

Transcript Prepared by Clerk of the Legislature Transcribers Office
Appropriations Committee February 15, 2023
Rough Draft

CLEMENTS: Afternoon, everyone, and welcome to the Appropriations Committee hearing. My name is Rob Clements. I'm from Elmwood and represent Legislative District 2. We'll start there? OK, thank you. I serve as Chair of this committee. We will start off by having members do self-introductions, starting with my far right.

ERDMAN: Steve Erdman, District 47.

LIPPINCOTT: Loren Lippincott, District 34.

McDONNELL: Mike McDonnell, LD5, south Omaha.

DOVER: Robert Dover, District 19.

DORN: Myron Dorn, District 30.

ARMENDARIZ: Christy Armendariz, District 18.

CLEMENTS: Thank you. Assisting the committee today is Tamara Hunt, our committee clerk. And to my left is our fiscal analyst Keisha Patent. And our page today is Malcolm, from Omaha, a UNL student. At the entrance, you'll find green testifier sheets on the table. If you're planning to testify today, please fill out a green testifier sheet and head it to the committee clerk when you come up to testify. If you will not be testifying but want to go on record as having a position heard today on something being heard today, there will be white sign-in sheets at the entrance where you may leave your name and related information. The sign-in sheets will become exhibits in the permanent record after today's hearing. To better facilitate today's proceeding, I ask you to abide by the following procedures. Please silence your cell phones. The order of testimony will be introducer, proponents, opponents, neutral and closing. In the event of testimony regarding agencies, we'll first hear from a representative of the agency, then we'll hear testimony from anyone who wishes to speak on the agency's budget request. When you come to testify, spell your first and last name for the record before you testify. Be concise. We request that you limit your testimony to five minutes or less. Written materials may be distributed to the committee members as exhibits only while testimony is being offered. Hand them to the page for distribution when you come up to testify. If you have written testimony but do not have 12 copies, please raise your hand now so the page can make copies for you. With that, we will begin today's hearing with Agency 3, Legislative Council.

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[AGENCY HEARINGS]

CLEMENTS: [RECORDER MALFUNCTION] for LB323. Senator Linehan, welcome.

LINEHAN: Thank you, Chairperson Clements and members of the Appropriations Committee, I am Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n, and I'm from Legislative District 39, which is Elkhorn and Waterloo in Douglas County. Today I am introducing LB323. LB323 is a simple bill. It gives our legislative staff salary a raise. LB323 would appropriate money from the General Fund to give legislative employees a 15 percent increase in their salary. Colleagues, we all know how hard our staff work and how much they do for us. Without them, we would not be able to function. It's not just our office staff, but the staff members who work behind the scenes to keep the Legislature in running order. I believe that we should reward our staff accordingly. I had huge staff turnover in my office this year and you-- it was like you could hire a lawyer for \$60,000. You can't. I mean, maybe you can get somebody who's retired, who's got some other income, but our salaries just are not competitive. And we have people-- I mean, we-- I-- we talk about how teachers aren't getting paid. We have people starting-- with college degrees starting below what starting teachers pay. It's ridiculous. OK.

CLEMENTS: Are there any-- any questions from the committee? I have one. I see in the fiscal note, it's actually asking for 15 percent the first year and another 15 percent the second year. Is that your intention?

LINEHAN: That might have been a slip-up in Bill Drafting. [LAUGH] Sorry. I mean, it's not-- I was just going for 15 percent, but it's up to you. I don't--

CLEMENTS: Yes, well--

LINEHAN: We need to-- and maybe you could do something where, since we have to do this, it gets relooked at every three or four years, because it seems like I don't know how long we've been at the same scale, but the whole time I've been here, so.

CLEMENTS: We had testimony from the Legislative Council that the last study was an NCSL study in 2001. I believe that's what she said. And they're looking into requesting another peer study of the legislative staff.

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LINEHAN: Well, I wouldn't-- I would-- it's fine. They can do a study. I wouldn't wait to do the 15 percent. We're not paying people
[INAUDIBLE]

CLEMENTS: Any other questions?

DORN: Yeah.

CLEMENTS: Senator Dorn.

LINEHAN: Thank you. I just might. Thank you, Senator Clements. Thank you for being here. Mine's more clarification. So this is a-- this is an additional request besides what the Legislative Council is requesting, or is this included in that or is it--

LINEHAN: I don't know.

DORN: This is your bill, you're bringing--

LINEHAN: Right.

DORN: --is your request. OK. So then you-- because you wouldn't know then what they're bringing. OK. That's-- I just wanted clarification on my part.

LINEHAN: Right.

DORN: So [INAUDIBLE]

LINEHAN: I just know when I went to hire, so I had both the Revenue Committee analyst and the legal counsel retire this summer-- or one retired in December. So I went to hire new people and people laughed at me, like, you know, kids right out of law school are making more than we're paying, and it's good to have, sometimes, some experience. So now, like other government things, I think you stay here long enough, you move up the ladder, but it takes a long time and you're not going to find young people to work.

CLEMENTS: We had testimony from Chairman Brieese that the base salaries, they adopted what the negotiation of the bargaining union was 7 percent the first year and another 5 percent the second year, and we're already considering that request, but this would be an additional request above that, is my understanding. And are there any other-- other questions?

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DOVER: Would it-- my question is, would it really be 15 percent above that request or is this just a separate request?

LINEHAN: Well, you-- I think the way it works is you guys decide.

DOVER: OK.

CLEMENTS: Yes.

DOVER: OK.

CLEMENTS: We-- we-- [INAUDIBLE] Senator Erdman.

ERDMAN: Yeah, thank you, Senator Clements. Senator Linehan, do you know how many people this would affect?

LINEHAN: I don't, but I was surprised when I looked at it that it didn't seem like that much money, so I don't think it's that many people. I mean, clearly I'm becoming-- \$5 million is a lot of money. But compared to other expenses, it didn't seem like exactly-- I don't know exactly how many.

ERDMAN: OK. Thank you.

LINEHAN: Employees of the Legislature can't be--

DOVER: You only-- you're only as good as your people.

LINEHAN: That's true.

CLEMENTS: Any other questions from the committee?

LINEHAN: I could-- I'm sorry. My right answer should have been I can find out.

CLEMENTS: Very good. Thank you for your testimony. Is there anyone else here to testify on LB323 as a proponent?

LINEHAN: I could-- I could have my staff come up. [LAUGH] But I'm pretty sure you know what he'd say, so.

DORN: There's a lot of other staff that would like to come, too, today, yeah.

DOVER: Yeah.

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CLEMENTS: Are there any opponents? Anyone here in the neutral position? Seeing none, that concludes the hearing for LB323. Thank you.

LINEHAN: Thank you.

CLEMENTS: Oops, no it doesn't. Excuse me. We'll reopen that briefly. We have one position comment on LB323, and I'll turn the Chair over to Senator Erdman, because I see that I'm up next.

ERDMAN: The chair is all yours, Senator Clements.

CLEMENTS: Thank you, Senator Erdman and Appropriations Committee. This is a different end of the table for me. I'm here to introduce LB597. This is an Appropriations bill, a shell bill introduced to provide a contingency in the event the Appropriations Committee needs another bill to carry out budget recommendations, so it doesn't have any specific dollar amounts. And it may or may not be used during the session, but that's-- you'll see one more after this another time, and that's all I have. I'd be glad to answer any questions.

ERDMAN: Any questions? Seeing none, thank you.

CLEMENTS: Thank you.

ERDMAN: I don't see any opponents or proponents or neutral, so we'll end the hearing on LB597. I'll turn it back over to Senator Clements.

CLEMENTS: Thank you. We'll begin the next bill, is LB654. Senator McDonnell.

MCDONNELL: Thank you, Chairperson Clements, members of the Appropriation Committee. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l, represent Legislative District 5, south Omaha. Today I'm proud to introduce LB654, a bill that seeks to provide funds to-- for a sustainable business plan for juvenile justice reform. The proposed legislation is an important step towards providing a safe and secure environment in which youth are able to get the help they need, while also enhancing public safety within our communities. By granting county-owned property at 1301 South 41st Street, Omaha, Nebraska, 68105, for this purpose, we will be able to better serve pre-adjudicated and post-adjudicated youth from Douglas County and other jurisdictions throughout the state. Bless you. In addition, this-- this lease or grant will generate additional revenue for the state of Nebraska through per diem charges paid by county

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jurisdictions sending youth to this facility. It is my hope that this legislation will help to create a brighter future for our youth and families, as well as our communities. LB654 requires the involvement of several parties in order to be successful. Stakeholders include probationary officers, district and state court systems, law enforcement officers, county attorneys, public defenders, school districts, Douglas County, and the state of Nebraska. Each party will play a vital role in ensuring that the necessary resources are available for effective juvenile justice reform. This bill aims to create a partnership between these stakeholders in order to ensure positive outcomes for our youth and families involved in the juvenile justice system. With their help, we can build stronger communities through improved safety and enhance services to those who need them the most. The bill appropriates funds to hire a third party to conduct a sustainable business plan and develop a framework for successful public-private partnerships to achieve these goals. In addition to the funding for a sustainable business plan, I am also planning to introduce an LR for an interim study to bring together those stakeholders and draft this legislation. Through this process, we will be able to determine the best course of action to ensure that this proposal is a financial win-win for all involved. It is my hope that this proposed legislation and interim study will provide an effective framework in which our communities can thrive while providing positive outcomes for these-- these involved-- those involved in the juvenile justice system. with your support, I'm confident this bill will help achieve our goals and create a safer and healthier environment for our youth and families in Nebraska. So I think you've all experienced the problem with-- with the juvenile justice and-- and I believe we have three areas of juveniles right now. You have juveniles that have made a terrible mistake, you have juveniles that have a serious mental health issue, and you have juveniles that have become hardened criminals. And I don't know if we can do anything to-- to reverse that, but I know the first two categories, the ones that have made a terrible decision and the ones with serious mental health issues, we can do something to help them immediately. I think part of the problem is-- and it's not any of these agencies-- all the agencies I just talked about, the courts, probation, the law enforcement, the idea of having OPS, the school systems throughout-- all 244 them throughout our state, it's not that they don't want to be helpful. It's the idea that, I think, a lot of times, they don't work together to try to solve the problem, not that they don't want to solve the problem, but this-- this idea came from-- currently in-- in Douglas County, you have property that's potentially going to be available on 41st and

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Woolworth area. They've just built a new juvenile justice facility and expanded the courts, the idea of trying to get people to come together but have a true business plan. And some people say, well, that's kind of hard core, you're talking about children and you're gonna have a business plan? Yes, because I think effective business, any effective business is based on communication, and right now I don't see that communication. And this isn't coming from-- from just me, my idea. It's coming from the people from those different areas saying that if we can get a facility-- and if you look at that area from Center Street all the way up to UNMC, you're looking at where currently the Veterans Hospital is on 49-- as you cross Woolworth Street, you look at the Douglas County facility I'm talking about, and then as you go farther to the north, you go right into UNMC's campus, so having these discussions with Dr. Gold about what can they do through UNMC, having these discussions with people on the-- currently county board members, and the most the time I've spent is with, P.J. Morgan, a former state senator, and also Mike Friend, a former state senator, that I've been working on with this, and other people, having a chance to meet with Lee Polikov, the county attorney for Sarpy County, and getting some ideas and a number of pe-- I don't want to-- Sheriff Aaron Hanson. I could list probably 50, 60 people that we've talked to in-- in over the last year that we've gotten input. The idea that they are the subject matter experts, if we can get them working together, have a business plan, and look at investing-- and maybe it's a tri-county; maybe it ends up being Washington, Douglas, Sarpy County; maybe it's a Region 6 with health. The idea of having this kind of pilot program and starting with Douglas because of the most population, but also right now with the Douglas County Board and building a new juvenile justice facility, having the space available potentially on 42nd and Woolworth, knowing that they've set aside \$55 million of their-- their second tranche of \$110 million was \$55 million, and they set that aside for mental health, and that's including adults and juveniles. So that's why I'm bringing this forward, to say, can we really work together, can we have a true third-party business plan, and then can we have an LR where everyone's going to come to the table and try to solve this problem? And again, are we going to solve every one of the problems? No, but we can make a big difference, I think, if we really do look at the-- the kids that, again, terrible decision, kids with true mental health issues, and then, of course, there's some that have already become hardened criminals.

CLEMENTS: All right, thank you. Are there any questions from the committee? Senator Dorn.

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DORN: Thank you, Senator Clements. Thank you for bringing the bill. What-- what kind of timeline are you looking at, or when-- when do you hope to have a-- a workable plan or what's it gonna look like?

McDONNELL: December.

DORN: Of this year?

McDONNELL: Yes.

DORN: And then will you be-- I mean, how will the state figure in on this?

McDONNELL: So that's what-- trying to tie the appropriations amount of the asking for the \$250,000 to develop a study, and then at the same time having a LR going with all of these groups I've just mentioned working together to say we need to have something in place by December to introduce back to the Legislature in January.

DORN: OK. OK, thank you.

CLEMENTS: Senator Erdman.

ERDMAN: Thank you, Senator Clements. Senator McDonnell, in the last part of your bill, that's the green copy, at the bottom, the last sentence says the planning grant shall include sustainable revenue model. Can you give me an idea of what-- where the sustainable revenue would come from?

McDONNELL: So as I mentioned in my opening, if we would be involved in this as the state, and let's say-- and I'm-- I'm just-- this is hypothetical. So let's say it's Washington and Sarpy and-- and Douglas County. Well, Jane Doe comes over from Washington County, and it's-- we're-- that-- that person is being charged X. John Doe comes over from Douglas County, that-- the-- the point is that we would have to put it in a way-- and, again, I don't want to forget about the private-public partnership, because there is people interested in investing in this from the private sector, but we-- that's why we have to-- and I-- when I say business plan, some people say that's cold, but it has to be sustainable through those-- those funds that are coming from the counties for us to bring people together to have that-- that mental health and the idea of-- of those facilities to help people, but the-- the counties are going to have to pay if they send some of those children to this facility.

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ERDMAN: OK.

CLEMENTS: Senator Armendariz.

ARMENDARIZ: So-- so tell me where you're at with the study. Have you engaged somebody to do the study? already?

McDONNELL: You will see it on the floor. Are you-- oh, I'm sorry. The LR? No. OK, so there's a legislative resolution that I will introduce on the floor this year to work on the-- the study, you know, with these groups coming together. If--

ARMENDARIZ: OK, so you don't know--

McDONNELL: If this is appropriated, this is the first step. If we would appropriate this money, has to go back to the Executive Board. The Executive Board has to hire a third party. But simultaneously, we would have the LR going. And that interim study, let's say we're working on that in September, and potentially, let's say the Executive Board, if this was successful, would be hiring company A to do the feasibility study on this, so they'd be going simultaneously.

ARMENDARIZ: So I'm-- I'm trying to get to where-- how do we know it's going to cost \$250,000?

McDONNELL: We're not going to spend more than \$200,000. That's why.

ARMENDARIZ: I mean, what did you get the number [INAUDIBLE]

McDONNELL: From subject matter experts. They-- they really felt that it should be at a max to be able to do a study like this. They felt if you put \$250,000, it should most likely be less than that. But they felt that was enough to be able to get the work done on potentially the site and the programming and the sustainability.

ARMENDARIZ: OK.

CLEMENTS: I have a question. Could you tell me--

McDONNELL: Yes.

CLEMENTS: --about this county-owned property? Is this building vacant or going to be vacant now?

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McDONNELL: It's still owned by Douglas County. It is not vacant. But right now, the juvenile justice center downtown is-- is being completed, so, therefore, there's going to be space available.

CLEMENTS: All right. This currently has a juvenile justice--

McDONNELL: Yes.

CLEMENTS: --operation in it and it's-- OK, they're building. I have heard they built-- building a new building.

McDONNELL: Yes,

CLEMENTS: I see. That's-- so that's one of the reasons for this, because there's going to be a building available.

McDONNELL: And the-- and the location of it, based on that proximity to UNMC, which, you know, trying to work also with Dr. Gold and on the mental health side and having people available for those, the juveniles that really do have a serious mental health issue, to be able to have that kind of partnership.

CLEMENTS: This business plan will also see that there-- identify if there is a need for this kind of a facility, as well as the funding part?

McDONNELL: Definitely, and the idea that, based on the numbers and has-- as they continue to grow, not only in Douglas County but other counties, we believe there-- there is a need, but also there should be a different approach based on people coming together and then looking at that, again, that first-time mistake versus mental health versus possibly some juveniles that have become hardened criminals and-- and trying to separate that and get different people working together. But, yes, if there were to come back to say there's no need, this was brought to me by people from every one of these cat-- the areas that I-- I mentioned, from the idea of the courts, from-- from law enforcement, from Douglas County Board members. I mean, it's-- there's no one disagreeing that we should-- that they want to help, but they also feel that if we could work closer together and try to maybe take a different approach to solving their problems. And this pilot program would work-- let's say it's going to be 3 counties, 4 counties, 5 counties, then it can work in all 93 counties, so I'm basing it on the people that do this every day and deal with the juveniles.

CLEMENTS: All right, thank you. Any other questions? Senator Erdman.

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ERDMAN: Thank you, Senator Clements. Senator McDonnell, would I be wrong in assuming that if the LR proves that this is a necessary step, that there'll be a future ask from the Legislature?

McDONNELL: You would possibly be wrong if the business plan comes back and shows that the idea of sustainable funding through the counties working together. So in one hand, and-- and looking at 93 counties, potentially, if this is something that could be successful, would we have four of these in the state, five of these, six of these, potentially? So the idea of these to cash flow with counties working together and potentially, for example, Uni-- Uni-- UMMC, also the-- the police, the idea would be come back and say that, yeah, this thing would be financially sound, it's needed, and we think it can work.

ERDMAN: But if they prove that it's needed but it's not financially sustainable on its own, there'll be a future request.

McDONNELL: Well, I-- I don't want to say that. As-- as partners, I think every partner should be part of this, you know, financially, but that's not the goal. The goal is right now you have different counties trying to do different things. And also if it costs every county a dollar to do it on its own, logic says that if they brought them together, that you could reduce that. If you had three counties at \$3, you should really reduce that \$3 down to hopefully, you know, \$1.50. It's more effective and efficient, I think, for counties to work together, especially the smaller counties around a large county, for example, like Douglas, because, for them to do it on their own as a county and pay for it, it's going to be very expensive. It becomes less expensive, of course, as they pool their resources and come together. And then one county, county one, might have three people and county-- you know, the ninth county might have 32 people, so trying to figure out that fair balance on what they should pay. But the goal is for the counties to pool their resources because they're paying for it now for us to bring people together and then have a way for them to work together to solve the problem.

CLEMENTS: Senator, yes.

ARMENDARIZ: So you're-- today you're just asking for \$250,000 for the study.

McDONNELL: Yes.

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ARMENDARIZ: And who's going to put the metrics around what we're trying to achieve with the plan? Should it go forward? Who's going-- is it going to be the counties? Is it going to be you or is it going to be the state? Who gets to put those metrics around?

McDONNELL: The Executive Board, our Executive Board, based on the input from the-- that's why I'm trying to do it simultaneously, at the same time, to have the-- the study, the legislative-- the LR going at the same time to get this done to the Executive Board. But the people that have been working on this, I believe they're ready to put that together now.

ARMENDARIZ: So the Executive Board knows what they want to achieve.

McDONNELL: No, Executive Board hasn't even seen it yet.

ARMENDARIZ: But they'll be the ones that'll tell you what we--

McDONNELL: We would pres--

ARMENDARIZ: --want to achieve with this program--

McDONNELL: Yeah, this group would present

ARMENDARIZ: --and that would be in the business plan?

McDONNELL: Yes. But then the executive board would have to go ahead and say, we're going to contract with this third party, so the third party would have to come in through the bidding process--

ARMENDARIZ: Right.

McDONNELL: --and say, we believe we can accomplish A, B and C and our bid is X, and explain it to the Executive Board, our Executive Board.

ARMENDARIZ: OK. So would there be a management group then managing this facility?

McDONNELL: If you came in-- well, if you came in and said the plan is-- we think we hit the matrix on this--

ARMENDARIZ: Right.

McDONNELL: --and all of a sudden it's one, two, and three, and we can do this for X, at that point, and they say we will have you-- the study done in six months, whatever, I-- you know, I don't know, but at

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that point, we're having this group continue to meet through the-- the interim study part and have hopefully these things come back together in December, and then there would be a LB "X" for next year in January.

CLEMENTS: Senator Erdman.

ERDMAN: Thank you, Senator Clements This is more or less a statement, I guess. I think Senator Armendariz and I are on the same page. It seems like \$250,000 for a study is exorbitant.

McDONNELL: And I said up to \$250,000.

ARMENDARIZ: And I-- and I can reiterate what I did yesterday, that, you know, we have to be careful what we pre-approve because vendors will come in and spend every dime and \$1 over, so we're kind of in a tough spot of approve or come to us with an accurate quote ahead of time, and then we at least know that it's an accurate quote that we've negotiated and done the best for our constituents in their spend.

McDONNELL: And the idea of having a blind bid, of course, that would be wonderful. That's not the process here. So the idea of having that, that dollar amount set up to, and then the Executive Board, having to trust them to do their job, yes, that's part of the process, a not-perfect process, but it's also-- and this is-- the-- we came up with the number based on the input we have from these groups that think that would be under, but that's why we put up to \$250,000.

CLEMENTS: Senator Erdman.

ERDMAN: Thank you, Senator Clements. Sorry to keep dragging it out, but if those other counties are going to get involved, shouldn't they be paying for part of this study?

McDONNELL: Well, the idea of being part of this and having the \$55 million potentially on the second tranche of-- of money that they receive through Douglas County, we expect them to be part of this. But for us to lead it and try to bring all these groups together, this is the investment of the state. At \$40,000 an inmate, we incarcerate people yearly, trying to reduce recidivism. If this works on six people per year, we've saved the first \$250,000 we invested, and every year after that, we're just gaining. So the idea of reducing recidivism, I think, trying to do the right thing with the youth and trying to do it differently than has been done in the past, this is an investment on how-- how to basically turn the ship of where we are

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going right now with the youth. And it's not getting better; it's getting worse. And I know every one of these groups care and I know they work hard, but it's-- sometimes you gotta work, instead of harder, smarter and come together. And that's the goal of this through the state, to be the tip of the spear, lead it, and get them to come together.

CLEMENTS: And could you again say what the \$55 million is? What money is that?

McDONNELL: Th-- Douglas County has received \$110 million in ARPA funds. They've set aside the second tranche of money, \$55 million right now, for mental health.

CLEMENTS: Oh, that's-- the county-- direct ARPA funds from the federal government to the county?

McDONNELL: That's currently what Douglas County has. I'm not-- I can list all 93 counties, but I know what Douglas County has because they've set their second tranche of money, the \$55 million out of the \$110 (million), for mental health. That's what they want to focus on.

CLEMENTS: Very good. Any other questions? Seeing none, thank you. And--

McDONNELL: Can I just close now?

CLEMENTS: Oh, yes. [LAUGHTER]

McDONNELL: Thank you. I'll-- I'll-- just here to answer your questions.

CLEMENTS: Seeing no other testifiers, that concludes LB654.

ERDMAN: Bless you, my child.

CLEMENTS: And that includes-- concludes the Appropriation hearings for today.