

**BOSN:** --Lincoln, representing the 25th Legislative District. I'm chair of this Committee. Today, we will take up AM1422 to LB150. If you're planning to testify, please fill out one of the green testifier sheets on the back table. Print clearly and fill it out completely. Give it to the page when you come up to testify. If you do not wish to testify but would like to indicate your position, there are yellow sign-in sheets on the back table, which will be included as an exhibit in the official hearing record. When you testify, please state and spell your first and last name. We will begin with the introducer's opening statement, followed by proponents, then opponents, and anyone testifying in the neutral capacity. We will finish with a closing statement by the introducer if they so wish. We're using a three-minute light system for all testifiers, and given that we are convening at nine, I will follow that pretty strictly. When the yellow light comes on, you have one minute to wrap up your testimony, and questions may follow. I will have the committee members with us today introduce themselves, starting to my left.

**HALLSTROM:** Senator Bob Hallstrom, Legislative District 1.

**STORER:** Senator Tanya Storer, District 43.

**HOLDCROFT:** Rick Holdcroft, District 36.

**DeBOER:** Wendy DeBoer, District 10.

**ROUNTREE:** Vic Roundtree, District 3.

**BOSN:** Thank you. Also assisting the committee today to my left is our legal counsel, Tim Young, and to my far right is our committee clerk, Laurie Vollertsen. We have two pages today, Wesley Earhart, who just graduated, and Heather Lange. Thank you both for being here, as well. And with that, we will begin AM1422, Senator Clements.

**CLEMENTS:** Thank you, Chair Bosn and Judiciary Committee. Today, I'm here to present AM1422 that I propose for-- to AM1370 of LB150. I'm going to read from my floor speech that I was going to give on General File. AM1422 amends committee amendment AM1370 to LB150. The amendment addresses an issue that arose during the agency hearing of the Supreme Court in the Appropriations Committee. The Legislature directed the Supreme Court in LB253, that passed in 2024, to set up a Veterans Justice Program in addition to the current Veterans Court. The new program in the bill called for this program to be in all 93 counties in Nebraska. During their 2025 budget hearing, the court identified the cost of setting up this program in every district court and county

court of the state to be \$9 million over the biennium. The court was willing to implement this new program if funded, but felt it may not be the most efficient plan if-- or necessary to be in every county to accomplish its mission. LB253 has an operative, operative date of July 1, 2025, but had no fiscal note because of the 2025 start date. The Appropriations Committee discussed this issue and agreed that it would be prudent to allow the court time to come up with a better "implamation"-- implementation plan to address access across the state by postponing its operative date to July 1, 2027. The budget does not contain an appropriation for this new program. AM1420-- 22 would extend the required implementation date of the new Veterans Justice Program to July 1, 2027. If this amendment does not pass, the Veterans Justice Program may begin, but without specific funding. I do not want the Legislature to start a new program without a reasonable plan and proper funding. AM1422 does not prevent a bill next year to implement a more specific plan with adequate funding. The judicial branch does not oppose this amendment. I've handed out Corey Steele's testimony at the Appropriations hearing March 19. I've underlined comments about the Veterans Justice, Justice Program. One of the main differences he pointed out was the Veterans Treatment Courts require that a, a veteran was honorably discharged. This pro-- the Veterans Justice Program does not. You can be dishonorably discharged and you don't get VA benefits, and increases the cost. The bottom line on the first page: We're also ready if the implementation is pushed back a year, we'll take that year to continue to build and make the program successful across the state. And the last page: So we looked at how we can link the Veterans Treatment Court and the Veterans Justice Program together so we weren't creating two different tracks and silos. So that is-- those are the reasons why I believe the courts are agreeable to extending the date. And I'd be glad to answer questions.

**BOSN:** Thank you. Questions from the committee? Senator DeBoer.

**DeBOER:** Do we have any indication that we should really believe that they won't just keep pushing the date out? Like, why do we think that 2027 is going to be the magic date?

**CLEMENTS:** Well, there was indication that they, they would be able to implement this, but also--

**DeBOER:** Will you-- will, will you fund it?

**CLEMENTS:** Well, that's, that's part of the budget discussion. It, it-- there wasn't room for it in this year's budget, and we'll see how revenues and budgets are in the future.

**DeBOER:** Thank you.

**BOSN:** Senator Rountree.

**ROUNTREE:** Thank you, Chairwoman Bosn. So you say there is reason to believe-- have we talked with them, maybe like as of yesterday, knowing the hearing is today, have we talked to them yesterday or last-- this week to confirm that they're still on board with this implementation date, so we can have certainty, versus reason to believe it?

**CLEMENTS:** I didn't talk to them yesterday, no. I believe they're aware of the amendment, and I had a, and I had a communication email-- or it was a letter that the court is not opposed to the amendment. I didn't get, I didn't get a we're supporting it, but I, I got a message that they were not opposed. That was about a week ago.

**ROUNTREE:** Thank you.

**BOSN:** All right. Thank you very much. First proponents. Anyone wishing to testify in support of AM1422? Good morning.

**DAN ZIEG:** Good morning. My name is Dan Zieg, D-a-n Z-i-e-g. I'm a deputy county attorney at Lancaster County. I'm here testifying on behalf of the County Attorneys Association in support of AM1422 to LB150, which would delay implementation of the Veteran Justice Program. Last year, when this program was first introduced, we had some concerns about wanting to make sure there were appropriate guardrails in place about the offenses that could go in there, the programming that would be in place, and what this would actually look like. We had some good negotiations. I think we came to a program that everyone could live with and felt that it would be a good benefit to these vets. Our concern now is that if there's not the funding in place, that our original concerns about those appropriate guardrails and the safety for the community won't be fully recognized. And so, without that funding, we just don't see how this program can start. We certainly support it and want to see it exist and begin, but that funding is not there. We just don't know how this program will keep the community safe if there are some very serious offenses that are, are eligible for this, and we had some concerns about including those. But it's things, including the drug distribution, arson, child abuse, DV, protection order violations, some pretty serious crimes that we were kind of hesitant to say, hey, these can be eligible. But again, through those negotiations, we felt very comfortable that there would be appropriate programming in place to keep the community safe, and so

we agreed to let those be el-- el-- eligible. My fear is just with the way this is set up that the presumption of eligibility that you get onto this program if requested, if it doesn't exist, what happens at that point? Either the community's not safe, or really, you set the vet up for failure, I would say, as well, because they don't have that programming. So we are in support of this amendment until the pro-- until the funding is in place. With that, I'm happy to answer any questions.

**BOSN:** Senator DeBoer.

**DeBOER:** Thank you. So since you've come in here in support of the implementation date because of lack of funding, will you commit if, next year, I bring an Appropriations bill to get the funding that you will come in on behalf of the county attorneys and support the request for that funding?

**DAN ZIEG:** Without talking to him-- you, know, like I said, this last year was a big discussion across our association. I'm just-- I mean, some communities were very excited about this. They would love to have this sort of programming. Here in Lancaster, we had the Veterans Courts, so we kind of said, hey, we already got this set up. We don't need this. But the funding's there, I mean, I, I would anticipate that our concern is largely gone at that point. If the programs are set up and they're safe, they're done right, then I don't know what our objection would be at that point.

**DeBOER:** My question is whether you would support a, a bill to try and get the funding in place.

**DAN ZIEG:** I just-- sorry. I just want to make sure I was-- would we-- sorry. Would we support a bill to get the funding in place? Yes, we would.

**DeBOER:** Thank you.

**BOSN:** Senator Hallstrom.

**HALLSTROM:** You expressed your concern for public safety without the program being in place. What's currently happening with those individuals for those more serious offenses?

**DAN ZIEG:** Currently, right now, they would have the option of either probation or jail or prison time. This would be kind of-- be a-- it's a deferred judgment that would allow the conviction to go away, but there's more programming in place. It's sort of a-- like a treatment

court, a light version, I would say. And some of these communities. I think like, Colfax is one, where, you know, they have, of occasion, a few vets that come through that have these charges. They don't have enough continual people coming into it to really establish a true treatment court, so this would allow them to have something that, you know, here in Lancaster, where we have enough people coming in, we can have these courts ongoing that, in these smaller communities, they could still have this option, without having to worry about, you know, do we have adequate funding for one person to go through this program?

**HALLSTROM:** So we have a remedy, but the benefits that could accrue to the individual through these-- through the program being in place just aren't there.

**DAN ZIEG:** Correct.

**HALLSTROM:** Thank you.

**BOSN:** Thank you for being here.

**DAN ZIEG:** Thank you.

**BOSN:** Next proponent. Opponents? Anyone wishing to testify in the neutral capacity? Good morning.

**GENE COTTER:** Good morning. Good morning, Chairwoman, Chairwoman Bosn and members of the Judiciary Committee. My name is Gene Cotter, G-E-N-E C-O-T-T E-R, and I am the Nebraska State Probation Administrator. My testimony today is neutral on AM1422 to LB150. The Veterans Justice Program was created under LB253, passed by the Legislature on April 11, 2024, and signed into law by the governor on April 16, 2024, with an effective date of July 20-- of July 1 of this year. However, no A bill accompanied the legislation, citing a 2026 fiscal year operative date. Since its passage, the judicial branch has been working diligently on creating a framework for implementing the VJP as outlined by law, with the expectation of a General Fund appropriation for the next biennium. We commissioned a Veteran Justice Program implementation team, including judges, administrative staff, and Nebraska Department of Veterans Affairs. The 2025-2027 Supreme Court budget request included a request for a General Fund appropriation of \$4.5 million to fully implement LB253. Our fiscal note consisted of behavioral health services for veterans that don't otherwise qualify for financial assistance elsewhere, field staff, including VJP coordinators in each judicial district, specialized probation officers and assistant probation officers in Nebraska's 4

largest judicial districts, and modifications to both the court and probation management, data management information systems. Chief Justice Funke testified at the Supreme Court Appropriations hearing on March 19 about the need to appropriate \$4.5 million in necessary funding to implement the Veterans Justice Program. However, these funds were not included in the final budget recommendations. With no General Fund appropriation for LB253, the judicial branch cannot implement the Veterans Justice Program as prescribed by law. Thank you for your time today, and I am more than happy to answer any questions.

**BOSN:** Questions for this testifier? Seeing none, thank you for being here. Any other neutral testifiers? All right. Senator Clements to close.

**CLEMENTS:** Thank you. Just briefly, the Chief Just-- Justice did testify about this program, but it wasn't on-- first on his list of requests of programs. And the \$4.5 million is the first-year expense, and he also said the second year would be another 4.5, so it was a \$9 million effect to this year's budget, and that was unable to be accommodated in the budget. Thank you.

**BOSN:** Any questions for Senator Clements? Thank you for being here. All right. That will conclude our hearing on LB-- excuse me-- AM1422 to AM-- excuse me-- to LB fif-- LB150.

**ROUNTREE:** Made it.