

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 17, 2022

BREWER: Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer. I will be the Chair for this committee. I represent the 43rd Legislative District, which is 11 counties of central and western Nebraska. The committee will take up bills in the order they're posted on the agenda. 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. Committee members will come and go during the hearing. This is just part of the process. We have bills to introduce in other committees. I ask that you abide by the following procedures to best facilitate today's proceedings. First, we'd like you to turn off all electronic devices or silence your phones. Let's see. We'd ask that if you're going to speak on a bill, please move forward when that bill comes up to one of the seats in the front row. That, that row is saved for that purpose. Introdurers-- the introducer will make the initial statements, followed by proponents, opponents, and those in the neutral. Closing remarks will be reserved for the introducing senator. If you're planning to testify, please fill out a green sign-in sheet. They're on the table at the back of the room. Please fill it out completely in print. The completed form should be turned in when you come up to testify to either the committee clerk or the page. If you do not wish to testify, but would like to have a record of your presence here at the hearing, there's a separate white sheet at the back table. You can sign there for that purpose and that will go into the official record. If you have any handouts, please make sure that you have at least ten copies to give to the page when you come forward to testify. If you don't, let us know and we will try and have a page help you get more copies. When you come up to testify, please speak clearly into the microphone and tell us your name then please spell your first and last name so it is act-- accurately recorded into the record. Today, we'll be using the light systems for all testifiers. You will have five minutes to make your initial remarks to the committee. When you see the yellow light come on, that will indicate you have one minute remaining. When the red light comes on, you are done. We will question-- we'll have questions once you're finished. No displays of support or opposition to bills, vocal or otherwise, will be allowed during the hearing. The committee members with us today will introduce themselves starting on my right with Senator Blood..

BLOOD: Good afternoon. Senator Carol Blood, representing District 3, which is the western half of Bellevue and part of eastern Papillion.

McCOLLISTER: John McCollister, District 20, central Omaha.

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SANDERS: Rita Sanders, District 45, the Bellevue-Offutt community.

LOWE: John Lowe, District 37: Kearney, Gibbon, and Shelton.

HALLORAN: Steve Halloran, District 33: Adams, Kearney, and Phelps County.

BREWER: Legal counsel, Dick Clark, committee clerk, Julie Condon, and our page today is Sophia, right back there in the corner. All right, with that, we will go ahead and move into our first bill. Our first bill up is LB10-- LB910. Senator McDonnell, welcome back to the Government Committee.

McDONNELL: Thank you, Chairman Brewer and members of the committee. Good afternoon. 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. Today I bring you LB910, which will restructure the Nebraska Volunteer Service Commission, also known as ServeNebraska, as a statutory agency in an effort to allow the commission to more effectively carry out its many missions serving the people of the state of Nebraska. This effort began a little over a year ago after commission members reached out to me about the possibility of making this change. After a year of commission members around the state doing their due diligence and working with the Governor's Office, I'm happy to bring this bill to you along with the AM1983, which was drafted to clean up some technical issues identified by the Fiscal Office. The Nebraska Volunteer Service Commission, also known as ServeNebraska, was created through the executive order in 1994 by Governor Ben Nelson pursuant to the federal National and Community Service Trust Act of 1993. This commission receives grants, allotments, and service positions on behalf of the state under the federal aid to implement programs, administer funds, and address critical needs within our communities. LB910, which would restructure the commission as a statutory agency in an effort to allow the commission to more effectively carry out its many missions serving the people of the state of Nebraska. The commission has implemented programs and administered funds received from the Corporation for National and Community, cooperation from the National Community Service and has these and other funds to cultivate community service and volunteerism and for the program's focus on education, economic opportunities, disaster response, environmental stewardship, healthy futures, and veterans and military families. As part of its program, the commission has administered AmeriCorps for the state of Nebraska. At a national level, over 1 million people have served as AmeriCorps members since 1994 and provided over 1 billion hours of service. The AmeriCorps program leverages more than \$1

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billion in resources from private, philanthropic, and other sources each year and mobilizes or manages over 2 million community volunteers each year. In 2020, Nebraska had over 2,771 AmeriCorps and AmeriCorps senior members and volunteers serving in 335 locations across Nebraska, with a total federal and local investment of \$7.3 million. ServeNebraska currently receives \$30,000 from the Nebraska Legislature. This bill will align ServeNebraska with other similar organizations, such as the other state-supported boards and commissions, the Nebraska Arts Council, and other state volunteer commissions. ServeNebraska also benefits many entities outside Nebraska's nonprofit and state and local government. Nebraska financial and educational institutions have received more than \$38 million in AmeriCorps alumni education awards, payments from over 12,000 AmeriCorps alumni who have successfully served Nebraska communities between 1995 and 2020. ServeNebraska has furthered a culture of civic engagement and fostered opportunities for public service in Nebraska and restructuring the commission as a statutory agency will provide the commission with stability and preserve its autonomy, align the commission and comparable organizations in Nebraska and across the nation, and allow the commission to more effectively carry out many missions serving the people of the state of Nebraska. There's a number of people behind me that have actually done this work and who, who brought this, this idea to me. Learning more about their work and the way they've helped their citizens east, west, north, south, we thought that it was time for them to be a statutory agency. But right now there is a fiscal note and what we would like to work on with this committee is an opportunity to set up the structure and then potentially look at the fiscal side of it next year, which I would bring to the Appropriations Committee. I'm here to answer your questions, but the people that are actually the experts are behind me.

BREWER: All right. Well, we promised them we would not ask them hard questions, only you, so.

McDONNELL: All right. Thank you.

BREWER: Senator McDonnell, you've kind of been a champion for the Nebraska Volunteer Service Commission. How did you first get associated and involved, I guess, with it?

McDONNELL: The, the people behind me. They approached me and they started talking about the work they do and how they would actually like to have their own statutory agency and the reasons why, which they're going to explain to you shortly. But it doesn't change the work, it doesn't change the passion they have or the idea behind this

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since 1994 and, and the people that have gone through this and the alumni I've had a chance to meet, the difference they're making and then the next generation, the difference they're going to make. It just was something that I think all of you felt this as state senators where someone comes to you and, and you can't, you can't manufacture passion. It's got to come from the heart and they have passion for, for what they do and again, trying to help our, our communities one person at a time and improve.

BREWER: All right. Questions? Senator--

McCOLLISTER: Thank you, Mr. Chairman.

BREWER: --McCollister.

McCOLLISTER: Senator McDonnell, the state fiscal note is primarily a director, is that correct?

McDONNELL: Yeah, so I'd like you guys to drop the state fiscal-- the fiscal note, based on this right now, if you guys could have that discussion, I would like to address that next year and not have a fiscal note on it this year.

McCOLLISTER: I'm surprised that a director would only cost \$30,000.

McDONNELL: Well, remember, that's just what we've contributed, but I'm not saying that's what they've-- that's what the director--

McCOLLISTER: A standalone agency wouldn't jeopardize our federal funding, correct?

McDONNELL: Correct.

McCOLLISTER: Great. Would this agency be under the auspices of the Governor?

McDONNELL: No. Right now, it is. Right now that's what-- we wanted to-- and that's why we worked with the Governor's Office to have that more of an independence of a statutory agency.

McCOLLISTER: How would the director be chosen?

McDONNELL: Well, that's what we're going to, we're going to develop through the agency and the people that are going to testify behind me. Currently, we're not trying to change the way they do their work, their mission statement, but more of that they are recognized and that

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they can go from instead of every four years with a Governor making a decision should this continue-- which every Governor has since Governor Nelson, but the idea that they should be recognized as a statutory agency.

McCOLLISTER: In which case the director would carry over even after a new Governor was selected, correct?

McDONNELL: Correct.

McCOLLISTER: OK, thank you.

BREWER: Additional questions? So if I understand what you're saying correctly, we decide to move forward with this bill, we'll do an amendment that would pull out that part on the, on the fiscal piece. So I guess I'm trying to think-- if we exec on it, we'll need the amendment first so we got all the verbiage right. You'll help us with that?

McDONNELL: Yes.

BREWER: OK. All right. You're going to stick around for close?

McDONNELL: Yes.

BREWER: All right, thank you. OK, we will start with proponents to LB910. Welcome to the Government Committee.

MARJORIE MAAS: Good afternoon. I'm Marjorie Maas, M-a-r-j-o-r-i-e, last name is M-a-a-s. Thank you, Senator Brewer and committee members for your time today. Like I said, I'm Marjorie Maas and I'm the current chair of the governor-appointed commission, ServeNebraska, the Nebraska Volunteer Service Commission. I'm also the executive director of SHARE Omaha. I'm here today to support LB910. The commission's mission is to mobilize Nebraskans to strengthen their communities through volunteering, collaboration, and national service programs. The commission is comprised of 15 to 25 bipartisan individuals who span across the state. You'll hear from another commissioner in just a moment. The commissioners voted unanimously as part of our strategic plan to support this restructuring initiative. I've been involved in the work of this board as an appointed commissioner since 2017. ServeNebraska currently operates under an executive order, as Senator McDonnell explained, which has been in place since 1994. The executive order was established under Governor Ben Nelson's administration to accept funding from the federal government, namely the Corporation for National and Community Service, or AmeriCorps, as they, as they call

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themselves currently, agency. This allowed Nebraska the opportunity to receive federal funds and pass those on to a-- as a granting process to nonprofits, government agencies, faith-based organizations, or educational institutions who have identified a need in their community and are looking to address that need through a national service, AmeriCorps members. This process allows for local control of the expenditure of federal funding, very important. Recognition under the Legislature would provide ServeNebraska a more secure and protected structure, regardless of administration and an executive order does not require action by state legislation in order to be eliminated. This is what we're trying to avoid. The commissioners are looking to align ServeNebraska with other like organizations. ServeNebraska would be among similar noncode agencies such as the Nebraska Arts Council and other states' volunteer commissions across the country. Being a statutory agency will provide the commission with stability and preserve its autonomy, allowing the commission to be more-- effectively carry out its mission, the serving the people of the state of Nebraska. We are looking to strengthen the communication with and accountability to the Legislature. Being recognized by legislative statute would permit the commission to report to the Unicameral body regularly and would strengthen communication with state senators who represent the communities AmeriCorps members' programming serves. State senators will learn in a more in-depth and thorough fashion about the significant growth that AmeriCorps service fosters in their districts and states. The commission champions continuous improvement and opportunity for growth. We are looking for the state to contribute to Nebraska-- ServeNebraska's mission by assisting the commission in meeting federal match eventually, as at-- as Senator McDonnell explained, and allow ServeNebraska staff to redistribute time spent tracking and gaining match toward more constructive growth of the organization. This support enables the commission to, to grow programming and to expand the culture of civic engagement and foster opportunities for public service and volunteerism in Nebraska. Thank you for your attention this afternoon. We appreciate your support and consideration of this important legislation to the commission members and its stakeholders. May I answer any questions?

BREWER: Oh, well, thank you for your testimony. If we look at this map here, Nebraska is in white, showing the green are state funded, the blue are not state funded. We're white because we are in what category?

MARJORIE MAAS: Because we do not meet the federal match with our state funding.

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BREWER: Huh. OK. Good answer. All right, questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer, and I'm sure you know this answer. I am not sure I heard it when I was listening to Senator McDonnell, so if I missed it, my apologies. Sometimes when you're listening and reading, you miss the little things. So how much money do you get currently from the state?

MARJORIE MAAS: I'm going to defer the answer to that question to the, to the director.

BLOOD: OK.

MARJORIE MAAS: I want-- I don't want to misquote any numbers. I would hate to do that.

BLOOD: All right. So is it-- do you know if it's similar to what you're saying on the flier, which is half a million?

MARJORIE MAAS: That is what the federal match would be. I, I want to state this as clearly as possible. So, so the federal, the federal money that comes in, most of it is passed through, meaning that it goes straight to the grantees, the subgrantees of the, of the programs. A portion of the federal funding-- and Cathy, Cathy Plager, Cathleen Plager can speak to this much more clearly than I-- a portion of that is commission support money and right now, we're only matching that fiscally \$30,000 and it's, it's in the six-figure range yearly--

BLOOD: OK.

MARJORIE MAAS: --and it changes from year to year based upon the administration at the federal level.

BLOOD: Interesting. OK, thank you.

MARJORIE MAAS: Thank you.

BREWER: OK. Additional questions? All right, thank you again for your testimony.

MARJORIE MAAS: Thank you very much.

BREWER: All right, we are still on proponents to LB910. Welcome to the Government Committee.

KARE HEILBRUN: Good morning-- afternoon, I guess. Good afternoon. Thank you, Senator Brewer and committee members for your time today to

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talk about LB910. My name is Kare Heilbrun. It's K-a-r-e, last name is H-e-i-l-b-r-u-n. I'm the incoming chair for ServeNebraska and I've been appointed as a commissioner since 2018. I currently work for TeamHealth in Scottsbluff, Nebraska, at Regional West Medical Center. The ServeNebraska Commission has furthered a culture of civic engagement and fostered opportunities for public service in Nebraska since its creation in 1994. We, as commissioners, seek to further these efforts and to grow volunteerism across Nebraska. Restructuring the commission as a statutory agency will provide the commission with stability, preserve its autonomy, and allow the commission to more effectively carry out its many missions serving the people across the state of Nebraska. The commission takes volunteerism very seriously like myself. I am a firefighter/EMT for Scottsbluff Rural Fire Department and volunteer in other capacities. Nebraska has been ranked number six in the nation for volunteering in the past several years. We know that dedicated volunteers make a difference in Nebraska and have for many, many years. It's neighbor helping neighbor across the state of Nebraska, especially in our smaller communities. When the state experienced disasters from tornadoes to high-wind destruction to flooding, ServeNebraska was at the table as part of the statewide group Nebraska Volunteer Organizations Active in Disaster, or Nebraska VOAD. The commission worked to activate our citizens, sending out messages to encourage them for volunteerism, letting them know how they can get involved in their communities, and we activated our regional AmeriCorps NCCC teams and brought AmeriCorps teams from other states to deploy in Nebraska and assist with cleaning up homes, mucking and gutting them. We set up volunteer centers where they were most needed. AmeriCorps worked alongside other volunteer organizations to lift up our citizens. We stayed for as long as the communities needed us and then some by bringing back AmeriCorps teams several times to serve the communities in other ways. Last year alone, AmeriCorps provided service and capacity and locations such as the city of Crawford, Eastern Nebraska 4-H Center, the Family House--Housing Advisory Services, Habitat for Humanity in Omaha, the Plains Historical Society in Kimball, the Nebraska National Forest in Halsey, the Nebraska Game and Parks Commission, and the YMCA Camp Kitaki. The ServeNebraska Commission also collaborates to support AmeriCorps. We support AmeriCorps seniors who serve across the state of Nebraska in the areas of the foster grandparenting programs in our schools, RSVP, and senior companion programs to support our elderly citizens. We all know that volunteering keeps us more active, less lonely, and much healthier at every age. Volunteers engage their communities at higher rates than nonvolunteers. They more frequently talk to neighbors. They participate in civic organizations, address concerns in the community.

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They attend public meetings and discuss local issues with family and friends. They do favor, favors for neighbors and most importantly, they vote in local elections. ServeNebraska also honors volunteers for its annual Step Forward Awards program. This event is the highest honor of recognition for Nebraska volunteers and volunteering organizations. We not only create opportunities to volunteers, but we also celebrate and recognize those that are volunteering. The work of the commission is vital to communities and organizations and all individuals across the state of Nebraska and is required to continue to show the value of service and volunteerism. Passing LB910 will allow the services of the ServeNebraska Commission to be sustained and grow with the needs of all of our communities in Nebraska. Thank you.

BREWER: All right, thank you. All right, questions? Well, you must have done a good job.

KARE HEILBRUN: Thank you,

BREWER: Thank you. OK, still on proponents to LB910. Welcome to the Government Committee.

SALLY GANEM: Yes, thank you. I need to be another foot taller, I think.

BREWER: That's a problem with that chair. It gets everybody.

SALLY GANEM: Good afternoon. I'm Sally Ganem, S-a-l-l-y G-a-n-e-m, from Fremont, Nebraska, and former First Lady of Nebraska and I served as an honorary commissioner for ServeNebraska for ten years. And as a former elementary school principal, I also used the resources of ServeNebraska before I ever met and became really involved. I did play an active role in the commission supporting the first lady's awards where we recognized volunteers from across the state for their commitment and work in their communities and for the state. I've stayed in contact with Serve Nebraska, helping where I can because this organization truly is a gem for Nebraska and by promoting national service and volunteerism wherever it's needed. And we are one of the top volunteer states in the nation, by the way. The AmeriCorps programs is administered through ServeNebraska and it's a cost-effective and outcomes-driven solution to challenges facing states and communities. I know that ServeNebraska funds and supports national service programs that are school-based programs like the foster grandparent program. I mean, these programs keep our kids in school, help our children learn to read, to write, supporting mentoring programs, and help prepare our students for the next

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century's workforce. AmeriCorps helps to expand and reach, certainly an impact-- the effectiveness of nonprofit, faith-based, and community organizations through direct service and by recruiting volunteers. AmeriCorps can be administered from county or city offices and to, to expand the capacity or leverage funds to grow their communities. You heard mention of Habitat for Humanity is probably one of the more familiar ones. Fremont, Nebraska, certainly benefited from services of ServeNebraska and AmeriCorps. When Nebraska experienced the 2019 flooding, ServeNebraska activated AmeriCorps and within days, they were there to help set up the volunteer center and help the community operate until we were able to operate it on ourselves. They brought in teams to help set up and distribute goods from our donation centers. They activated AmeriCorps members from other states to travel to and assist. I mean, they even went door to door to-- so we could understand where the damage was the greatest and where the greatest needs were. ServeNebraska is a very valuable resource and supporting LB910 will allow stability for the future. Investing in this organization will provide positive returns to our state and communities. I would urge you to support ServeNebraska by passing LB910. Thank you. Do you have any questions?

BREWER: Thank you for your testimony. Let's see if we have some questions for you.

SALLY GANEM: That's all right. You get the best bang for the buck that we give, so.

BREWER: Well, I guess the first question maybe for you, now that you're not as busy as you were, are you still doing volunteer stuff and staying busy?

SALLY GANEM: I always do volunteer and I am volunteering. And I was elected to Fremont City Council so that's almost like a volunteer job, just as yours as state senators. They pay really big bucks and you learn a lot and put in a lot of time and effort to make our-- to make the cities-- and of course, you're making the state a better place.

BREWER: Well, I think staying busy is the secret to staying young, so.

SALLY GANEM: Oh, it is, it is.

BREWER: All right.

SALLY GANEM: Thank you.

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BREWER: Thank you. All right, next proponent. Welcome to the Government Committee.

ARVIN FRAZIER: Good afternoon, senators. My name is-- well, first, thank you for this opportunity. My name is Arvin Frazier, A-r-v-i-n F-r-a-z-i-e-r, and I have the pleasure of serving as the executive director with College Possible Omaha. I'm here today to provide testimony in support of LB910. College Possible is a college access and success program assisting talented and capable youth in obtaining a college degree. Since 2011, College Possible Omaha has helped guide hundreds of students from our communities on the path to economic mobility via the completion of a college degree. Our results-based curriculum and near-peer coaching model delivered by AmeriCorps members provides high-touch interventions proven to help students navigate and overcome the most common barriers to college access and retention. Again, through the dedicated efforts of AmeriCorps members, College Possible provides academic support through ACT prep, college application assistance, financial aid consulting, guidance on the transition to college, and comprehensive support while in college. The AmeriCorps model allows College Possible to operate at one-fifth the costs of similar programs. ServeNebraska provides holistic support to communities and nonprofit organizations by funding and establishing AmeriCorps programming to meet unmet needs across our dear state. This is extremely important to organizations such as College Possible. We would not be able to serve our community and the students in our program without the assistance of ServeNebraska funds-- let me repeat-- at one-fifth the costs of similar programs. ServeNebraska provides unwavering support to us, training and technical assistance. They help to amplify our message and strengthen our mission so we can concentrate on serving students. ServeNebraska's AmeriCorps programming helps communities address locally defined challenges by mobilizing America's greatest assets; its citizens. AmeriCorps members across the state are engaged, are engaged civic leaders committed to utilizing their skills, experience, and passion to address focus areas such as education, economic opportunity, military and veterans, environmental stewardship, healthy futures, and disaster services. AmeriCorps members serve to make a difference and throughout the year of service, they end up growing and becoming better citizens, future employees. They are a part of our workforce and our communities. ServeNebraska funds 15 AmeriCorps programs across the state and supports all streams of national service serving in Nebraska. In 2020, more than 2,700 Americans of all ages and backgrounds meet local needs, strengthen communities, and expand economic opportunity through national service in Nebraska. The connection between College Possible

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student scholars and AmeriCorps service members is an incredibly important one in addition to delivering the curriculum that I referenced and helping students access what they need to be successful both in getting to and through college. Our AmeriCorps coaches challenge our students to look beyond what is required and toward expanding their full potential. I'll share a student's story with you: Edgar [PHONETIC]. Edgar is a College Possible alumnus who graduated last May from University of Nebraska here at Lincoln. He is currently working-- I did say working-- at UNL as a recruit coordinator for the school of business. Edgar is moto-- is a motivated young man who had the support of his parents. And in Edgar's words to me, my father wanted us to be able to do something that he never had the opportunity to do. That's where some of my motivation comes from. The first thing that comes to mind is breaking the generational cycle of poverty. I've always had the goal to go to college and get a degree. I just did not know how. While a high school student, Edgar worked closely with his AmeriCorps coaches to ensure that he has selected the college that was the right fit. He completed his financial aid applications, matriculated to campus on the fall. Following his high school graduation and as a college student, he had access to College Possible AmeriCorps members who helped him navigate the various resources available to him at the university. He had access to continued guidance for financing his college education, including completing the dreaded FAFSA, renewing and finding new scholarship money, and his AmeriCorps coaches encouraged him to--

BREWER: Drive on, drive on.

ARVIN FRAZIER: OK. I'll close with Edgar is just one example of our future and state community leaders that we benefit from through AmeriCorps. Edgar did the work. The AmeriCorps coaches ensured that he not only had access to what he needed to be successful, but the AmeriCorps coaches pushed him to make a difference. At College Possible, we don't fix anyone. Students do not come to us broken. We don't save anyone because our AmeriCorps members are not saviors, but our AmeriCorps members do provide the necessary guidance and assistance that makes college possible. Thank you for your time and the additional time.

BREWER: You were on a roll with good news. I don't want to stop you.

ARVIN FRAZIER: I'm sorry. No, no. I apologize. I--

BREWER: No, that's all right. It's a, it's a-- technically a Thursday afternoon, but it seems like a Friday afternoon. And you were-- you

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were just in the, in the heat of it. I didn't want you to break that mind-- thought that you were going through. All right, questions? Yes, Senator. Senator Halloran.

HALLORAN: Thank you, Chairman Brewer. We had a brief conversation before this hearing and I understand that Senator Justin Wayne had the pleasure and honor of having you as a coach and a teacher?

ARVIN FRAZIER: Yes.

HALLORAN: Yeah.

ARVIN FRAZIER: Senator Wayne and I-- I've known him since second grade. And for those that work with him, he was arrogant even then. I say that with love.

BREWER: Push us over with a feather.

ARVIN FRAZIER: I say that was love.

HALLORAN: It's on the record. I like that.

ARVIN FRAZIER: But no, a fine young man.

HALLORAN: Well, God bless you.

ARVIN FRAZIER: Thank you.

BREWER: Well, I, I have tremendous respect for him. I've seen him in pain on Kilimanjaro and there were many people, one in this room, who was betting that he wouldn't make it. And I think just out of spitefulness to that one person, he climbed all the way to the top in pain even, but--

ARVIN FRAZIER: There were times that I would have been in that group too.

BREWER: No, he's, he's a good guy and so you did well mentoring him.

ARVIN FRAZIER: Thank you.

BREWER: Thank you for your testimony. All right, next proponent. And I don't know who set up these packets so everything was stacked in order, but this is very nice. It's all organized, helpful. Makes it a lot easier.

CATHLEEN PLAGER: Good.

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BREWER: Welcome to the Government Committee.

CATHLEEN PLAGER: Thank you very much. My name is Cathleen Plager, C-a-t-h-l-e-e-n P-l-a-g-e-r. I'm the executive director of ServeNebraska, the Nebraska Volunteer Service Commission, and I've been in my position for nine years. Through my testimony, I want to provide you with a bit more reasoning behind the creation and operation of ServeNebraska. Congress created AmeriCorps in 1993 as a federal, state, and local partnership to support community-driven solutions. Three-fourths of the \$455 million of AmeriCorps federal funding are distributed through state and national grant funding and is managed by Governor-appointed state national-- state service commissions. State service commissions are the key partner, funder, and service delivery mechanism at the state and local level. ServeNebraska was created in 1994 to be a pass-through entity for federal AmeriCorps funds and ServeNebraska was created through executive order, as you've heard today. In 2006, the commission for the first time began receiving, excuse me, \$30,000 of General Funds from the state of Nebraska and in 2007, a memorandum of understanding was created between the Department of Health and Human Services and ServeNebraska. This was to assist with back-office support. The MOU or partnership was supposed to bridge the gap of federal match that the commission needed in order to spend its federal funding. The match in 2021 was near \$85,000, but in past years, we averaged around \$49,000 annually. ServeNebraska for many years was not able to meet its match requirement. And in 2013, when I became executive director, I spent a great deal of my time chasing match in order to meet our federal obligation. We continue to utilize staff and efforts to generate this match, which I believe is not cost effective. The federal funds that ServeNebraska receives comes in several grants and are all allocated from federal AmeriCorps agency based on population of the state. ServeNebraska's administrative grants equal in the amount of about \$513,000. These funds are used to monitor the AmeriCorps pass-through of federal awards, as well as provide for staffing, training, and technical assistance for both staff, AmeriCorps, sub-awardees, and AmeriCorps members. The ServeNebraska Commission is required to match our commission support grant dollar for dollar. The ServeNebraska Commission plays a central role in advancing service as a strategy in Nebraska. We competitively award grants to local nonprofits, government, education and faith-based organizations, providing nonprofit-- providing training and technical assistance, monitoring grantees to ensure quality and compliance with federal and state law, and broadly promoting service and volunteering. We are able to support key initiatives such as decreasing high school dropout rates,

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expanding student mentoring, helping veterans transition to civilian life, and managing volunteers in response to disasters. ServeNebraska also supports volunteer recognition in Nebraska. Forty-two of the 52 state commissions are supported by their state. We are counted in that number, but there is a discrepancy of at least a \$120,000 difference between the support ServeNebraska receives and the next lowest supported state, which is Kansas. ServeNebraska receives in excess of \$2 million of federal funding annually, which is fully granted out to fund AmeriCorps programs across the state. The AmeriCorps programs match their federal funds in a gradual process from 24 to 50 percent, depending upon how long they have been operating an AmeriCorps program. ServeNebraska also provides support to other streams of service across Nebraska. We promote and support programs such as National Civilian Community Corps, Peace Corps, AmeriCorps VISTA, and AmeriCorps Seniors. National service should have a strong state and local collaboration, strong state and local collaboration to ensure that service thrives in the ability to address diverse challenges surfacing in communities. The development of AmeriCorps positions, as well as other volunteer engagement strategies, provide for real-life education and professional development opportunities for the next generation of leaders. Community service and civic engagement is part of the service ecosystem and brings divided communities together for a common cause. We see service and volunteerism as an important part of communities and supporting national service makes sense, as it is a cost-effective strategy that solves problems, expands opportunity, and strengthens community. ServeNebraska is working to expand the services that we can offer to communities and we are not current-- that we're not currently in. We believe that LB910 will allow us to explore and expand the services and provide services to our most vulnerable citizens and help solve critical issues across the state of Nebraska. Thank you.

BREWER: All right, thank you for your testimony. We'll go to questions. Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you for testifying. So you talk really fast like me. I got to learn to write faster, apparently. So I'm going to need some clarification.

CATHLEEN PLAGER: That's fine.

BLOOD: I'm definitely not picking on you. I just-- I want to make sure I understand everything. So in the past, you've raised \$85,000 one year, but basically averaged \$49,000 for the other years for your matching funds, is that what you said? Did I hear that correctly?

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CATHLEEN PLAGER: So through our MOU with Department of Health and Human Services, as they did our back-office support, we're part of their cost allocation. And our portion of that cost allocation on average was \$49,000.

BLOOD: OK, so that was the cost allocation, not what was raised.

CATHLEEN PLAGER: Yeah, that then we could put towards our match for our federal funds.

BLOOD: And then did I hear you correctly that we receive \$2 million in federal funds?

CATHLEEN PLAGER: So we receive over \$2 million of pass-through funding--

BLOOD: OK.

CATHLEEN PLAGER: --that we then grant out to communities' organizations for AmeriCorps programming.

BLOOD: So is the \$585,000 that's repeated several times in the handout, is that so you can expand your services? Is that-- did I hear that correctly? Because at the end, you said you wanted to expand services to other communities. Is that what you're asking for more funds?

CATHLEEN PLAGER: So basically, when Senator McDonnell and us bring to Appropriations next year, we will be asking for \$585,000 unless that changes. And what that will do is provide that-- so, so as I said earlier, we receive about \$513,000 of federal funds as, as administrative purposes and \$300,000 of that we have to meet dollar for dollar. So we're looking at, at least that much money to serve as our federal match and then what we'd like to do is ask for more money to expand services across the state of Nebraska. One of the things that we do is recognition of volunteer services. We encourage volunteer services, but what we'd like to do is expand that volunteering process a little further with our nonprofits and community-based organizations to help them out because we know how important volunteer services are in our communities.

BLOOD: I know you guys gave Senator Vargas an award because he had those two bills, one for in-state tuition and one for the tax exemption, right?

CATHLEEN PLAGER: Correct.

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BLOOD: So-- all right, so I'm still getting a little confused here. And I'm sorry, I just-- I want, want to make sure it's really clear.

CATHLEEN PLAGER: No, I apologize. It's lots of numbers.

BLOOD: No, no, no. It isn't even the numbers as much as I'm hearing how well everything's going from, everybody that testified and my question is why be standalone if everything's working well already?

CATHLEEN PLAGER: So basically, we still have to chase match. We aren't receiving the match that we need from Health and Human Services because we're having to reach that \$300,000 mark. And with the \$30,000 from the state and the \$85,000 from HHS this last year, there's still a gap and it takes time, it takes money, it takes staff time to chase and make sure that we're meeting that match so that we can draw down federal funds. So if we don't meet the match at the end of our three-year grant cycle, we may have to pay that money back if we use those federal dollars. And so being able to have the state allow us our independence, number one, for stability purposes and number two, to-- as we go into next year, looking at being able to meet our federal match so that we do not have to chase those dollars down is so important.

BLOOD: All right, fair enough.

BREWER: The way things are set up right now, if the-- if we do nothing here, the incoming Governor could decide this program isn't something that he supports and you could literally come up missing.

CATHLEEN PLAGER: Correct.

BREWER: All right.

CATHLEEN PLAGER: And at that point, if you don't mind--

BREWER: Yes.

CATHLEEN PLAGER: At that point, what happens is that we no longer have a state agency identifying and helping local communities identify issues. We have the federal government saying, yeah, here, we'll just put money here or we'll put money here and it may not be the place that you or the Governor needs it to be.

BREWER: Yeah.

CATHLEEN PLAGER: So it takes the local control out of it.

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BREWER: I can see how turning that over the federal government may not work out well. All right. Senator McCollister.

McCOLLISTER: Yeah, thank you, Mr. Chairman, and thank you for your testimony. Did I hear you correctly, you can monetize the volunteer hours and count them as a match?

CATHLEEN PLAGER: We cannot through our federal match, we cannot.

McCOLLISTER: So you're looking to the state to provide additional match for those federal dollars. Do I have that correctly?

CATHLEEN PLAGER: Yeah, but we are not looking for that this year. We're looking for that for next year.

McCOLLISTER: Can you also get grant money from other sources other than the state to provide that match?

CATHLEEN PLAGER: Yes, we can look at philanthropy to do that, but one of the things we also look at as a state entity is that if we look to philanthropy or, you know, areas that way, then we feel that we are possibly taking those dollars away from our subgrantees who also have to match their funds. And so we do not want to stand in the way of our subgrantees.

McCOLLISTER: So the way the funding goes, you get money from the state, get money from the federal government, you make grants to various agencies and they have to provide another match. Is that correct?

CATHLEEN PLAGER: They, they provide local matches, yes.

McCOLLISTER: At what percentage?

CATHLEEN PLAGER: It depends on the length of time that they've been a subgrantee. So the first three years, it's at 24 percent. Once they get to ten years of operation, then it's 50 percent.

McCOLLISTER: I see. OK, so College Possible is a program that's been going on for at least ten years. They get the full 50 percent match?

CATHLEEN PLAGER: They, they seek the full 50 percent match.

McCOLLISTER: OK. Thanks so much.

BREWER: All right, additional questions? Thank you.

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CATHLEEN PLAGER: Thank you.

BREWER: You have been very informative. All right, additional proponents? Is there anybody in the neutral? Anybody who is-- I'm sorry, proponents, opponents, anybody in the neutral? Senator McDonnell, welcome back.

McDONNELL: I'm hoping this fiscal note will clear things up. As you know, our, our staff does 100 percent of the work and we take 100 percent of the credit so I'd like to thank Alycia for pointing this out. If you take a look at the fiscal note-- and I know this is somewhat confusing. I'm not asking this committee to do anything financial except to make a transfer with the language. Now, the fiscal note started off-- and if you look at it, the front page, it goes through the idea of what we're trying to do and we're trying to move this agency. But at the end, it's says, technical note: this bill does not create a standalone statutory agency, but only describes the benefits of creating one. So that's when we came up with AM1983. If you look at the back of the fiscal note, which it's zero, we're going to go ahead and transfer from HHS. LB910 proposes to remove the Nebraska Volunteer Service Commission from within the Department of Health and Human Services, DHHS, and create a separate statutory agency for the commission. DHHS would return the current budget amounts to ServeNebraska from ServeNebraska to the state. So when I said that I could work on-- next year, if, if you decide to go ahead and give them their independence, this is just the transfer and setting up that transfer and how this agency would work, work independently. I would work then with Appropriations on if there is going to be an extra dollar next year. So I wanted to make sure that was clear for the record that you are basically setting up the independent agency. We're going to do a transfer from DHHS. But you are not-- this is a zero fiscal note and that's why we needed the amendment to clean up that last statement about the, the agency and that's why we needed AM1983. Is that-- does that help?

BREWER: Let's go around the room and see. Senator Blood.

BLOOD: Thank you, Chairman Brewer. So the fiscal note, clearly understand, but the part that I keep coming back to then is that we're, we're setting this up so you can move forward in the future. We're going to-- you're going to handle the transfer and getting them the funds that they would get anyway, but they'd be getting it as a different entity. But everything in the flyers here says they're going to need half a million dollars on top of that. And so my concern isn't that they're not doing an awesome job. They're doing an awesome job.

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And I don't know who the next Governor will be, but I find it hard to believe the next Governor is going to eliminate something like this. But we can't-- we don't have a crystal ball, but because we also don't have a crystal ball, the fact that we're supposed to come up with a half million dollars not knowing what our budget's gonna look like or what things are going to be because that's not pass-through.

McDONNELL: You are not-- yeah, you are not being asked to come up with that.

BLOOD: I know we're not being asked, but we're asking somebody else to do that if we do this.

McDONNELL: No, potentially that could work out next year, but it's not if we do this, you have to do this next year in Appropriations. That's not how this is working. I believe in performance-based budgeting. I believe in standing on your own. I believe that this agency has done the work since 1994. I think that based on being part of DHHS and what they have-- the process they go through versus being independent is going to help them reach their, their full potential, which helps all of our citizens, east, west, north, south, in the state of Nebraska. The idea of setting this up and then dealing with the finances, again through the Appropriations Committee, this does not mean that next year, if we don't appropriate X, that this fails. That does not mean that. This is just setting them up and giving them their independence.

BLOOD: Why did it initially go historically through DHHS?

McDONNELL: I started-- as far as I know, you know, this, this began in 1994. I know that-- the history of that part, but how it ended up there, I do not know.

BLOOD: Thank you.

BREWER: Senator McCollister.

McCOLLISTER: Yeah, thank you, Mr. Chairman. The fiscal note for LB910 shows \$1,618,000--

McDONNELL: Being transferred.

McCOLLISTER: --from the federal government.

McDONNELL: No.

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McCOLLISTER: Oh, that's all transferred currently from HHS, that, that amount of money?

McDONNELL: The, the fiscal-- what we were-- would be asking is right now what Department of Health and Human Services says, they do have \$30,000 from General Funds. They do have \$1.5 [million] from the Feds for a total of \$1.6 [million], that that would be transferred over if you decide to move forward as-- from the DHH-- to their-- the new agency.

McCOLLISTER: And we're still waiting for an amendment, is that correct?

McDONNELL: No, that's what I'm trying to-- try to clarify, which is that we can use this today based on-- we did the amendment with what I gave you, AM1983 with the handout. What I should have gave you to make it more clear was the fiscal note.

McCOLLISTER: So we have the amendment?

McDONNELL: You have the amendment. You have everything in record now on how this would work with the transfer.

McCOLLISTER: I understand. Thank you.

BREWER: Senator Halloran.

HALLORAN: Thank you, Chairman Brewer. So to help clarify for me a little bit, the state would not necessarily be required to match funds, but they could be asked to match funds in the future.

McDONNELL: Correct.

HALLORAN: OK and that's up to you big dogs in Appropriations?

McDONNELL: Not sure. I like this committee so much better, but yes, that would be up to the Appropriations to take action and bring it to the floor.

HALLORAN: OK. And we've got, we've got your assurance that won't get carried away?

McDONNELL: You have my, my assurance that I will make sure that you know how every dollar is being spent.

BREWER: Well, that's good to hear. All right, no other questions. Now, just again on clarification, so what we're going to do with the

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amendment and the fiscal note you've giving us for clarification is we're going to make it so the agency where it currently falls under DHHS, which I would imagine if you look back to when it was established, it would make sense to put it under a code agency that dealt with children. And I mean, that was, that was kind of a natural fit. What we'll do now is move it so it becomes standalone then you're going to help next year with figuring out how we resource it into the future. So this matching fund issue, we're going to be able to do our part there.

McDONNELL: Yes.

BREWER: All right. Well, before we let you go, we should let you know that you have zero in the neutral, zero opposition, and 16 proponents.

McDONNELL: Well, I didn't want to take-- make the same mistake I made yesterday and--

BREWER: Yeah.

McDONNELL: --before I knew there was zero opposition so thank you.

BREWER: That's why I made a special note for you.

McDONNELL: Thank you.

BREWER: All right, thank you for your presentation and we will take a slight break here from LB910 to set up for the next one. On the next presentation, on the next presentation, when Senator Day is done, we'll have just a slight break because we'll have a call-in and then as soon as the call-in is done, we'll go back to proponents of the bill. We'll give a chance to clear out the room a little bit here for you.

DAY: OK.

BREWER: OK. Senator Day, we got it pretty much thinned out.

DAY: OK,

BREWER: Whenever you're ready, welcome to the Government Committee.

DAY: OK. Thank you. Good afternoon. Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Jen Day. That's J-e-n D-a-y and I proudly represent Legislative District 49 in Sarpy County. This is my very first time testifying in front of

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your committee so I am thrilled to have the opportunity to be here today. I'm here today to introduce LB1104, which would amend the current statute surrounding emergency response procedures by requiring that the Nebraska Emergency Management Agency collaborate with advocacy groups for people with disabilities or functional needs when preparing and revising emergency operations plans. The bill also defines "functional need" and adds advocacy organizations and people with disabilities to the already established emergency management registry. Following my introduction, you will hear from a handful of testifiers who can further explain the need for this legislation. More often than we'd like to think, the legitimate concerns of people with disabilities in emergency situations are overlooked or swept aside. Very well-meaning and well-intentioned people can easily overlook the lived experience because they don't have to factor in the same needs and concerns as a disabled person. Great urgency surrounds the need for responding to these concerns though, not just in planning but in preparedness, response, recovery, and mitigation activities as well. Roughly 12 percent of Nebraskans have a disability and countless agencies and organizations exist that have extensive knowledge and expertise on the needs of this population, yet they are not included in the preparation of emergency plans. This concern has garnered national attention and if passed, LB1104 would establish groundbreaking legislation that can be modeled nationally to express-- to address this gap in emergency and disaster response. In a few short weeks, we will hit the two-year anniversary of the pandemic starting in Nebraska. In almost two years, we have still not appropriately addressed the significant barriers our pandemic response pose for people with disabilities. Though agencies reached out and pleaded with the state to make accommodations to Test Nebraska like a phone registration option for those with no internet access or an in-home testing option for those without access to transportation, no changes were made to the program. Nationally endorsed standards of care were provided to Nebraska officials requesting that people with disabilities be considered in planning discussions on the development of crisis standards, but the concerns were pushed aside. Additionally, a CDC report published in recent months found that adults with disabilities are much less likely to be vaccinated due to difficulties in obtaining the vaccine. I want to emphasize this is not because they have hesitancy about getting vaccinated. This is simply because of issues with vaccine prioritization. For instance, because it was not based on medical criteria, Nebraska's age-based vaccination plan put Nebraskans with disabilities at risk. A 20-year-old with Down syndrome is at a much higher risk from COVID-19, but her healthy 50-year-old mother would have received the vaccine months ahead of her. The issues

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that I've just outlined regarding our pandemic response are not the only issues face-- facing disabled Nebraskans when it comes to emergency planning. LB1104 would improve how we approach disasters across the board. Post-Katrina, the National Council on Disability held a meeting to discuss the response to the emergency. Advocacy agencies indicated that people with disabilities needed to be more involved with emergency preparedness training. One reason for the biggest loss of lives of people with disabilities during Katrina was because no one had planned for those populations adequately. People with mobility disabilities, such as those who use wheelchairs, requested rescue from emergency responders, but no one could reach them through the storm and flood. The loss of life within the disability community was devastating, a prime example of what can happen in communities where we don't sufficiently account for the needs and concerns of disabled people. Though we don't have to plan for hurricanes, the record flooding Nebraskans experienced in 2019 proves that we need to plan for natural disasters and ensure that we are consulting with anyone who would be impacted by them. There is a motto in the disability community: nothing about us without us, which encapsulates our intention with this bill. If passed, it will guarantee that people with disabilities and the organizations that advocate for them would get a place at the planning table for this and future disasters or emergencies. I would greatly appreciate your support in this step to ensure equitable access to lifesaving programs and services for our most vulnerable friends and family. With that, I'm happy to answer, answer any questions you have. Thank you.

BREWER: All right, thank you. Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you, Senator Day. Great idea. Were you in on that Zoom call we did with the Iowa representatives in reference to Test Iowa and Test Nebraska?

DAY: I don't believe that I was, no. Similar issues?

BLOOD: I'll share that link with you--

DAY: OK.

BLOOD: --because we still have it where people with disabilities could not get tested--

DAY: Right.

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BLOOD: --that it wasn't accessible, the website wasn't accessible. Even though we brought it up to the state, nothing was done. So this makes perfect sense--

DAY: Yes.

BLOOD: --so.

DAY: Thank you.

BREWER: Senator McCollister.

McCOLLISTER: Yeah, thank you, Mr. Chairman. The fiscal note would indicate that NEMA does not object to this and does not see an additional fiscal note, is that correct?

DAY: Correct, yes.

McCOLLISTER: Thank you.

BREWER: Additional questions? Sometime offline, I'd love to tell you-- talk to you about Katrina. I commanded the first task force on the ground there that--

DAY: Oh, you did.

BREWER: --arrived 24 hours after the storm quit. And of course, the majority of our early rescues were of the senior homes that were essentially abandoned and the ones that were left in the senior homes were the ones who were not able to actually stand up, walk, and extract themselves from the situation. So obviously, by the time they had been there for days before we could get there, you can imagine how difficult the situation was, so.

DAY: Right, so sad. Yeah, I would love to.

BREWER: Thank you for introducing this. I'm sure we will have questions for you at the end. You'll stay for close?

DAY: I will.

BREWER: OK. Thank you.

DAY: Thank you.

BREWER: All right. Now, we're going to have a call-in phone call. This is a test, at the Speaker of the Legislature's request, to try an

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option of testifying via phone for accommodation, accommodation of persons with-- American Disabilities Act. So we're just trying--

[PHONE RING]

BREWER: --to make it all work here. All right, are we good? Mary, are you on the line with us?

MARY ANGUS: Yes I am, Senator Brewer. Can you hear me well?

BREWER: Well, we got you loud and clear. We are in place. What I'll do for the five-minute time frame is there'll be an audible alarm that will go off and that will kind of let you know that the time has run out. And then at the end of the time, if you can stay on, we'll have a series of questions probably for you.

MARY ANGUS: Thank you. I don't anticipate being nearly five minutes.

BREWER: OK. Well, you are free to start whenever you're ready.

MARY ANGUS: Thanks. Good afternoon, Senator Brewer and members of the committee. My name is Mary Angus, M-a-r-y A-n-g-u-s, and I'm representing ADAPT NE, A-D-A-P-T N-E. ADAPT Nebraska is part of a national network of disability advocates who are fighting so people with disabilities can live in the community with little support instead of being locked up in nursing homes and other institutions. Full involvement of people with disabilities in emergency management is vital for maintaining that independence. As a person with a disability, I thank you for making this accommodation to allow me to testify by telephone. We appreciate the opportunity to comment on LB1104, which would change the provisions of the Emergency Management Act. The current plan would be improved by clarification this bill includes. Firstly, we appreciate the definition of disability, as Senator Day mentioned, on line-- on page 2. We also commend that the bill continues (1) to keep the emergency management registry confidential and voluntary as on page 8, (2) the inclusion of persons with disabilities quote-- that's a quote-- functional needs-- that's page 8-- and also adds examples of functional needs on page 3. The State of Nebraska recovery action plan mainly includes people with disabilities as recipients of emergency and disaster relief. It includes accessibility on the website and as a recipient of emergency and disaster relief, it includes accessibility there. We would recommend, as Senator Day mentioned, people with disabilities kind of are not even an afterthought. So we would recommend that it specifically include people with disabilities in the written bill. For

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instance, to add the words "electrical power" to a list of functional needs, to insert "individuals with disabilities" after "organizations" on page 6, line 17 and before "and organizations" on page 7, line 17. In closing, ADAPT Nebraska thanks Senator Day for introducing LB1104 and I'd be happy to answer any of your questions.

BREWER: All right, very good. Thank you. And what I'll do is just go around the table. If they have a question, I'll just have them do a quick introduce-- introduction of themselves and then ask the question to you.

MARY ANGUS: Thank you very much, Senator.

BREWER: You bet. All right, questions for Mary? All right, I'm seeing none, Mary. Thank you for your testimony and taking the time out for us today.

MARY ANGUS: Oh, thank you so much, committee members and Senator Brewer. Goodbye.

BREWER: Have a good day. Bye-bye. OK. We will go ahead now and start on proponents to LB1104. Welcome to the Government Committee.

BRAD MEURRENS: Good afternoon, Senator Brewer, members of the committee. For the record, my name is Brad, B-r-a-d, Meurrens, M-e-u-r-r-e-n-s, and I am the public policy director at Disability Rights Nebraska. We are the designated protection and advocacy organization for persons with disabilities in Nebraska and I'm here in strong support of LB1104. I do want to make one point explicitly clear and upfront. I do not read this bill as adversarial or hostile to NEMA. We asked NEMA to participate in a disability preparedness webinar about disaster and emergency planning last fall and they graciously agreed to participate. We have greatly appreciated NEMA's pushing out the announcements for and participating in the Niagara University emergency preparedness trainings held this last-- past fall and coming up again in March across the state. I am not casting aspersions today. Rather, I see this bill as a call for broader public awareness, as well as increased inclusion and collaboration among emergency planners and people with disabilities and organizations that represent them. As Senator Day said earlier, people with disabilities in Nebraska comprise around 10 to 12 percent of our state's population and there are Nebraskans with disabilities in every single county. These are our families, our friends, our neighbors, our community. They have the right to be rescued during disasters like anyone else. However, as Senator Day's introduction, the National Council on

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Disabilities series of reports and our own report, "Second Class During the Pandemic," as those indicate, sometimes despite the best intentions and optimal planning by emergency managers, people with disabilities and their unique circumstances and needs can be overlooked. Given that the majority of Nebraskans do not live with a disability, disability issues, needs, and barriers often can get missed despite the best intentions. I see this bill as having three parts. Part one adds definitions of disability and functional need to the state statute. Relatedly, part two adds disability to the title of the existing functional needs registries. Why? The change in the title, we think, adds clarity and ensures that people with disabilities know that they are included too. Part three is the main thrust of the legislation. It requires that NEMA, when developing and revising the state emergency operations plans, seeks the advice and assistance of disability organizations and providers, as well as to maintain a list of organizations, not just people, who have expertise or knowledge regarding disaster and emergency planning. We note that NEMA is already required to consult with governmental agencies and the private sector in this process so we were puzzled when we read that, that the disability organizations or the disability community are not included, hence the bill's impetus. While we are very pleased to see that disability and functional needs occurs 36 times in the 2020 template for county or local emergency operations plans, I would point out that this inclusion does not benefit from any direct consultation with disability groups or individuals. Rather, the inclusion of disability or functional needs and addressing those specific needs seems directed by emergency managers or designees themselves, what they think should happen. And as all the NCD reports show, the-- especially the 2019 report regarding institutionalization, decisions made in this fashion can backfire. For example, the 2019 NCD report talks about although there are numerous factors that lead to institutionalization during and after disasters, it's the lack of an understanding of civil rights laws that protect people with disabilities during and after disasters. Again, we're not casting aspersions. We're just saying that there are unique, nuanced information and expertise that other organizations can have that can play a role in the most effective way to plan for, respond to, mitigate, and recover from disasters and emergencies. I would also point you to the "25 Commandments for Disability Inclusion" handout. In particular, I want to, I want to point out commandment number six: nothing about us without us; plan with us not for us. Number 11: thou shalt always provide equal access and meet nondiscrimination requirements before, during, and after disasters. These are legal civil rights obligations. There are no waivers or loopholes to these

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obligations in a disaster. Number 12: partner with the community programs who are most knowledgeable about the needs of the people who live there. Number 5: information must be accessible to be actionable. And 23: engage experts with lived experience throughout the planning and preparedness, as well as recovery and mitigation. The time to build relationships is not in the middle of a crisis. The CIDNY, the civil organization in New York, talks about how they wish they had paid more attention to the effort to include people with disabilities in the planning of disasters. Looking at the emergency operations plans template, there seem to be many areas where disability organizations can help, for example, page G-4. This talks about public health will provide recommendations, communications methods, services, and all these things. But again, this seems to sound like planning for us, not with us. And I would also recommend-- as closing, I would recommend you look at page 48 of the NCD report "Saving Lives." I have the quote here at the end. And the important part about this-- I recognize my, my red light is on--

BREWER: That's all right.

BRAD MEURENS: --is that this specifically and explicitly recommends in no uncertain terms that-- exactly what we're trying to do with LB1104; to connect those community based organizations that have unique expertise and knowledge that will be beneficial in the planning and response to disasters and emergencies for people with disabilities. And with that, I'd be happy to answer any questions you have.

BREWER: Well, you covered a lot of ground in a short period of time.

BRAD MEURENS: I have-- I had more, but I tried to shorten it up.

BREWER: We'll, we'll pry a little more of you here. As you heard me talk about earlier, our problem was when we got to Katrina, we flew into Belle Chasse Naval Air Station. The runway was partially blocked by debris and buildings. We unloaded the first vehicle, used it to drag it off, and then as we unloaded all the equipment and the people, we moved into New Orleans, we had no reference of where any of those who could not physically extract themselves from either a facility, a home, whatever. And that would have been invaluable at that point because if you don't have that, you literally have to go door to door. And when you do that, there's an incredible amount of time that's eaten up on an area that probably wasn't necessary, but you don't know that. So I can see how integrating some of that knowledge into the plan so that when you, when you hit the ground, it's there, it's

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available, and you can react immediately rather than figure it out the hard way. So I hear what you're saying with the emergency management and I, I would have been shocked if, if NEMA would have had any pushback on it because, you know, that-- it's so common sense that it wouldn't seem like there would be any reason to push back on it. The trick will be-- so many times when things happen, whether it be a large chemical spill or something like that, you have to react instantaneously almost because lives are at stake. Having someone who was readily available that you can go to who can immediately give you timely information, that, that will be the part that will have to be integrated so that it's just kind of seamless. OK, questions? All right, you must have done well. Thank you.

BRAD MEURENS: Thank you, Senator.

BREWER: This is, this is good testimony.

BRAD MEURENS: Thank you, sir.

BREWER: OK. We are still on proponents to LB1104. Welcome to the Government Committee.

KRISTEN LARSEN: Hello. Good afternoon, senators. My name is Kristen Larsen, K-r-i-s-t-e-n L-a-r-s-e-n, and I'm here on behalf of the Nebraska Council on Developmental Disabilities in support of LB1104. Although the council is appointed by the Governor and administrated by DHHS, the council operates independently and our comments do not necessarily reflect the views of the Governor's administration or the department. We are a federally mandated independent counsel comprised of individuals and families of persons with developmental disabilities, community providers, agency reps and who all collectively advocate for systems change and quality services. The council serves as a source of information and advice for state policymakers and senators and when necessary, we take a nonpartisan approach to provide education and information on legislation that will impact, impact individuals with developmental disabilities. Findings from FEMA and the Partnership for Inclusive Disaster Strategies show knowledge and resource gaps exist in planning for and meeting the needs of people with developmental disabilities in emergency situations. Research has documented that people with disabilities and/or access and functional needs have been disproportionately impacted in disasters due to inadequate planning, preparedness, and accessibility. In November 2019, representatives from the Administration for Community Living, the council's federal oversight agency, hosted two listening sessions on how Nebraska was able to

support and respond to the needs of people with disabilities during the flooding and bomb cyclone events in March 2019. At the listening sessions, participants provided feedback on their experiences and how emergency response efforts affected individuals with disabilities. Individuals spoke very highly of the services of the Red Cross and the emergency response teams, but indicated that volunteers were not trained to assist individuals with disabilities. Some individuals in shelters were not able to access medications and medical equipment from their homes. Many reported that their support staff or direct support professionals, DSPs, were often unable to reach them and there was a shortage of available DSPs. The listening session participants suggested that the DD service providers and state agencies should cross train with the Red Cross and other emergency response teams to improve coordination in the event of an emergency. They suggested that the Nebraska Administration on Disability Partners, which includes the council and Disability Rights Nebraska, explore collaboration in the coming years to address emergency preparedness. The issue of emergency preparedness was also captured in the council's Nebraska 2020 needs assessment. Every five years, the council completes the needs assessment in order to identify ways to make a positive difference in the lives of people with DD and their families. In response to Nebraska's 2019 natural disasters, information was gathered from over 500 family members, care providers, and self advocates assessing the adequacy of addressing the needs of individuals with DD during the times of crisis. Survey results supported the need to address preparation and planning for emergencies, including the COVID-19 pandemic. Participants indicated that there was a need for first responder training and for community programs to understand how to interact with individuals with DD. In an attempt to address emergency preparedness, response, and recovery, the council released an RFA in June 2020. The council's RFA sought innovative approaches and creative solutions for creating emergency plans specific to the individual's needs and abilities. Project proposals had to demonstrate how collaborating with local emergency planning agencies and connecting with local disability organizations would ensure inclusion in the emergency planning process. The council selected to fund Niagara University's proposal to present Emergency Management Disability Awareness Training, EMDAT, program for two consecutive years, October 2020 through September 2022. The council is investing close to \$60,000 in the project. The main objective of the NU program is proper and appropriate response to individuals with disabilities achieved through inclusive planning and active participating-- participation of individuals with access and functional needs in emergency planning, preparedness response, and recovery. The basic premise of the program

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model is to establish working relationships that evolve into a collaboration between the first emergency responders and the disability community. There's more information in my written testimony. The project manager, Dave Whalen, has established relationships with many agencies serving and advocating for Nebraskans with disabilities. The stakeholders have introduced, promoted, and engaged in the trainings. Interest of the project has been tremendous. We have-- he has created Nebraska-specific documents and led four two-day EMDAT training sessions across the state in 2021 with 90 participants. He'll return this March for another round of sessions. Attendees thus far have included a wide variety of people that-- and across disability and agencies noted in my written testimony. I do want to acknowledge that the council appreciates the support engagement of-- that NEMA and especially Sean Runge, NEMA's ADA coordinator, had played in the EMDAT project. In September, Mr. Runge reached out to emergency managers and partners, urging them to participate in our two-day training events. In November, he wrote an article for the NEMA Beacon newsletter to promote the council-funded project, which reached over 1,000 participants. So bottom line, we're just very supportive of LB1104. It's a great start to implement the goals of inclusive planning and active participation. It provides a unique opportunity for the inclusion of people with disabilities in the emergency preparedness process. It demonstrates a commitment to input from the disability community to improve accessibility and reasonable accommodations before, during, and after disasters. And if it's passed, Nebraska will establish groundbreaking legislation that could be modeled nationally. Thanks for your consideration. I'm sorry I couldn't get it all in five minutes, but I provided my full written test-- testimony with additional information about the, the great efforts we've made so far with the EMDAT training that Nebraska-- or Niagara University is helping with.

BREWER: Well, thank you for your testimony. We do have a copy of that and you did, did it-- very admirable effort there to get through all that. When I looked through it and saw it was a pretty small print and you had two and a half pages, I knew that you were going to-- a challenge--

KRISTEN LARSEN: Yeah.

BREWER: --to get through in five minutes, but that's all right. We're here to get more information if we need it. Questions? I'll just share one other-- and I know I bore you guys with my stupid stories, but during Katrina, when we got into some of the, the care facilities and when you went through the evacuation there, they literally pulled up

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in busses. And if you could walk, they'd let you-- take you out. If you weren't, you were left behind. And so most of them that were in hospital beds or wheelchairs, they were left behind. And so when we got there, of course, there was no power so there was no way to put them in an elevator to bring them down, the ones that were in beds. No one had ever tried to take a bed through the staircase and they literally wouldn't fit. So we had to transfer them to a military stretcher and strap them down and then carry them down a stairway, which is a little bit of a wild ride because you got like a bunch of, you know, stinky soldiers that, you know, are trying to get you out of there, but it-- there's just no way to do it pleasantly, especially when it's 90-some degrees with 90-some percent humidity and you haven't had care for days and days. But in one facility that had the most, there was 21 in the one facility, there was a old gentleman who was actually the, the-- he was kind of a carpenter/care guy that took care of the facility. He stayed and he personally went up and brought water and, and helped those 21 stay alive until three days later when we got there. It was, you know, it was a great story. But again, no one ever thought about trying to take a full-sized bed gurney through a staircase because everyone used an elevator. Anyway, that's just kind of some trivia there for you.

KRISTEN LARSEN: No, it's not trivia. It's excellent testimony to support the cause. I don't consider that trivia at all. In fact, when Dave Whalen comes and does his training across the state, he highlights Katrina as the impetus for this training. And, you know, FEMA now has what is called inclusive disability specialists in each region and they're supposed to do some coordination. It's just-- efforts are intended for good outcomes. It's just that we need better collaboration. And as Brad alluded to, the people with disabilities really want to be at the table. And this training that we brought in also, you know, puts the onus on them as well. They have a-- all of us have a responsibility to be ready for a disaster and to be able to handle, you know, have a plan. Plan like nobody's coming because in a lot of-- a lot of times that indeed is the case.

BREWER: Well, we, we rescued 604 people in the first ten days, but we also, you know, had hundreds of, hundreds of casualties that we had to work with. So, you know, a lot of people don't like to think through scenarios because it's a lot of work to plan these things, but if you don't and then you have one, it's a lot more painful to have to live it then.

KRISTEN LARSEN: Yeah. I'm so glad you were Chair for this particular bill. I mean, this is-- yeah.

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BREWER: All right. Well, thank you.

KRISTEN LARSEN: Thank you. Thanks for the opportunity. I appreciate it.

BREWER: You bet. All right, any additional proponents for LB1104? Any opponents? Anyone neutral? All right. Senator Day, welcome back to the Government Committee.

DAY: Thank you all for your attentiveness this afternoon. I appreciate that. My-- the, the testifiers obviously articulated this much better than I could have, the necessity of something like this. And I think your stories, Chairman Brewer, were sort of the exclamation point on the story here of, you know, I think people are just asking to be at the table when these discussions happen. And as you mentioned earlier, oftentimes in emergency situations, the response has to be almost immediate. And if there isn't a plan already in place, we know we're already leaving out 10 to 12 percent of Nebraskans in that response. So thank you. I appreciate that. I'm happy to answer any other questions.

BREWER: Senator McCollister.

McCOLLISTER: Yes. Thank you, Mr. Chairman. I'd just like to congratulate you on working with the agency so they didn't object and we didn't have to force them to do anything.

DAY: Yes, thank you. I, I-- thank you for reminding me of that, Senator McCollister. I did want to read the line from the fiscal note that says, says the military department, NEMA fiscal note assumes the fiscal impact is absent, as it appears existing registries would only need to include new populations rather than an entirely new registry being established. So this is not about creating anything new and not-- as Mr. Meurrens said, it's not, you know, to fault NEMA in any way. It's just we need better preparedness systems here.

McCOLLISTER: Well, they've willingly expanded their mission so that's great.

DAY: Absolutely, yes.

BREWER: Well, that's good to hear. All right, additional questions? We do have letters: one in neutral, zero in opposition, and one proponent for LB1104.

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DAY: Thank you and thank you for providing accommodations for Mary. We really appreciate that.

BREWER: No, that was good.

DAY: Thank you.

BREWER: Worked out. We were worried because we don't do that a lot, but it worked out perfect. All right, are we done for the day? Oh, oh geez. I just about left Bostar off the list. Gee whiz. All right, we'll reset the number here and-- I really wouldn't have forgotten you, Eliot, honestly.

BOSTAR: You'd have missed out on a great bill.

BREWER: I know. I would have and I feel bad that I kind of got in a hurry here. You know how you're almost back to the barn and the horse starts running? OK. With that, we will open on LB964. Senator Bostar, welcome to the Government Committee.

BOSTAR: Thank you. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. I'm Eliot Bostar. That's E-l-i-o-t B-o-s-t-a-r and I represent Legislative District 29. I'm here to present LB964, a bill to provide members of the Nebraska State Patrol with 100 percent of the federal per diem rate while on travel duty, except when a Nebraska state, state trooper is serving on a detail in executive protection. In that situation, the trooper shall be reimbursed in full for actual meal expenses if the expenses exceed 100 percent of the established per diem rate. In 2020, the Legislature passed LB381, which modified the rate of reimbursement for meal expenses for any state officer, employee, or member of any commission, council, committee, or board of the state. Rather than paying actual expenses, the bill stated that going forward, reimbursement would be provided at between 60 percent and 100 percent of the federal General Services Administration per diem model, as determined by and in accordance with policies established by the state director of administrative services. It is my understanding that DAS has used this authority to set the current rate at 70 percent. The very nature of the job of a member of the Nebraska State Patrol is that in the course of their duties, they are forced to eat many meals on the go and are not always able to bring their meals with them in the field. While this change brought about by LB381 may well have made sense as applied to many of our boards and state employees and brought some efficiencies for the Department of Administrative Services, it treats members of our State Patrol unfairly. Troopers can be sent on travel

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duty for sometimes weeks or even months at a time and may be called to work in unusual environments such as from a helicopter or out on a shooting range. Inherently, these long deployments and unusual circumstances mean that they are forced to eat meals out more often and with less choice than they would have serving in their home communities. LB964 makes it clear that members of the Nebraska State Patrol should be compensated at 100 percent of the federal per diem rate of the state that they are traveling within. The bill also provides for a different per diem treatment for state troopers who are serving in the executive protection detail. Troopers serving on a detail in executive protection are required to work hours and in locations that provide even less flexibility than usual for finding a time and a place to eat an economical meal. Under current law, these troopers are treated the same as every other state employee, despite having significantly less choice and control over where they may be able to eat meals. Under LB964, these troopers on the executive protection detail would be fully reimbursed if the cost of the meals exceeded the per diem rate set by DAS. I encourage you to support the members of the Nebraska State Patrol and advance LB964. I'll also note that there will be-- a testifier behind me will share a bit of an update related to the bill and kind of some current practices. But with that, I want to thank you for your time and I'd be happy to answer any questions you might have.

BREWER: All right. Thank you, Senator Bostar. Let's see if we have some questions. Senator McCollister.

McCOLLISTER: Yeah, thank you, Mr. Chairman. Aren't state troopers represented by a union?

BOSTAR: Yes, they are.

McCOLLISTER: Wouldn't this be more properly a matter for collective bargaining?

BOSTAR: So the per diem change happened outside of the union collective bargaining process and it happened for all state employees. So the idea that in response to a statutory change that the Legislature-- you were here for it-- created, that the State Patrol should have to go in, reopen up their contract and renegotiate in response to something that legislators did, I feel like would be unfair.

McCOLLISTER: DAS can currently pay up to 100 percent--

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BOSTAR: Yes, they can.

McCOLLISTER: --of the allowable rate.

BOSTAR: That's correct.

McCOLLISTER: So why are we creating a legislative fix?

BOSTAR: Because I think that the-- I think that specifically for the Nebraska State Patrol, a rate under 100 percent isn't justified because of the unique nature of their work. So I do not think that for the Nebraska State Patrol there should be flexibility to go under 100 percent.

McCOLLISTER: What was the genesis for this bill? Where did it come from?

BOSTAR: My constituents in my district who are Nebraska State Patrol members who I speak to and they talk to me about their work, the issues facing them, the consequences of bills that we pass here and the consequences that, that has on their lives. And so I'm trying to correct some of that.

McCOLLISTER: Aren't we violating a collective bargaining agreements--

BOSTAR: We are not.

McCOLLISTER: --when we supersede?

BOSTAR: We are not.

McCOLLISTER: Fair enough, thank you.

BREWER: OK. Additional questions? Senator Lowe.

LOWE: Thank you, Chairman. Thank you, Senator Bostar. I totally have total respect for the-- any law enforcement officer. It's a job that only a few can do and I'm very proud that they're able to do that. I'm humbled. But what would happen if a hamburger would suffice and they decided to get prime rib for lunch? We would be on the hook for the total prime rib and not for a hamburger and they could do that at every meal.

BOSTAR: Yeah, that's a, that's an excellent question. And, and--

LOWE: Not that they don't deserve prime rib--

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BOSTAR: No, no--

LOWE: --at every meal, let me tell you.

BOSTAR: Thank you for letting me have the ability to actually clarify some of this. So the full reimbursement only applies to those serving in the protective detail, not for every trooper. Every trooper under this bill would get 100 percent of the per diem so at most, they could pay for the hamburger. The reason that this legislation would treat the detail differently is that when they're working on the detail, they have no control over where they're going so they have no control over where they get their meals and often, their time that they have to eat is when the-- their protectee is eating. In this case, that's our Governor. So they often find themselves in places where there is absolutely no food option available that they could choose that would fall within the per diem schedule. I'm sure a lot of them would like something different, but that flexibility just-- they don't have it. So very, very narrowly, they-- those troopers in that specific situation would be given that flexibility. And I don't believe that any of the folks that are doing that work would, would, you know-- they're-- one, they're on the clock, they're on the job, they're working. They're not there to sit back and, you know, eat a five-course meal. So I would ask you to have a little faith that they'll treat this responsibly because also-- I mean, you know, these folks know that if this gets abused, we're going to be right back here.

LOWE: Once it's in statute, though, it's pretty tough to take away.

BOSTAR: I think that if there really is a challenge with this-- I mean, keep in mind that this area of statute was changed two years ago so here we are changing it again and I would say that that should offer some comfort that we could two years from now come back and open the statute back up and fix things that we felt like weren't working properly. I think in response to state employee abuse, I don't really think members of the Legislature would hesitate to take corrective action. I certainly wouldn't, although I have every confidence that these provisions aren't going to be misused.

LOWE: All right, thank you.

BOSTAR: Thank you.

BREWER: So essentially what you're saying is if the governor goes to Chicago, wherever and happens to have a meeting at Ruth's Chris.

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They're going to eat at Ruth's Chris whether it's covered in their per diem or not.

BOSTAR: That would be their only option.

BREWER: Right now.

BOSTAR: Yes.

BREWER: And what you're trying to do is change it so that it-- because of their security requirements, they're there, then that cost is covered.

BOSTAR: Right. They don't have to pay for it out of pocket.

BREWER: And then here statewide, they would take it from 70 to 100 for day-to-day operational stuff as they're out doing missions.

BOSTAR: Yes, if they're on travel duty.

BREWER: Right.

BOSTAR: Yep, absolutely. And, you know, another example is, you know, there are patrol members who say or-- they can be assigned to travel duty for training purposes for, you know, upwards and beyond six months at a time. And so if we're calculating every meal at what the federal per diem rate says should-- at 70 percent of what the federal per diem rate is, we're asking these folks to live off of 70 percent of what's been calculated to be reasonable for six months or more at a time. And that, you know, so it isn't just you're on travel duty for a day to go to something or here or there. I mean, this can be extended and that's also something that is somewhat unique to the State Patrol and the types of travel assignments they can get because in some of the positions in jobs that they have. Those training assignments can take an extraordinary amount of time, which of course we want. I mean, we want, we want a group of folks who are the best at what they do and are prepared to handle all of the, all of the challenges, honestly, that the state faces. So this is to ensure that we're not-- in an environment where attracting and retaining good officers is a challenge for all departments, that we're also not on top of it asking our current officers to deep into their-- dip into their own pockets to cover expenses that really are the obligation of the state. I mean, if I was them, I would probably be looking for a place that wasn't asking me to do that and we need to hold on to the folks we got.

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BREWER: Well, kind of following on that, when we were doing the work on, on Whiteclay, I asked the then superintendent of State Patrol and whether that was 2016, the number of troopers that he had in comparison to when we had deployed several large groups-- because there were times we deployed as many as 100 state troopers up there for security. And he said that they were roughly down 100 troopers from where they were from the height. And I said, well, you know, what's, what's the deal there? And he goes, well, it's a combination of things. The job is not a great-paying job, it's risky, and you're going to be sent somewhere where maybe you're not, you know, from so there's, there's always challenges for family to have to follow and do all that. So there's not many bonuses we can offer them. Maybe giving them enough to have a decent meal might be a reasonable thing to ask for.

BOSTAR: I think--

BREWER: All right.

BOSTAR: The last thing I'll just note, if I may, is that, you know, as far as the fiscal note goes, there, there wouldn't be costs associated to the state. There are some costs that would be absorbed by departments, but, you know, we're not-- I don't-- there's no expectation of sort of runaway costs here. I just want to make that clear.

BREWER: All right. Any more questions? You'll stick for close?

BOSTAR: Absolutely.

BREWER: All right, thank you. All right, we will start with the first proponent to LB964. Welcome to the Government Committee.

JAMES ESTWICK: Good afternoon, Senator Brewer and committee members. Thank you guys for listening to my testimony. I, I don't have a ton to add to what Senator Bostar-- and Senator Bostar, thank you for introducing this bill. I don't have a ton to add.

BREWER: Spell your name.

JAMES ESTWICK: Yes, I'm sorry, and I was told to do that. First name is James, J-a-m-e-s, last name is E-s-t-w-i-c-k.

BREWER: Go ahead.

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JAMES ESTWICK: I'm here on the behalf of the State Troopers Association of Nebraska. Again, I don't have a ton to add to what Senator Bostar told you guys. As far as the detail goes, I was informed on my drive down here that the detail members now have credit cards that are provided by the state for their out-of-state travel. So that does put a little different light on, on the detail members, but it doesn't take away from the actual other troopers that are traveling and doing the training that they're doing. I have here-- one of our troopers-- investigators went to polygraph school just recently here and he was gone for ten weeks. The total cost for him with meals was \$3,300. He got reimbursed \$2,300 or a little, a little less than \$2,300. His total loss of \$1,400 over that ten-week period. That, that 70 percent of the meals that he paid for is-- he lost like \$1,400 on that 70 percent deal there. So it doesn't only affect the detail members. Our training is extensive. We, we can go anywhere from, like Senator Bostar said, from, from two weeks of training to six months of training. And while we're there, we're expected to pay for our meals and, and what-- I guess what we want is just to make sure that our, our membership is compensated for what they're paying for. And with that, I don't have anything else. I don't have-- I mean, the people that were here before me had the, the long setups and mine is pretty short and detailed.

BREWER: That's all right. Well, we'll probably grill you here for a little bit.

JAMES ESTWICK: Yes, sir.

BREWER: Senator McDonnell[SIC].

McCOLLISTER: Yeah, thank you, Mr. Chairman. The example you gave, is that fairly typical that people are-- have to pay for meals out of pocket because you don't get sufficient reimbursement?

JAMES ESTWICK: Yes. Yes, sir.

McCOLLISTER: And has DAS been unresponsive in dealing with that issue?

JAMES ESTWICK: Well, I mean this, this happened under the new bill. This, this whole thing right here happened under a new bill. And then when we, when, when we made contact with DAS and asked where that 70 percent number came up with, we were told that it was just a number that the state agreed upon to-- as far as per diem-- the federal per diem goes, they were going to pay 70 percent of it.

McCOLLISTER: Who did they agree with? Was it the union?

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JAMES ESTWICK: I, I have no idea, sir.

McCOLLISTER: Was this in collective bargaining agreements?

JAMES ESTWICK: No, sir.

McCOLLISTER: So this is outside of collective bargaining.

JAMES ESTWICK: Yes. Yes, sir.

McCOLLISTER: OK. DAS has been unresponsive to requests to fully finance an officer's meals when they're on duty.

JAMES ESTWICK: That's pretty much what we got out of it was they, they've come to an agreement that 70 percent is what they'll, they'll pay.

McCOLLISTER: OK. Thank you, sir.

BREWER: Senator McCollister, do you have a problem envisioning DAS being cheap?

McCOLLISTER: Of course not.

BREWER: OK. Senator Blood.

McCOLLISTER: What do you get on a per diem is the question.

BLOOD: Thank you, Chairman Brewer. Thank you for testifying--

JAMES ESTWICK: Yes, ma'am.

BLOOD: --today. Just for clarification, you're required to do that training.

JAMES ESTWICK: Yes. Yes, ma'am.

BLOOD: So we're requiring you to train and eating outside of your household, obviously--

JAMES ESTWICK: Yes, ma'am.

BLOOD: --but we don't want to pay you completely for it is what I'm hearing. Is that correct?

JAMES ESTWICK: Yes, ma'am.

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BLOOD: And then how did it make you feel when we had another senator say that maybe you'd be eating steaks instead of burgers?

JAMES ESTWICK: Well, so in the past, any time that we submitted our, our reimbursement, we attached receipts to it.

BLOOD: Right. I knew that so I was waiting--

JAMES ESTWICK: The state said we don't--

BLOOD: --for you to tell me that.

JAMES ESTWICK: --we don't want receipts anymore so that's what-- and maybe that's where they came up with the whole 70 percent thing. Our people are more than happy to provide receipts for, for the meals that they've, they've eaten.

BLOOD: Well, even on the credit card, it shows where you ate at and--

JAMES ESTWICK: Yes, ma'am.

BLOOD: Yeah, so I mean, if you have a \$100 bill at Bob's Crab Shack. I mean, obviously, yeah, you ate more than a crab, right?

JAMES ESTWICK: Yes, ma'am.

BLOOD: All right, thank you.

BREWER: Senator McCollister.

McCOLLISTER: Thank you, Mr. Chairman. At 70 percent, what is the typical per diem rate?

JAMES ESTWICK: I'm--

McCOLLISTER: Not following?

JAMES ESTWICK: I'm not following.

McCOLLISTER: OK. When you turn in your tickets, at 70 percent per day, what does that amount to in dollars? Is that \$160?

JAMES ESTWICK: It depends on where you're at, it depends on where you're at when you're-- where you're training at. Each, each state has a different rate of per diem so it depends on where your training is at. His training happened to be in Austin, Texas, so \$56 a day is what it looked like for, for him in Austin, Texas, so.

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McCOLLISTER: Is that all?

JAMES ESTWICK: Well, I think that's dinner and then it's like \$13 for breakfast and-- yeah, that's what it looks like.

McCOLLISTER: Does the per diem include a motel?

JAMES ESTWICK: That-- no, that is actually-- you, you submit your, your, your mileage and lodging separate from your meals.

McCOLLISTER: I see. OK, thank you, sir.

BREWER: All right, additional questions? One of the issues-- my brother is a sheriff in Sheridan County and he said that, you know, sometimes he gages where he eats because he can't be trapped in some long line that he can't get out of if he gets a call. So he said, you know, a lot of times I wouldn't necessarily eat there, but for the sake of the mission or the, the requirements, I got to, I got to go where I can roll fast and-- so sometimes it isn't the cheapest option that's available. It's what will allow you to manage your time to be available. All right. No other questions. Thank you for your testimony.

JAMES ESTWICK: Thank you. Thank you, committee.

BREWER: All right, we are still on proponents to LB964. Are there any opponents to LB964? Anybody in the neutral? Welcome to the Government Committee.

PHILIP OLSEN: Thank you and good afternoon, Senator Brewer and members of the committee. My name is Philip Olsen, P-h-i-l-i-p O-l-s-e-n, and I am the State Accounting Administrator for the Department of Administrative Services and my team sets the policies surrounding the per diem rates. And like the testifiers before me said, this took effect in January of 2021 and we were tasked with setting a rate between 60 and 100 percent of the GSA rate. That is to set one rate to cover all state agencies, except for the Legislature and the Supreme Court. It also includes the university and the state colleges. And we were provided this range and tasked with coming up with a rate that would be cost neutral to the state as an enterprise. So we did a study to show when people were turning in actual receipts, how much were they spending had they been-- you know, compared to had they been provided a per diem and that number came out at 70 percent. Now that is just an average across the enterprise. That's not looking at individual agencies, but there is some science behind that number. And of course, every October 1, there is an inflation adjustment to these

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per diems set by the federal government and it's set by state. Each major metropolitan area has its own rate and then if you were in a more rural part of the state, it's kind of a standard rate. So the question did come into my office regarding particularly the executive detail and so we responded with a solution. The current statute does say that if the state directly pays for a meal, you then need to deduct it from your request for reimbursement because it's already been provided, right? That most typically occurs like when there's a conference and you're paying a conference registration fee. That fee pays for the meals that are being served. Our solution, another way to-- for the state to directly pay for the meal is with a purchase card. And so that was the solution offered up. You can have a person on the detail pay for-- you know, if there's two people involved in the detail, go ahead and pay for both people with the purchase card, submit your receipts so know, you know, where you ate, how much-- the cost and document who the meal covered for. So it is my understanding, as was mentioned before, that they are using that solution. And with that overview, I'm happy to answer any questions you might have.

BREWER: All right, thank you. OK, Philip, so you picked a number between 60 and 100 so we're at 70. I think for, you know, a lot of the-- a lot of the ones that are affected by this, that number probably is reasonable. That's probably in the ballpark. You can see how there might be some concerns that in the case of the patrol, their situations might put them in a, in a place, time, or situation where that's not going to maybe be a fair reimbursement. Are you, are you locked into where everybody who's a state employee kind of fits in that same slice? You, you can't put people in different slices?

PHILIP OLSEN: The way the statute is written, we have to choose a rate, yes.

BREWER: Uh-huh. So it was those darn guys that write laws that's really the problem here. I'm not putting words in your mouth.

PHILIP OLSEN: No, no. I'm here in a neutral capacity. I would just say, you know, I've heard of different scenarios. You know, there's people that maybe on call, have to travel overnight, don't know where they're going except for a spur of the moment, don't know what's available. You could arrive in a position where you have limited places to eat or you could have lots of options and you could choose to eat that prime rib and pull \$10 out of your own pocket or you could be very frugal and, you know, prepare as much of your own food as you can and pocket the extra money that might be above and beyond covering

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the cost of where you ate. So it could be a personal preference. It could be situational, right?

BREWER: So when you were breaking out the ones that were separate, it was the Legislature and the Supreme Court?

PHILIP OLSEN: When you say I, I mean--

BREWER: Wasn't that some of your testimony?

PHILIP OLSEN: Yes, it's was-- it's carved out in-- you know, except for the Legislature and Supreme Court rule, all other state teammates, including university--

BREWER: So what level are they reimbursed?

PHILIP OLSEN: I believe the Legislature is still using actual receipts and the Supreme Court gets to determine its methodology. There are IRS requirements in terms of maintaining an accountable plan so you don't get taxed for your reimbursements and it's either actual or it's per diem, not to exceed the federal rate.

BREWER: OK and you separated that out, so I was trying to-- curious there. All right, questions? Senator McCollister.

McCOLLISTER: Thank you, Senator Brewer. Was their former system better and more fair?

PHILIP OLSEN: I-- personally, I don't believe so. While we're cost neutral between the two plans or we trying to be-- I've been the administrator here for three years. I spent the previous 13 years in state government, in the State Auditor's Office, and so I have lots of experiment-- experience looking at these receipts and reimbursements. For the traveler, I think it's easier just to say here's where I went and collect the per diem rather than you've got your receipts in a wallet, they get folded up. You're then taping them to a piece of paper, you're copying them, and then the person that's reviewing them has to make sure, OK, is there anything on there that needed to be deducted like alcohol or-- and then the taxes on top of that. And then to audit it, you know, you're following all these rules and when did you leave, when you return and so administratively, this is a much better system.

McCOLLISTER: I would guess you probably saved some money administratively with this current system as opposed to the last one

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going through all those receipts. It probably takes half the time now to, to account for those expenses, correct?

PHILIP OLSEN: It takes certainly much less time.

McCOLLISTER: Thank you.

BREWER: So you were like our true bean counter.

PHILIP OLSEN: Yes, sir.

BREWER: OK, well, that's good to know. We got professional people.

McCOLLISTER: One more question.

BREWER: Yes, sir. Go ahead.

McCOLLISTER: If we found that one of the agencies, like the State Patrol, the current system is burdensome or the rate established is too low, would it be possible for us to change that just for that one division or is that burdensome to you as well?

PHILIP OLSEN: You know, certainly you could amend the statute as you see fit and we would be happy to abide by whatever you decide on. Right now, we have a single form and it calculates the amounts for you. You click on a box-- first, you put it in: I was in Texas and I was in Austin. Our system knows what the rate is for Austin, Texas, and you just click a box for I was eligible for breakfast, lunch, and dinner and it gives you the amount automatically. Now, that is all set at the 70 percent rate so it would be an element of developing a secondary form of the patrol in this case, which requested recalculating the behind-the-scenes calculations and implementing a new form. It does change every October 1 for meals. Also in that form is the mileage rate. That changes every calendar year. So there are a couple of updates a year and you multiply that by the number of forms you would have to have to, to manage.

McCOLLISTER: So I think as the sponsor is proceeding on this bill, it's only certain cases that would be paid at that 100 percent rate, correct?

PHILIP OLSEN: As I understand, it would be all patrolmen in a travel status, with an exception of the executive detail, that would be actual amounts.

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McCOLLISTER: So we have exceptions now and that is extra burdensome or somewhat more burdensome to your department, correct?

PHILIP OLSEN: We don't currently have exceptions. We have suggested that they can use a purchase card for the state to directly pay for meals in cases where-- an example-- for example, the executive detail is a situation where the agency wants to allow them to use those purchase cards.

McCOLLISTER: We're talking about two systems; the former system and the current system--

PHILIP OLSEN: Sure, yep.

McCOLLISTER: --you're working with now. Is there a third system that would provide a little more flexibility, but would help you save time and effort in the department?

PHILIP OLSEN: Right now, I really don't have any purview over the old system that is being used by the Supreme Court. They manage that on their own. So really, we're managing the one system, the per diem, and we provide the form that calculates it, so. It would be more burdensome if we had multiple forms to manage.

McCOLLISTER: There's no fiscal note, correct, or there was one--

PHILIP OLSEN: I completed a fiscal note for my office. You know, I have the staff that could manage those forms. I have experience with creating the one we currently have. For the agencies that potentially would have an increased rate, that would be additional state funds, of course, for the increase in meal rates.

McCOLLISTER: Thank you for your help.

PHILIP OLSEN: Yeah, you're welcome.

BREWER: Quick question for you, Philip.

PHILIP OLSEN: Yeah.

BREWER: Now, you've read LB964?

PHILIP OLSEN: Yes, sir.

BREWER: Is it not exactly that it is a carve-out to take the patrol out of the mass of Nebraska employees and, and they are a standalone

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entity being treated to address those numbers to bring them to 100 percent?

PHILIP OLSEN: That's how I see it, yes.

BREWER: OK. All right. Senator Lowe.

LOWE: Thank you. Trooper Estwick brought up that some of the troopers were issued a card, a credit card.

PHILIP OLSEN: Yes.

LOWE: Would that be a simpler solution to just issue cards to the troopers in these situations instead of putting it in statute?

PHILIP OLSEN: Yeah. From my perspective, administratively-- so each card that you have, you're going to get a card statement. You then have to take, take each of those statements monthly. You have to find all of the receipts for every line item that was purchased on that statement and then you have to code it in the accounting system for lodging or meals or print services, whatever it happens to be. So there is quite a bit of administrative back end on that type of a system.

LOWE: So you wouldn't be in favor of that?

PHILIP OLSEN: I would not. I think there would be hesitation to issue--

LOWE: How many cards?

PHILIP OLSEN: --hundreds of cards or, you know? Yes, exactly

LOWE: OK, all right.

BREWER: Would you be in favor of Patrick issuing us cards and second guessing our credit card receipts?

LOWE: He just says no to me anyway.

BREWER: He might say no. All right, any other questions? Seeing none, you've done well. Thank you.

PHILIP OLSEN: Thank you.

BREWER: All right, so we are still on neutral testimony on LB964. Seeing none, Senator Bostar, welcome back.

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BOSTAR: Thank you, Chairman Brewer and members of the committee. I just did look up-- it looks like for the state of Nebraska-- so for example, if you were officially traveling to the state of Nebraska, the federal per diem rate is \$55 for all meals per day. So that's what we're talking about. We're talking about bringing the State Patrol up to the established federal per diem rate. And I understand how we got to the 70 percent, you know, through the course of preparing this bill and trying to keep a cost-neutral approach as they transition from real receipt reimbursement to a per diem established system. You know, and that's why in the bill that created this, there was a rate-- an allowable range because essentially DAS was tasked with, you know, find that number in that range that would sort of be cost neutral. So I get that and I, I really do think for a lot of the state employees and departments and boards that this is probably adequate. It's just the state patrol is getting lumped in with everybody else and frankly, their job is a bit different. And so I don't think we can have them having to dip into their own personal funds to cover costs that we're essentially requiring of them. I also do want to thank DAS for-- you know, there are some changes that would go into establishing the, the system under the-- my proposed legislation, some more things that they would have to do. And I appreciate the fact that they did not attach a fiscal cost to that for the state. And, and likewise, the, the State Patrol itself as an agency acknowledged that, of course, because they will be paying out more money-- it's not a lot more, but it is some-- that they talked about how-- their willingness to absorb some of this as well. So I really appreciate both of them for recognizing, I think, that this makes sense to do for, for this group of state employees. With that, I'd really be happy to answer any remaining questions that I can.

BREWER: All right. Thank you, Senator Bostar. Let's see if we have questions for you. Really? All right.

McCOLLISTER: Sorry.

BREWER: I usually got at least one stop over there. All right, well, thank you. We do have letters to read in: none in the neutral, one opponent, zero proponents. And with that, we will close our hearing on LB964.

BOSTAR: Thank you.

BREWER: This will close our hearings. We'll clear the room and get ready for an Exec, Exec Session.