

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Executive Board February 18, 2021  
Rough Draft

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**HUGHES:** Welcome, everyone, to the Executive Board committee. I'm Senator Dan Hughes. I'm from Venango, Nebraska, and represent the 44th Legislative District. I serve as Chair of this committee. The committee will take up the bills in the order posted. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it is necessary for you to attend the bill hearing in progress. The bills-- the bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. We request that you wear a face covering while in the hearing room. Testifiers may re-- remove their face covering during testimony to assist committee members and Transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendees-- attendance reaches seating capacity or near capacity, the entrance door will be monitored by the Sergeant at Arms. I don't think we have to go any farther with that. I ask that you abide by the following procedures to better facilitate today's proceedings. Please turn off or silence your cell phones. Move to the front row when you are ready to testify. The order of testify is introducer, followed by proponents, opponents, neutral, then closing by the introducing senator. If you are testifying, please fill out a green form found in the back of the room. Hand your green sign-in sheet to a page or the committee clerk when you come up to testify. Spell your first and last name for the record as you begin testifying. Speak clearly into the microphone and be concise. We ask that you keep your testimony to five minutes. When you see the yellow light come on, that means you have one minute remaining and the red light indicates your time has ended. Questions may follow from the committee. We ask that you limit or eliminate handouts if you do not-- if you do have handouts, the materials may be distributed to committee members as exhibits only while testimony is being offered. Please make sure you have 13 copies and give them to a page when you come up to testify and they will be distributed to the committee and staff. The committee members with us today will introduce themselves beginning to my left, Senator Lowe.

**LOWE:** John Lowe, District 37.

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**GEIST:** Suzanne Geist, District 25, which is the east side of Lincoln and Lancaster County.

**HUGHES:** And the committee members to my right, Senator McColl-- or I'm sorry, Senator Slama.

**SLAMA:** Julie Slama, District 1: Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

**McCOLLISTER:** John McCollister, District 20, central Omaha.

**HILGERS:** Mike Hilgers, District 21, northwest Lincoln/Lancaster County.

**STINNER:** John Stinner, District 48, Scotts Bluff County.

**HUGHES:** To my left is committee legal counsel, Janice Satra, and to the far right is our committee clerk, Mandy Mizerski. Our pages for the committee today are Noa and Claudia, and we appreciate you ladies joining us over the noonhour. With that, we will open our hearing on LB658. Senator McDonnell, welcome to the Executive Board.

**McDONNELL:** Thank you, Chairperson Hughes and members of the committee. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l. I represent Legislative District 5, south Omaha. LB658 authorizes the Office of the Inspector General of the Nebraska Correctional System to commission a study and provide a subsequent report regarding the preparedness of individuals to return to society from the Nebraska Correctional System. This study will evaluate risk assessment; how to incentivize individuals to take advantage of parole; services necessary to make parole more effective, both inside the Nebraska Correctional System and outside the Nebraska Correctional System; specific resources needed to increase opportunities available for individuals to acquire vocational skills and other skills needed to find employment; and reentry services necessary to assist individuals released on parole or individuals released from prison without supervision. This study is essential in giving the Legislature the information we require to ensure we are appropriating the correct resources to the Department of Correctional Services for them to effectively achieve their mission and allow Nebraska to reduce our incarcerated population. As I have devoted much of my work here in the

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Legislature to dealing with Nebraska's current workforce shortage, I have found much willingness from employers to engage with people who have been incarcerated or are currently on community release status. One of the challenges I've been approached with a number of times is that many of the individuals coming out of the corrections are still lacking things they need to get employed and stay employed, whether they be an ID, time management, transportation, or even just a bank account that they can accept direct deposits to. The intent of this study is not to say that the Nebraska Department of Corrections isn't doing their job in preparing individuals for release, but to provide to us what resources and strategies we as a Legislature should be investing in to incentivize individuals to participate in programming and identify what boxes employers need to be checked for them to be able to hire people coming out of the Department of Corrections. I have a few people here today, a couple former senators with Senator Harr and Rogert that have been working with me on this legislation. And I'm going to stick around to answer any of your questions and also close today.

**HUGHES:** Very good. Thank you, Senator McDonnell. Are there questions from the committee? Senator McCollister.

**McCOLLISTER:** Thank you, Chairman Hughes. Senator McDonnell, what was the genesis or the origin of this particular legislation?

**McDONNELL:** You have individuals that I've been working through my-- my day job, that-- that are-- have been incarcerated that are trying to reenter society and we have an opportunity to employ them in the skilled trades. And we start, not every individual but-- but some of the individuals based on what they did not do before they were released and preparing. And as we look at individuals where they possibly don't have ID, they don't have a driver's license. They-- they don't have the ID of-- of a Social Security card, birth certificate, things that we need to start getting their employment. So if we're going to look at reducing recidivism, we need to look at making sure we're employing these people and a study for us to look at what services are we providing that are working and what services could we add before they are released to help them be more employable when they're released.

**McCOLLISTER:** Great. Thank you,

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**HUGHES:** Senator Hilgers.

**HILGERS:** Thank you, Mr. Chairman. Thank you, Senator McDonnell. Good to see you. So I was looking at the bill. So it's \$250,000 for the study. Is there a type of organization or organizations that specialize in this kind of thing? Can you speak to who would do the work?

**McDONNELL:** Well, and leaving that up to that office to make sure that we're-- we're looking at individuals that have that-- that expertise. We know that it's been done. We know that it's out there. I am not-- I'm not going to sit here and say that I know it should be Company A that can do that-- that work. But that was the idea of trying to have someone come in, the subject matter expert, to show us what we're doing right and wrong, that was the approximate cost.

**HILGERS:** Well, and I'm not-- certainly there might be-- I don't want to-- I don't want to put on the record any one company, because you're right, they'd have to choose. But I know in past years, I think when they did Justice Reinvestment, the Legislature contracted and worked with NCSL, for instance, in theirs. So I didn't know if there was a group within NCSL or CSG or something or if there are other companies or industries that undertake this type of work.

**McDONNELL:** And I think some of the people that are going to testify after--

**HILGERS:** OK.

**McDONNELL:** --can answer the question.

**HILGERS:** Thank you.

**McDONNELL:** Or I will find out for you.

**HUGHES:** Senator Stinner.

**STINNER:** Thank you. Last session, I believe, we passed a bill that you brought to the Appropriations Committee matching \$500,000 of state money with the union. I'd like to know what the status of that program is. And secondarily, is that the type of program that you're looking for as far as what we can do prospectively?

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**McDONNELL:** Based on the reentry and knowing that that right now, that program is up and running, the money has been awarded to the Nebraska Center for Workforce Development and Education. So they have, I believe, in the last three weeks they hired staff to start working with prisoners within 18 months of being released. They've had some good successes prior to that. And they've had some eye-opening experiences that we didn't expect with some of the people. But we believe that's going to be successful. We do have that private partnership, private-public partnership that-- that's working. And I can give you more stats on that as-- as-- as it progresses. But the staff has been hired and they're up and running as of, I believe, 60 days ago.

**STINNER:** Thank you.

**HUGHES:** OK. Senator Geist.

**GEIST:** I do have a quick question. I'm curious if-- if how you see this is that this is taking a look from the outside in rather than from Corrections' perspective out. And what I mean is I know you've probably met some of the same people I have. As they come out, they seem unprepared in things that we don't think to prepare them in, like I think you have listed here time management. When you're incarcerated, you don't make any decisions. And so when you come out, your decision making, knowing when to show up on time, what to wear, to be a little bit early, all those soft skills are things that we're not really concentrating on getting them out prepared for. But when you're looking from having them out and how they're coming out, I guess, is that how you-- do you see things like what I'm saying, if I'm making any sense, being part of this assessment?

**McDONNELL:** Yes, definitely. And to be successful, we have to-- we have to measure what we're doing. And right now, as I mentioned in my testimony, we believe there's a number of good things going on within the Corrections system to prepare these individuals to be successful when they reenter. But at the same time, is there other things we're missing? There's an old saying: Don't-- don't be too proud to steal a good idea. If other people are doing things differently around the country in other states in preparing those individuals to be more successful then-- then let's look at that. But we should-- we should

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always, I think, be evaluating, making sure that we're giving them every opportunity to be successful.

**GEIST:** Thank you.

**HUGHES:** Any additional questions? Seeing none, you'll stay for closing?

**McDONNELL:** Yep.

**HUGHES:** Very good.

**McDONNELL:** Thank you.

**HUGHES:** OK, we will open up with proponents to LB658. Welcome, Senator Rogert.

**KENT ROBERT:** Good afternoon, Chairman Hughes and members of the Executive Board. My name is Kent Rogert, K-e-n-t R-o-g-e-r-t, and I'm here today on behalf of a company called Trilogly-- Trilogy Integrated Resources. And we're here to support LB658, and we thank Senator McDonnell for bringing this. And the simple-- the simple thing that we want to do is we want to be a part of the process and the result of the test-- of the-- of the-- of the-- of the what do you call it-- study. Trilogy is a computer company that has built and maintains a system called the Network of Care. And we are currently in 23 states and the District of Columbia. There are 11 different portals. Nebraska currently has the most important one and a couple others right now already on the books, and we're using them and have been for years. We use behavioral health and public health. And in the past, we've had veterans and seniors and disabled folks. But what it is, is it's a website where anybody can go to and type in a few words into the search box and then it-- and your zip code and it pulls up all the available services that you were searching for in that particular area for whatever you're looking for. There are things that you can come up for, like addiction recovery, caregiver and respite services, education, employment services, housing services, food and clothing, healthcare, in-home services, that type of thing. And we have it already established in Nebraska. So-- and Director Dawson keeps it pretty well going over at Department of Behavioral Health. And the great thing about this is it doesn't cost very much. This one would be

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about an \$80,000 one-time add-on to the behavioral health portal already. And it would just add a few more services like how-- to-- to folks that are coming out of prison or going onto probation. And so it's in an effort to try and, like Senator McDonnell said, reduce recidivism. There are things that can be added on to it that cost more money, but that are kind of cool. I gave an example. Let's say Joe is supposed to be attending addiction recovery classes and so we can put an app on his phone that reminds him to go and he can show up at the-- the appointment. And it tells a group of people, whoever he's decided to put on his list, his probation officer, the judge, uncle, aunt, brother, that they made it or it can also say that they didn't make the appointment and so they can call and find out what's going on. Well, his car broke down or he didn't make the bus so we can kind of work with these folks to make sure they continue whatever services have been recommended. So it's a neat little program. If you get a chance, you can just Google Network of Care Nebraska and it'll pull that up and show you what you've got. Happy to answer any questions.

**HUGHES:** Thank you, Mr. Rogert. Are there any questions from the committee? I guess I have one. The-- the \$80,000 one-time does what?

**KENT ROBERT:** Yeah, because we're paying a maintenance fee already for the other two portals. So this would just be a-- you know, when you get a fiscal note and they say, well, it costs sixty five thousand \$65,000 to change the computers, that's what this is. So you basically have to just put an add-on once only and then through the maintenance of the-- that we're already paying every year in Behavioral Health, it would cover that as well. So it's just a one-time charge.

**HUGHES:** OK, thank you. Any other questions? Seeing none, thank you for coming in today.

**KENT ROBERT:** Thank you.

**HUGHES:** Next proponent. Welcome, Senator Harr.

**BURKE HARR:** Thank you, Chair-- Chairman Hughes. My name is Burke Harr, H-a-r-r, and I am here on my-- behalf of myself and a point of personal privilege. If I look a little nervous, it's because if you look in the audience, my two former LAs who always prepared my testimony are two of the only three people in here. So I think they're

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here to judge me, see how I can do this on my own. So thank you for your time listening today. I've been working on felony reentry, transitional housing, and workforce development projects as my day job now. And this has led me to look at how we can better prepare a person for when they get out. The two most stressful days for a prisoner are the day they get in and the day they get out. As Senator Geist stole my line, it's difficult because a lot of the time they're told where to be, what to do, how to act. And now once they get out, it's more difficult. They aren't used to doing that. And they probab-- a lot of the individuals lack the soft social skills going in because of the background where they come. If you look who goes into prison and you look at where they came from, one of the things you find is there is a need to develop that soft social skill. We also have a prison overcrowding problem and we have to figure out to-- use the new overused term, bend the curve with COVID. We have to figure out how to bend the curve with corrections. Seventy to 80 percent of people in prison had a parent who was in prison. So what are we doing to prepare that person when they get out that they're ready for society? If you look, in addition, another terrible stat is that the first two months out a person is 139 percent more likely to have an overdose than any other time in their life. Why is that? Well, (A) it's stressful. Two, it's also probably they had addiction going in and they haven't figured out how to acclimate themselves and how to treat themselves when they-- when they come out. Community corrections is a way to address that problem. It is-- it's a way to-- for that individual to go spend some-- a portion of the last year assuming they can get there and there's capacity where they typically do work assignment for a period of time and when the op-- have the opportunity to work outside. They can bank some money. This allows them, an individual to reestablish himself before they reenter society. These individuals can work on getting a license. They can redevelop a work history so there's no longer a big blank, which is a red flag to many employers. And the study will help address what is the best way to look at one of the problems that's been with community corrections is there's a lot of people who walk away. Why is that? What can we do to prevent that? I'm sure it's that everyone who is in prison wants to get out that next day. But what can we do for that deferred gratification so they stay in their job and they work? And how do we screen those individuals and how do we, just as Senator Geist talked about, start back? You know, reentry starts here. How do we start here so we get



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them ready for that reentry? And that's what I think this study will help point out, and that's why I'm here. Thank you.

**HUGHES:** Thank you, Senator Harr. Are there questions? Seeing none, thank you for coming back to see us.

**BURKE HARR:** Thank you, appreciate it.

**HUGHES:** Additional proponents. We will move to opponents to LB658. Then we will move to neutral testimony on LB658. Welcome.

**DOUG KOEBERNICK:** Good afternoon, Senator Hughes and members of the Exec Board. I didn't realize that both Andy Hale and I were in here, Senator Harr's, former Senator Harr's previous LAs. I wish we had that red light when we were working with him in the office. My name is Doug Koebernick, spelled K-o-e-b-e-r-n-i-c-k. I am the Inspector General of Corrections for the Nebraska Legislature. First, I want to thank Senator McDonnell and the Legislature for his interest and your interest in corrections issues and justice issues over the last several years. It's been a very important issue, and I just appreciate everybody doing their work in this area. The Public Counsel, Julie Rogers, and I discussed this bill and we came to the decision that although neither the Office of Public Counsel, nor more I-- nor my office has ever been involved in something like this. If the Legislature decided that you wanted us to do that, we would do it. We would do it well and we would do our very best. I do think a study of this nature would be very valuable for policymakers, for the department, for the Board of Parole, and it would definitely be worth the effort to.

**HUGHES:** OK, very good. Thank you, Mr. Koebernick. Are there questions? Senator Hilgers.

**HILGERS:** Thank you, Mr. Chair. Mr. Koebernick, good to see you. Or Gen--is it General Koebernick?

**DOUG KOEBERNICK:** Call me Doug.

**HILGERS:** Just following up on a question I asked Senator McDonnell. I don't know if, you know, if you've seen other states do this, other-- would it be through an organization like NCSL or are there companies that do this? How would the study be executed?

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**DOUG KOEBERNICK:** I would think that there would be interest from outside parties outside of Nebraska that do have expertise in corrections issues that would be interested in this. I also believe that UNO has the Center for Justice Research that Dr. Ryan Spohn runs that the Legislature created a few years ago. And I would think they would be very interested as well.

**HILGERS:** OK, thank you.

**HUGHES:** Senator McCollister.

**McCOLLISTER:** Yeah. Thank you, Chairman Hughes. In your experience, Doug, do you think if we produced a study like this Corrections would ever read it or follow the suggestions?

**DOUG KOEBERNICK:** I think they would. I think it would have a lot of value for them. And the thing is, too, that this is something that would probably not even be completed for a couple of years. So, you know, I don't know what situation the department will be in at that time, but I think it would be foolish not to-- to want to see the results of this study because Director Frakes is always talking about how they want to better prepare people for when they get out in the community. And every little bit of information that can be provided to the department to assist with that should be welcomed. And I think he-- I think he would definitely read it and-- and take advantage of it.

**McCOLLISTER:** Thank you.

**HUGHES:** Very good. Are there any additional questions? Seeing none, thank you, Mr. Koebernick.

**DOUG KOEBERNICK:** Thank you.

**HUGHES:** Any additional neutral testimony? Seeing none, Senator McDonnell.

**McDONNELL:** Thank you. Kind of follow up on Senator McCollister's question about who would read it. Let's say Corrections doesn't read it. We would. Senators would. The public would. It would give us information to hopefully, through our process, make sure that Corrections eventually read it. And I'm not saying they wouldn't, but

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the point about the study is not only for Corrections, it's for all of us to educate each other, make sure we know what's going on, good and bad, and how these individuals are being prepared or not being prepared to reenter society. And without that information, I don't know how much we can-- we can try to change something that definitely needs to be improved upon.

**HUGHES:** Very good. Are there questions for Senator McDonnell? Seeing none, that will close our hearing on LB658 and we will open on LB659.

**McDONNELL:** Thank you, Chairperson Hughes and committee members. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l. I represent Legislative District 5, south Omaha. LB659 proposes to establish a Workforce Development Committee of the Legislature as a special legislative committee. The Workforce Development Committee would consist of nine members of the Legislature appointed by the Executive Board to include adequate geographical representation from across the state. As you all know, the largest problem facing the state of Nebraska, according to our business leaders, is our shortage of workers. According to the research compiled by the Aksarben Foundation, our population is aging and not growing. Every year, 50,000 people move into the state of Nebraska and 50,000 leave. We see more people with bachelor's degree leaving our state than arriving. Even worse, the skilled workforce required just to maintain our economy does not currently exist. The workforce we do have is rapidly approaching retirement age and they are not being replaced by our new-- by new employees. For Nebraska to grow, we require 50,000 new workers every year. Doing this will require keeping Nebraskans in this state and attracting new Nebraskans from out of state. There's hardly a committee in this body that doesn't deal with workforce development issues to some degree. Yet no comprehensive strategy to deal with this reality currently exists and no inventory of current legislative solutions is available. LB659 seeks to address this. This new committee shall collect and analyze workforce data about Nebraska, hold hearings, identify long-term workforce issues, and issues-- issue an annual report of its findings and recommendations to the Clerk of the Legislature. I don't know of any issue right now that can-- can help in so many different ways with-- with workforce. Because we just got done talking about, you know, reducing recidivism. You do that with good-paying jobs. When I-- when I ran for this position, I really felt that good neighborhoods build good cities, good cities build good

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states. What creates a good neighborhood? It's good-paying jobs, good public safety, good public education. If we look at changing our state and where we are with 1.9 million people right now, you can look at the numbers and we need that population to be around 2.5 million people. But right now, we're not even breaking even. We're-- the people that are leaving, we're having people come in, we're not even-- we're not gaining. And to have someone, a committee that looks at this, we know that looking at the Retirement Committee, what good work they've done over the years based on some issues that we're facing as a state. But I-- this is such an important issue and there's so many different people from the private sector, the public sector, individual senators that are working on different things that are going to help with-- with workforce that I think we need to try to solidify that, bring together and develop a tip of the spear, because we know there's-- there's people out there that are interested. And sometimes I think that without communicating and having something organized, we're stepping on each other's toes.

**HUGHES:** Very good. Thank you, Senator McDonnell. Are there questions? Senator Lowe.

**LOWE:** Thank you, Chair. And thank you, Senator McDonnell. This has a \$120,000 fiscal note approximately on there. Are you thinking you'll need staff for this or will the staff that we already have work on?

**McDONNELL:** Well, and I don't-- I don't say I have not discussed the idea of using current staff. But the idea that if we're going to take that next step and I'm not saying just to do it right, but to do it to approach it this way, is that if we could get the committee up and running immediately, you know, as soon as-- as soon as possible, then eventually we could have it fall within the structure of the other committees and the staffing of the other committees. But I think it's more important based on the need and the urgency of it, to get something put together as soon as possible to have people start working on this as a committee. And again, with the cost of the staffing, I don't ever want to say there's not another way to do it. But looking at the way we've done other committees, this would be the cost.

**LOWE:** OK.

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**HUGHES:** Any additional questions? Seeing none, you'll stay for closing?

**McDONNELL:** Yes.

**HUGHES:** OK, very good. We will now open it up to proponents of LB659. Are there any opponents--

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**HUGHES:** --of LB659? Are there any neutral testifiers to LB659? Seeing none, Senator McDonnell, you're welcome to close.

**McDONNELL:** Thank you. Again, I just think we should-- we should take a strong look at this and concentrate, try to concentrate people's efforts from the private and public sector on workforce development and this is-- this is one way to do that.

**HUGHES:** Very good. Any questions? I do apologize. I did miss the-- on LB658 we had a position letter as a proponent from Jan-- Jasmine Harris of RISE and on LB659 we have a written testimony in lieu of personal testimony from Andy Hale from the Nebraska Hospital Association. So with that, we will close our hearing on LB659 and thank everybody for coming. We are adjourned.

**McDONNELL:** Thank you.