was our first target population, and that was the Community Corrections Council. So it was the Department of Corrections, the Crime Commission, ourselves, executive branch, and local sheriffs. It was quite a makeup of people. In 2010, when the Crime Commission put together a report that was required by the Legislature, saying where should the SSAS offices, or reporting centers go, where should SSAS go; the overall recommendation was every judicial district should have it. The sentencing judge should have that opportunity to access this alternative sentencing and not have to rely on

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prison solely. Certainly prison is appropriate for certain individuals. But if there's an alternative, this would be it. In that 2010 report--that's on-line with the Crime Commission and anyone can access it--we did look at high-end areas that don't have the availability of SSAS or reporting center, and that was North Platte, Grand Island--Grand Island was sort of number one. Grand Island, North Plate, Columbus, Scottsbluff at the time. Scottsbluff, we've been able to put in a little reporting center but no SSAS. That is...and that was something that we just tried to squeak with some of the money that we had. Let's see, it's already in Lincoln and Omaha. Columbus--I mentioned Columbus, I think. I can't give you all of them, but every judicial district should have access to a reporting center and to SSAS, in my opinion. The great results that we've seen, we think that that would really make a difference. [AGENCY 5]

SENATOR MELLO: Okay. Thank you, Ellen. Are there any other questions from the committee? Seeing none, thank you. [AGENCY 5]

ELLEN BROKOFISKY: Thank you. Thank you. [AGENCY 5]

SENATOR MELLO: Is there anyone else here wishing to testifying on Agency 5, the Supreme Court? [AGENCY 5]

TOM HAWES: (Exhibit 3) Good afternoon, Chairman Mello and members of the Appropriations Committee. My name is Tom Hawes, H-a-w-e-s, and I am the immediate past-president of the Nebraska County Court Association, a voluntary association of county court employees throughout the state, ranging from folks like myself, a clerk magistrate, to clerks in the individual courthouses. I appear before you today for two purposes. First, to thank you for your efforts last session to increase the salaries of the court employees throughout the state. As you are aware, there is \$250,000 in the current budget for next year to provide the salary increase for court employees. We truly appreciate everything you did, including your efforts to override the Governor's veto of those dollars last year. But I appear before you for a second reason. I am asking on

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behalf of our members that you appropriate an additional \$8,273 to make the amount of money equal to 1 percent. It is currently just over .96 percent; and to increase the personal services limitation by \$6,293. Last year, when the court implemented and announced what the increases would be, there were employees who saw smaller increases and those who saw larger increases. I know that this committee is interested in the result of the salary study that you requested of the court last year. The Chief Justice has already addressed that, and we as an association look forward to following the recommendations of those salary increases. Thank you, Mr. Chairman and members of this committee for considering this request. I will try to answer any questions that you may have. [AGENCY 5]

SENATOR MELLO: Thank you for your testimony, Tom. Are there any questions from the committee? Seeing none, thank you, Tom. [AGENCY 5]

TOM HAWES: Thank you. [AGENCY 5]

SENATOR MELLO: Is there anyone else here wishing to testify on Agency 5, the Supreme Court? Seeing none, that will close today's public hearing on Agency 5 and lead us to our next hearing on Agency 46, the Nebraska Department of Correctional Services. [AGENCY 5]