

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

[LR194 LR201 LR305]

The Committee on Government, Military and Veterans Affairs met at 9:00 a.m. on Friday, November 8, 2013, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR201, LR305, and LR194. Senators present: Bill Avery, Chairperson; Dave Bloomfield; Scott Lautenbaugh; John Murante; and Norm Wallman. Senators absent: Scott Price, Vice Chairperson; Russ Karpisek; and Jim Scheer. [LR201]

SENATOR AVERY: It is time for us to convene the hearing for today, which should have started two minutes ago. We have a pretty full calendar...agenda. Let me tell you how we plan to proceed. LR201, introduced by Senator Crawford, is a pretty big topic and there are a lot of people here to testify. So if you don't mind, Senator, we are going to use a five minute light system. But I don't think we are going to need that on the other two items on the agenda. But we will be following the agenda as posted outside the room. LR201 first, then we'll do LR305. That is Burke Harr's interim study on governance and efficiency of the State Board of Education. And then we'll follow that with the hearing on rank choice voting that is being presented under the general rubric of the issues under the jurisdiction of this committee. So before I do that, let me talk a little bit about the procedures here. There are green copies of a form at each entrance to the room. This form is to be filled out by testifiers. We want you to provide the information requested. Please print it so that it can be read and bring that with you to the table and give it to the clerk, Sherry, over here to my left. And clearly state your name and spell your name because spellings often do not necessarily coincide with how a name may be pronounced. We need that for the written record. All of our proceedings are transcribed into a permanent written record. There is also a form out there...and I don't have the color of it; I think it's probably amber or something. Anyway, this is for you to register your presence and your opposition or your support, but you don't plan to testify and you can just do that at the tables at each entrance. We have actually a surprising number of our committee here today. Let me introduce them, starting over

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

here with Senator Lautenbaugh. He is from Omaha and he will have to leave in order to get to a previous appointment around ten. Yeah. So he'll be here for a good part of your part. And next to him is Senator Bloomfield from Hoskins. And next to me, on my right, is our legal counsel for the committee Christy Abraham. Here on my left is Norm Wallman from Cortland. I don't believe that Senator Scheer and Senator Karpisek are going to be able to come. I do think though that Senator Murante will be here later. So we are going to be...one, two, three, four...we're going to be okay I guess...probably not have a quorum for a while but then we will have a quorum for a while then we won't have a quorum (laughter) when Senator Lautenbaugh has to leave. The introducers make the opening statements. This is how we do it in the regular hearings. And then after that, since this is an interim study and we're not actually considering bills but resolutions, we're not going to go pro con, anybody who wants to testify can. But we...for Senator Crawford we're going to ask that you keep your testimony to five minutes and that's because of the number of people who wish to address her issue. The light system will be used. When the green light is on, you have three minutes. Is it three? Four. You have four minutes. You have four minutes on the green light. You get one minute on the amber light. And then when amber light goes on, the red light comes on. That means you should be finished. And we're generous and polite so we don't usually jump over the table and stop you when the red light comes on. If you have any material that you would like for us to look at, we ask that you have...we usually ask for ten copies. I don't think we're going to need that many today. But provide enough copies for all of us to look at what you are talking about or what you want us to see. And when you arrive at the table you give the green sheet to the clerk. Then if you have any material you want us to look at, we have two pages with us today to help out. Nate Funk, who is from Norfolk. Raise your hand, Nate. And Peter Breunig. Is that right? Breunig from Wahoo. And they will help you get those distributed. Okay, cell phones. Turn them off. And that includes us. We can't have interruptions of the sort that cell phones provide. I often have trouble getting mine turned off. []

SENATOR MURANTE: Hit the off button. []

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

:SENATOR AVERY There we go. That was Senator Murante. (Laughter) Okay we're ready, now that he's here. []

SENATOR CRAWFORD: (Exhibit 1) Excellent. Thank you. All right. We've been waiting for you (Laugh). Thank you. Good morning, Chairman Avery, and members of the Government Military Affairs Committee. My name is Sue Crawford, C-r-a-w-f-o-r-d, and I represent LD45, which is Bellevue, Offutt, and eastern Sarpy County. This hearing this morning is the result of months of meetings and research regarding policy options available to the State of Nebraska to support our military installations, as well as our military and veteran families. In 2008, the Base Realignment and Closure task force chaired by Chairman Avery, issued a report outlining threats and opportunities facing Nebraska's military installations. That report included eight policy recommendations Nebraska could take to protect its military assets. As those of you familiar with this work know, stoplights are often used to indicate progress on veteran and military policy options available in states. The handouts you've just received uses a stoplight system to summarize the progress that we've made since 2008 and remaining work to do in Nebraska to support military missions and families. I'd first like to commend the committee and Chairman Avery and the state of Nebraska for substantial progress on the eight recommendations from 2008. Only two of the eight remain in red. Our research also included examining policy recommendations from a variety of organizations, including the Department of Defense, USA4 Military Families, Military Officers Association of America, and NCSL. We synthesized these proposals and information that we had from many of our meetings into ten points, which appear on the other side of the handout. Utilizing the stoplight system, we compared Nebraska's policies against this list of ten recommendations. As you can see, Nebraska has green or yellow lights for half of these proposals thanks to the work of many senators on this committee. However, we still have work to do in several areas. The handout includes five new policy recommendations related to these points that we offer for the committee and the Legislature's consideration, including several policies we plan to work on over

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

the next few years based on this research and our discussion with stakeholders. This morning you will first hear from Ned Holmes, senior military liaison for the Greater Omaha Chamber, and original member of the 2008 task force. Ned will review where we have been in greater detail and update the committee on current endeavors, including a pending joint land use study for the Offutt community. You will also hear from John Winkler, manager of Missouri-Papio NRD, who will brief the committee developments regarding the need to upgrade the Missouri and Papio River levees near Offutt Air Force Base. The 2008 BRAC task force recognized a similar need for levee improvement around the Lincoln airport. We addressed that need, but as John will explain, there is still work to do. Before I turn to new policy recommendations, which comprise most of testimony, I want to discuss policy recommendation number 8, from the 2008 study, regarding tax relief for retired military personnel. A few weeks ago, I received a letter from a constituent in my district telling me about his retiree neighbors who were moving out of the state. I hear these stories all the time from Nebraskans in my district. They tell me about neighbors, friends, family members, and skilled workers who are leaving the state or choosing not to locate here because of how their retirement income is treated. This is why I introduced LB238 last year, which exempts retiree pay for Nebraskans who earn other income in this state and why I testified to the Tax Modernization Committee hearing in Lincoln two weeks ago. To make the case that military retiree tax relief should be part of any tax package that comes out of the Tax Modernization Committee's report. The remainder of my testimony, folks, is on the 2013 recommendations. These five recommendations are some of the many policy options available to the state. They were selected because of the strong impact these programs bring to military and veteran families and the economic development opportunities they provide to the state. Not all of them fall under your jurisdiction, but they're all critical to helping military missions and families. The first new policy recommendation is to provide a permanent funding source for the interstate compact on educational opportunities. Last session, Senator Scott Price brought LB432, which appropriated \$10,000 for the next biennium to cover the cost of compact membership for Nebraska schools. Two years ago, the Legislature passed LB575, which allowed Nebraska to join the compact

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

and made a one-time appropriation of \$27,500 using lottery funds. The need for compact membership and the benefits that this membership provides are ongoing. Superintendent Frank Harwood will discuss the positive impact the interstate compact has had for students across the state. The compact offers statewide benefits to students and sends an important signal of our support for military families to the Department of Defense and to these families for a very small price tag for the state. It should be permanently funded moving forward. The second recommendation is to facilitate military members and their spouses receiving licensure and academic credit recognizing their military training, experience, and/or licensing in other jurisdictions. LB421 and LB422 introduced by Senator Amanda McGill last session are good starts on addressing career licensure, transfer, and portability for separating military members and military spouses. Most states, including neighboring Colorado, Kansas, Missouri, and Wyoming, have legislation like these bills. Separating military members and military spouses are qualified members of our work force who have many skills and experiences to share with Nebraska. The Department of Health and Human Services does a great job when they have all of the paperwork from someone who has submitted their licensing application. So they are doing a good job of turning that paperwork around. The challenge is the credentials. Nebraska currently offers reciprocity agreements for 11 health professions, and temporary license provisions for three health professions. It is time we help other professionals gain their Nebraska license more quickly as well. Martin Dempsey, Midwest Military Liaison with the Department of Defense, will share with the committee an overview of what other states have done in this area, as well as discuss the Department of Defense's support for this type of legislation. You will also hear from Richard Baier at the State Chamber who will discuss the work force development opportunities career licensing agreements can bring to the state. The third policy recommendation involves waiving required waiting times for qualified veterans who establish residency in Nebraska. Because of the economic and workforce development opportunities this policy could bring to the state, I intend to introduce a bill next session addressing this issue. Later this morning you will hear from Travis Karr, director of Veteran and Military Services at Central Community College, whose college

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

has already begun to offer this type of benefit. He will discuss how this fits in with the post 9/11 GI Bill and Yellow Ribbon benefits. The fourth policy recommendation is to work with Nebraska's courts to develop veterans' treatment options for veterans with mental health conditions or substance addictions who come into contact with the justice system. In 2002, the U.S. Department of Justice commissioned a study examining veterans as a subset of the prison population in the United States. Seven in ten incarcerated veterans were jailed for nonviolent offenses, and over three quarters are eligible for VA services. VTCs help veterans receive the mental health and substance abuse treatment they need, while stabilizing their lives. Scott Carlson, statewide coordinator for problem-solving courts, will discuss how VTC programs and other problem-solving courts operate in other states. The fifth and final policy recommendation is to improve access to services for veterans, including through telehealth initiatives between the VA and Nebraska Statewide Telehealth Network. This helps Nebraska take advantage of two of its strengths: a wide-reaching telehealth network; and a number of high-quality, critical-care, critical-access hospitals and rural health clinics across Nebraska. Dale Gibbs, director of outreach and telehealth at Good Samaritan Hospital in Kearney, is here today to share with you information about an upcoming project that will link Good Samaritan Hospital with the Omaha VA, allowing veterans in the Tri-City area to receive Omaha VA mental health services closer to home and allow veterans to receive mental health treatment without concerns that neighbors will see their car parked in front of the office. Finally, I'm honored to have with us three women veterans who have agreed to share their experiences and suggestions, and I appreciate their willingness to share their story and their service to this country. Since the 2008 report, the Nebraska Legislature has made progress in many key areas as indicated by the number of yellow and green lights on both sides of the handout. Many of these investments strengthened military infrastructure in the state. It is now time to invest in its people. I hope this hearing leaves you with a sense of some of the options available to us moving forward. I look forward to working on the advancement of several of these initiatives next session, including career licensing and tuition assistance for veterans looking to relocate to Nebraska. Thank you for your attention this morning.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

I'm happy to answer any questions you may have at the end, but because we have so many testifiers who have traveled some distance to be here today, I want to make sure to give them time to speak. You can talk to me anytime. [LR201]

SENATOR AVERY: Questions from the committee? I have one. We hear frequently the proposal for tax relief for retired military pay. Do you have any idea what the fiscal note on that might be? [LR201]

SENATOR CRAWFORD: There were multiple bills that were offered last session, and so that gives you an idea of the fiscal price of different packages. The one that we offered was \$6 million. It was a package that was really targeted to veterans who come into Nebraska and then start a business or work, so they're making an income in Nebraska. So it was targeting just those retirees for the tax...for that tax relief. It also had a cap so that it retained the progressive nature of the income tax system. So that plan was about \$6 million. [LR201]

SENATOR AVERY: I think that's the first time though that we've had a bill that says you have to be employed in the state in order to get the benefit. [LR201]

SENATOR CRAWFORD: There was actually a similar bill before I got here that Senator Cornett had proposed in it...worked with Senator Landis on...and it had a similar structure to it. [LR201]

SENATOR AVERY: Those bills don't come before this committee. [LR201]

SENATOR CRAWFORD: Right. Right. They go before Revenue. Thank you. [LR201]

SENATOR AVERY: Revenue, yeah. So any comments or questions? Thanks. [LR201]

SENATOR CRAWFORD: Thank you. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: First testifier. Mr. Holmes. You're in disguise (laughter). [LR201]

NED HOLMES: (Exhibit 2) I am? Well, I've got a hair lip now that I didn't have previously and that was from a bicycle crash so I apologize for my appearance. [LR201]

SENATOR AVERY: Oh, the beard is what I was talking about. [LR201]

NED HOLMES: That's why I'm disguising it. Good morning, Senator Avery and committee members. Pleasure to be here. My name is Ned Holmes; that's H-o-l-m-e-s, and I'm the senior military liaison to the Greater Omaha Chamber of Commerce or the Economic Development Partnership, which is closely aligned with the Chamber. My testimony is focused on that of Offutt Air Force Base. I will cover the 2005 BRAC, the 2008 BRAC task force, a specific federal grant related to the base, and conclude with remarks about the Nebraska Military Support Coalition. First, a few comments in regard to the 2005 Base Realignment and Closure, or BRAC. There have been five rounds of BRAC to include 2005. Offutt Air Force Base was scored number 4 out of 344 military installations in the 2005 BRAC, one being the best for administrative or headquarters-type functions. So it's very highly rated. I should mention here that the key driver of BRAC decisions is the military value of the base, first and foremost. The 2005 BRAC was about realignments and consolidations of missions of the bases. Other than the laudable ranking of Offutt for headquarter-type functions, the BRAC scoring sheets reflect that the base infrastructure scored poorly. That is, excess in old buildings that are inefficient, a single runway with no parallel taxiway. Note here that Offutt is a Department of Air Force asset and the 55th Wing has the operational flying mission and also serve as the host of various associate units like US Strategic Command, Air Force Weather Agency, and others. Let me state this about future BRACs and about actions that individual services like the Air Force could take. The next BRAC will be about closure and about reduction of inventory. To illustrate, the Air Force has stated that it must reduce, by the year 2020, up to 25 percent of its real estate. Here is what the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

Chief of Staff Air Force, General Welsh, recently said at the Air Force Academy. "Bases haven't been examined since a Base Realignment and Closure round in 2005." Welsh is saying that he is joining chorus of Pentagon brass who want to cut real estate. In 2008, I participated in a BRAC task force here, which at the time was established under the authority of LR296. To summarize that report, the group reviewed the BRAC history, the 2005 BRAC, and its impact on Nebraska military units. The group discussed various military assets in our state and addressed the economic impact of them and reviewed various military construction projects. Recommendations were developed as a result 2005 BRAC task force. And I think you have those. Senator Crawford just spoke to those just a few minutes ago. In my earlier comments, I suggested that for Offutt, threats to the base could be found in infrastructure deficiencies, but also could be the aging nature of the aircraft flown out of the base. I've testified previously about the impact to the base of the 2011 flooding in a hearing in February, I believe, of this year. That it might also be noted in future BRACs that if the efforts of the NRD here, the community, and the state are not deemed sufficient, then that could be an issue in a future BRAC. The Department of Defense has an office called the Office of Economic Adjustment, OEA, which has a primary mission of helping communities and bases impacted by BRAC. One of the federal grants is called a Joint Land Use Study, JLUS, and the purpose of it is to help bases and communities do land planning around their military installations to resolve encroachment of the base...community on the base. Within the past year, officials at Offutt have also requested a Joint Land Use Study, which is in final review for approval at the Pentagon. The Offutt request was not driven by encroachment, but by potential encroachment and the need to do community planning around the base that complements base missions. Having these study recommendations and then taking action to implement the findings is viewed by the Department of Defense to be a very positive step. The base officials' and community leaders' work together with the JLUS is an excellent example of literally taking down the fence between the base and the community. Finally, a few remarks about the Nebraska Military Support Coalition. The overall mission of this group is to preserve and expand U.S. military presence in Nebraska. The group of senior business leaders in the Omaha

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

area recognize the concern that budget cuts, the aging inventory of Offutt, complacency of the community and Nebraska government and federal officials, and the need to be proactive rather than reactive. It was recognized that the majority of other states were...with significant military bases, had community, state, regional alliances and coalitions, or military commissions. Since its inception in 2009, the NMSC has hosted the Four Stars of the Air Force at Offutt Air Force Base, has made trips to D.C. to meet with our federal delegation, Chief of Staff to the Air Force, and the Secretary of the Air Force. Recently the Chamber has established a BRAC task force that is the group to gather input for the NMSC to base threats and to provide recommendations to the Nebraska Military Support Coalition. So subject to any questions or other comments, this concludes my remarks. [LR201]

SENATOR AVERY: Thank you. [LR201]

NED HOLMES: Yes, sir. [LR201]

SENATOR AVERY: Thank you. Questions from the committee? Let me ask you about the land use issue. I like this phrase, remove the fence around the base that separates the community from the base. We did some legislation in that area. Do you know how that's working? [LR201]

NED HOLMES: Well, around Offutt I keep reminding the base, as well as the Bellevue officials, that there is such a statute or law on the books with Nebraska. So I think there is an awareness of that, that there is a need for developers to communicate and coordinate with the installation commanders to ensure that there aren't projects that would conflict with or not be compatible with base missions. Yes, sir. [LR201]

SENATOR AVERY: I think that our legislation required notification of base commander if there was a development plan anywhere close to the base... [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

NED HOLMES: That is correct. [LR201]

SENATOR AVERY: ...to make sure we didn't interfere with flight paths and all that.
[LR201]

NED HOLMES: And that will be factored into the land study that is done. They'll look at all those different in place requirements and also look for potential threats and opportunities to do development that would support the base missions. It's also to make sure the community doesn't encroach upon the base. So it works both ways. [LR201]

SENATOR AVERY: Yeah, yeah. [LR201]

NED HOLMES: The base on the community I should say. [LR201]

SENATOR AVERY: There is a statement you made that concerns me. And that is that complacency of community and Nebraska governmental officials and the need to be proactive rather than reactive. I see the need to be proactive rather than reactive. How big is the issue or the problem of complacency? [LR201]

NED HOLMES: Well, I think we made an assumption, maybe in past years, that our federal, state, our other public officials and the community was doing everything that it could do to go up to...on the Hill and wave the Nebraska flag, or the Offutt or the National Guard flag, when in fact I don't think we have done that as effectively as other states, example being Kansas, Missouri, Colorado. I think they've been more proactive and they've been successful in retaining and attracting new missions. We've certainly have retained missions. But we've...and with the exception of one in the past year, we have really not been successful in attracting new missions, such as the Global Strike mission that went to Barksdale, and the Cyber Command mission that went to Colorado Springs and to...down in San Antonio, so... [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: We thought we were competitive in those two areas too. [LR201]

NED HOLMES: Yes, sir. We were actually...we scored, for the Global Strike, we were number one on the Air Force list as the best place to put that mission, but it went to Barksdale. Could have been politics. [LR201]

SENATOR AVERY: Could have been politics. (Laughter) [LR201]

NED HOLMES: Could have been. Yes, sir. Right. "Dad-gummit." [LR201]

SENATOR AVERY: Darn. Completely surprised me, Ned. [LR201]

NED HOLMES: Right, totally surprised us. Right. Well, it surprised us because we were in Colorado Springs and the Secretary of the Air Force came out there and met with the community leaders at the same day that he had made the announcement that it was going to Barksdale. And we were hoping for a very positive conversation with the Secretary. And he had to break the bad news to us that, in fact, the mission went to Barksdale, did not come to Offutt Air Force Base. [LR201]

SENATOR AVERY: I guess the next question is, could we have done something differently that would have perhaps altered that outcome? [LR201]

NED HOLMES: Well, I think we are looking at ways to maybe have somebody in Washington that is representing our interests in terms of business intelligence on the Hill, at the Pentagon. It's going to be a costly proposition to do that. The Nebraska Military Support Coalition exists for that reason, and that's to make those trips necessary and to build relationships with senior Air Force and Joint Chiefs of Staff and civilian leadership. So I think that is a major step from the 2005 time frame. [LR201]

SENATOR AVERY: Do you agree with me that this...that the future task of BRAC

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

activity is going to be more difficult over the next ten years because of budgetary constraints? Sequestration, for example, I mean... [LR201]

NED HOLMES: More difficult to have one, or... [LR201]

SENATOR AVERY: It's going to be more difficult for us to defend our interest. [LR201]

NED HOLMES: Yes, sir. Well, and as I said, with the reduction of real estate that's mandated, if we don't have another BRAC, the services will take action by themselves. And that's what's...General Welsh was saying that we'll use what authority we have by department, and by department to look at our bases and we'll make the cutbacks unilaterally. And the downside of that is that you don't have the public input. You don't have the formal process with a BRAC commission where they come out and talk to communities. That is just done directly by the services. Now there has to be some funding involved with that so it does get oversight by the Congress, but they do have certain authorities that they can take on their own. [LR201]

SENATOR AVERY: All right. One more question. [LR201]

NED HOLMES: Yes, sir. [LR201]

SENATOR AVERY: The...it seems to me that we have a problem, a difficult issue at Offutt. And that is that Offutt is a joint command. Joint commands have a hard time developing supportive constituencies within the Pentagon because the Pentagon...they have strong constituencies to support: Naval facilities, Naval operations, Army operations, Air Force operations. But joint operations tend to kind of fall in that ambiguous area... [LR201]

NED HOLMES: That's right. Yes, sir. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: ...of, well, this not really Army, it's not really Air Force, it's not really Navy. And you know how powerful the loyalty to your branch of service is. So if you are...if you blend the colors of the military into one color, it would be purple. And that's the kiss of death in the Pentagon... [LR201]

NED HOLMES: Yes, sir. [LR201]

SENATOR AVERY: ...to be thought of as purple. And so in large sense, Offutt is a purple installation. And we have to be aware that it's especially difficult to defend a facility that doesn't have a single, clearly identifiable constituency to support it. [LR201]

NED HOLMES: The point you make is totally valid, and the base is really an Air Force base. And so the funds that support U.S. Strategic Command come from the Air Force. Now if you're the Department of Air Force and you've got this 400-pound gorilla, STRATCOM there, and it's sucking up a lot of your military construction money like this new headquarters building, there is a concern on the part of the Air Force to sustain those high costs in their budget. So I think that's the issue with the unified commands like US STRATCOM. They get their money from somebody. And it's not..there's not a joint pool of money is what I'm trying to say. [LR201]

SENATOR AVERY: And it seems to me that we're moving toward, slowly toward, more joint commands. Perhaps... [LR201]

NED HOLMES: Yes, sir. We're...joint bases. [LR201]

SENATOR AVERY: Perhaps that will change over time, but... Questions? Comments? Thank you for your testimony. [LR201]

NED HOLMES: Yes, sir. Okay, pleasure. Thank you. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

_____: You can always make it easier when you say, you agree with me, don't you. (Laughter) [LR201]

SENATOR AVERY: Yes, you can. That was not an accident. (Laughter) [LR201]

JOHN WINKLER: (Exhibits 3 and 4) I want to make sure everyone has this before I start. My name is John Winkler; J-o-h-n W-i-n-k-l-e-r, and I am the general manager of the Papio-Missouri River NRD. I am here today, and I appreciate the opportunity to testify to discuss the levee situation around Offutt Air Force Base and particularly in Sarpy County. I'll orient you to the map in front of you. North is the top of the map and you can easily identify Offutt with the...obviously the long runway there. To the bottom is the Papio treatment plant. That's Omaha's sewage treatment plant. And the road structure there in kind of that salmon color, that's the new Nebraska Department of Roads Highway 34 bridge, which connects I-29 to Highway 75. And that should be here...completed here in the next year or so. A little history, these levees were built the US Army Corps of Engineers in '60s and '70s. Upon completion of those levees, the NRD accepted operation and maintenance responsibility for those. What that means is that these are the NRD's responsibility to maintain, to rehab, to operate on a daily, yearly basis. So the Corps of Engineers has no responsibility for those.

The...post-Katrina, the Corps of Engineers, with FEMA, remapped not only the Mississippi, but also the major systemic rivers that contribute to the Mississippi, which includes the Missouri River. Upon completion of that mapping, the base flood elevation in this area changed. So what that meant for the Corps is that these levees were still certified, still met all of requirements and functioned appropriately. What that meant for FEMA, however, is that these levees no longer meet their certification requirements. And so what that means to us is that although it's a functioning levee that still provides protection as was demonstrated in the floods of 2011, these levees exceeded their capacity and held up remarkably and functioned appropriately. But FEMA bases their decisions off more of a risk-type of scenario. So if you flip over the map, this is what...how FEMA would view this levee system and these floodplain maps if, in fact, we

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

cannot bring these levees back into certification requirements. So here's how FEMA reviews this. They say, okay, here's our requirements. If this levee does not meet those requirements, we will redraw the floodplain map as though those levees do not exist. That is their current policy. So what that would mean is that the majority of Offutt Air Force Base, the south Omaha treatment plant, the new Highway 34 bridge, all of that infrastructure would be in the floodplain. Consequences of that are probably eliminate Offutt from any future missions; would include probably a big black mark on any type of BRAC decisions or any type of internal decisions the Air Force makes on base real estate and base closures and those types of things; as well as it would eliminate this entire area from any kind of future development for Bellevue or Sarpy County or the state of Nebraska. In working with FEMA, we have not received a formal notification. And what the process is, is they will send you a letter. It's called a provisional accreditation letter. Upon receipt of that, the NRD has two years to bring these levees into certification requirements. I have included a cost estimate. We are currently in the process of designing, engineering, and permitting the rehab of these levees to meet those certification requirements. So we're looking at anywhere between \$20 million and \$25 million to rehab these levees. At this particular point in time, we have not received that letter; and we have probably a five- to seven-year window of when we may receive that. Now that could change with the new administration, new focus by FEMA, a new funding scenarios. So that's kind of what we have...up-to-date information on that particular thing. The good news is we do have a functioning levee. There's no lives in jeopardy. There's no property in jeopardy because we know it works and we've had that argument with the federal government. Obviously, these have performed above a 100-year event. They're solid levees. Again, though, that does not meet the current requirements. What we are currently doing is we are working not only with our Congressional representatives from Washington, D.C., we've also had a meeting with the 55th Wing Commander at Offutt. Senator Crawford has been very instrumental in establishing these meetings. We've also met with the Governor. We've also met with a number of state senators as well as with FEMA and the Corps, and we continue to try to be proactive to get funding in place. When we do receive that letter, that we have it in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

place, then we can go ahead and have these levees rehabbed to meet that requirement. At the current time, we've also...there's a bill moving through Congress called WRDA, the Water Resource Development Act. Senator Fischer has been very instrumental in getting language inserted in there that would apply to this particular situation where the federal government, through the Corps, could pay up to 65 percent of any rehab cost. Unless that makes it through conference and makes it into the bill, there's no guarantee they will even fund it, but the language will be there. Currently, the financial situation right now is the district is on its own. There's been nothing contributed by anyone, by the federal government, state government, local governments to help fund this. This is a \$25 million price tag on the NRD to repair these. So we have some time. We're moving as quickly and judiciously as we can; and we're trying to be able to, obviously, not only protect the base but also the other infrastructure and development in the area. And I'd be glad to... [LR201]

SENATOR AVERY: You have taxing authority in the... [LR201]

JOHN WINKLER: That's correct. [LR201]

SENATOR AVERY: And are you considering that in these numbers? [LR201]

JOHN WINKLER: Yes, we have our contribution and what we could do and then also what...but it's short. I mean, we're going to need some assistance to do this. Especially it's such a short time frame, as a couple years. Our plan is to get that engineering done, to get the permit sitting on the shelf waiting. And once the federal government issues the letter, then we can move forward. We're not only waiting for that though. We've also been asked to participate, and we did, in a national task force that FEMA put together to look at these type of levee issues around the country. We sent representation there because this is not only our problem. It's throughout the United States. And... [LR201]

SENATOR AVERY: This is a problem in Lincoln with our levee. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

JOHN WINKLER: It was. It's all over the state as well as all over the country. And so we participated in that. We don't know what the results of that were. Obviously, we provided feedback to say, you know, if...why don't you some type of scenario where if a levee performed under a certain event, that obviously it would get some type of accreditation? And I don't know if that fell on deaf ears. But at least we were there to continue to work that process and try to get that language changed. [LR201]

SENATOR AVERY: What is the difference between one side of this and the other side? [LR201]

JOHN WINKLER: The other side is (inaudible). The levees are named R613 and R616. Simply what that means, right side of the river, 613 miles from the mouth of the Mississippi, to 616 miles from the mouth of the Mississippi. So that's...you just add those two numbers. You add...one's for the R613, one's for the R616. And you add those two numbers together. [LR201]

SENATOR AVERY: That's where your 25 comes from. Okay. All right. [LR201]

JOHN WINKLER: That's where the total is. Yeah, about 25 million. So we're sitting right in there. Again, so that this is one of those problems that you really...it flies under the radar and then all of a sudden, you know, we could possibly be in a remapping situation where all of a sudden we're in the soup. And we don't want to get into that particular situation. Any other questions I'd be glad to take. [LR201]

SENATOR AVERY: Questions? Senator Bloomfield. [LR201]

SENATOR BLOOMFIELD: It's a small amount of the dollars on here, but why does it cost \$1,500 a tree to take a tree out? [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

JOHN WINKLER: Since it's a federal levee system, there's certain requirements that have to be met and we face this. A lot things that we do...anytime you deal with federal regulations it adds cost. If it was...it's something similar to a tree in your yard, we could do it probably for a third. But when you have to meet certain requirements that are laid out in Corps and FEMA guidelines, then it costs a little more. And obviously levees near a tree system or trees near a levee system, you have to be careful you don't compromise the integrity of the levee system when you remove them, things like that. [LR201]

SENATOR BLOOMFIELD: When we're talking removal here, are we talking removing the root system too? [LR201]

JOHN WINKLER: Everything, yeah. That's correct, yes. You don't...trees are not...and levees do not go together well, as gopher holes and everything else we found out during 2011, so... [LR201]

SENATOR AVERY: I just removed a hundred-year-old maple and cost me almost as much as that total cost there. So it is not cheap. [LR201]

SENATOR BLOOMFIELD: (Inaudible). [LR201]

SENATOR AVERY: Any other comments or questions? Thank you, Mr. Winkler. [LR201]

JOHN WINKLER: Okay, thank you. Appreciate your time. [LR201]

SENATOR AVERY: Okay, next. Welcome, sir. [LR201]

DALE GIBBS: (Exhibit 5) Thank you. Appreciate this. My is Dale, D-a-l-e, Gibbs, G-i-b-b-s. Thank you for the opportunity. I'm going to talk a little bit about telehealth and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

veterans and I do appreciate this. I'm director of telehealth services for Catholic Health Initiatives in Nebraska. CHI Nebraska consists of five nonprofit hospitals: St. Mary's Community Hospital in Nebraska City; St. Elizabeth Regional Medical Center and Nebraska Heart Hospital, both in Lincoln; St. Francis Medical Center in Grand Island; and Good Samaritan Hospital in Kearney. I'm also director of outreach services for Good Samaritan Hospital in Kearney, where I work with providers in central Nebraska from South Dakota border down into Kansas to help facilitate transfers and communications, making sure the patient is getting the care they need. So in that respect I am very familiar with the rural areas and difficulties in access of care to specialists, etcetera. I'm also a member of the Nebraska Statewide Telehealth Governing Committee, and was cochair of that committee for four years. And lastly, I'm a veteran of Vietnam and...so I've kind of taken this role on as a personal (inaudible) too. CHI Nebraska is investing in telehealth because of recognition that it's an effective tool in increasing access to healthcare. At Good Samaritan Hospital, the Richard Young Behavioral Health Unit provides both inpatient and outpatient mental health services and a big part of the delivery of those services is with Nebraska...is with telehealth. In Nebraska and northern Kansas, patients can go to their local hospital and be connected to providers of specialty services. This saves time and money for patients, families, and friends who may, in some cases, live three hours away from that face-to-face visit. Across CHI Nebraska, more specialists have been using telehealth to provide more care to patients and includes oncology, wound, neurology, infectious disease, orthopedics, diabetes, genetic counselor, behavioral health, and complex emergency patients in critical access hospital EDs. Indeed, the Nebraska Statewide Telehealth Network, which CHI Nebraska is part of, has also increased care by specialists since its inception in 2005. Many veterans in Nebraska are unable to access VA healthcare in a timely manner because they live away from a community-based outpatient clinic. Additionally, many veterans have not enrolled in the VA for many reasons. Knowing that the Veterans Administration, including the Nebraska-Western Iowa System, also has an extensive telehealth program, CHI Nebraska has begun discussions with them about a collaborative way to provide more access for these veterans. In cooperation with the VA

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

Nebraska-Western Iowa System, we're developing a pilot project which will involve a camera at Richard Young Behavioral Health Unit, which is already connected to CHI, the Nebraska Statewide Telehealth Network, and the Internet, to the Nebraska-Western Iowa VA telehealth system. Many times, veterans who are enrolled in the VA system have been admitted to Richard Young in crisis. Knowing immediate evaluation and treatment is more important than transferring them to a VA facility in Omaha, these veterans can begin their care at Richard Young. With the permission of the patients, the pilot would allow involvement by a VA specialist in the ongoing care of that veteran. And then when they're released from Richard Young, the VA would have a much better understanding of that veteran when they became an outpatient at the VA facilities. In the case of a veteran not enrolled in the VA, the team at Richard Young could work with the veteran to become enrolled for the obvious benefit of outpatient care after discharge. Once enrolled, the VA would then collaborate with providers at Richard Young in that patient's ongoing care. Our first task of the pilot is to establish that CHI Nebraska and the VA system follow the same security and HIPAA regulations and also that we have policies in place that follow VA processes for issues that might arise. This is a current scope of work and CHI Nebraska is confident that we maintain the same high standards of security and HIPAA as does the VA. Telehealth at CHI Nebraska and in the Nebraska Statewide Telehealth Network is encrypted to Department of Defense standards. CHI Nebraska is currently reviewing our policies and procedures that the VA requires all contractors to have in order to work with the VA. We're confident that CHI Nebraska and the VA will be successful in the policies and, eventually, of course, the pilot. Once the pilot has been successful, we hope to expand connections between the VA and others in the Nebraska Statewide Telehealth Network across the state for veterans in all medical crises. This will allow veterans better access to care in an immediate matter and more cost efficient for the VA. I'll entertain any questions. [LR201]

SENATOR AVERY: Thank you, Mr. Gibbs. Any questions? Don't see any. Thank you. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

DALE GIBBS: Okay. Thank you. [LR201]

SENATOR AVERY: Next testifier. Welcome, sir. [LR201]

FRANK HARWOOD: Hello, my name is Frank Harwood F-r-a-n-k H-a-r-w-o-o-d, and I am superintendent of schools for Bellevue Public Schools. Senator Avery and members of the committee, thank you for the opportunity to provide this input. As I know you are all aware, Offutt Air Force Base and their tenants, United States Strategic Command and Air Force Weather, and many others, are important to the defense of our nation and the Nebraska economy. In terms of economic impact, the Bellevue community is strongly interwoven with Offutt. This is also true for Bellevue Public Schools. With nearly 3,000 federally connected students, the health of Offutt is very important to us. For this reason, I urge the Legislature to continue to look for ways to make Nebraska more accommodating for military personnel and their families. Today I would like to share two areas where the state has made good progress in helping Nebraska be more military friendly. My first example is joining the interstate compact on education for military children. I serve on the Nebraska State Council on Educational Opportunities for Military Children. After two years of serving on the council and being subject to its rules, I can say that nothing has changed for the military-dependent students in Bellevue. This is due to the fact that most of the language for the military compact was written in Bellevue. And we continue to do all that we can every day for our students, understanding that they have various needs because of their being family members of military...active duty military. The importance of joining the compact did not come from the change for students in Bellevue. The importance comes from the state adopting the compact and showing military service members all over the country that we understand that the service that they are providing for our country can have impacts on their children and that we are ready to address those impacts. I urge the committee to ensure that funding for the compact membership continues to be appropriated. I would also like to talk about teacher certification. When I first arrived in Bellevue, I was approached by two of our substitute teachers that told me that they had not been able to get full

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

certification in order to teach full time. They were both spouses of military members. I testified in support of a bill by Senator Price that would have made changes to teacher certification for military spouses. In working with the Nebraska Department of Education, we have been able to solve the issues without legislative intervention. I appreciate NDE's willingness to work with all teachers that come through our state. This is especially challenging for military spouses. However, I know that there are other professions that are still having difficulties in obtaining certification and licensure in the state of Nebraska. I urge the committee to continue to find ways to facilitate the transition of military spouses in all professional careers into the state. Bellevue has a reputation throughout the Air Force of being a great community to live in. This was made very apparent when the Joint POW/MIA Accounting Command chose to relocate part of their operation to Offutt from Hawaii citing the benefits of the metro area as a major reason for this decision. Given the importance of Offutt to the state of Nebraska, it is in our best interests to continue to make our state welcoming to current and former military service members and their families. Thank you and I would be happy answer any questions. [LR201]

SENATOR AVERY: Thank you, Mr. Harwood. Committee? You are happy then with the current compact and our relationship with it? [LR201]

FRANK HARWOOD: Yes, I am. And just as kind of an aside, the last...the members of the compact are made up of officials from NDE, myself because it requires a superintendent from a school that has a large number of military dependent students, and a representative from the military, which is the mission support group commander from Offutt. Our last meeting actually took 13 minutes. Because of the way it's set up, it has to be a face-to-face public meeting. But the reason it only took 13 minutes, there weren't any issues to talk about. I know that in my dealings with some other states, that's not the case. We are also doing some work with other school districts, mostly at the high school area, helping them understand their requirements under the compact. Where we usually see issues are school districts that don't serve very many military

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

dependent students and not understanding some of the issues that go on and some of their responsibilities. But yes, I'm very happy with the way it's working. [LR201]

SENATOR AVERY: How about the funding? We struggled a bit getting that funding stabilized. [LR201]

FRANK HARWOOD: Right, and my understanding from our last meeting from our interim commissioner Swisher is that the funding has been secured for the next biennium of about a level of \$10,000 from lottery funds. And I would urge that if that comes up again, that we continue to do that. The importance of being a member and the membership costs for us are relatively low when you look at some other states like Hawaii and California and Texas. The membership dues are based on the number of military dependent students that are in the state. But it is very important for us when military families are looking at where they're going to be going to school, having that part of the...being a part of the compact is a great way that we are showing them that, yes, as a state we are committed to helping their students have more successful transitions. [LR201]

SENATOR AVERY: Now remember, the funding was the issue before. It's a small amount in the total scheme of things. [LR201]

FRANK HARWOOD: Yeah, and in the first year, it was quite a bit more. Now it's down to less than \$10,000 a year. Yeah. [LR201]

SENATOR AVERY: I think it was 16 at one point. [LR201]

FRANK HARWOOD: I think originally they appropriated \$27,000, but I think that the dues that the first year were much more, and they were probably about \$15,000 or \$16,000 range. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: Okay. Thank you very much, sir. [LR201]

FRANK HARWOOD: Thank you. [LR201]

SENATOR AVERY: Welcome, sir. [LR201]

RICHARD BAIER: Good morning, Senator Avery, members of the committee. For the record my name is Richard Baier, R-i-c-h-a-r-d B-a-i-e-r, and I have the pleasure as working as a registered lobbyist for the Nebraska Chamber of Commerce and Industry. As many of you know, we just finished our 31 city fall forum tour from Scottsbluff to Omaha. And I'm going to take the discussion a little bit different direction. We've been focused on Offutt issues, and I would tell you one of the things we hear as we travel across the state is that there continues to be a significant issue related to long-term labor availability and the impact of insufficient labor supply in the future it will have on our state's growth. If you take a look at that issue coupled with what's going on with potential baby boomer retirements, it only exasperates our state problems. And so as we look and talk to our friends in all industries, whether you're talking about railroads, utilities, information technology, healthcare, kind of run the gamut, this issue is going to be more and more of a problem impacting our future growth in Nebraska. And I'll just share with you a couple of examples. Columbus, for example, continues to report at least 500 active job openings in their community, which they are actively trying to fill. I just got done meeting with a group of Lincoln and Omaha IT providers, who by the time we got done around the table, probably would have hired anywhere between 100 and 125 computer programmers had they been able to find them. And we hear those stories across the state. It's not uncommon to also hear that on the healthcare industry as we meet with our hospital and medical friends. We do have companies that are actively pursuing military veterans as part of their strategy. And I'll give you a couple. For example, Union Pacific and Crete Carrier are both very, very active in that realm. And they are finding great deals of success. As we look at our long-term labor availability issue, it's probably not one solution that helps us be competitive. We need to find a way

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

to keep more of our graduates. We obviously need to continue to encourage our students in both skills training and college prep work. But in more of a short-term effort, we need to find a way to reach out to more of those military folks that are going to be leaving the service. And I just want to share with you a little bit about why that is the case for Nebraska. In talking to our friends at the Department of Defense, they're estimating the loss of one million positions over the next five years. Those folks are going to be mostly coming through bases in the Midwest. Junction City, for example, is going to see 4,000 soldiers rotate through their facility this year alone. As we begin to think about what do those folks have and what do they bring to our labor force, obviously, they have great skill sets. They typically have...are highly mobile. They've been around the world. They offer a great deal of skill sets both from a technical skill all the way through that postsecondary level. And then they offer a variety of ages for us to choose from in terms of targeting them. If you look at retirees that are maybe 38 to 50, most of them carrying bachelor's or master's degrees, folks that are senior/junior officers and enlisted in that 26 to 34 range, and those that are simply just coming out of their first year of enlistment. Those folks are going to be in the 21- to 26-year-old range. The other thing that's interesting this is the unemployment rate in that veteran community is significantly higher than the national average. And so again there's opportunities out there. And it's coupled with some issues, ones like we just talked about on mental health and some other issues, but it does create a huge opportunity for our state. We would suggest some strategies going forward, some that you've heard about already this morning. One of those is dealing with, in one way or another, this retirement tax issue. And, Senator, your question was a good one. What makes those folks different? They're highly mobile and they're still pretty young and willing to get back into the workforce. And as that second career, they can still be 20 or 30 years active in our state as part of our overall workforce. We need to find a way just to get more of those veterans that are coming out of those bases into our colleges and universities, whether that's going into the community college or into the university system or the state colleges. As suggested by Senator Crawford, we need to really begin to look at ways to improve and streamline our processes for the trailing spouses

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

so that when they do wind up in Nebraska and they have a job and they're significant other finds themselves leaving the military, maybe they have an anchor to keep them here. We think that's very important. Also, specialized training for those that are leaving the military, there needs to be training dollars set aside and a way to transition those folks from what I would call transferable skill sets from the military to the private sector. And then lastly, finding ways for more of those folks to start businesses in our state because you'll find right now, for example, that 9 percent of the small businesses in the country are owned by veterans. And we need to find a way to continue to bring more and more veterans to Nebraska to start those businesses, again, from Scottsbluff to Omaha. And then finally, just in terms of marketing, we're working with our members to try and find ways and develop strategies to really market to those target audiences because together this here is really a part of our solution to building the next generation for Nebraska. So with that I'd be happy to take any questions. [LR201]

SENATOR AVERY: Thank you. Don't most of these veterans carry with them a security clearance, which makes them attractive at least in the defense industries around Offutt? [LR201]

RICHARD BAIER: Yeah, many do. People coming out of Offutt in particular would carry a lot of those security clearances, maybe not so much at some of the other facilities. I would tell you, having been through my research over the last few months, I'm learning a lot about the process, and one of those is the Air Force guys looked at me and said, look, you're targeting the wrong branch of service because when we have to face budget reductions, we eliminate an airplane. When the Army has to do reductions, they can't get rid of enough bullets to meet their budget cuts. And so that's really where the staff positions are going to be in that...in their Army scenario. So we've been trying to work with the Army, trying to get a handle on numbers and I'll just give you an example: Fort Leonard Wood, Missouri, Army base just to the south and east of us. They actually have...the truck driver training program is based out of there. So anybody that's been in the trucking realm in the Army comes back through there when they're done. As you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

might imagine, people like Werner and Crete and some of the other large trucking companies are very interested in strengthening that connection. And so we, as a business community, want to work with you to help build that pool of applicants and build our future workforce. [LR201]

SENATOR AVERY: Questions? Senator Bloomfield. [LR201]

SENATOR BLOOMFIELD: It's not so much a question as a comment on your statement about Columbus looking for people. We...three of us at this table attended a meeting last night with the ethanol people and their plant is looking to hire a bunch of people there and it's...they're not looking for people to pick up trash. They're looking for people that will show up and work and they were talking \$40,000 to \$50,000 a year to start so there are jobs there. [LR201]

RICHARD BAIER: Yeah, we hear that story in every corner of the state and so I think if we want to be very proactive as a business community and as state leaders, we really have to find a way to capture that and build that momentum to bring those folks here because they're a very reachable target for us. [LR201]

SENATOR BLOOMFIELD: I said that as much for Senator Crawford's benefit as anybody because we had a little discussion about it last year. (Laughter) [LR201]

RICHARD BAIER: Yep, absolutely. [LR201]

SENATOR AVERY: Thank you, Mr. Baier. [LR201]

RICHARD BAIER: Thank you very much. [LR201]

SENATOR AVERY: Welcome, sir. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SCOTT CARLSON: Good morning. [LR201]

SENATOR AVERY: Good morning. [LR201]

SCOTT CARLSON: (Exhibit 6) My name is Scott Carlson. I am the statewide coordinator for problem-solving courts for the Nebraska Supreme Court. I'd like to thank Senator Crawford and this committee for providing me the opportunity to offer information regarding problem-solving courts and how we currently utilize them in Nebraska. I'd also like to commend the committee for examining how this successful model might be used to assist our veterans. The disease of addiction left untreated puts those in its grips through a revolving door of crime and punishment. Until 1997, the systems that were charged with the legal response to crimes related to drug use and addiction were stuck in their own revolving door of arrest, incarceration and release, followed by another arrest because nothing had been done to address the cause of the behavior that was leading to the arrests. It is estimated that upwards of 85 percent of all incarcerated individuals in Nebraska's prisons and jails are there because of drug-related crimes. No one can deny the magnitude of the continued challenge before us of assisting these individuals immersed in the criminal justice system by virtue of their substance use and mental health issues. But through support by the Nebraska Supreme Court and the Nebraska Legislature, I believe we're making real progress towards the goal of improving public safety and supporting individuals in their striving for recovery and a better life. Although there will never be a perfect system that will keep all drug-related crimes from being committed or individuals from returning to incarceration, we've been taking full advantage of the benefits of a system of dedicated service providers and a maturing problem-solving court institution to make significant improvement in both areas. Problem-solving courts, most commonly referred to as drug courts and primarily the type of programs currently operating in Nebraska, are specialized courts that target adults and juveniles involved with the criminal justice system and parents with pending child welfare cases who have alcohol or other drug dependency issues. Research shows drug courts help reduce recidivism and substance

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

abuse among these populations and increases individuals' likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, sanctions and incentives, and other recovery support services. By creating functioning, dedicated teams of professionals across the judicial, corrections, social services, and treatment systems, all share a vested interest in having a participant remain in treatment and remain arrest free. Judges, prosecutors, defense counsel, probation officers, therapists, law enforcement, and education managers all support the strict, clinically designed, long-term, individualized treatment plan and enforce it in order to maximize the potential for success. The first drug court in the nation was established in Miami, Florida, in 1989 with the goal of reducing substance use and criminal behavior while also freeing the court and corrections systems to handle other cases. Since that time, the drug court model has been replicated by every state and territory in the United States. In 1997, retired judge James Murphy established the first drug court in Nebraska and the 13th drug court in the nation. Over the course of the following 15 years, 23 additional adult, juvenile, and family drug court programs were implemented across the state in 11 of our 12 judicial districts and currently serve approximately 700 participants at any given time and approximately 1,200 per year. Nebraska drug courts offer an important evidence-based tool to hold substance abusing offenders accountable while providing the rehabilitation treatments that they need. Thanks in large part to extensive research and identification of evidence-based best practices, over the last 25 years we possess the knowledge and understanding as to what is imperative to implementing and operating successful drug courts. A statewide evaluation of Nebraska's drug courts, completed by the University of Nebraska Public Policy Center in 2011, concluded the following: that graduation rates for Nebraska drug courts match or exceed national drug court rates at approximately 50 to 80 percent; costs for Nebraska programs are comparable to costs for drug courts across the country and are cost-effective in comparison to the costs of incarceration; drug courts in Nebraska are serving moderate to high-need individuals, the type most appropriate for drug court services; drug courts in Nebraska are serving a diversity of offenders with few disparities based on race,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

ethnicity, and gender; education employment skills are emphasized in drug courts, which leads to successful outcomes for participants. Drug courts are part of the larger sphere of problem-solving courts, and these problem-solving principles can be used in new and innovative ways to create other programs such as mental health courts and reentry courts. Nebraska operates two such courts, the Scotts Bluff County DWI Court and the Douglas County Young Adult Court. In response to a growing number of veterans appearing before courts on charges stemming from substance abuse and/or mental health disorders, the Honorable Robert Russell, the presiding judge of the Buffalo, New York drug court and mental health court, helped establish the nation's first veterans treatment court in 2008, offering a path of sobriety, recovery, and stability to the program participants. While Nebraska does not currently operate veterans treatment courts, there are 129 veterans treatment courts nationwide. Veterans treatment courts are a hybrid of drug and mental health courts using the drug court model to serve veterans struggling with addiction, mental illness, and/or co-occurring disorders including posttraumatic stress disorder and traumatic brain injuries. The courts employ a coordinated response with traditional partners of drug and mental health courts, the VA, and volunteer veteran mentors. I again thank Senator Crawford and the committee for your time. Thank You. [LR201]

SENATOR AVERY: Thank you. What...do the veterans treatment courts do anything differently than the drug courts that we now have? Is there a different approach? [LR201]

SCOTT CARLSON: It's the same overall philosophy, the same model. What's unique about veterans treatment courts is that they utilize the services that the VA provides. And so typically a member of the Veterans Affairs will sit on the drug court team that manages those veterans and then they're getting those services related to trauma, posttraumatic brain injury, and such that isn't typical in your drug court. [LR201]

SENATOR AVERY: Yeah, and is it...I guess they have a screening process for who

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

gets into these treatment centers, or is it just... [LR201]

SCOTT CARLSON: Into the drug courts. [LR201]

SENATOR AVERY: ...any veteran that requests it can gain access to these? [LR201]

SCOTT CARLSON: No, typically there would be a screening process put in place. Drug courts don't typically take, we say nonviolent but that is a little malleable in terms of what the violence occurred, but typically, you know, if it was somebody that was, you know, quite violent, committed a violent crime, they may not get in. But there again, the screening tools for veterans courts may be a little bit different because they are dealing with different issues. [LR201]

SENATOR AVERY: Yeah, posttraumatic stress. [LR201]

SCOTT CARLSON: Yeah. [LR201]

SENATOR AVERY: Senator Bloomfield. [LR201]

SENATOR BLOOMFIELD: Thank you, Senator Avery. Thank you, Mr. Carlson... [LR201]

SCOTT CARLSON: Sure. [LR201]

SENATOR BLOOMFIELD: ...for coming in today. You talked about the education that these drug courts are getting. Is that book learning or are we actually maybe putting a welder in somebody's hand and teaching him how to weld or... [LR201]

SCOTT CARLSON: Both. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR BLOOMFIELD: ...something along that model? [LR201]

SCOTT CARLSON: Both. [LR201]

SENATOR BLOOMFIELD: So he is actually conceivably learning this skill while he's...
[LR201]

SCOTT CARLSON: Absolutely. [LR201]

SENATOR BLOOMFIELD: Okay. [LR201]

SCOTT CARLSON: And that's what's so unique about this drug court model is that it's not a cookie cutter approach to where, you know, you're in this program, this program, this program and that's it. They do a lot of assessments with a lot of professionals and identify, you know, if that person has that type of interest. They're all required, anybody in a drug court is required to be going to school, some kind of educational program, a vocation, or be employed. [LR201]

SENATOR BLOOMFIELD: Okay, thank you. [LR201]

SCOTT CARLSON: Sure. [LR201]

SENATOR WALLMAN: Thank you, Chairman Avery. Thanks for coming. [LR201]

SCOTT CARLSON: Sure. [LR201]

SENATOR WALLMAN: I had uncles in the Second World War, went through treatment and they actually got paid to go to these classes. Do we pay these people? Because a lot of them are poverty level. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SCOTT CARLSON: That I haven't heard. It would be paid for. Sure, absolutely. [LR201]

SENATOR WALLMAN: Thank you. [LR201]

SENATOR AVERY: Any more? Thank you, Mr. Carlson. [LR201]

SCOTT CARLSON: Okay. Thank you. [LR201]

SENATOR AVERY: Next testifier. Welcome, sir. [LR201]

MARTIN DEMPSEY: (Exhibits 7 and 8) Thank you. Good morning, Mr. Chair, committee members. My name is Martin Dempsey. I'm with the Department of Defense. I work out of the defense state regional liaison office, which is right out of the Secretary's office. It's good to be back in Nebraska. Thank you for being here again. [LR201]

SENATOR AVERY: Would you spell your name for us? [LR201]

MARTIN DEMPSEY: Oh, I'm sorry. It's M-a-r-t-i-n D-e-m-p-s-e-y. It's good to be back here in Nebraska again. I'll give you a CliffsNotes version, as a lot of my material has been gone over already this morning. First, transitioning for military spouses, we think this is a big issue. Our office initiated this four years ago. We currently have 40 states that have legislation passed to authorize licensing for transitioning spouses. The many occupations require a state license. They often...the state specific conditions with the process can cause lengthy reemployment delays for military spouses. What this causes is oftentimes they leave that profession, which is not a win for them; it's not a win for anyone. One of the biggest things that military members look at when they make a permanent change of station and come to a new state is, what's available for me. What am I going to be able to do? Oftentimes, military members will either separate, which is a lose for everyone, or they'll come to the new state alone and leave their spouse back

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

in the state where they're employed simply because they can't gain employment here. Currently, there's 68 percent of married service members that reported their spouse's ability to maintain career impacts their decision on whether to remain in the military, take the assignment, or move on by themselves. Seventy percent of the military spouses report they want to work or need to work, while an annual percentage of military spouse population that moves across state lines is 14.5 percent compared to 1.1 percent for civilian. We view these options as paramount to making certain that the military stays efficient and stays as strong as they are today. We've left the mentality of, an Army of one, to realizing that we now enlist a soldier, we retain a family. And in order to retain that family, we have to improve their quality of life. We have to make that family happy. Related issue, same thing with service member, licensing and separation. We realize that there are members that go through an entire career, 20 to 30 years of training, to employ their profession and oftentimes at a critical level. Give you a good example. Two years ago I stood before the HHS Committee here in Nebraska and briefed on a local Nebraska guardsman who separated. He was an EMT and had 15 years of combat experience. When he left the service, all he could do was empty bedpans. And he preformed lifesaving procedures while in the service. We have a plethora of people out there that can be employed, as we just said today, and fill those slots that are empty. I want to quote the Secretary of Defense Robert Gates, who made a quote recently in saying, "This demographic represents one of the most underutilized talent pools in our country." As of September 13, there are 694,000 veterans unemployed, and the jobless rate for post-9/11 veterans is 9.3 percent with young male veterans age 18 to 24. When job employers were polled, they said there's three main things we're looking for in an employee: someone that will show up on time, someone that will do what they're told to do, and someone that's drug free. Inside the gates of all military installations, we're sending you a target-rich environment of those type of individuals, spouses, military employees that are separating. We certainly hope that Nebraska will join the 40 states to look at these as well. And I'm going to go off script a little bit and talk about the compact eight years ago when our office was first stood up by Secretary of Defense. This is our number one issue, because this is the number one

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

issue that's coming out of families. Our kids are not happy because of the type of transitions they have to make. So we implemented the interstate compact. Oftentimes, kids will change schools nine times between K-12. What this does is create a hard problem, multiple testing in and out, oftentimes sitting back a year, and again, separates the family if they're at a critical junction in their education. I applaud Nebraska and Senator Price when we first pushed this bill through and you signed it into law, was a big statement for 1.5 million military children, so you should be congratulated for that. And the continue of that is going be instrumental in the quality of life of Nebraska military children. And having said that, I stand ready for questions. [LR201]

SENATOR AVERY: Thank you. Questions from the committee? You answered them all. Thank you. [LR201]

MARTIN DEMPSEY: Thank you. [LR201]

SENATOR AVERY: Good morning. [LR201]

TRAVIS KARR: Good morning, Senator Avery, committee members. I am Travis Karr; T-r-a-v-i-s K-a-r-r. I'm the director of veteran and military services for Central Community College, and if you can tell by my great looking tie here, I'm a Marine Corps veteran from Operation Iraqi Freedom. In 2002...I'm going to talk about the in-state tuition policy that we implemented at Central Community College. In 2012, I was helping a young Marine couple that came from the state of Florida. They were stationed there. They had just moved back from the military base and, from there, they had actually lived in Columbus, Nebraska, before they joined the military and came back to join efforts with their family again and really start their life outside of service. However, they were crushed when discovering they would have to pay for a hidden fee called out-of-state tuition. They left disappointed, discharge, and decided, really, not to register for classes that day. So really they dropped out of college before they even started. The post-9/11 G.I. Bill was designed to provide young veterans the best economic footing possible to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

attend colleges and universities. However, one major limitation to that post-9/11 G.I. Bill is not covering out-of-state tuition. It's much like an enormous hidden fee that we all despise on our credit card bills. Nebraska state residency requirements become problematic and an undue burden to our military members. Most of them change their state residency or duty base at least every 15 months. Once the veterans have returned back to Nebraska, they would have to wait six months for community colleges to at least be applicable for in-state tuition and then universities would have to be a year as well. So they're going to have to pay six months or even a year out-of-state tuition before they're available for in-state tuition. Pretty much that out-of-state tuition has to come out of pocket from these service members. Some of them try to carry it over student loans so they're accruing debt and delay enrollment or, obviously, not even attend a college. There is the Yellow Ribbon program, but sometimes that's not really advantageous for the service members. And it really depends on the university and college, how it covers that. Some institutions will allot a certain amount of money before enrollment even starts. So they allot for 100 service members to be covered by the Yellow Ribbon program but they might have 150 service members. So there's 50 service members that wouldn't be covered by that Yellow Ribbon program. So in 2012, Central Community College implemented an in-state tuition policy to better serve our veteran students. It's pretty much simple. It awards all veterans in-state tuition that have an honorable discharge. We kept it simple. It's easy to track within our infrastructure. With our accounting purposes, we track who pays in-state and who pays out-of-state, and so we're able to pretty much just change our signifier on that. And it was pretty much a need that really outweighed the cost. If we look at that, the difference between in-state and out-of-state tuition at Central Community College was \$500. So it was less than taking out a tree in your yard pretty much. (Laughter) But it was a hidden fee that they did not know they had to pay, were never informed until their first day in school, or even, worse yet, until they get that bill later on in the semester. We also look at the impact, and sometimes we forget about the impact of the G.I. Bill itself. With the monthly housing allowance that it reserves to our service members, in Grand Island area our service members receive about \$1,000 a month. Over a semester, that's \$4,000. Now

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

that stipend pays bills, rent, all taxable items that impact a community. So it's important to note that this G.I. Bill not only impacts that veteran student, their family, the college, but it also impacts the community. So it's really important to include in and improve on services in college. And pretty much, the implementation of this policy is not only going to attract veterans from out of state that might have to move because of family members or spouses, but it's going to retain veterans here as well. Pretty much, the hidden fee out-of-state tuition costs prohibits out-of-state veterans from attending colleges. I think it's important to understand that these courageous individuals have been at the forefront of defending our freedom and should not be burdened with hidden fees on a benefit that they earned to pursue valued higher education for the state of Nebraska. [LR201]

SENATOR AVERY: Thank you. [LR201]

TRAVIS KARR: Thank You. [LR201]

SENATOR AVERY: Let me clarify one thing. Are you...I think you said this, that the G.I. Bill does not cover out-of-state tuition, but it will pay in-state. [LR201]

TRAVIS KARR: It will pay in-state tuition. That is correct. [LR201]

SENATOR AVERY: Yeah, okay. [LR201]

TRAVIS KARR: It does not pay out-of-state tuition. Some institutions have used the Yellow Ribbon program, but it really depends on the institution, how much they invest in that. [LR201]

SENATOR AVERY: We can work on that. Everybody is smiling. (Laughter) I think we'll go to work on that. [LR201]

TRAVIS KARR: Perfect. I'm smiling too. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: Thank you. [LR201]

TRAVIS KARR: Thank you. [LR201]

CAROLINE OLSON: Good morning, sirs, ma'ams. [LR201]

SENATOR AVERY: Good morning. [LR201]

CAROLINE OLSON: My name is Caroline Olson; C-a-r-o-l-i-n-e O-l-s-o-n. I am currently the director of and flight commander of the Health and Wellness Center, Offutt Air Force Base, one of the many helping agencies on base. I am also a proud Gulf War veteran where I was an Air Force medic and an EMT. Sometimes when brave, willing, and competent and brilliant people gather to solve a problem, we look at the problem and many possible solutions and create an action plan and get to it because we're solution driven and don't always sit back and talk or discuss the things the are actually going right. And that's what I'm here for. I got out of the service in 1994, and since then I have been a contracted Air Force medic, a graduate assistant at UNO. I also taught at UNO. I was a program manager for a grant at Creighton. And then I missed the Air Force so I was back as an Air Force contractor in '08, which took me to Goodfellow Air Force Base. All of those jobs sound very important, and they were. Ask my parents; they'll tell you. (Laughter) But not many of them over the 19 years offered health insurance. I looked into it, and I certainly couldn't afford it on my own. The contract at Goodfellow Air Force Base in '08 actually had insurance and it was supposed to be, originally, for three or four years but abruptly ended after ten months of moving to Texas. And so then I found myself not only uninsured, but I was then unemployed and also homeless, not for long thanks to two veterans and three of their kids who actually took me in at that time in my life. One of them is in this room. But I moved back to Nebraska in late 2009. I have a medical condition that is very manageable with medication. Without it, I obviously start to suffer side effects. My father, a retired Bellevue high school teacher,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

called me after church one Sunday late in '09 because he just got done reading the Omaha World Herald...what do you guys have up here, the Lincoln Star (sic)? But anyway, Omaha World Herald is gospel. He told me he read an article that said the VA hospital was working with female vets and women's health issues, and obviously suggested that I look into it. I quickly interrupted him and said, Dad, the VA is only for men and they can only help you if you put in your 20 and retired. And after much convincing, I walked into the VA hospital the next day. I was actually ready to be embarrassed and maybe somewhat humiliated and possibly laughed at for even asking for their help when I wasn't eligible. Surely, I thought, they would have told me that I was eligible 19 years ago when I got out of the service if that was true. So I walked into the VA hospital the next day with a driver's license and DD-214. Quickly found the admin area and very quietly told the woman at the other side of the desk my situation. Without hesitation she took my picture, gave me an ID, brought me a wheelchair, and had an escort take me right to the E.R. All those years, I took care of people, and now I was the one being cared for. And they didn't just take care of me. I wasn't just taken care of. I feel that I was cared about and cared for like I was a long-lost family member that they were worried about. I left that day with medication, clear discharge instructions, a series of follow-up appointments, contact numbers, and my dignity. I am extremely grateful, obviously. And that's the day that I promised myself if I ever heard people sharing their horror stories about that darn VA hospital, I was going to tell them about me and how they gave me my life back. So shamefully I am great example of one of those many veterans that is maybe completely unaware of their benefits. Thank you for your time today and your service every day. [LR201]

SENATOR AVERY: Thank you. [LR201]

CAROLINE OLSON: Do you have anything for me, sir? [LR201]

SENATOR AVERY: Well, I'm glad to hear that story because I have heard so many of the others. (Laugh) [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

CAROLINE OLSON: Me too. And then they get regurgitated and proliferated... [LR201]

SENATOR AVERY: Yeah, yeah. [LR201]

CAROLINE OLSON: ...and people say, oh, yeah, I hate the VA. And they say, why. I don't know. [LR201]

SENATOR AVERY: Yeah. Well, I've seen a lot of veterans and usually every one has a worse VA story to tell me. [LR201]

CAROLINE OLSON: That tops the last. [LR201]

SENATOR AVERY: So it's nice to hear your story. [LR 201]

CAROLINE OLSON: Thank you, sir. Thank you, appreciate it. [LR201]

SENATOR AVERY: Good morning. [LR201]

AMY WATTIER: Good morning. My name is Amy Wattier, A-m-y W-a-t-t-i-e-r. On behalf of veterans and military families, I thank you for your time and your attention. It is truly an honor. I have had the fortunate opportunity to fill multiple roles within the military family. I was an active duty Air Force medic and EMT for 12 years and spent most of that time married military to military. My husband and I have a blended family with three typical military kids. I've spent the last six years learning a new role, the role of a military spouse for my husband and his units in both active-duty and reserve capacities. These unique experiences have allowed me to see military life from various perspectives. My professional and personal experiences have illustrated a few common patterns to me. First, a wide variety of services and programs are offered throughout the military, the VA, and the community to assist veterans, yet many of these resources remain

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

underutilized. Continued efforts to reduce stigmas associated with seeking treatments and utilizing services for reintegration issues and PTSD symptoms are making an impact and increasing mission readiness, family functioning, and community capacity. Bridging the gap between the hesitancy to access these services and providing veterans with them is sometimes one of our biggest community challenges. To help reduce this gap, I wholeheartedly support efforts to recruit and employ veterans and military spouses to fill roles that help other veterans. For example, professionals and paraprofessionals, such as social workers, family readiness teams, case managers, program managers, and support services provide job opportunities, educational track programs, or scholarships to veterans and military spouses in order to encourage them to help other veterans. Sometimes they can identify with each other in ways that others just simply cannot. Additionally, I appreciate and support new ideas, for example, as the Army and the Air Force piloted assign, embed, and integrate a veteran or military spouse social worker to high-ops tempo, highly deployed units, including active-duty, National Guard, and Reserve units. Increasing unit mission capabilities by enhancing family functioning and community capacity from within prior to, during, and post deployment. Units and families become familiar with, build a rapport and relationships with helpers, versus an us-against-them mentality, while simultaneously providing an environment for the social worker to identify with and understand each unit's unique challenges and obstacles while connecting community resources together. Supporting collaborative continued education and awareness efforts that provide tools to our civilian community providers regarding PTSD, traumatic brain injury, and the various complex, lingering medical issues our veterans are experiencing since not all of them are using military treatment facilities or the VA. Additionally, continue community outreach efforts that provide information regarding available services for families that they may not otherwise know about. Lastly, I ask that you support new and evaluation research efforts from colleges and universities to government and nonprofit studies. This research helps discern the impact of current social interventions and discover new ones for the individual, the family, and the unit. Thank you very much for your time. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: Thank you for your testimony. Questions from the committee? Don't see any. Thank you. [LR201]

AMY WATTIER: Thank you. [LR201]

SENATOR AVERY: Good morning. [LR201]

CRYSTAL MARIE DITTO: Good morning. Thank you very much for having me. My name is Crystal Ditto, C-r-y-s-t-a-l D-i-t-t-o. I've heard every joke about my last name. I pretty much wanted to bring today a personal story. I have been in the Air Force for 11 years. My husband is also in the Air Force. And three years ago I had...my best friend was in the Army and he did two tours overseas. And of course we all know the mental health barriers and the stigmas associated with that, which I know is another issue that Senator Crawford does want to address at a later time. But whenever he got out of the military, he was discharged from the military without choice because he suffered from posttraumatic stress disorder, and he was severely compromised. Due to all of his long deployments, his family fell apart, there was no assistance with while he was in internally to help his family. And then whenever he did get out he slipped through the cracks, found himself homeless. And then I receive a phone call that he put a shotgun to his head and killed himself. So instead of letting that devastate me, as it did temporarily, I decided how could I better help veterans without running away from the problem. So the first ten years of my military service, I was military police in the Air Force. That's primarily a male-dominant career field, so that has challenges in itself. But I was able to be more of a caregiver for the men that I found that needed to talk. They wouldn't want to go to mental health...the facility. Especially how Offutt is set up, the clinic is off base. So although it's just five miles difference from main base, it does reintegrate the us-and-them feeling. So with my best friend, he always wanted to talk to me but I was practicing out of my competency. I had no idea what to do. I ended up stumbling upon what's called the Health Professions Scholarship Program. It's offered to civilians and military veterans. But I ended up getting it and I got commissioned as a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

second lieutenant this past July and I will be working for mental health. What that scholarship does for me, because I ran out of benefits from my G.I. Bill, so I really thought, well, I couldn't get my master's degree because I can't afford it. I'm a trailing spouse so anything that my husband does, since he's the active duty member, my career comes second because we do have a child and another on the way. So my master's degree right now is for clinical social work at the University of Nebraska. This is the only university that's fully accredited, "licensure," to be a social worker. So that could be a barrier for anyone else who's having issues trying to get the accreditation that they need, especially if they're a trailing spouse. But with the...my fellow veteran, Amy, who just spoke, embedding a social worker inside of the units is actually a fantastic idea. I know that pilot studies have been conducted so far, but being a cop and having been a cop for so long, you do not seek out help, especially at Offutt. They have Personnel Reliability Program, the PRP status. Whenever you work around any type of base that has nuclear components or nuclear weapons, you have to have a PRP clearance on top your normal security clearance. If you seek out mental health with a PRP clearance, the people at mental health have to report back to the commander and typically they suspend that, which affects the job as a cop. You lose your weapon. You're pretty much considered that you're a liability at that point. Surrounding all of that, if there was a social worker embedded inside of career fields that really need it, then you're really helping the Personnel Reliability Program. Just because they don't come forward and talk, you're really dealing with a loose cannon that has a weapon, rather than assisting them before the problem starts. And that's where I feel that the social workers embedded would be great. We have currently two social workers that are active duty at Offutt, and they deal primarily with clinical social work. Everything is mental health. There's nobody in the unit advocating for the family. I'm learning in college about policy advocacy, how to help families and children, and the resources for the community. So I'm being trained, but once I go and do my time in the military, they're not utilizing my training. So I know I could help if slots were made available and programs were advocated for. Just because it's created on the civilian side, does not mean that it's communicated on the military side. The problem is getting through the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

gates. So thank you very much. [LR201]

SENATOR AVERY: I sympathize with your dilemma and don't disagree with it at all, but I think you identified a problem with the military. And they don't listen to us really. (Laughter) [LR201]

CRYSTAL MARIE DITTO: They don't listen to us either, sir. [LR201]

SENATOR AVERY: I don't think it's because they actively resist what we do or oppose what we do; it's just that they have their own way. You know what an SOP is, right? [LR201]

CRYSTAL MARIE DITTO: Yes, sir. [LR201]

SENATOR AVERY: Okay, they have SOPs and you don't deviate from the SOP. Standard operating procedures are the absolute end-all and the beginning. Start there, you end there, and you don't deviate. So I wish we could... [LR201]

CRYSTAL MARIE DITTO: And that does make it hard because whenever you guys try to pass a policy that could really help us, we have something that contradicts it, SOP-wise or regulation-wise, on the military side. [LR201]

SENATOR AVERY: Yeah. [LR201]

CRYSTAL MARIE DITTO: So that's why pulling back and evaluating everybody's agenda and getting something that doesn't close the door could be really helpful for the veterans. Otherwise, we are always stonewalled from the inside. [LR201]

SENATOR AVERY: You figure out a way for us to solve that and we will certainly listen. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

CRYSTAL MARIE DITTO: It is truly what Senator Crawford is saying,... [LR201]

SENATOR AVERY: Yeah. [LR201]

CRYSTAL MARIE DITTO: ...reevaluating the programs that are in play and seeing how it can be coordinated together. She has brought an idea that we have all been talking about on the inside forward, and I cannot thank her enough for being a voice for us. It's just evaluation. [LR201]

SENATOR AVERY: Senator Bloomfield. [LR201]

SENATOR BLOOMFIELD: Again, more a comment than a question. Your best friend you said committed suicide... [LR201]

CRYSTAL MARIE DITTO: Yes, sir. [LR201]

SENATOR BLOOMFIELD: ...and I don't think that people in Nebraska and Iowa realize what an epidemic that is... [LR201]

CRYSTAL MARIE DITTO: Yes, sir. [LR201]

SENATOR BLOOMFIELD: ...with returning veterans. My son served in Afghanistan. Three of his friends have committed suicide since they returned. I think we could call it an epidemic... [LR201]

CRYSTAL MARIE DITTO: It is. [LR201]

SENATOR BLOOMFIELD: ...in the Midwest because it happens a lot. Thank you. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

CRYSTAL MARIE DITTO: Yes, sir. I am very sorry for his loss because I completely understand. A lot of it is if the family is ready and know how to support the ones that are coming back. Then that's where a lot of people, civilians, can help us because we cannot...military jurisdiction doesn't cover the civilian families as much. There's so many barriers. I mean, you can't communicate with it. Even for military members who are having struggles with their spouses having PTSD, they can't seek out mental health on base. That's reserved for the military member. So they kind of also don't have access to what they need to be able to help the military, and that could be made available more on the outside as well. [LR201]

SENATOR AVERY: But doesn't TRICARE cover mental health treatment? [LR201]

CRYSTAL MARIE DITTO: They do. You have to go through a long process of getting a referral and then going off base. And then there's still the stigma. And if your husband, for my sake, my husband is PRP status, if I were to go seek something, then it would jeopardize his career because they would say, well, if your family is unstable and your household, then your mind isn't in the right place. They have, literally, told my husband if we wanted you to have a family, we would have issued you one. [LR201]

SENATOR AVERY: Oh, boy. How do they do that? [LR201]

CRYSTAL MARIE DITTO: SOP, sir. (Laughter) [LR201]

SENATOR AVERY: Touche. [LR201]

CRYSTAL MARIE DITTO: Thank you. [LR201]

SENATOR AVERY: Yeah, thank you. Any more questions? Thanks. Good morning. Welcome. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

MICHELLE WAITE: (Exhibit 9) Thank you. Good morning, Senators. My name is Michelle Waite, M-i-c-h-e-l-l-e W-a-i-t-e, and I'm the assistant to the chancellor for community relations at the University of Nebraska-Lincoln. I'm here to speak about LR201 on behalf of the university system through my roles on the legislative liaison team. I am cochair of a UNL student veterans task force, I'm the liaison of our campus ROTC programs, and most importantly, in my mind, I am the mother of an active duty serviceman. This resolution seeks to examine policy options available to the state of Nebraska to support military installations, military families, and veterans and their families. The University of Nebraska takes our approach to service members and veterans very seriously, and there is active consideration and discussion at all levels of the university on the needs of military and veteran students when making decisions about policies, programs, and services. We realize that our veteran students enrich our campuses by providing a very different perspective based on their military experience, even though many student veterans may be the same age as undergraduates that haven't served their country. By Board of Regents policy, all active duty military and family stationed in Nebraska are currently eligible for resident tuition. In the past few years, the university has continued to reach out to veterans with new services and policies system wide. Since 2009, all University of Nebraska campuses have participated in the post-9/11 G.I. Bill Yellow Ribbon program with maximum benefits and no restrictions for undergraduates. And I can tell you that's very unique amongst my peers in the Big Ten. To be Yellow Ribbon eligible, all service members who served at least 36 months after September 10, 2001, and were honorably discharged are eligible for the maximum benefit through this program. Yellow Ribbon covers the difference between resident and nonresident tuition, with Veterans Affairs paying 50 percent and the University of Nebraska paying the remaining 50 percent. All NU campuses have signed the U.S. Department of Defense Voluntary Education Partnership, are Servicemembers Opportunity Colleges, and are ranked in the top 20 percent of military-friendly schools by G.I. Jobs. Through the University of Nebraska Online Worldwide, the university is providing online programs to military and veteran students.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

They've hired a military program specialist to provide dedicated guidance to prospective and enrolled military and veterans and has created an online military veteran student community of practice. The University of Nebraska was one of the first 100 institutions to sign onto the national Got Your 6 campaign to support successful transitions for veterans. In 2012, UNO established the MaV USO office on campus to provide a one-stop student services office to directly assist veterans and their families. They've also had a significant presence at Offutt Air Force Base since 1950. In addition, UNO waives its application fee for all military and veterans and has specially trained faculty and advisors for military students. UNO was ranked as one of the top colleges for veterans by Military Times and UNO's bachelor of general studies program has flexible acceptance of ACE-approved credit for military training, including up to 10 credit hours for one year of active duty service. This program is also ranked the fifth best online program for veterans by U.S. News. Several years ago, UNL recognized the need to better coordinate services for our veteran students, and we created a student veterans task force, which is reviewing and making policy recommendations in order to recruit, create, and coordinate services for these students. One of the results of the task force has been to create a peer mentoring program, where over 130 faculty and staff voluntarily mentor student veterans. UNL's MBA program was also ranked third best online program for veterans by U.S. News. And I represent UNL, where we have been an active participant in Big Ten conversations, improving services for veterans. UNMC has maintained a longstanding partnership with the VA Nebraska-Western Iowa Health Care System and is a partner for the DOD Interservice Physician Assistant Program with a long history of training physician assistants in the military. Since 1992, UNMC has partnered with the U.S. Air Force to provide a three-year residency program in family medicine, graduating more than 150 military physicians. UNMC participates in Air Force, Army, Navy, and Marine Corps Health Professions Scholarship Programs and other military healthcare scholarships. Finally, UNK's Office of Financial Aid offers customized student services for veterans. They also accept ACE-approved credit for military training toward elective credit and are launching a survey of their military and veteran students soon to see if they are meeting their needs. This should continue to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

lead to strategic discussions about how UNK can more effectively serve this population of students. In conclusion, the University of Nebraska cares deeply about our veteran students. While all of the campuses are recognized in a number of national military-friendly publications and listings, which certainly shouldn't be discounted, I can assure you that we understand that it is the context with which we operate to make the college experience embracing and meaningful for veterans. We are invested in their success, and we understand the traditional campus environment and services we provide may need to be modified to assist them in accomplishing their educational goals. I'd be happy to take any questions at this time. [LR201]

SENATOR AVERY: Thank you. [LR201]

MICHELLE WAITE: Thank you. [LR201]

SENATOR AVERY: That's an impressive list of services. [LR201]

MICHELLE WAITE: Thank you. We're doing a lot of really good things. [LR201]

SENATOR AVERY: Yes, and I presume that the previous testimony was referring to community colleges. [LR201]

MICHELLE WAITE: Yes. [LR201]

SENATOR AVERY: Right. [LR201]

MICHELLE WAITE: The Yellow Ribbon program is voluntary, and I don't know if...I'm sure community colleges can participate if they want. I'm guessing they can, but I really don't know. It is voluntary, though, totally voluntary. [LR201]

SENATOR AVERY: Okay, we'll have to look at that too. Any more questions? Thank

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

you. [LR201]

MICHELLE WAITE: Thank you. [LR201]

SENATOR AVERY: Any other testimony on LR201? Senator, do you have anything you'd like to say by wrap up? [LR201]

SENATOR CRAWFORD: (Exhibits 10 and 11) Yes, thank you. Thank you very much. I'd like to thank all of the people who came to testify. And right now, Kaitlyn is handing out a couple of written testimonies that were presented to us. One from General Cohen, Military Officers Association, addressing some of the issues that we've talked about today. And one from the city of Bellevue from Mayor Sanders and city administrator Dan Berlowitz that confirms their support for several of the issues that were discussed today. And I'm very glad that you also had a chance to hear, just now, a good overview of some of the different services that are being provided by the University of Nebraska. We had a chance, during our interim, to visit the veterans center at UNO. We're very impressed with the services that they provide. So overall, I think you can see we've made progress in many areas, and I really commend, again, Senator Avery and the Government Committee for progress made on those recommendations in 2008. We have just a couple of red lights left there. And then the purpose of our interim study was really to lay out an agenda for key issues we need to work on coming forward. A couple of those would probably be next year, but there are several of these issues that we will need to work on for several years. And so I hope that today has been helpful to get some background and personal stories to go with those issues that I'll be talking to you about over the next few years. Thank you. [LR201]

SENATOR AVERY: Yeah, thank you. Any comments or questions? Don't see any. [LR201]

SENATOR CRAWFORD: Thank you. [LR201]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: Thank you very much. I want to commend you on preparing the testimony so that everybody stayed roughly within their five minutes, and we went through a lot of testimony. [LR201]

SENATOR CRAWFORD: We did. Thank you. [LR201]

SENATOR AVERY: And I made notes here on the subject matters covered. You didn't miss a thing. (Laughter) That ends the hearing on LR201, and now we'll move to LR305. Senator B. Harr... [LR201]

SENATOR HARR: With two R's.

SENATOR AVERY: ...with two R's...to talk to us about an interim study to examine the governance and efficiency of the State Board of Education. That's why all the suits showed up. (Laugh)

SENATOR HARR: Well, thank you, Chairman Avery and members of the Government Committee. Thank you for your time and for listening to our interim study. I'm hoping not to take the whole two hours. We'll be a little briefer. And I'm somewhat disappointed that Senator Lautenbaugh is not here right now because he has taken a great interest and leadership in school board governance and stood this committee last year. And this is somewhat a follow-up and what we learned last year was to...well, that we need to constantly evaluate are our school boards doing what they're supposed to be doing in the best manner possible. The Nebraska State Board of Education, in 1972, through a constitutional amendment, switched over to now where the Board is elected and they name the Commissioner of Education. There currently is an opening for Commissioner of Education because Roger Breed, who is in the audience, has retired. And so what we're look at is, what is the efficiency, and what is the best way for our State Board of Education? And what we're looking at is, how do we get the best results for our kids?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

What is the best interests of our children? And that always has to be first and foremost with whatever we're doing, especially in education. That is the future. And what we look at is...there's a study that's conducted, and I don't want to steal thunder from a lot of those coming after me, but what we found is that there is a diffusion of power. And with that diffusion...it wasn't by happenstance. It was intentional because education...the argument is education is all of our responsibility But then the question becomes, if we aren't meeting our goals and expectations, who is ultimately responsible so that we can make sure our kids are getting the education that is not just deserved, but constitutionally required? And so that's what this was to look at, and we looked at how other states conduct their State Board of Education. And we look at the results of how those students perform on tests. And while you can't directly correlate one to the other, what you do find is that there is a pattern. And that the states that have our style don't always perform as well as others. Now it may be due to the governance, and it may be due to other issues, but I think it's important that we investigate to see. I think we owe that to our children. And so that's what we kind of have done over the summer. And you're going to hear other people come up and testify. You know, we had...we were very fortunate about four years ago. We had a Governor who was head of the National Governors Association. During that year that he was head, we accepted...the National Governors Association, in conjunction with the U.S. Chamber of Commerce, came up with a form of education called Common Core. Now, like it or not, that's what it is. It was accepted during that time. And then, we turn around, and we have a Governor who comes back to his own state, and we're one of four or five states that then do not accept Common Core. So the question is, whose accountability...Common Core was meant to set up a level of accountability, and then we didn't turn around and accept it on our own. And I think it was kind of an embarrassment that we didn't accept that because a lot of hard work went into that, and it wasn't just by happenstance. Now, during that same period, we were also going through an assessment. And we've created a very good assessment period or testing. What we've found is it's very similar to Common Core. But, you know, you have a Governor who has put a lot of hard work into something, and then he can't pass it through to his own state. So I don't want to take up too much of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

your time. I'm going to let those who come after me talk more about the importance of accountability and the importance of looking at what we can and should be doing as a state. But I'll entertain any questions if you'd like. [LR305]

SENATOR AVERY: Thank you, Senator. I don't see... [LR305]

SENATOR HARR: None. [LR305]

SENATOR AVERY: ...anybody eager to take you on right now. [LR305]

SENATOR HARR: All right. [LR305]

SENATOR AVERY: You're staying, right? [LR305]

SENATOR HARR: Yes, sir. For the whole 2, 2.5 hours. [LR305]

SENATOR AVERY: (Laugh) Okay, thank you. First testifier. [LR305]

SENATOR HARR: (Inaudible)...go first. [LR201]

FRED AMIS: Good morning. [LR305]

SENATOR AVERY: Good morning. Welcome. [LR305]

FRED AMIS: My name is Fred Amis. I live in Omaha, Nebraska, and I'm here as a private citizen speaking to this particular subject. I spent... [LR305]

SENATOR AVERY: How do you spell...would you spell your name for the record?
[LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

FRED AMIS: Certainly, it's A-m-i-s, Fred... [LR305]

SENATOR AVERY: Okay. [LR305]

FRED AMIS: ...Amis, not to be confused with...you know. Those of you... [LR305]

SENATOR AVERY: (Laugh) Don't worry. [LR305]

FRED AMIS: ...who are old enough to know. Yeah. [LR305]

SENATOR MURANTE: I don't get it. (Laughter) So I don't know what you're talking about. [LR305]

FRED AMIS: There used to be some guys called Amos and Andy. They were kind of a team. [LR305]

SENATOR MURANTE: Sure, they were a riot. [LR305]

FRED AMIS: Yeah. I spent 30 years in business and 20 of that as a Caterpillar tractor dealer and then helped start a few companies in Omaha, one of which was called Sitel, a telemarketing company. And then, in between those things, I did workouts. So I had a small staff of folks who step in between the creditors and a bankrupt company and work through what needed to happen in order to satisfy the demands of the creditors. And I was pleased to be able to do that work, and I enjoyed the work. But in the mid '90s, I'd had enough of all of that. And so I went back to school and got a master's in history and started teaching history at the University of Nebraska at Omaha, which I did for the last ten years. And when I first started teaching, I had this vision of how I was going to engage these students in the study of history. Now the study of history can be boring as hell if it's just an accumulation of a bunch of dates and names and so forth. The real meat in studying history is, you know, what are the trends, what has happened, what

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

are the causal factors, why did this happen the way it did, what did it mean in the longer term. And I was going to approach that by engaging these students and writing a series of papers, little three-page, two- and three-page papers. They would have to, of course, study the material to understand what had happened, but then ask them to respond to a question that I would pose of them. Why did it happen, that this unfolded the way that it did? What were the forces that made it possible for one group or another to prevail, or whatever the situation happened to be? This was an aha moment for me because these freshmen at the University of Nebraska, graduates of high schools all over the state, not just in grossly underperforming areas, but all over the state, were incapable of writing a cogent thought. And after I got through the first series of papers that I got, I realized that I didn't even have a third of the students capable of doing what I had in mind that they would do. This is tragic. This is really a problem. We solved the problem by marrying up history with an English class so that there was an English instructor who could actually bring them along simultaneously to be able to respond to these questions. But clearly, there was a major failing there. And as the years went on, I became increasingly interested in education and what is transpiring all over the state. We started a group here about two years ago to begin to discuss aspects of this question and to delve into it with some depth. And I'm here today because of one particular aspect of this, and it's obviously a very complex problem. But marrying up my experience in business and experience teaching, I have come to one conclusion. And the fundamental problem is, at its base level, that there is no accountability. And in the end, there has to be accountability. That's how anything ever gets done is somebody has to be responsible. I understand that there were reasons behind the way that the State Board of Education and the director's position was set up as it is today. But I believe that it has had the unintended consequence of removing accountability. I think the idea that the citizens of the state of Nebraska are responsible and should be responsible for the education, collectively, of their children is a valid idea. But the reality is, if you went out, perhaps here in Lincoln, and I know for sure in Omaha, and asked the average citizen who is your representative on the State Board of Education, more than half wouldn't even know that there is such an entity, and that, let alone, who their representative is. So if the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

public does not have access to an understanding of who it is that is responsible, then the bottom line is, there is no responsibility. There is no accountability. And until there is accountability, we are not going to be able to address the problems that we're faced with. Now as I understand it, from the studies that have been completed, and which I think you'll hear more today, the fact of the matter is that the state of Nebraska is one of a handful of states that does not involve the Office of the Governor directly in the chain of accountability for education. And the one other thing that we share with those handful of states is we're all at the bottom in terms of performance. So I hope that in the course of today's testimony you'll consider the value to really creating a chain of accountability, which obviously has to mean both authority and responsibility to achieve an improvement in the level of performance in the state. Thanks, thanks for your time. [LR305]

SENATOR AVERY: Thank you. I share your shock and... [LR305]

FRED AMIS: Shock and awe. [LR305]

SENATOR AVERY: ...shock and awe. First time I had a writing assignment turned in as a professor at UNL, it was an eye opener. And what happened though is that eventually UNL tightened up its admission standards. And that did improve things a bit. But when I first got there, we had open enrollment, basically. You graduate from an accredited high school in Nebraska, you're admitted. Questions or comments? Yeah, how was it that you managed to move so easily and freely between the business world and the university? [LR305]

FRED AMIS: Boy, that's a good question. (Laugh) I don't know. I'm a person who always got...you know, I've always been very curious, but then I also get bored easily. So I kind of got to a point in business where it was kind of like turning a crank and I finally went, you know, I just want to go do something that's fun. [LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: And you got it to a point where money didn't matter that much?
[LR305]

FRED AMIS: Well, that's true. I was a lucky guy. Thank you very much. [LR305]

SENATOR AVERY: Okay, thank you. Next testifier. [LR305]

JAMES HARROLD: (Exhibits 1, 2, and 3) Oh, the chairman left. [LR305]

SENATOR MURANTE: I've taken over, so we're under control for the moment.
(Laughter) [LR305]

JAMES HARROLD: Couldn't be anything I said. Good morning. There's some executive summaries being distributed. My name is James Harrold, H-a-r-r-o-l-d. I am a Ph.D. student and an adjunct instructor at the University of Nebraska at Omaha. I'm also a retired military officer, so I was interested in a lot of your previous testimony. Dr. Johoo Lee and I were asked to conduct a limited study of the governance structure of the state education agency. And I believe you have our reports coming around. And Senator Harr's office actually also emailed the full report to you. So there is some previous scholarship, notably a professor named Manna from William and Mary in 2006, that indicates a relationship between the governance structure a state uses and student and policy outcomes. There are really about four types of governance structure, as my report shows you, as well as some hybrid models that various states use that combine elements of other models. The variation between these models lies in how the board itself is either elected or selected and how the chief state schools officer, CSSO as we refer to that person in our report, is appointed or elected. As an indicator of outcomes in our report, we use the National Assessment of Educational Progress, or NAEP results. And in the report you can see that we chart student achievement in Nebraska from 2003 through 2011 and compare those scores to the national median and the national fourth quartiles. I should note that these scores are for what they term, all students, and not

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

disaggregated by gender or ethnic demographics. The full report includes similar charts disaggregated for racial demographics. Now the NAEP results show the gap also between test scores for white students and African-American and Hispanic students. And you can see, it's kind of hard to read. It's easy to read in the report, but that gap is pronounced. So there's a table in my slides there that shows these gaps expressed in score values. It also shows how Nebraska stacks up against other states. For example, if you look at 2009, and I have that circled there, you'll see the gap between white and black students in 4th grade math was about 32 points. But the additional thing you ought to be looking at is that Nebraska had the 42nd largest gap of the 45 states. And so I think that's an important point to make, that our gap, consistently, in the NAEP scores, has been more pronounced than most other states. There's a few years in there where it's not as poor as most of the other states, but for the most part, we are in at least the lower half of all states in terms of the gap. Well, that's not all we looked at. We also looked at the journal Education Week and its annual Quality Counts survey, which some of you might be familiar with. The survey measures various policy areas across the United States and ranks states accordingly. So in one of the charts we show Nebraska's letter grades and ranks across five years in three categories that the Quality Counts survey uses. And there's much more detail in our report. So the question is, does governance structure matter? And we can start to chart in there where...it's kind of hard to read, but it's this one here. We construct a chart where we calculate the median NAEP test scores for states by governance model, and we also break out Nebraska separately on this page. The results are mixed, but in general, you'll note that states using model four, if you refer back to those four models, those states seem to do well. Now model two, which is the governance model that Nebraska and about six other states use, are often in the middle of the pack. Now in the next chart where we say, does governance matter, we compare how Nebraska does in terms of this Quality Counts survey. Again, what you'll note, on average, is that states using model two, or the Nebraska model, are in the lower portion of states in policy areas. And in our report, in our full report, we note that, with only one exception, Utah, states using model two are never, never in the top ten of states in all the policy areas that Quality Counts uses.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

Well, our findings indicate a couple of things. First, just as good scholars, we think our report indicates the need for further study, which we always like to do because we don't apply some real rigorous statistical analysis. Most of our report is just based on the visual. But we also suggest that the governance model and student and policy outcomes are associated, and we suggest that there might be a relationship between greater Governor and Legislature involvement and outcomes. In our thinking, the Nebraska model could be changed in two ways. And we're neutral so we're not really recommending you do one or the other. But we think there are basically two ways the Nebraska model could be changed. Option one is that the Governor appoints both the board and the chief state schools officer. And this model is also called model four. It's employed by nine states including Iowa and South Dakota. Option two is a hybrid model. And in this proposal, the Governor appoints the chief, while the elected board retains its role as an oversight body. And there are certainly other options. However, our study seems to indicate that governance is at least one element, and there are others, but it is at least one element that seems to drive outcomes, both in terms of student achievement and in terms of policy outcomes. And we think that at least looking at the governance model is probably worth a look because it seems to be partially causal to success. That's the end of my testimony. Do you have any questions? [LR305]

SENATOR AVERY: Questions from the committee? Comments? Don't see any. Thank you. [LR305]

JAMES HARROLD: Thanks. [LR305]

SENATOR AVERY: Next testifier. So we're going to hear about model two? (Laugh)
[LR305]

MARK QUANDAHL: (Exhibit 4) Yeah, I don't know which model it falls into, but I think that is what we're going to hear about. [LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: Yeah. [LR305]

MARK QUANDAHL: Chairman Avery, members of the committee, Mark Quandahl, and I'm here in my capacity as the representative from district 2 on the State Board of Education. [LR305]

SENATOR AVERY: Can you spell your name for us? [LR305]

MARK QUANDAHL: Sure I can. [LR305]

SENATOR AVERY: I know you can. Will you, please? (Laughter) [LR305]

MARK QUANDAHL: Will I? Yes, I will. It's Quandahl, Q-u-a-n-d-a-h-l. And I believe it was Professor Amis was saying about how the State Board of Education sometimes toils in anonymity, that nobody knows who we are. And one thing that I've found is, is that even when I was sitting on that side of the desk, when I was a state senator, you know, most people don't even realize who their state senator is. It's surprising how many people don't know who their congressman is or who the senators are. And not everybody... [LR305]

SENATOR AVERY: Or they think you're a U.S. senator. [LR305]

MARK QUANDAHL: What's that? No, I know. That's what...I mean, more often than I care to admit, they'd say, hey, I understand you're a senator. How are things in Washington? And it's like, I had to explain to them that I was a state senator; I went to Lincoln. So I do understand that. Well, one of the things that I thought that I'd do is just kind of tell us how we got to where we are, kind of go through a little bit of history. And so what I handed out is a part of our...handouts is kind of a history of the Nebraska Department of Education. You can see back in 1855 was kind of the first thing that happened. The territorial librarian was designated by the territorial Legislature at the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

time, as being the superintendent of public instruction. And I thought, you know, back in 1855 was probably because the territorial librarian had, you know, authority over about the three books that existed in the state of Nebraska. And so he had some extra time on his hands. But then probably the next biggest shift since that time would have been in 1952. Nineteen fifty-two there was a constitutional amendment that was passed by the people of Nebraska that created the State Department of Education with an elected State Board of Education. Then in 1966...originally there were just 6 members of the State Board of Education. In 1966, it became eight members of the State Board of Education. Right now, the State Board of Education shares the same geographical boundaries as the University of Nebraska Board of Regents. So that kind of gives you an idea. In addition to that little history there, on page 2 you see kind of the constitutional provisions. The Department of Education, the State Board of Education is enshrined in our constitution at Article VII, Sections 2, 3, and 4, "The State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education." And what's kind of interesting in this, also, is that final sentence in there: The State Department of Education shall have general supervision and administration of the school system of the state and such other activities as the Legislature may direct. And so I think I heard Senator Harr saying, well, it was kind of an embarrassment that the State Board of Education didn't adopt the Common Core in Nebraska. There is a solution to that; "such other activities as the Legislature may direct." There is also...if you look down on Section 4, "The State Board of Education shall appoint and fix the compensation of the Commissioner of Education." The Commissioner of Education, Roger Breed is here, and I think he is the former Commissioner of Education of the state of Nebraska. And one of the things that we do, probably one of our most important functions on the State Board of Education, is appointing and fixing the compensation of that Commissioner of Education. There are also statutory references to the State Board of Education. There's over 785 statutory references to the State Board of Education. So that's something...and we didn't look at Commissioner of Education, we didn't look at Department of Education. That's 785 just referring to the State Board of Education. So what have we been up to? You know, that's one of the things that you probably would

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

say, hey, we don't know who you guys are. We don't know what you're doing. What have you been up to? If you look on page 3, there are the goals that were adopted by the State Board of Education. If you read those goals, I think you'd probably say, well, those are pretty lofty goals. Goal number one, improve achievement outcomes for all students. That sounds reasonable I would think to most people. Goal number two, improve and support state and local accountability. There was some talk about accountability. That is goal number two of the State Board of Education. Goal number three, improve communication and collaboration with policy partners. Because of the way that the State Board of Education and the Department of Education is enshrined in the constitution and in statutes, we have to work with the Governors, with the executive branch, and with the legislative branch in order to get anything done. The State Board of Education, just because of the way that we came into existence, actually we defer to the Legislature on a number of topics. One of them is governance, governance of local boards. Number two is finance, state school finance we defer to the Legislature on that. The Nebraska Department of Education has been...we're actually the ones that actually figure out the TEEOSA formula and the funds for the different school districts across the state. And so we customarily have just stayed out of those fights because we're the ones that actually have to figure out where the funds go. So in the interest of being kind of a neutral party, we've stayed out of that. Now I will tell you that there is no constitutional provision that would prohibit the State Board of Education or the Department of Education in weighing in on those topics, but we've just done it out of deference. Finally, on issues of local control, and this is curriculum. There's kind of a misconception sometimes that the State Board of Education gets involved in the curriculum of local school districts. That's not true. We set standards. We set the broad standards, and then it's up to the local school districts--we believe in local control--to actually enact the curriculum that fits that particular community. So that's what we're up to. If you look, starting on page 4, is kind of a recitation of what we have been up to. And I'm not going to go over everything, but we've been dealing with standards and assessments. And this just goes back from 2008 to the present, since Roger Breed was the commissioner, forward. I came on the board in 2009 too. So this is history that I'm

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

familiar with too. We've dealt with standards and assessments. We've also dealt with teacher and principal effectiveness in the state of Nebraska. We've dealt with graduation requirements, high school graduation requirements. You could see the list of things that we've done there. We've dealt with accountability, and accountability is...in the past we had testing, but it was one of those things that, okay, now that we know how our schools are doing, what are we going to do with that? And there is currently pending before the Legislature on General File, LB438, was introduced by Speaker Adams and the state board. It's based on the Nebraska Performance Accountability System. What this bill does for the first time in the state of Nebraska, it asks that based on that NePAS score, intervention teams can be developed that would develop progress plans approved by the board to raise student achievements in what we call priority schools, which would be the underperforming schools in the state of Nebraska. So we are working with the Legislature, we are working with Senator Adams and Senator Sullivan, with the Education Committee to get that accountability piece put in, which up to this point has not been there. And then finally, leadership, or not finally, but one of the other things is, is that we deal with is leadership. And because of the constitution, the State Board of Education is the one that actually selects. And we're in the middle of a process of wading through the resumes to hire a new Commissioner of Education for the state of Nebraska. We also have a quasi-judicial function too. As a matter of fact, we had a meeting this morning. And we did actually have a couple of contested cases that come before us. The Nebraska Professional Practices Commission actually make recommendations on teachers. We're kind of the court of last resort for teachers that either agree with or don't agree with some of the recommendations that come there. So we sit as a quasi-judicial body. We're also an administrative body too. We approve and submit rule changes for the Governor's signature that, of course, are run by the Attorney General first that have to pass constitutional and legal muster before he'll sign off on them and then finally, the Governor. And so just in short or in summary, the Nebraska Department of Education is about the business of educating kids in the state of Nebraska. As I said before, there are three constitutional provisions in the Nebraska state Constitution that deal with the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

Department of Education. And there's over 785 statutory references to the State Board of Education right now. And so, you know, the Department of Education, it's not a code agency, it's autonomous from the executive branch, from the legislative branch, from the judicial branch. However, that being said there is that constitutional provision that says that we are subject to legislative direction. And that's something that we do. And as a matter of fact, that takes up a lot of our time, taking the legislative directives and then turning that into real, boots-on-the-ground policy. So I'd thank you for letting me testify, and I'd take any questions that you have. [LR305]

SENATOR AVERY: Thank you. I remember a former commissioner that didn't quite interpret the constitution the way you did. He suggested that because of the constitutional enshrinement of the commission, that perhaps the Legislature didn't have much authority. Of course, we didn't agree. One last thing, I've got interested people here. [LR305]

MARK QUANDAHL: Sure. [LR305]

SENATOR AVERY: Senator. [LR305]

SENATOR WALLMAN: Thank you, Mark, for coming. [LR305]

MARK QUANDAHL: Sure. [LR305]

SENATOR WALLMAN: And I'll have to agree with a lot of the statements you have, but I have a wife who's a retired teacher and a siser-in-law, brother and he taught all over the world, Poland, all these places. And they didn't really have assessments, but they had benchmarks. It's kind of like an assessment. And today I think we...some of our students perceive like they're going to jail almost. And we've got to get interested. And you know what, when I went to school the superintendent taught civics, government, United Nations, stuff like this. Didn't take...wasn't a full course probably, but that's what they

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

taught. Today, we've got other assessments. I think we're leaving government out, you don't like to, I know my school board representative but a lot of them don't. So I think we've got a long way to go. I don't know if assessments is the total answer because we've got a tremendous diversity of students here. And over there, and in one place he taught, if you didn't know English, you absolutely wouldn't go to school. You had to go to a private school to learn English. And so that's a, you know...we throw that all in here, and it's going to show bad. But the writing thing, I had to start writing in sixth or seventh grade when they're supposed to know and how to interpret things. [LR305]

MARK QUANDAHL: No, I understand, and I appreciate your comments too. I think you're right. Assessments aren't the end of the line. As a matter of fact, once you do the assessments, once you find out how your kids are doing, well, then what are you going to do with that? What are you going to do with that? And that is where the accountability piece comes in. So I agree. [LR305]

SENATOR AVERY: I think Norm was still speaking German in his home around sixth grade. [LR305]

MARK QUANDAHL: Is that right? (Laughter) [LR305]

SENATOR WALLMAN: Yeah. [LR305]

SENATOR AVERY: Senator Murante. [LR305]

SENATOR MURANTE: Thanks for coming, Mark. A couple of questions, I'll start with a perception I have of the State Board of Education, and if you think I'm off base just let me know. My perception of the State Board of Education is that it functions similarly to how I perceive a lot of school boards and their relationship to school district superintendents, which is that, for the most part, when policy gets down in the weeds and difficult to understand, you have a superintendent or a commissioner on education

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

who is thoroughly knowledgeable and has spent a career in education and citizen representatives who don't really speak that language. And when tough decisions have to be made, we...the discussion gets into a sort of jargon superintendent speak that the average person can't really understand. And as a result, you have well-respected, typically popular superintendents and a Commissioner on Education to whom these boards typically defer, and maybe rubber stamp is a wrong word, but for the most part, the power emanates with the commissioner and the superintendent rather than the State Board of Education and the school boards. And first of all, my question to you, would you agree with that assessment? But the second question that comes into my mind is, if that is typically how policy is constructed, what is the need for a State Board of Education? Why don't we just...why doesn't the Legislature just confer these powers on a superintendent or a commissioner on education, let that person be appointed by the Governor, and they have to act with whatever policies the Legislature enacts?
[LR305]

MARK QUANDAHL: Okay, let me answer your last question first. What is the need? Obviously, I mean with over 785 statutory references... [LR305]

SENATOR MURANTE: Right. [LR305]

MARK QUANDAHL: ...to a State Board of Education, there are a lot of functions that the State Board of Education is empowered to do. And so if... [LR305]

SENATOR MURANTE: But I'm not saying abolish. [LR305]

MARK QUANDAHL: ...you're thinking big and you say, well, let's do away with the State Board of Education. Okay, that's fine. You know, first of all that would take a constitutional amendment to get that done. But then also, the Legislature, you'd be left with dealing with, oh, what are going to do with those 785 statutes and more and more. So... [LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR MURANTE: And I'm not saying we abolish the commissioner or abolish what the Department of Education even does. I'm just saying... [LR305]

MARK QUANDAHL: Right. Right. [LR305]

SENATOR MURANTE: These eight people....and it would take a constitutional amendment, but in implementing those 700-and-some laws, why don't we just have the Department of Education... [LR305]

MARK QUANDAHL: Education do all that. [LR305]

SENATOR MURANTE: ...do it with a commissioner. Yeah. [LR305]

MARK QUANDAHL: Sure. And if you look in the constitution, too, I mean, Section 4, it's Article VII, Section 4, the second sentence, "the Commissioner of Education, who shall be the executive officer of the State Board of Education and administrative head of the State Department of Education, and who shall have such power and duties as the Legislature may direct." Right? And so you have that. And so obviously the commissioner does have a lot of sway over the State Department of Education and that direction comes not only from the Legislature, but also from the State Board of Education too. And two, the one thing that I've found is, is that actually even being a state senator I didn't realize how complex the educational system in the state of Nebraska was. You know, you're dealing with over \$3 billion that gets spent on K-12 education in the state of Nebraska. That comes from federal funds, that comes from state funds, and that comes from local funds. And so it's a pretty big machine. It's a pretty big machine. And so obviously, the eight people on the State Board of Education, I'll speak for myself, we do defer to some folks that do have more knowledge in certain areas and to the expert. And that is the Commissioner of Education. So I don't know if that answers you question directly but... [LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR MURANTE: I see where you're coming from. But my second question almost contradicts my feeling on the first one, which is, it's more of a political question rather than what's the ideal public policy question. It's that when we're talking about changing the governance here, I think you're absolutely right, requires a constitutional amendment, which means it requires a vote of the people to ratify whatever it is the Legislature comes up with. [LR305]

MARK QUANDAHL: Right. [LR305]

SENATOR MURANTE: And I think we had a good example of State Treasurer. This Legislature thought it wasn't a good idea to have a State Treasurer. The people of Nebraska disagreed vehemently. [LR305]

MARK QUANDAHL: Right. [LR305]

SENATOR MURANTE: And they voted that constitutional amendment down resoundingly. And I have a tough time seeing how the people are going to vote to give away their authority to elect a State Board of Education no matter how popular the Governor may be and cede that to a Governor's office. I think they might be able to stomach taking the appointment of the superintendent away from the State Board of Education and putting that in the Governor. But electing the state board members, I'm wondering if they have...if there is any stomach for it and want to get your comments on that. [LR305]

MARK QUANDAHL: No, and I understand. And I'd share that, too, because I was a little bit surprised by the vote on the State Treasurer. But one thing that I've found is, being involved in politics and being a state senator, is, is that I've found that the constituents and that the citizens of the state of Nebraska like to have a direct voice in their government. And so I think you are correct. Even if we all agreed in this room, hey, you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

know that Treasurer's office, that could be handled by the Department of Administrative Services. If the people of Nebraska don't vote for that, it's not going to happen. And so that's who we ultimately answer to, are the citizens of the state of Nebraska. [LR305]

SENATOR AVERY: I have a question for you. Let's play a little game. Let's suppose that you have been given absolute power to issue any decree that you wish relating to education in this state, changing anything you wanted, change, proposing anything you wanted. I mean decrees that cannot be overruled. What would you do? [LR305]

MARK QUANDAHL: That's a good question. As a matter of fact, and luckily I had that same question a couple of weeks ago so I'm ready for it. [LR305]

SENATOR AVERY: So you've thought about it. (Laugh) [LR305]

MARK QUANDAHL: I have thought about it. You know, you talk about assessments, you know. Why don't we have as an exit assessment in the state of Nebraska the ACT test or the COMPASS test? Why don't we do that instead of our state test because that would assess a student's readiness to go and...it's a predictor of how well they're going to do in college or in trade school or in a trade. And so if I could do just one thing, that would probably be it right there. [LR305]

SENATOR AVERY: We actually have a pilot program. [LR305]

MARK QUANDAHL: We do have a pilot program. [LR305]

SENATOR AVERY: It was my amendment. [LR305]

MARK QUANDAHL: And that's a good one. And the pilot program that we have, we're right in the middle of that. And so we're not able to actually access the data to find out if it does increase college-going rates and the success. So we're in the middle of it, but if I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

could make that across the state instead of the regular 11th-grade test, we have the ACT or the COMPASS test administered to every student in the state of Nebraska, that's what I'd do. But I'm just one person. [LR305]

SENATOR AVERY: But I just gave you a lot power... [LR305]

_____: Yeah. (Laugh) [LR305]

SENATOR AVERY: ...to decree anything. [LR305]

MARK QUANDAHL: Thank you. I'll take that. (Laughter) I'll take that and I'll see how far that gets me once I leave this room. [LR305]

SENATOR AVERY: Yeah. I can tell you. Any more questions? Thank you. [LR305]

MARK QUANDAHL: Yep, thank you. [LR305]

SENATOR AVERY: Thank you very much. [LR 305]

MARK QUANDAHL: Sure. [LR305]

SENATOR AVERY: Welcome, Mr. Commissioner. Have you actually resigned completely, or are you still there? [LR305]

ROGER BREED: Apparently, even the state board doesn't know. (Laughter) I'm doing everything except drawing a check so...no, I retired effective... [LR305]

SENATOR AVERY: That's the best way. That's how we like it. (Laugh) [LR305]

ROGER BREED: Yeah, I understand that. I retired effective July 1. And so I am now

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

100 percent subject to my wife's orders. Will you have a hearing on that next week please? First of all, thank you for the opportunity to come before you. I think this is an important topic and worthy of time and consideration. First of all, I'm Roger Breed, for those that don't know, R-o-g-e-r B-r-e-e-d, the former Commissioner of Education, former superintendent, former teacher, former principal, former assistant principal, and former coach. I'm speaking in support of the work of the State Board of Education. I spent most of the last five years as the commissioner here in Nebraska. I traveled the state. I visited schools and communities. I was also able to travel to other states and to Washington D.C. And I was engaged in both statewide and national education efforts. I can say without hesitation and as a public school educator with over 40 years of service that I much prefer the system of an elected State Board of Education and an appointed commissioner that is embedded in Article VII of the Nebraska state Constitution. I would oppose, and, in fact, strongly oppose, any system that diminishes the involvement of all Nebraskans in the education of our citizens. The Nebraska Constitution gives the Legislature, as one of its enumerated responsibilities, the responsibility for providing free instruction in the common schools of this state of all persons between the ages of 5 and 21. Education responsibility, as Quandahl described, is further delegated to the elected eight members of the State Board of Education and its appointed commissioner. This system affords the state of Nebraska the essential ingredient for successful education systems, in my opinion, in that it keeps available the pathway for all citizens to be engaged in and responsible for public education outcomes. On a given school day, approximately one out of every five Nebraskans is engaged in the K-12 schooling effort as a student, an educator, or support-staff member. It is a huge enterprise, and it plays out very differently in communities across the state. In my travels to more than 140 school districts as commissioner, I saw firsthand the pride and ownership communities had for their schools and for their students. Those districts that were most successful in making the greatest progress were those that had the buy-in of parents, community members, taxpayers, businesses, and educators, essentially all. The education of our youth is the responsibility of all and putting this responsibility in the hands of elected and responsive local school boards and an elected and responsive

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

state school board seems to me to be the best way to keep all parties invested in the process. A couple of words about efficiency and accountability--as near as I can tell, an efficient governmental body is one that does what I want done right away. An inefficient governmental body is one that includes many voices that deliberates extensively, that thinks long term, that brings together many heads to come up with actionable ideas and plans and plans, in other words, an effective organization. By this definition, the state board is inefficient but clearly more effective. Now accountability, much has been made about who is and who should be accountable for education outcomes in Nebraska. In the five years I worked with the state board, I cannot recall one meeting or even one discussion that was not concerned with at least some facet of overall education accountability. This was an overriding theme and, in particular, state board members recognize that effective education policy must at all times encourage and recognize the involvement and support of all Nebraskans, including the Governor and the Legislature, in our education effort. To assign accountability narrowly is to let everyone else off the hook. In states that have appointed state boards, I see the possibility for a distinct lack of public involvement, educator buy-in, or consistency of efforts over time. Simply said, I think a system of appointees would become a political football that would often be fumbled and rarely successful long term. So while I understand that all entities must periodically be reviewed and evaluated, I urge this committee to conclude its study of the state board with a statement of support and renewed partnership and the continual process to provide Nebraska students with the best education possible. That's my statement, be happy to answer any questions you have. [LR305]

SENATOR AVERY: Thank you, Mr. Commissioner. Questions? You are an advocate for not changing much, right? [LR305]

ROGER BREED: Correct. [LR305]

SENATOR AVERY: Okay. What if I ask... [LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

ROGER BREED: Now it doesn't mean you don't hold the feet to fire though. [LR305]

SENATOR AVERY: So you think the system is good just like it is? [LR305]

ROGER BREED: Good, could be better. [LR305]

SENATOR AVERY: Okay, what would you change to make it better? [LR305]

ROGER BREED: First of all, when you're going to do studies of the state board or any governance structure, when you choose narrow measures like NAEP, you're missing many, many things that schools are called upon to do across the state of Nebraska. I think you have to look at much broader measures than what either the Education Week uses or what NAEP itself uses. Unless you're going to define schools so narrowly that we only are responsible for the things that we're responsible to assess, then any other attempt to measure governance then by a broad brush I think is totally inappropriate. So I would...you know with Senator Murante's question, my primary concern with an appointed commissioner is that the consistency of education policy over time would be significantly diminished because with each election of a Governor there would be a change in direction. That would be part of the politics involved in the Governor's position. I think that puts both the Governor, no matter how well intended he might be, and the education system at risk. [LR305]

SENATOR AVERY: What answer do you have for Professor Amis, our first testifier after the introducer? [LR305]

ROGER BREED: In which of the... [LR305]

SENATOR AVERY: Well, you were here I think. [LR305]

ROGER BREED: Yeah, I was. [LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: Yeah, he talked about that first set of written essays that he was requiring of his students at UNO were just...blew him out of the water not because they were so great, because they were so bad. And he was concerned and is concerned about, how do we get to this place where our kids can't write, and that's where we are. And how do we resolve it? He concluded the problem is accountability. You just said we have plenty of accountability. [LR305]

ROGER BREED: I think we do. It's what you do when you have the accountability results. If we detect that we have a percentage of our students that are not writing effectively, which I think we can make an argument yes, they are, no they aren't, kids are kids to some extent. When they go to college I'm not sure they're always the most motivated students to write. But assuming they are, then it's our responsibility to provide them with opportunities to not only learn but practice to write in real situations. I think for a good long time schools only practiced a select and sort mission. And that is, we're going to select our absolute-best students and we're going to provide them with the best education because the system only needs a certain percentage of kids to go to college and go to university and matriculate through those. The rest we're going to be okay with. Well, the mission today is clearly all students college and career prepared upon high school graduation. Now that's a far more significantly different mission than we had ten years ago when Professor Amis began instructing. It's far different than in the '80s, when I was a part of a study that looked at the amount of writing that was required in Nebraska high schools which was, at that time, very, very low in terms of the expectations. I think we do a much better job of looking at writing and expecting writing and also measuring the results of writing and making that information available to the school districts today. [LR305]

SENATOR AVERY: I've observed today that higher education appears not to be represented at this hearing. And that seems to me to be a major omission because they trained the teachers who teach the kids. [LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

ROGER BREED: Right. [LR305]

SENATOR AVERY: Maybe they need to be a part of this discussion. Maybe there is where some improvement needs to take place. And I could tell you some stories. [LR305]

ROGER BREED: One of the other things you could study is in many of the state boards of educations cited in the study that was presented a little while ago also have oversight of their postsecondary institutions. Perhaps combining the Regents and the State Board of Education would be a pathway to look at. I assure you that would get them to the next meeting. (Laughter) [LR305]

SENATOR AVERY: We would, wouldn't we. Any other questions? [LR305]

ROGER BREED: Other questions? Thank you very much. [LR305]

SENATOR AVERY: Thank you, sir. Have you exhausted yourself, Senator? We have one more. He's a slow mover. [LR305]

DICK CLARK: But don't worry, I'm a fast talker. [LR305]

SENATOR AVERY: Good, because we are bumping up on noon, and we have another bill. [LR305]

DICK CLARK: (Exhibit 5) I know the importance of the noonhour, Mr. Chairman, so I will move on through in an expedient manner. Mr. Chairman, members of the Government, Military and Veterans Affairs Committee, my name is Dick Clark, D-i-c-k C-l-a-r-k, and I'm director of research for the Platte Institute. Thank you for this opportunity to briefly address you today regarding this important topic of education governance in Nebraska.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

As the state of Nebraska moves to replace recently retired commissioner Dr. Breed, state leaders have an important opportunity to reflect on our education system is structured and how it can be improved. Now may be the right time to bring our state's chief education official within the Governor's cabinet of top state officials. As dictated by the 1972 constitutional amendment, Nebraska's education commissioner is neither a cabinet official nor appointed by the Governor. Instead, as we've already heard, elected by the eight members of the State Board of Education who are themselves elected to four-year terms from their single-member districts. In contrast, 12 states currently have their governor involved in the appointment of chief educational officers and 26 include those individuals within the cabinet. Moving the commissioner into the Governor's cabinet would allow for education reform to be more easily implemented. Currently, education policymaking is fractured, as the Governor and Legislature are able to make certain education initiatives and control the amount spent on education while the board is responsible for formulating, implementing, and evaluating policy along with numerous other administrative duties. This arrangement makes communication between all of those entities absolutely essential in designing effective policy. While such an arrangement has contributed to successful programs such as the Virtual Library, the potential for miscommunication and conflicting policy remains. Putting the commissioner in the Governor's cabinet would help ensure direct communication between various policymaking bodies and results in a more unified education program avoiding the bureaucratic morass of working with three separate governmental entities, just at the state level of course. It may also allow the commissioner to have more of an active role in the creation and implementation of policy. Rather than following strict policies of the board, the commissioner could be more independent in creation of his or her own policies as a member of the Governor's cabinet. Now changing the role of the commissioner probably means changing how the commissioner is selected, and there are several different avenues that might take. As the commissioner is an important position with direct impact on everyday Nebraskans, perhaps it would be appropriate for the commissioner to be independently elected like the Secretary of State, Attorney General, Treasurer, or Auditor. Thirteen states currently elect their chief education

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

administrators this way. Alternatively, it may be advisable to have this person be appointed by the Governor as a member of the cabinet, as is the practice in 12 states. A third approach would be to have the Board of Education picking who it believes is the most qualified, and then making a recommendation to the Governor and the Legislature for approval. Five states use that process. Education reform would be extremely beneficial for Nebraska students because unfortunately the current system is not as successful as it ought to be. A 2012 study by Education Week ranking state educational systems put Nebraska 49th out of 50 for educational policy and performance. Similarly, two studies attempting to standardize measurement of dropout rates found that Nebraska had one of the highest dropout rates for black students in this country, with less than 50 percent reaching graduation, and the achievement gap between black and white students is pronounced. State tests in 2012 showed that black students in OPS schools scored well below their white peers across the state in all categories with a 36.2 percent reading proficiency gap, a 45.1 percent math proficiency gap, and a 52.7 percent science proficiency gap. An '09 study by the United States Department of Education also showed that Nebraska had the widest achievement gap in the nation for black 8th graders at 51 points and one of the widest achievement gaps overall. The achievement gap is also very pronounced for Hispanic and Native American students with Hispanic students at an average reading and math proficiency score of 27 and 31 percentage points, respectively, lower than their white counterparts. And the gap for Native American students is larger still. Clearly Nebraska's education system is not working for many of its students and changing the structure of educational leadership in the state could help facilitate the important reforms that would enable all of our students to succeed and compete with their national and international peers in this global economy. A reform-minded commissioner would be able to be more active in policy development and implementation, working closely with a determined Governor, Legislature, and Board of Education. Changing the constitution to have the education commissioner as part of the cabinet would help our state develop unified education policy and give reform-minded commissioners more opportunities to help craft innovative reforms and make Nebraska's education system into the success that we

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

know it ought to be. Thank you. [LR305]

SENATOR AVERY: Thank you, sir. Questions? [LR305]

DICK CLARK: Thank you very much. [LR305]

SENATOR AVERY: That's one advantage of getting up close to the noonhour; you don't get questions. (Laugh) Any other testifiers? Senator Harr, welcome back. [LR305]

SENATOR HARR: Thank you. And thank you again, Commissioner (sic) Avery and members of this committee and to all those who testified here today. Listening to Commissioner Breed it became very clear the guy can't hold a job. (Laughter) I was waiting for him to say...he was former everything. I kept waiting for Miss America. It's obviously not from talent, so it must be from beauty. This resolution is not meant to be an attack on any individual. It's not an attack on the current system. Rather, what we're doing is looking at, what are the best practices, and what can we do better? When you look at the empirical evidence, it is abundantly clear we can do better. We are not meeting our expectations as a state. And so you have to ask yourself, why aren't we? And, you know, it's about accountability, accountability, accountability. We need to set clearer goals and criteria. Mr. Quandahl, Senator Quandahl, state board Quandahl, whatever title you want to give him, future Governor, gave us this list that showed clear goals. And they're great, but the question is, if they don't meet these current goals, what happens? Who's held accountable, and whom even knows about that? In that current system nobody knows what these goals are, and if they don't meet those goals, I'm not sure what happens. Maybe they do go after the Commissioner of Education. It's never happened before. So we have to decide how are we going to improve our education. Right now, K-12 education...approximately 37 percent of our budget. And the question is, what are we getting for that bang for that buck? In this race for equality, in a race to take politics out of education, the question is, have we taken accountability out? Have we diffused it so far that nobody is responsible? Everyone is responsible, but nobody is

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

responsible. At the end of the day, if my kid doesn't get the education she deserves, who do I turn to? Who do I say, I will not vote for you again? I will not make...I want to make sure my dollars are being spent properly. And I'm not sure that current system does that. Again, it's not a fault of anybody, but it's a looking at the current structure and saying, does it work? You know, we last changed this in the, you know...fundamental changes were in the '50s. The way we teach today is completely different than the way we taught in the '50s. And so we have to look at the governance that surrounds our teaching and say, do we need to update it? That's all we're trying to do here. This is not an attack on anybody. Senator Murante, to answer your question about the Treasurer, this will take a constitutional change. And I think we learned an important lesson on that. I think we learned an important lesson on some of the other amendments that were up recently. And that is, just because we pass it doesn't mean that the rest of the state agrees with us, and it takes education. And it's going to take educating the state so that they realize that, hey, we can do better. We can't just pass third term, pay raise, Treasurer, whatever it is and expect the public to agree with us. It takes a concerted campaign to educate the public as to why we are making the changes we are and why it's in their best interests and their children's best interest to make that change, or grandchildren for that matter. And when do that, and I think we can, I think they will do the right thing, and we can move forward and try to find a better way. What that better way is, I don't have that answer today. What I can tell you is look at the evidence. I e-mailed you the report. We aren't meeting expectations, and we have to raise that. So thank you very much. [LR305]

SENATOR AVERY: Thank you. [LR305]

SENATOR HARR: Any questions? [LR305]

SENATOR AVERY: Any additional questions? [LR305]

SENATOR MURANTE: I do have one. [LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR AVERY: Senator Murante. [LR305]

SENATOR MURANTE: For fear of getting lashed by the Chairman for asking a question near the noonhour, I'm going to do it anyway. The first is a comment, and we hear it repeatedly, especially in this committee which deals with ballot initiatives and things like that. And it's when the voters don't vote for something that we like it's because they just needed more education. It's not that they disagreed with us or that they're intelligent people, and we just came to different conclusion. It's that we just need to inform them better. And I typically don't like that mentality because those same uninformed people who need to get educated are the same people who went to the polls and elected me. So I hope they were at least marginally intelligent up the ballot at the very least. But the second question...the first one was a comment. The second one is a question of what you thought of the idea of having the commissioner elected by the people of Nebraska because that I think is an idea that we probably could sell the people of Nebraska on. [LR305]

SENATOR HARR: Well, let me address your first issue first though. Did you campaign? [LR305]

SENATOR MURANTE: Yes. [LR305]

SENATOR HARR: Did you spend money? [LR305]

SENATOR MURANTE: I did. [LR305]

SENATOR HARR: Did you walk door to door? [LR305]

SENATOR MURANTE: Yes. [LR305]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR HARR: Okay, that's the answer. That's educating. That's what we need to do if we do this. That's what I'm talking about. They were very well educated on who John Murante was and what he stood for. And did they like that? They voted for you. And you won resoundingly. So that's all I'm saying we need to do. And that's what we will do if we do something here today. That's what I was saying, the lesson we learned is we can't just put it on the ballot and expect the public to say, well, the Legislature voted for it. We'll give them deference. [LR305]

SENATOR MURANTE: We usually don't get that deference. No. [LR305]

SENATOR HARR: We do not. And there's a reason for that. Yeah, exactly. [LR305]

SENATOR MURANTE: Yeah. [LR305]

SENATOR HARR: So should the commissioner be elected? That's definitely one of the things I want to look at, and that's one of the things we've looked into. Other states do that. It's a policy question. And I don't have the answer here today to tell you yes or no. What we're doing is looking at it. Indiana has done that. And Indiana has made leaps and bounds in changes in education because you have someone out there pushing for it. You know, that's the same question, should our Commissioner of Insurance be elected? Some states they're elected. In ours they are not. They're actually a member of the cabinet. It's a policy question. They are definite positives to it. And it's something, you know, I would love to sit down and talk to you about what you think and work together to come to a resolution as far as what best practices are. And that's all this is meant to do is to get the conversation moving. I'm not coming to conclusions today. All I'm trying to do is get the conversation started. [LR305]

SENATOR AVERY: Senator Bloomfield. [LR305]

SENATOR BLOOMFIELD: I'm not even slightly hungry. (Laughter) You mentioned that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

Indiana had made great strides. What have they done? Are you familiar with what they have done that allowed them to make those strides? What changes have they made in the school system? [LR305]

SENATOR HARR: Well, probably the better question is what they haven't done. And we're on the noon lunch hour, so I'll keep it brief. But, you know, school choice has become part of it. They work...they were on the forefront...we were one of the last states to have a statewide assessment. Before it was a district by district by district, and so it was very difficult to compare how Gretna's schools were doing against Lincoln Public Schools because you were comparing apples to oranges. And you could sometimes mask some of the problems out there. But what I can do, Senator Bloomfield, is sit down afterwards. I have a whole list of what they've done. It's absolutely amazing. [LR305]

SENATOR BLOOMFIELD: I'd like to see that. [LR305]

SENATOR HARR: Yeah. [LR305]

SENATOR AVERY: I think you actually said they've actually changed a lot of things. You didn't say they improved. [LR305]

SENATOR HARR: Well, yes and no. I mean that's part of the problem. It takes a long time. And to do it properly you have to analyze the data. The data isn't complete yet, but what we are seeing is we in Nebraska generally take the approach of, let's be the last to do anything. And so for instance we have the STARS test, which was, you know, each school district got to look and make up their own assessment. And what we found was it hid a lot of information. One of the great successes of Commissioner Breed's tenure was to come up with the statewide assessment test. And it has brought to light a lot of information and data that was hidden. And so I think there is importance. There's nothing wrong with being an innovator. I would rather be an innovator and fail than to sit

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

back and wait for everyone else and then to come forward. It's not failure; it's low expectations which is the crime. [LR305]

SENATOR AVERY: Can I quote you on that? [LR305]

SENATOR HARR: What's that? [LR305]

SENATOR AVERY: That was a good quote. (Laughter) [LR305]

SENATOR HARR: Well, thank you very much. I appreciate it. [LR305]

SENATOR AVERY: Thank you. All right, that ends the hearing on LR305. We'll now move to LR194. I will just explain to you that LR194 is a broad resolution to deal with any issues within the jurisdiction of this committee that may arise during the interim. And we have an issue that has arisen that deals with voting. And we have here...sir, come forward and present your ideas to us. It's ranked choice voting, right? [LR305]

LARRY BRADLEY: (Exhibit 1) I'm Larry R. Bradley, L-a-r-r-y R. B-r-a-d-l-e-y, for the record. My use of the middle initial is not pretentious, but merely to distinguish me from the other Larry Bradley that lives in Omaha. And I started doing it actually a long time ago because not using the middle initial also got me a late-night visit from the police one night for another Larry Bradley so here we go. Knowing...I've met three of the four of you here and other members of the committee. Senator Wallman, sorry we haven't been able to make connection yet to talk about this. I do have a brief opening statement, less than five minutes. Most of the stuff that's in the packages there is supplemental and we can go from there. I am an individual citizen and resident of Omaha, Nebraska. I am making a proposal to authorize and enable the Nebraska Secretary of State to use rank choice voting in Nebraska primary elections for statewide offices where there are more than two candidates for an office on the ballot in order to determine a majority winner rather than a plurality winner. Have a table of contents in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

here that we can refer to, and then I go directly to my opening statement. I want to begin by expressing my gratitude to the Government Committee for allowing me to testify here today. I also want to thank the members of the committee who were able to meet with me in advance so I could be better prepared to make this presentation. The reason I'm making this proposal is because of this. In my working life I've seen over and over again in big organizations and small, in the military, in government, and in private enterprise that making progress often requires changing the process being used. I have been fortunate to have had something of a gift in that regard. The economic comfort I have today I attribute to my ability to see the flaws in a process, find the fixes to those flaws, and make those fixes work. I'm here today because I see the opportunity to apply that same approach to our electoral process. Let me be clear at the outset. I am not here to criticize the performance of the Secretary of State's Office in conducting our elections. I simply believe the tools they have been authorized to work with are inadequate in some cases. I'm here to ask you to provide their office with better tools. The flaw in the process I see revolves around the answer to a very simple question. Do we or do we not believe the results of our elections should clearly determine the will of the majority? If your answer to that question is yes, then I have to tell you we have a problem. In those instances where there are multiple candidates on the ballot for a single office, the winner-take-all ballot formats we are using can obscure, if not outright thwart, the determining of the will of the majority. Because runoff elections are too expensive to conduct, Nebraska, like so many other states, has been forced to accept plurality winners in our statewide primary elections with multiple candidates. This has a number of disadvantages I discuss in detail in the proposal package. Nebraska can do better. As with so many other things in society, the advent of computers enables us to do things we were unable to do before quickly, efficiently, and affordably. Electorally, when we have multiple candidates for the same office, what we can do is authorize using rank choice voting, RCV, which is also known as instant runoff voting, IRV. So it's the same name...same process, just two different names for that process. The basic difference between the first past the post or winner-take-all ballot and the ranked choice ballot is this: With winner-take-all, voters are only allowed to vote for one of the candidates. With

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

ranked choice, as the name implies, voters are able to rank order their choices; and I do have a sample ballot enclosed in the package here. With ranked choice, once the results are tabulated, the computer provides the data to answer this question. Is any one of the candidates the highest choice of 50 percent plus one vote or better of the voters who voted? If the answer to that question is yes, then a winner can be declared. No additional calculations are required. If the answer is no, then a process is undertaken to, one at a time, from bottom to top, eliminate the candidates who got the fewest votes and determine a majority winner. The voters who voted for the eliminated candidates have their votes reassigned to the still viable candidates, based on the preferences the voters themselves mark on the ballots. As each candidate is eliminated, all ballots are queried to ensure each mini runoff round is using each voter's highest choice according to their ballot. While some focus on the prospect of someone who would have won under the old rules having the potential of losing under these new rules, I would prefer another orientation with other benefits. Those who go from being the initial plurality leader in balloting to being the final consensus majority winner have a validation and a certainty for their nomination and continued candidacy plurality winners simply do not have. In addition, studies show this process reduces negative campaigning, makes voters reach out to voters beyond their core supporters, and leaves voters with a greater sense of satisfaction with the results. In fact, I will tell the committee my personal experience when I'm out in public and networking and meeting and so forth, is voters tell me overwhelmingly when they know the difference between the new methods that they would prefer to use ranked choice voting in a primary election. The committee's next step, if it likes this proposal, would be to consult with the Secretary of State's Office and determine the level of investment required for implementation. That investment will, of course, be contrasted with the cost of an actual runoff election and the ability to amortize the investment over the course of several elections. In other words, what we'd have to do is buy a couple of machines, we'd have to buy some software on a one-time basis, but then we're able to use those machines and those software for other elections later on. So we get to carry that cost through for however many elections we can use it for as opposed to the full cost of just having a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

basic runoff election. The bottom line to me remains to be this: Isn't it worth the investment to ensure our elections clearly determine the will of the majority? So having made kind of an opening statement there, I'm willing to...and knowing it's the lunch hour... [LR194]

SENATOR AVERY: All right. I want to apologize to you for not getting to your issue earlier, but, you know, we have a very storied tradition here of giving everybody a chance to have their say. It's very important to how we do business. Senator Wallman has a question. [LR194]

SENATOR WALLMAN: Thank you for coming here. Have you talked to the Secretary of State about this? [LR194]

LARRY BRADLEY: Yes, yes. [LR194]

SENATOR WALLMAN: And do you have any idea the cost? [LR194]

LARRY BRADLEY: It would be difficult as far as cost. It would be less than an actual runoff election. A statewide runoff election costs us the same as running the actual primary itself, which is about...which Erickson says is about a million dollars. Okay? So here you're going to have to buy...there's a couple of different ways you could do it. The most expensive way is to buy machines for everybody all across here. There's an interim method you could use whereby you bring...you transport the ballots to Lincoln, run them through. It's just like instant replay in football--you have to wait on the result. But you run the ballots through the few machines you buy here in Lincoln, and then they go through the algorithms and press it that way. So, yes, you could get it to be less. And as I say, once you've made the investment in machines and software, then you can amortize that over a number of elections, however many. It could be done. It would be difficult, yes, and I certainly don't want us to do something that is not ready to be done. But some of the tabs I have here, in particular number 7 and number 8 and number 9,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

we are not the first people to do this. Okay? Number 7 is the Minnesota statute authorizing RCD. Now they use it at local level. Minneapolis and St. Paul use it for their city elections. But that language could easily be edited to make it for our primary elections and also so the fact that we're not starting with a blank sheet of paper. Tab 8 is a sample RFP to be able to go out to a vendor and buy the software and the machinery so. [LR194]

SENATOR AVERY: Knowing that you are well prepared, this is tremendous research. What do the political parties think about this because they would be...I mean, they have an interest. [LR194]

LARRY BRADLEY: The individual members of the parties that I've talked to on the Republican side, which this affects most, obviously, because they are the dominant party in this state... [LR194]

SENATOR AVERY: And there the ones that have the candidates to cause a multiple election. [LR194]

LARRY BRADLEY: Yeah, yeah. It's kind of a good news, bad news. Good on them, just as good on you that you put yourself forward into this process to be elected. What a wonderful problem to have that we have more than two people who want to run for a political party. What a wonderful problem to have. The difficulty is, like I say, the plurality thing. J.L. Spray doesn't like it, and J.L. doesn't like it because...he won't really tell me why. I infer from some things he said to me that he doesn't like it because he thinks it's too hard to do. Well, when you look at that sample ballot, how hard is it to go down three columns and mark your first choice in the left-hand column, your second choice in the middle column, and your third choice in the right column? You know, I just...you know, and the question... [LR194]

SENATOR AVERY: And you could actually vote only for one. You wouldn't have to have

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

a second and third choice. [LR194]

LARRY BRADLEY: Absolutely, absolutely. [LR194]

SENATOR AVERY: Yeah. [LR194]

LARRY BRADLEY: You can...I address that back in tab 10. I address some of the questions that people normally have about the ballot and how can it be...you know, what would be some of the attempts to game it and that sort of thing. I address some of that back at tab 10. But, yes. But my basic question, if you would have J.L. in front of you right now would be to ask him, what is it the Republican Party has against determining the will of the majority? You know, because that's the whole intention of the process. And it's actually good for, I think, the process as a whole because somebody who wins with a majority is very firmly in control as you move forward to the general election. [LR194]

SENATOR AVERY: Well, just one piece of advice--be patient because change of this sort takes multiple years. [LR194]

LARRY BRADLEY: Yes, obviously. I am very much...Senator Bloomfield has a question. I am, you know, I'd love to see it done for 2014. I realize it probably is not going to. It's just that the circumstances that we have for the 2014 election with five candidates for Governor, four candidates for U.S. Senate illustrate the issue and why this is needed. That's why I'm bringing it up. But if we do something for the years later, that's good with me. You know, we now preclude the problem from occurring in the future and... [LR194]

SENATOR AVERY: You know, one of the rules of politics is we've always done it this way. We've never done it that way, so we can't do that. [LR194]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

LARRY BRADLEY: I want to make one final...go ahead. [LR194]

SENATOR AVERY: Senator Bloomfield, did you have a question? [LR194]

SENATOR BLOOMFIELD: Yes. And Mr. Bradley and I discussed this rather at length in my office. I was not aware of what Mr. Spray's position was on it at that time. From my point of view, we would be giving the voters that voted for that lowest ranked candidate a second bite at the apple. The person that voted for the first ranked candidate is not hit. I think that's the fallacy with the problem. He gets an opportunity to vote two or three times, depending how many it takes if he votes for the loser each time, the biggest loser. And to me that is a complete unfairness to the person that voted for the top two. Just for everybody's fun to useless information, I intend to introduce a bill that will call for a runoff election. I think it's a million dollars well spent if that's what we have to do... [LR194]

LARRY BRADLEY: Okay. [LR194]

SENATOR BLOOMFIELD: ...rather than this system. [LR194]

SENATOR AVERY: How does this work if you only had two choices, a first and a second choice? [LR194]

LARRY BRADLEY: Then you're back to your standard winner-take-all ballot. [LR194]

SENATOR AVERY: Yeah. [LR194]

SENATOR BLOOMFIELD: What if neither winner gets 50 percent? You have a write-in candidate that pulls 1 or 2 percent and they end up with 49, 48. What do you do? [LR194]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

LARRY BRADLEY: Then we kind of live with that one. But I... [LR194]

SENATOR BLOOMFIELD: Okay. [LR194]

LARRY BRADLEY: It's interesting to think today and since I know we got all political junkies here sitting around the table, it's interesting to think what would have happened Tuesday in Virginia if they'd had rank choice voting. [LR194]

SENATOR AVERY: Yeah because 7 percent of the vote went to the Libertarian candidate. [LR194]

LARRY BRADLEY: Yes. [LR194]

SENATOR AVERY: Yeah. [LR194]

LARRY BRADLEY: So what would have happened if we'd... [LR194]

SENATOR BLOOMFIELD: Who by the way was heavily funded by a Democrat... [LR194]

SENATOR AVERY: Really? [LR194]

SENATOR BLOOMFIELD: ...from Texas. [LR194]

LARRY BRADLEY: So, you know, Senator Bloomfield, I've thought about your objection quite a lot. All I can say is...and I'm probably not explaining it properly to you, the idea is...why the process works the way it does this way, went from the bottom up. First of all, we consult every ballot with every round. That's why the other name is instant runoff. When we eliminate a candidate, we are now having a runoff with all the remaining candidates. And we're going to go to all the ballots, okay, and we're going to ask each

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

ballot, query each ballot, do I have your highest choice? Well, I can't go higher than your number one choice. And if your number one choice is still active and out there, then I consult that and I continue to allocate your vote to your number one choice, at least the computer does as it goes through on the algorithms. [LR194]

SENATOR BLOOMFIELD: But it doesn't allocate it the second time. It does not allocate it the second time. Let's go back to the Stenberg, Fischer, Attorney General race--I'm terrible with names. I supported Don Stenberg. He finished dead last. You would have counted my vote a second time... [LR194]

LARRY BRADLEY: Well, in the process... [LR194]

SENATOR BLOOMFIELD: ...which would have gone at that point to the winner as it turned out. But... [LR194]

LARRY BRADLEY: Looking at, let's see here, where is...that's...let's look at tab 5 because that's where that's at, on the second page. As you have Sharyn Elander had the fewest first-choice votes. So Sharyn would have been eliminated as a candidate, and we would have gone to her ballots...yes, sir, again, tab 5, page 2 there's where all the...this is...you know, it seems like ancient history now in 2013 is this is the November...pardon me, this is May of 2012, the U.S. Senate nomination results, primary votes in Missouri and in Nebraska. So speaking to Nebraska since we bring that up again, in the top one I focus more on Todd Akin here. But Sharyn Elander would have had the fewest votes. So what we do is we drop off and we go back through and we ask everybody, okay, who's your highest choice? Well, everybody else, Fischer, Bruning, Stenberg, Flynn, and Zimmerman to Nebraska since we bring that up again, in the top one I focus more on Todd Akin here. But Sharyn Elander would have had the fewest votes. So what we do is we drop off and we go back through and we ask everybody, okay, who's your highest choice? Well, everybody else, Fischer, Bruning, Stenberg, Flynn, and Zimmerman are still viable. So we asked the Elander voters,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

who is your second choice? [LR194]

SENATOR BLOOMFIELD: There's their second bite at that apple. They get their second choice. I'm still stuck with my first choice. [LR194]

LARRY BRADLEY: But your first choice is still viable. You're still in the running. Now we're building as we go through here. Obviously Elander, Zimmerman, and Flynn did not have sufficient votes to move the needle. They did not have enough votes to put Deb Fischer over the top. [LR194]

SENATOR BLOOMFIELD: But the person that voted for Elander, then took Zimmerman as their second choice and Flynn as their third choice now had their vote counted four times by the time we got to Stenberg. My vote, which would have been for Stenberg, I'm going to say that he voted for Fischer, whether he did or not I don't know, I don't care... [LR194]

SENATOR MURANTE: Abstain. [LR194]

SENATOR BLOOMFIELD: ...his vote would not have been counted again. He's still got the one vote that he had. This will be a discussion for when it comes to the floor as I understand or when it comes to the committee. [LR194]

LARRY BRADLEY: Oh, sure. Sure, that's fine. That's fine. [LR194]

SENATOR BLOOMFIELD: And we will have that discussion. My attitude has not changed, Mr. Bradley. I will still be opposing hereafter. [LR194]

LARRY BRADLEY: That's fine, that's fine. I just pointed out...and that's fine. I don't want to get into a big thing with you, but... [LR194]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

SENATOR BLOOMFIELD: No, we won't. And you're more than welcome to come to the office and we'll discuss it again any time you want. [LR194]

LARRY BRADLEY: It's a thing of, I'm starting to say here, this is where we also get into the thing of the exhausted ballot, okay, which back at tab 10, Senator Wallman, I explain this. But I would say, you know, if you have in this situation, as we do, six candidates, you're allowed to mark three choices, okay, and none of those three choices remain in the final three, then you had three shots. But your candidates didn't make it. The other thing I kind of jokingly say... [LR194]

SENATOR AVERY: You had three shots but yet... [LR194]

LARRY BRADLEY: ...don't go to the racetrack to make your living if that's how you're picking (laughter). [LR194]

SENATOR AVERY: Bad choices (laugh). [LR194]

SENATOR BLOOMFIELD: Just out of idle curiosity, if I may, the election they just had in Minneapolis for the mayor, did they have to go to the system or did somebody win 50 percent? [LR194]

LARRY BRADLEY: I'm not aware of how that actually turned out, but they have... [LR194]

SENATOR BLOOMFIELD: I'm not either and I was hoping you might be. [LR194]

LARRY BRADLEY: Yeah, but they have gone to it. Like I say, I've got several different resources in here. People...and again, I go back to on my blog I have a poll that I'm running. And yes, my poll is unscientific and, yes, my sample is incredibly small; but still I have 89 percent of the individual voters that are not political junkies. They're just

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

people that want the system to work. And they tell me that they...89 percent tell me they want this system in a primary election. [LR194]

SENATOR BLOOMFIELD: Is that after you have explained the system to them without benefit of somebody else disagreeing with you? [LR194]

LARRY BRADLEY: Sure. [LR194]

SENATOR BLOOMFIELD: Okay, thank you. [LR194]

LARRY BRADLEY: Absolutely, absolutely. [LR194]

SENATOR AVERY: It is an idea that has wide currency. It's been studied many, many times and is not a crackpot idea. [LR194]

LARRY BRADLEY: Yeah, it's been declared legal. [LR194]

SENATOR AVERY: No, it's a very legitimate form of voting. Yes, Senator Murante. [LR194]

SENATOR MURANTE: As typically is the case when we talk about how to conduct elections, Senator Bloomfield and I do not see things eye to eye on this one (laughter). And I do not share his perspective on two bites at the apple or anything like that. But with that said, I understand where J.L. Spray was coming from because his concern was my concern: that you have...you are making a process that what I believe the status quo is extremely simple and yet people still don't follow the rules from time to time. I mean you still have people circling the ballots rather than...circling names rather than filling in the oval and things like that. And so to make it more complicated, you're going to have more ballots thrown out. That's just the way it's going to be. What I found interesting was in that...I did follow the Minneapolis case because we knew it was going

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

to be before us. And what I found interesting was their Secretary of State found that in casting the ballots, obviously 100 percent of people filled in the first circle; 75 percent of people filled in their second preference; and two thirds of people filled in their third preference. So the further you go down, the more it drops off. What I found interesting and what triggered it was the talk about the Virginia race. Is what it allowed people to do--and that was a nightmare scenario because they had 35 people on the ballot so you couldn't have had 35 listings. It was just the top three so that was doomsday. But what you allowed people to do was to say rather than say maybe a hypothetical example is that 2006 gubernatorial primary where you had Heineman, Osborne, and Dave Naby where you had people in the state of Nebraska, I guarantee you, say I think Dave Naby would be the best Governor. But I'm not going to vote for him because he has a zero percent chance of winning. So they picked the best of the other two. What I really like about your system, beyond just the fundamental fairness of having a majority winner, which I completely agree with you on, is the idea that you have people who are able to say, sure, this person is my first choice. And that person is not going to win and I understand that. But I do get to pick a second choice, and, therefore, I'm going to vote for who I actually think will be the best governor or senator or congressman and let the chips fall where they may. [LR194]

LARRY BRADLEY: Exactly. I think you're expressing why individual voters like this system and why when all is said and done, I've got an interview linked in there to a mayor in Maine who...the initial result they had 26.5 percent of the plurality vote and went on to have 56 percent of the vote, is the other people who voted for him had a feeling of, you know, he may not have been my first choice, but I voted for the winner. The majority felt like they voted for the winner. And that led to a satisfaction with the results. [LR194]

SENATOR AVERY: Well, yeah. That person was probably most people's second choice. [LR194]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

LARRY BRADLEY: Yeah. [LR194]

SENATOR AVERY: Yeah. [LR194]

SENATOR BLOOMFIELD: I would like to go back to the Virginia vote and say that it wouldn't have mattered because it wasn't a primary. [LR194]

SENATOR MURANTE: But it's worth talking conceptually. [LR194]

LARRY BRADLEY: Conceptually, yeah, absolutely. You know, and do I think later on, you know, some time way down the road we might talk about it for the general election? Yes. But for now, you have to walk before you can run. Okay? And I say... [LR194]

SENATOR MURANTE: I don't know what step comes before crawling, but I think that's where we are right now. [LR194]

LARRY BRADLEY: Yes, absolutely. Absolutely. Someplace in there so that's why I'm limiting the proposal, just to reiterate, I'm limiting this to state that I'm proposing we do this for statewide offices where there is a primary election and more than two candidates on the ballot. So Unicameral would not be included, U.S. House of Representatives would not be included. Just Senate, Governor, Treasurer, Secretary of State. [LR194]

SENATOR WALLMAN: And it should help Independent voters I think, wouldn't it? [LR194]

SENATOR AVERY: Auditor, too, right? [LR194]

LARRY BRADLEY: The idea is that...on that survey that I'm giving and I ask people why do you think people would like this, and they say because it gives voters more choices

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

and they think it will lead to better governing, and so that's why they like it. [LR194]

SENATOR WALLMAN: Sounds like one of Senator Avery's bills. (Laughter) [LR194]

SENATOR AVERY: It might be my bill. This committee is not generally very responsive to my ideas. (Laughter) [LR194]

LARRY BRADLEY: If I can, just real quick, as a retired Army officer, I appreciate your work, especially with the first issue. And as the former husband of a teacher who had a grandfather who was a teacher who said that if consolidating schools was a sin, he would never make it to heaven, I also appreciate the work you were doing with the education piece. [LR194]

SENATOR AVERY: We don't usually get those issues but that's a governance thing that put it over here. [LR194]

LARRY BRADLEY: Yeah, yeah. I have to say, too, because one of you reminded me of it here, too, in proposing this, I have a friend of mine who--I think I told some of you this story--who in the Army who rose to be at a very high, high level. He was three star. And he...on his way up, he was in the Army's personnel business. And they'd make a proposal to the officer who was in charge of that sort of thing, you know, to change the promotion policy. And he said it was very difficult because the attitude of the general officer was, why should we change the system? It selected me, didn't it? [LR194]

SENATOR BLOOMFIELD: You, if I may... [LR194]

SENATOR AVERY: Sure, go ahead. [LR194]

SENATOR BLOOMFIELD: You mentioned Mr. Spray's position on this. Did you talk to the head of the Democratic Party? [LR194]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

LARRY BRADLEY: Yes. [LR194]

SENATOR BLOOMFIELD: I realize they don't have an issue with it this year, but what was his take on it? [LR194]

LARRY BRADLEY: His take on it was, you know, like I say, it wasn't a problem for him. But I've talked to other individual Democrats and they support it. You know, I have some that...the worst I've gotten is neutral. And I talked to several Republicans who like it, regardless of what J.L. says, who like the concept. They see the advantages of it. So it's a debate you're going to have. And I can't...you know, obviously I'm around to state my position. You are the people with the authority. Your discussion with the Secretary of State to determine the actual numbers and whether the cost benefit is worthwhile. That's going to be your decision. I just say as an individual citizen I like this idea. That's why I'm bringing it forward. And the people that I talk to agree that it should be brought forward. [LR194]

SENATOR AVERY: Well, we respect your willingness to put the time and effort into this. It's always good to have new ideas. [LR194]

SENATOR BLOOMFIELD: Even I appreciate that, although I can't agree with the policy. (Laughter) [LR194]

SENATOR MURANTE: I'll work on him. [LR194]

SENATOR AVERY: Although he has trouble agreeing with me (laugh). Any other comments or questions? All right, thank you, Mr. Bradley. That will end... [LR194]

SENATOR WALLMAN: Stop by my office, too. Sometimes I'm in there. [LR194]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Government, Military and Veterans Affairs Committee
November 08, 2013

LARRY BRADLEY: Okay. [LR194]

SENATOR AVERY: That will end the hearing on LR194 and the hearings for today.
Thank you for coming. [LR194]

LARRY BRADLEY: Thank you, sir, appreciate it. [LR194]