

APRIL 19, 2001

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April 19, 2001 LB 398, 598

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber, the sixty-seventh day. Our chaplain this morning is Pastor Douglas Irmer from the Saint Paul's Lutheran Church, Beatrice, Nebraska. And that's Senator Byars' district. Chaplain.

PASTOR IRMER: (Prayer offered.)

SENATOR CUDABACK: Thank you very much, Pastor Irmer, for being with us. We appreciate it. I call the sixty-seventh day, Ninety-Seventh Legislature, First Session, to order. Senators, roll call. Check in, please. Record, please, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SENATOR CUDABACK: You have corrections for the Journal?

CLERK: Mr. President, I have no corrections this morning.

SENATOR CUDABACK: Message, reports or announcements?

CLERK: Mr. President, Senator Beutler has amendments to LB 398 to be printed; and a series of appointment letters from the Governor. Those will be referred to Reference, Mr. President. That's all that I have at this time. (Legislative Journal pages 1555-1561.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Before we get started I do have one announcement. (Visitors introduced.) Mr. Clerk, first item on the agenda.

CLERK: Mr. President, LB 598, a bill introduced by Senator Dwite Pedersen at the request of the Governor. (Read title.) Introduced on January 12, referred to the Judiciary Committee, advanced to General File. Committee amendments were offered and adopted yesterday, Mr. President. I do have amendments pending to the bill.

SENATOR CUDABACK: Thank you. Senator Pedersen, would you give

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us about 30 seconds of summary on what took place yesterday.

SENATOR Dw. PEDERSEN: Yes, Mr. President and members of the Legislature. Quickly, LB 598 is a gatekeeper bill. It clarifies policy so that the Office of Juvenile Services rather than the court determines physical placement of a juvenile entering state custody. The court will still maintain control of the juvenile and will still determine the level of treatment of the juvenile needs. As it stands now with the committee amendment, the bill has no fiscal impact. I would appreciate your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Pedersen. Mr. Clerk, first item.

CLERK: Senator Thompson would move to amend with AM1524. (Legislative Journal page 1539.)

SENATOR CUDABACK: Senator Thompson, you're recognized to open on your amendment, AM1524.

SENATOR THOMPSON: Thank you, Mr. President. Members of the body, LB (sic--AM)1524 would delay the implementation of this bill. Actually, it would eliminate the implementation of this bill and, instead, defer to the Juvenile Justice Task Force that this Legislature created last year to make recommendations on detention, diversion, and probation, to take this issue on, give us a...a suggestion for legislation next year that would be based on their research. The task force contains people from across the state. I passed out the list of the people who are on this task force. It includes judges, state senators, probation officers, service providers to juvenile offenders, child advocates, people who work in community groups dealing with juvenile offenders, and people from the Department of Health and Human Services. This group has been working over the course of the summer and fall and has met after the session this year, and I believe them to be very capable to bring this issue forward next year in a shape that has the confidence of the people in the system. I consider the proposal that's before us one coming from the top down, and I'm...in talking with people in the field, I don't know that they are comfortable with taking

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the judicial involvement away. I think they seek that out currently and they wouldn't be able to do so if we make this radical change. I'm going to spend some time this morning talking about the last time we had total administrative authority for placement, and I'll be reading...and that was in the late eighties. And this Legislature, in a bill that was carried by Senator George Coordsen, made some changes that addressed the child welfare side. So what I'll be doing is going over the reasons why it's not appropriate at this point in time why we're not ready, as a state, at this point in time, to go to this gatekeeper bill; why it needs more work; what the department needs to have in place in order to get there. Now those are going to be opinions that I'm taking from some research documents, from some national data, but I think the best approach would be to pass this amendment and ask the group that has the juvenile justice experts from the state to take what is, I believe, a very controversial issue and make a recommendation based on their work. The group is staffed by the University of Nebraska at Omaha, Department of Criminal Justice, with people who work in the juvenile justice area and do a lot of other work in the state in the juvenile justice area and have a good background and can help us get resolution on this. But I'm not comfortable at this point in time, in the history of our state, turning this decision to the department as an administrative decision. The recommendations that came from the Juvenile Services Master Plan, which was issued in December of 1999, are lengthy. One of the recommendations is to set up a single point of entry into state custody, and that's the genesis of this bill. But there are many steps that need to be taken to get to that point. We're probably at "Point A" or "B", and this bill is "Z". Let me read to you from the plan what needs to be in place in order to get to "Z". This recommendation is difficult to "operationalize" because it requires policy and decision making that is external to OJS. Judges would have to agree to the policy of committing youth to state custody, with OJS making the placement decision, and statutes would need to be revised. A long process of education and training would also be needed to realize this change in current practice. In order to build confidence in utilizing a single point of entry assessment process and continuum of service, there would have to be confidence among judges that an objective and accurate

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assessment would be conducted, and that levels of programs, both residential and nonresidential, are available to match youth with appropriate placement need. I'm going to repeat that, because that is key to the reason why I am offering this number of amendments on this bill. In order to build confidence in utilizing a single point of entry assessment process and continuum of service, there would have to be confidence among judges in that objective and accurate assessment would be conducted, and that levels of programs, both residential and nonresidential, are available to match youth with appropriate placement need. We aren't there yet. That has not been put in place. Once the confidence level of the system among judges is established and a services continuum is funded within OJS, a single point of entry into state custody could be implemented. We can't go to a system without these pieces in place, and they're not there. Another part of the recommendations from Karen Chinn, who did this assessment, that was funded and proposed by...through the Appropriations Committee two years ago, talked about problems within the office and its organizational structure, and why the people in the system who deal with this on a daily basis, who have talked to me about this, and that includes not only judges as was implied yesterday but other people in the system who talked to me about this, that we aren't in the state of organization within the department to be able to handle this. It says, policy that has been developed by the Office of Juvenile Services is not consistently followed in the field. The placement and services matrix for juvenile services shows the policy related to custody level placement, and that's what we're talking about, setting, required staff contacts, desired time allotment, appropriate behavior management services, and placement options for youth committed to state custody, this process is not uniformly followed. Part of the reason for this can be attributed to heavy caseloads, making required contacts unable to be achieved. Another reason that the placement matrix is not consistently followed, as well as other policies and procedures that have been developed by OJS, is the fact that oversight and management of the field staff is not direct...the direct responsibility of the Office of Juvenile Services. Field staff do not report directly to OJS, and therefore policy developed by OJS is not consistently implemented in the field, and the field is where we're talking

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about the placement decisions being made. The existing fragmentation of policy and implementation can only be corrected if the group making policy is responsible for policy implementation. So we have several reasons why the department is not ready to go to this gatekeeper piece at this point in time. First of all, we don't have an organization that's going to work well for that set in place. Second, we have not developed fully a system that people have confidence in for assessment and evaluation of where kids should be placed. They need the oversight of the court to be able to bring all the parties together, to have confidence and comfort with that, and they need to be able to bring people to the table, including the parents and the youth and the other parties involved in the case of the child, to get the buy-in to that placement so people are supporting that placement. And we don't have the array of services, the continuum of care that we need in place to do this effectively. We don't have that in place. We need to take the time and see...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...how we can implement this more effectively. I believe this amendment, deferring this review to this group that's already in place, that were appointed by the Governor and appointed by the Legislature--Senator Aguilar, Senator Jensen and I were appointed by the Exec Board--it's chaired by Karen Authier, who is the policy director of Boys Town, and it has people evenly divided from all three congressional districts who are leaders in juvenile justice issues. We need to take the time to think this through. I am very concerned that we're going to take action without having...

SENATOR CUDABACK: Time.

SENATOR THOMPSON: ...the proper steps in place.

SENATOR CUDABACK: You've heard the opening on AM1524 to LB 598. Senator Suttle, on that amendment.

SENATOR SUTTLE: Thank you, Mr. President. Members of the Legislature, I'm...I'm concerned and do support the amendment.

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I'm concerned that we have a huge problem, especially with girls in this state. We...do we have the facilities, community-based facilities, to take care of the girls? Let me read you some statistics about what girls are doing nowadays. Girls in crisis are more likely to threaten their own well-being and they may not seem dangerous to society. As a result, their needs have been overlooked and "undertreated". Girls in trouble have been the afterthought of a juvenile justice system designed to deal with boys. Over all, girls do pose a smaller problem than male delinquents. They commit far fewer crimes than boys. In 1995, girls accounted for about one-fourth of the juvenile arrests, and girls who break the law may not be perceived as a danger to society because traditionally they have come into contact with the courts for nonviolent status offenses, such as curfew violations, running away, and unruly behavior. Theft cases account for nearly one-fourth of girls' arrests. Twenty-three point five percent of the arrests of girls under 18 are for larceny thefts, according to the FBI uniform crime report. During the same year, 1995, 32.5 percent of all juvenile theft arrests involved girls. These trends appear to be changing. During the decade from 1983 to '93, arrests of female juveniles increased by 31 percent. Between '89 and '93, the relative growth of juvenile arrests involving females was 23 percent, more than double the 11 percent growth for males. During the last decade, violent crime among girls has increased faster than for boys. Females were responsible for 17 percent of the growth in juvenile arrests for violent crime index offenses between '89 and '93. During the same years, juvenile arrests for violent crime index offenses increased by 55 percent for females, compared to 33 percent for males. While status offenses continue to account for the bulk of cases involving girls, females are now more likely to be arrested for robbery, assault, drug trafficking, and gang activity. Crimes until only recently were considered the exclusive domain of young males. Just between 1994 and '95, girls arrested increased 3 percent for aggravated assault, and the boys declined 4.5 percent; increased 7.7 percent for all other assaults, while boys' assaults went down. It increased 26.6 percent for drug abuse violations, and boys only 16.7. From '87 to '91, the number of 13- and 14-year-old girls in juvenile court increased by ten percent. One in five girls in secure confinement is now aged 14 or

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younger. Ethnic minorities are disproportionately...

SENATOR CUDABACK: One minute.

SENATOR SUTTLE: ...represented in the female offender population. African-American girls comprise nearly half of all those in secure detention; Hispanics 13 percent. Although 65 percent of the population is Caucasian, only 34 percent of the girls in detention are Caucasian. Seven of every ten cases involving white girls are dismissed, compared to three of every ten cases dismissed for black girls. Although their offenses are typically less violent, girls who break the law are sometimes treated more harshly than boys who offend. For example, because there are fewer community-based services for girls, and let me emphasize that, because there are fewer community-based services for girls...

SENATOR CUDABACK: Time. Thank you, Senator Suttle. (Visitors introduced.) Senator Janssen, followed by Senator Jensen, Thompson, Coordsen, and Suttle. Senator Janssen.

SENATOR JANSSEN: Thank you, Senator Cudaback. Members of the Legislature, Senator Thompson, I want to apologize to you. I had a rather busy day yesterday and did not get in on much of the conversation about this bill and what you're attempting to do. Over the evening, I did a little research and started looking at the bill a little closer. I...I found out that this proposal was used or tried and used several years ago, something like 10-12 years ago, and I...I understand that it was not too successful at that time. Senator Thompson, could I ask you a few questions, please?

SENATOR CUDABACK: Would you yield to a question, Senator Thompson?

SENATOR THOMPSON: Yes.

SENATOR JANSSEN: Senator Thompson, am I right in assuming that this same type of proposal, that we're...what the bill suggests that we try now, was used about 12 years ago? Is that right?

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SENATOR THOMPSON: Yes.

SENATOR JANSSEN: All right. What was the...I'm sure you've done a lot of research on this. What...actually what happened and why did we go back to what we're using now? Can...could you explain that just a little bit to me?

SENATOR THOMPSON: Yes, and I'll be reading some examples from the committee hearing on the bill that was passed 12 years ago. But what happened was the placement decisions became an administrative decision of the department and there were problems on both sides, problems with concerns that judges were making placements that were too costly and...and maybe inappropriate, and there were concerns on the other side that Department of Health and Human Services was not doing its job well and was cavalier in refusing to involve people because they didn't need to. And, as a result of that, the Legislature, under the leadership of Senator Coordsen, examined all these issues and felt that there should be a check and balance to the system. At that time, a large outcry came from the department that this was going to cause lots and lots of cases and lots of overburdened people to have to do more, but actually what happened, I believe, and it's worked successfully for 12 years, is because the check and balance is in place the department rarely has someone go to a review panel. Yesterday I passed out information on that and it's probably averaged about eight appeals a year, but I think that's because people work together as a team with the judge facilitating the decisions on placements.

SENATOR JANSSEN: Thank you, Senator Thompson, and I can understand what...what probably transpired at that time. Any time we do make a change it...inadvertently or for some other reason, there seems to be always an extra added cost. We can stand...divisions in departments can stand and say this is not going to cost any more money until you get the pencil and the paper out and the adding machine and you find out that, yes, it is costing more dollars. Some departments are able to absorb that or...or kind of move it around, shift it, and I...I can't see where this isn't going to do anything but cost this state more money.

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SENATOR CUDABACK: One minute.

SENATOR JANSSEN: And if that's what we are concerned about and if we are concerned about placement of juveniles by those, I think, in my opinion, know from the court proceedings and so on what would be best for that child with some help from social services, if that can happen, I don't...I don't see any reason in the world that the system that we have right at the present time is not adequate and, from what...the way I look at things, presently, I believe that we'd be best off leaving things the way they are, looking at...at past endeavors trying to change that. With that, thank you, Mister...or Senator Cudaback and members.

SENATOR CUDABACK: Thank you, Senator Janssen. Senator Jensen.

SENATOR JENSEN: Thank you, Mr. President. Members of the Legislature, I think we need to just pause for a moment and think about what LB 598 does and what it was designed to do. First of all, it is the keystone bill, if you would, of the juvenile justice program, as laid out by the Governor, and without this bill, the bills behind it, I don't know if they will fall in place or not. LB 598 clarifies, rather than changes, existing law. LB 598 continues to allow courts to specify the level of treatment and should provide to each juvenile within their jurisdiction three things. There are three levels of treatment. There are in-home, out-of-home, and the YRTC's. LB 598 continues to allow courts to choose the type of in-home and out-of-home treatment. In-home treatment, of course, can be with monitors and with also follow-up by the caseworkers. Out-of-home treatment could be group homes and LB 598 then allows HHS and OJS to determine the specific placement, such as could be Boys Town, could be Uta Halee, could be various other institutions. What is happening right now is that we have a number of out-of-state placements that are very, very expensive. They're costing the state, they're costing the county huge sums of dollars, and this is a way to contain that cost and also, if we do have sufficient number, we can develop community areas of treatment. LB 598 increases the flexibility of HHS to allow for the proper matching of juveniles to specific

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placements within identified treatment levels. Again, the judge provides the treatment level. HHS and OJS simply designate where that's going to happen. HHS is familiar with the strengths and weaknesses of the resources. It has familiarity with placement resources and consider alternative resources if one or more placement options are full. In some areas, we've had kids who have actually been sitting in detention centers waiting for placement. Hopefully, we can speed that process up and not have them waiting for placement without any treatment taken care of...or taking place. Cases with specific court-ordered placement generally require more agency worker and legal counsel time to deal with issues that stem from attempts to mandate specific placement. For example, specific court-ordered placements can set up contempt of court issues if the specific placement is full, and timely placement cannot be achieved. LB 598, the gatekeeper bill, base...it is based on the number one recommendation in the Chinn report; is pivotal to the juvenile justice package in its original form; and, with the amendment that the Judiciary Committee came out with, has no fiscal impact. While there may be cost savings achieved from the bill, sufficient information to properly qualify these savings are not available for analysis. We have...this...

PRESIDENT MAURSTAD PRESIDING

PRESIDENT MAURSTAD: One minute.

SENATOR JENSEN: ...this was formed by meeting with several judges and, yes, there are other judges who have a difference of opinion. Frankly, I have great admiration for judges on both sides. Judge Crnkovich in the Douglas County system supports LB 598. I happened to shadow this judge last fall; found it to be both a rewarding and a disturbing experience to see young kids coming through the system and how they are treated and finding proper placement. It's a very, very difficult job. We have some great judges that are doing their best to provide where treatment should be taking place and the form of treatment. I think that LB 598 is the right approach. Certainly I was not around when we took OJS out of Corrections and put it in the HHS. That decision has been made...

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PRESIDENT MAURSTAD: Time.

SENATOR JENSEN: Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Jensen. Senator Thompson, on AM1524.

SENATOR THOMPSON: Thank you very much. I guess I take some exception, respectfully, to some of what Senator Jensen said. I think the bulk of out-of-home, out-of-state placements that are being paid for are being paid for by the counties, not by the department, and I do know that, at least in my county, the state has agreed and made placements out of state for children in the juvenile justice system. It isn't that the judge jammed it down their throat. They worked collaboratively on it and felt that was the best solution. So when...I know he's talking now, but on another time I'm going...I would like to ask Senator Jensen for some statistics and information on that number of judges who overruled the department and placed kids in out-of-state placements. I'd be interested to know what those are. I'm going to go back to the discussion that we had a little while ago on the history of how we got here, and I'm going to read from the Judiciary Committee testimony from 1989. People are saying, what's the problem with having just the department do it? And this will probably take more than one time for me to get through, but I think it's important. The first testimony is from Father Val Peter of Boys Town: I think if we're real frank with ourselves, what we see here is one group that, in all honesty, has all the power, and our experience around the country is if you give one group all the power, number one, they're tempted to be a little arrogant with it but, number two, it's very hard to correct them. And that doesn't mean they aren't good people, they aren't well-intentioned people, they aren't wonderful people, but democratic systems work best when there are checks and balances. There aren't those checks and balances in the present system that we have here in the state of Nebraska, so you get cases that arise before you which, in all honesty, are simple tragedies and nobody could do much about it. Here's a case of a little girl. She's ten years old. She's removed from her mother after being sexually abused by her stepfather. The plan of the Department of Social Services, and

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they have all the power here, they're going to send her to live with the biological father. The biological father has been convicted of sexual abuse; has served time for sexual abuse; has actually, according to the little girl, sexually abused her, but that case has not been found in court. That's one case. There are lots of them. The best interests of children should not take second place, in my mind, to the power or the money or the other interests. People in the Department of Social Services, they're good people, but we've seen schemes like this all over the United States and what is happening increasingly, the Department of Social Services is being...systems driven instead of outcome driven for children. And I'm...I'm taking excerpts from this so I'm going to skip a little of it. And if you only have one organization, one agency that's in charge of everything, it's very difficult sometimes to make all those good decisions. What we need is we need shared power, I don't know how else to say it, and we need it as soon as we can possibly get it. I'm an outside observer. I think the Nebraska Department of Social Services needlessly, and I mean needlessly, is alienating the judiciary increasingly by what it's doing. I don't think it has to and I think LB 182, which was the bill that was passed back in 1989, can help that. Because what it really does is it says, hey, there has to be some sharing. We have to do, in the end, adjudicate on the basis of what is in the best interest of the child; yet, I really believe that it will bring the judges and the Department of Social Services into a better working relationship with one another.

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: I'm probably not going to have the time to go into some actual cases that happened during this time, but I will be doing that on my third time and probably throughout the morning. But we need to have, as this testifier said, the system of checks and balances. This is not an easy issue. This is a difficult issue. And, as the consultant said, a lot of buy-in has to be in place before we're going to be able to bring the people from the system a comfort level with it. They need to know that the assessment process is in place and working. They need to know that there's an array of services out there, not just a level of service, but the services developed within

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the array so that the kids have the best opportunity for the best outcome. The purpose of our juvenile justice system is both for public safety but it's also to rehabilitate the child so...

PRESIDENT MAURSTAD: Time.

SENATOR THOMPSON: ...they don't reoffend.

PRESIDENT MAURSTAD: Thank you, Senator Thompson. Senator Coordsen, on the Thompson amendment.

SENATOR COORDSEN: Thank you, Mr. President and members of the body. Well, I guess the impossible has happened. This debate has went on long enough it's piqued my curiosity. And I've read the bill, and I've read the referenced sets of statute that go with the bill, and I've rethought those times those decade and a half ago when we talked about the very issues that Senator Thompson has been citing out of the record. I have a question for the Committee Chair. Would Senator Jensen respond to a question?

PRESIDENT MAURSTAD: Senator Jensen.

SENATOR JENSEN: Yes.

SENATOR COORDSEN: Senator Jensen, this doesn't really require a long statement, but does this bill prohibit county courts acting as a juvenile court, and separate juvenile courts, from directly providing...or treatment orders and it further restricts them to being...to the capacity of selecting only from a list provided by the Department of Health and Human Services?

SENATOR JENSEN: No.

SENATOR COORDSEN: It does not do that.

SENATOR JENSEN: No.

SENATOR COORDSEN: Well, then, why is the language such as it is? It appeared that the committee amendment didn't change the

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language. When I read the bill, and I'm certainly willing, on your own time, Senator, to listen to a rebuttal, but when I read this bill it says...the old quote was deja vu all over again. The situation that existed those many years ago was, in fact, that the old Department of Social Services had the statutory authority to ignore a placement order by a court and, without going into that in any great depth, it created immense problems with...with placements, with appropriate placements, with timely placements, with placements that met an emergency situation. It only allowed the...the hearing to be held and if the court did not determine a placement that met...meant...met the opinion of the employee of the state of Nebraska, whoever that might have been at that time, they could ignore it. Now tell me, someone, would you please, how this proposal differs from that. It says in the bill that a judge cannot make a direct order; that he can only select from a list of services as...of initial treatment facilities as provided in 43-406, which says risk and needs assessment, case classification, case management, purchase-of-care system, community-based evaluation, management information system. How is this then...and it doesn't say we only have to use...we only comply with...with programs based upon this. It doesn't even say we have to follow this. Now, how do we have any certainty in juvenile placement in the court system? It...it...I know there are new people. I know that the people in charge are well meaning. I know that the department has been restructured. I know all of these things. But I will tell you that coming out of those many years ago, I will repeat what I said yesterday, I had a very bad taste in my mouth from the attitudes of the people...

PRESIDENT MAURSTAD: One minute.

SENATOR COORDSEN: ...who current...who worked at that time in the Department of Social Services in the lower levels, not in the...not in the appointed levels. Someone is going to have to tell me that we're not repeating a path that was taken, to the disaster of the system, 15 or 20 years ago. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Senator Suttle, on the Thompson amendment.

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SENATOR SUTTLE: Thank you, Mr. President. Members of the Legislature, I think part of the problem that Senator Coordsen is talking about is...is extremely important to note. Senator Pedersen continues to say that...that judges will have oversight. They may have oversight, but they don't have any power. And the department can do whatever they want. I think Senator Pedersen told me at the beginning of this week that in the detention center in Omaha there was 180-some kids. Is Senator Pedersen in the room? May I ask him a question, please?

PRESIDENT MAURSTAD: Senator Pedersen.

SENATOR Dw. PEDERSEN: Yes, Mr. Lieutenant Governor and Senator.

SENATOR SUTTLE: I was just wondering how many kids are in the detention center at...in Omaha right now.

SENATOR Dw. PEDERSEN: I wouldn't know. Over the weekend, it was pushing 180, I think. Yeah.

SENATOR SUTTLE: And will LB 598 facilitate their removal at that?

SENATOR Dw. PEDERSEN: I think it could help because it will give...it will give...it will be quicker placement of getting kids out of the...that youth center, the Attention Center in Lincoln, and any of the other youth centers, because Health and Human Services will not have to go through the court. Once the kid is placed with them, they can place them right in one of the group homes.

SENATOR SUTTLE: Okay. Do we have room and community-based services for 180 kids?

SENATOR Dw. PEDERSEN: No, not 180 kids, no, but we'd...I do under...I do real...I shouldn't say "realize", I understand that there is room in community-based programs to place kids, and I can't tell you what the number it is, but I'd...I know they're always saying through the...that they have plenty of beds.

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SENATOR SUTTLE: Okay. Thank you. We have plenty of beds. I know of Uta Halee for Girls and I know that they do a good job. They're not paid enough, but they do a good job. They're barely paid costs. It'd be nice if private providers could receive the amount of money that it takes to take care of a child. And girls are...are very important because they are a new and emerging group of juvenile delinquent. I was saying that usually girls who break the law are treated more harshly than boys because we're so shocked that they actually are doing violent crimes. Why are girls' needs different from boys? Adolescence, as we all know, is difficult and men tell me that their adolescence was very difficult. We, as women, have a few more things even to deal with than the men do. So adolescents have a difficult time, even those who have a strong safety net of support at home and in school. My father used to tell me that at age 13 I went stomping up the stairs, slammed the door, and I didn't come out until I was 19. That was probably a good thing for everyone. The physical changes of puberty...

PRESIDENT MAURSTAD: One minute.

SENATOR SUTTLE: ...coincide with enormous emotional and psychological challenges. During the teen years, girls begin to separate from their families, assert their own identity, identify with their peers, redefine their relationships with nurturing adults, explore their sexuality, develop their own moral and ethical sense, and prepare for the responsibilities and challenges of adulthood. It's seldom a smooth or easy metamorphosis. Persistent sexism makes adolescence more confusing for girls by projecting mixed messages about the worth and role of women in society. Girls may measure their own looks against media image of the perfect female beauty. For example, a lack of female role models may make their dreams of future careers in male-dominated fields seem unrealistic.

PRESIDENT MAURSTAD: Time. Thank you, Senator Suttle. Senator Dwite Pedersen.

SENATOR Dw. PEDERSEN: Thank you, Mr. Lieutenant Governor and members of the Legislature. I find a need for us to go back to the bill, the bill, as written, and I know there's been

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amendments to it, but it doesn't change it in this part--page 2, line 13 on: "The committing court shall order the initial level of treatment for a juvenile committed to the Office of Juvenile Services." Current law; no change. Change is in the next sentence here: Under this section, the committing court shall not order a specific placement for a juvenile but shall order a level of initial treatment, they order the level, from the levels of treatment developed pursuant to subsection (sic--subdivision) (2) of Section 43-406. Old law again, in law now: The court shall continue to maintain jurisdiction over any juvenile committed to the Office of Juvenile Services until such time that the juvenile is discharged from the Office of Juvenile Services. The court shall conduct review hearings every six months, or at the request of the juvenile, for any juvenile committed to the Office of Juvenile Services who is placed outside his or her home, except for a juvenile residing at a youth rehabilitation or (sic--and) treatment center. The court shall determine whether the out-of-home placement is in the best interests of the juvenile, with due consideration being given by the court to public safety. My friends, this is saying the court still has all the jurisdiction. We're not changing that part of the law. All LB 598 does is say specific placement. Now, if the court says you need out-of-home placement, they have decided he needs out-of-home placement. The only thing they can't do with LB 598 is they can't say, you are going to the one we want. Department of Health and Human Services will pick that out with the Office of Juvenile Services in the future. It's only specific placement. It has nothing to do with the level, without losing control, as they do not have the say-so over specific placement. That's all LB 598 does. So we can go on and on about all the other things and welfare and social services and the people who have...hurting in the system, but we need to get back to the bill itself. So I would please ask you to read the bill itself because it doesn't change a whole lot of law. Most of this bill is current law. Again, it's specific placement. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Pedersen. (Visitors introduced.) Senator Thompson, you're recognized on AM1524.

SENATOR THOMPSON: Thank you. I said that I would share some of

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the stories from back in the eighties when this policy was in effect in the department. The first one is from a Grand Island attorney: I want to describe one case to you that I had a couple years ago. In that case, I was appointed to represent the father. The father had been divorced from his wife in February of 1986 and was given custody of the four minor children of the marriage. This family lived off the father's wages because no child support had been ordered from the mother. A matter of fact, the decree specifically stated that she would not be obligated to pay child support. One of the minor children was a 16-year-old. He had no prior criminal history or juvenile history until July of 1986. Then, on July 5, he was detained for no operator's license, leaving the scene of a property damage accident, and the county attorney filed an allegation under 3(b) alleging he was habitually disobedient. On July 11 he was charged with stealing a suitcase. On July 26 he was charged with criminal mischief, which is the destruction of private property. The county attorney also included an allegation of being habitually disobedient. Finally, on September 16, he was charged with felony theft. Now, I was appointed toward the end of July, just before the September 13 incident, but shortly after looking into the case it struck me as strange that this young man would all of a sudden started acting out and doing these criminal behaviors. So, as the attorney for the father, I took it upon myself to start interviewing people that knew the child. I interviewed the school principal. The principal said this young man was a follower; he hung out with a group of children that came from broken homes and had a general attitude that they didn't care about themselves or anyone else. By the time this matter was getting to the point were we either going to adjudicate or try the case or come to some resolution, the county attorney, the guardian ad litem and myself had generally agreed that we needed to amend the petition to allege a 3(e) allegation so we could use the services of the department. We then went to the department, told them of our plan and what we thought was in the best interest of the child. I don't think I was the only one that was shocked when the social service worker told the three attorneys that if we did that and the court placed the child in the custody of the department they would simply return the child to the father's home and provide no services. I was shocked.

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We got additional delays. I'm pleased to say I was happy to see Boys Town represented here. We were able to provide the services for this young man through the charity of Boys Town at virtually no cost to anybody, but we cannot provide a system based on charity alone. The next one is from a judge and, let's see, might have to skip to somebody else first. Here's an Omaha guardian ad litem: Our job and it's suppose...it has set out, Senator, or at least what we're supposed to do, as in 43-272.01, states that we are...we're appointed to stand in lieu of the parent for a protected juvenile and, you know, we have to be the mother and father to this child and...and in, of course, there are specific things set out. We have to defend the legal and social interest of this child and in a hearing it says that we may present evidence and witnesses and cross-examine witnesses at all evidentiary hearing. But as far as that concerned, you may well as...as well throw that out because no matter how much evidence we present it's just totally meaningless if the court has no control once the child is placed in the custody of the Department of Social Services. However, if the child is placed...if the placement of the child is not with DSS, it's with the parent, for example, the court can tell a parent what to do with a child. But, if it's the custody placed in the Department of Social Services, the judge loses all control in that situation. I don't...hate to be a Department of Social Services basher and I...

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: ...agree that there are many excellent workers--people who are very caring. But our system has no checks and balances. We do have the courts. We have a presentation before our court and the system, and the one we have now really just flies in the face of checks and balances. There is no check or balance over the Department of Social Services once the child is placed in their custody. And I'm going to skip down because the time. I think what's important is to encourage compromise and settlement, which is what our legal system is based on. We do that as attorneys every day in every other kind of case--divorce cases, personal injury cases--and that doesn't mean selling out, but there are ways of compromising situations. What's happens now is the Department

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of Social Services doesn't need to compromise or negotiate anything so, rather than entering into compromise or finding some other solution which might be better, DSS appeals cases to the Supreme Court. And there's a situation, and I'm not sure of the...

PRESIDENT MAURSTAD: Time.

SENATOR THOMPSON: ...status...

PRESIDENT MAURSTAD: Thank you, Senator Thompson. Senator Suttle, on the Thompson amendment.

SENATOR SUTTLE: Thank you, Mr. President. Is this my third time?

PRESIDENT MAURSTAD: Yes, it is.

SENATOR SUTTLE: Thank you. I was talking about girls and the problems they face. I'm still concerned that we might have Health and Human Services making these placements, but do we have placements for them? That's the problem and, as I understand it...Senator Jensen, maybe you know. May I ask you a question?

PRESIDENT MAURSTAD: Senator Jensen, would you yield to a question?

SENATOR JENSEN: Yes, would you repeat the question, please?

SENATOR SUTTLE: I haven't said it yet.

SENATOR JENSEN: Oh.

SENATOR SUTTLE: I knew you were talking so I...(laugh). I was wondering if you know how many Nebraska juveniles, whether they're on the welfare side or the juvenile justice side, are out-of-state now as we speak today? Do you know?

SENATOR JENSEN: I don't have that number in front of me. I can sure get it.

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SENATOR SUTTLE: Okay. And while you're at it, would you check to see if the...if the department was the one that thought it would be best to send them out because of sexual problems, because we don't have any place yet that I know of that deals with those kinds of juvenile delinquents, and...and if they are the ones that thought that this was the best thing for these children? I'd appreciate that.

SENATOR JENSEN: I'll find that out.

SENATOR SUTTLE: Thank you. And I'm still concerned that we, as a state, have not come up with the amount of revenue and resources that are necessary to take care of girls. I was saying that a lack of female role models may make the dreams of future careers for girls more difficult. Girls may react by silencing their own feelings and turning to others for validation. A growing body of research documents the drop in self-esteem and lowered confidence of many teenage girls. Relationships only recently have researchers focus specifically on female adolescent development. Dr. Carol Gilligan of the Harvard Graduate School of Education, has enriched the understanding of this field by pointing out the classic psychological models, such as Erikson's view of identity formation were based almost entirely on studies of boys. Gilligan's groundbreaking studies of female development illustrate the importance of relationships in girls' lives. For example, the formation of girl's mature identity cannot be based solely on separation from her parents but must also include her enduring relationships with adults. A parent, a teacher, a counselor, a probation officer or another adult who demonstrates ongoing commitment and caring plays an essential role in a girl's development. Conversely, the lack of a close, caring adult during adolescence could interrupt or delay a girl's development. Without a close adult and without confidence in her own judgment or abilities she may be more likely to turn to her peers for support and validation. When other risk factors are added to the already daunting developmental tasks of female adolescents, the results can be overwhelming, pushing some girls into delinquency.

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PRESIDENT MAURSTAD: One minute.

SENATOR SUTTLE: Although research about delinquency among girls is still scarce, some researchers are focusing on a developmental pathway to delinquency. Just as girls and boys develop in different ways physically and emotionally during adolescence, their pathways to delinquency are often gender specific. The problems faced by girls and young women can be viewed as part of a developmental continuum linking early problems, such as family dysfunction, abuse, loss of primary caregiver and other traumas, to later behavioral problems. During the teen years, when girls are transitioning to adulthood, unresolved issues from earlier stages of their development may come to a head. Incomplete bonding in infancy, sexual abuse in childhood deform positive relationships, lack of self-respect, ignorance of physical health and...

PRESIDENT MAURSTAD: Time. Thank you, Senator Suttle. Senator Thompson, you're recognized to close on AM1524.

SENATOR THOMPSON: Thank you. Again, this amendment gives the body an opportunity for some breathing time to have some experts in the field be able to look at the issue and make a recommendation to the Legislature and the Governor. I oppose the bill and think this is a good way to still have the issues kept alive and have a group assigned to do it. The group is a neutral group. They are staffed by the University of Nebraska at Omaha, Department of Criminal Justice. They are geographically balanced and they come from all aspects of the juvenile justice system. The plan that was developed by Karen Chinn, that has this recommendation but not as it's stated specifically in this bill, also said that the state has to be in a position where we have an adequate array of services, where we have an evaluation and assessment process that has the confidence of the system. We have a process that's in its infancy. We have problems with...not with all providers but with some of those providers, and work needs to be done to improve that to gain the confidence of the people in the system who use those. By handing this totally over to an administrative body, such as the department, without judicial oversight, without a way for everyone to come to the table, talk

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about where the child is going to go, talk about why that's the best place, and what I have heard and I think has been true since the passage of the bill in 1989 is, in most cases, in fact, very few cases is there a disagreement, but those percentages of cases need to have the ability of someone else to oversee that. When kids get put into a placement and taken from their homes they may be left for months. If the placement isn't working out, it's totally administrative then, there won't be the opportunity, because the courts believe the way this...or I have been told the way this language has been written that they could have a review but they have no authority if there's a problem with the placement. It's totally left up to the department. I'm going to read some more examples of the problems that occurred the last time we had this in our history. I feel, as you know, very passionately about juvenile justice issues and I am very uncomfortable with doing this at this point in time without the full recommendation being put in place. We're trying to go from "A" to "Z" without doing "B" on up--"B", "C", "D", "E", "F". We need to get those other pieces in place before we can feel comfortable that we're going to make this decision a sole administrative decision. During the rest of the morning, I'm going to be presenting information in a broader sense about some of the problems that we have with the placements in the juvenile justice system. We know, as Senator Suttle says, that girls in Nebraska are disproportionately in out-of-home placements compared to states similar to ours and compared nationally. We know that minorities are placed in out-of-home placements and to a much higher degree in this state than in any other...than the average of the rest of the nation or our peer states. I've introduced another bill that will address some of those issues but that...that will be heard next session, I hope. It's out of committee and I think it's an important strategy. But I'm not...

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: ...comfortable going forward without more time being spent than one or two meetings, meetings that were held fairly late in the year, November and December, where there hasn't been time to get the buy-in from the people in the system. Particularly, I'm concerned this is a top-down, not a

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bottom-up, suggestion and we need to talk to the caseworkers in the field and ask their input to doing this at this point in time. I don't think the field staff is ready to take this on. And so, with that, I'd ask your support of AM1524.

PRESIDENT MAURSTAD: Thank you, Senator Thompson. The question is the adoption of AM1524 to LB 598. Those in favor vote aye; those opposed vote nay. A roll call vote has been requested.

CLERK: (Roll call vote taken, Legislative Journal page 1561.)
2 ayes, 17 nays on the amendment, Mr. President.

PRESIDENT MAURSTAD: The amendment is not agreed to.

CLERK: Mr. President, the next amendment I have to the bill, Senator Thompson, AM1525. (Legislative Journal page 1540.)

PRESIDENT MAURSTAD: Senator Thompson, you're recognized to open on AM1525.

SENATOR THOMPSON: Thank you, Mr. Lieutenant Governor, members of the body. LB (sic--AM)1525 is essentially the same amendment as the previous two amendments. It just changes the date for when the report is made to the Governor and the Legislature. I'd like to take you back again to the time in our history when we had a similar situation, similar recommendations. This is the testimony of Judge John Icenogle in 1989: As you are prob...probably know, in 1984 a series of amendments were made to the Juvenile Code. Those amendments specifically provided that when a child is placed with the Department of Social Services that the department would have the exclusive authority to determine the care, placement and services to be provided to that child. The problem that exists is that when the department accepted this responsibility they made almost no effort, in great respect, to include the family or the children, the attorneys, the court or anyone else in their decision-making process. The greatest problem with the current dispositional scheme or the Juvenile Code when decisions are beyond local authority is the denial to the child and his parents of any input, legal representation, or authority in assessing the necessity of an out-of-home placement or the nature and the

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quality of services to be provided. I will give you a very brief case example of what we're talking about. In the late fall of 1988, a family became aware of inappropriate behaviors in a sexual sense by their 13-year-old son. A juvenile petition was filed and the child admitted that he had committed a third degree sexual assault on another female student. A few weeks later the child entered into a store in his hometown and literally reached under the dress of a woman unknown to him and squeezed her on the buttocks. The parents, on their own volition, took the child to a local psychiatrist and then to a regional psychiatrist at the Richard Young Memorial Hospital. Both psychiatrists recommended that the child should immediately be placed in inpatient treatment. Their reports identified the child as a time bomb who would assault again and who could become mentally disordered sex offender. The parents, with only an insurance policy providing financial support, placed the child in inpatient treatment and continued him there until the insurance proceeds ran out. Both psychiatrists recommend that additional inpatient therapy was necessary to resolve the child's difficulties. A juvenile petition was filed on behalf of the family and the child to secure the financial assistance and the involvement of the Department of Social Services. On January 9 of this year, the child was adjudicated within the provisions of the Juvenile Code and was placed in the care and custody of the department. The department reviewed the situation to their internal mental health review team. The team, composed of an attorney, a psychiatric nurse, a registered nurse, a social worker, met in Lincoln on January 11 and 13 to consider the fate of the child. The team ruled that without further documentation they were unable to approve inpatient treatment or agree with the recommendation of the two licensed psychiatrists. They also found that the department should attempt to prevent hospitalization and provide in-home services. The team, having entered these findings, denied the inpatient services. They also waited an additional ten days before they bothered to actually directly consult with the two psychiatrists involved. From January 9 through February 5 the child received no psychiatric or other care. The guardian ad litem and the county attorney made efforts to contact the mental health review team concerning the decision. At no time did the team feel it was necessary to discuss their decisions with these individuals.

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On February 5 the juvenile with his mother was visiting an elderly woman friend of the family. The child wandered off into the basement and within a few minutes called the 72-year-old lady downstairs. When she went, she found the juvenile totally nude, jumping out at her and trying to grab her. On February 6, the mental health review team finally contacted their staff psychiatrist for the first time, and then approved inpatient hospitalization. During the evidentiary hearing in court, members of the mental health review team testified that they, in fact, had made their decisions without consultations with any psychiatrist and without notice to any of the parties. They defiantly explained that there was no appeals possible from their earlier decision and they did not feel they had an obligation to consult with, contact, or ask for input from the child's guardian ad litem or the county attorney. What should not be ignored by the committee is the method of operation employed and utilized by the department in making these monumental decisions: a team of marginally qualified individuals takes upon themselves, without referral to their own staff psychiatrist, to ignore the recommendations and warnings of two licensed psychiatrists; they hold meetings without notice and make fundamental decisions in a relative vacuum. That's what happened back in the eighties when the decision for placement was left totally with the department. We need to have a process in place where there is comfort with those people who have worked in the system for years, have seen it both ways, as well as the new people. We should be forcing collaboration. We shouldn't be shutting down our efforts to just allow an administrative process here. This doesn't mean that the department can't make the decision. All that I was doing with the first amendment was saying at least that decision that they're making needs to be discussed with the parties involved, and if their placement decision is made and someone has a concern that they can appeal that. Because of the way this part of the amendment is written, the courts will not be able to, other than to bring it back and review, direct anything to change if there's a problem with the placement. There is no recourse for the family except to go through the department, and I think we've learned from history that that's not going to work. It's not going to work for several reasons, pointed out to us by the consultant. First of all, you have to have the

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processes in place that make the system have the confidence that the Department of Health and Human Services has the resources, has the system, has the organizational chart that make that work. That has to be in place. Second, we have to then be able to train and educate the people involved in the system on how this is going to work. We haven't laid the groundwork. The groundwork has not been laid for this bill. We need to take the time that this amendment would allow us to lay the groundwork to have this group of people be able to look at ways of compromise and ways that this can be accomplished. I understand why the department wants the sole authority on placement and I think there are many reasons that they haven't stated here that support that. One is they need to build that continuum of care; they need to have the data; they need to be able to track their cases. Most of the out-of-state placements that have been discussed this morning I thought were from Douglas and Lancaster counties, where the counties pay, which is the alternative for the judges in this bill not to place, as even the new bill, not to place with the department but to continue to make direct placements that are paid for by the county. And a couple senators have talked to me off the mike on this and I want to make clear that the judges still have the authority to not place with the department; they have the ability to put in out-of-home placements. I think this bill will not solve the problem for those senators representing Douglas and Lancaster counties. Thinking that everything is going to go through the department...

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: ...for placement, that's not what the bill says. That bill says only the youth placed with the department in a level of treatment, then the department is the sole authority over where they're going to be placed without judicial oversight. So anyone who might be supporting this bill, because they think it's going to solve the problem that exists in Douglas and Lancaster counties, where judges do make out-of-home placements that are paid for by the county, actually, I think this bill is going to make that situation even worse. A lot of those judges right now tell me they don't place with the department except for Kearney and Geneva, so they'll have even

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less incentive to place with the department if they feel that child is not going to have a placement discussion through the court process or is not...even though the department would still be able to make the placement decision, or have a way to appeal that. So I urge you...

PRESIDENT MAURSTAD: Time.

SENATOR THOMPSON: ...to support this amendment.

PRESIDENT MAURSTAD: Thank you, Senator Thompson. Senator Suttle.

SENATOR SUTTLE: Thank you, Mr. President and members of the Legislature. To continue my discussion on the uniqueness of girls and their problems when they are going through adolescence, substance abuse at a young age can also interrupt a girl's psychological development, as well as a boy's. As one researcher observed, it is not unusual to have a 16-year-old check into a residential drug treatment program with both her works, needle and syringe, and well-worn stuffed animal hidden in her backpack. In understanding the developmental pathways that can lead girls to delinquency, it may help to consider what girls need for healthy development while also recognizing the challenges that may put them at greater risk of delinquency. The need for physical safety and healthy physical development is challenged by poverty, homelessness, violence, inadequate healthcare, inadequate nutrition, substance abuse. The need for trust, love, respect, validation from caring adults to foster healthy emotional development and form positive relationships is challenged by abandonment, family dysfunction, and poor communication. The need for positive female role models to develop healthy identity as a woman is challenged by sexist, racist, homophobic messages and a lack of community support. The need for safety to explore sexuality at one's own pace for healthy sexual development is challenged by sexual abuse, exploitation, negative messages about female sexuality, and the need to belong, to feel competent and worthy is challenged by weakened family ties, negative peer influences, academic failure, and low self-esteem. Several specific factors put girls at a greater risk for becoming juvenile delinquents.

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Seldom, however, do these factors occur in isolation. More typically, risk factors are interconnected like a web with each risk potentially both cause and consequence of the others. Risks of special concern to girls includes sexual abuse, substance dependency, and pregnancy. Sexual abuse to girls causes girls, just as it causes boys, to become abusers. There's no place for girls, there's no place for juvenile boys who are sexual abusers to get treatment in this state. We simply do not have the programs. Sexual and/or physical abuse: girls are three times as likely to have been sexually abused as boys. Among female delinquents, an estimated 70 percent have a history of sexual abuse. In some detention facilities, the incidence of girls who have been abused is closer to 90 percent. Most often, abuse is perpetuated by family members or close family friends who are perceived as trusted adults. Sexual abuse could have a...

PRESIDENT MAURSTAD: One minute.

SENATOR SUTTLE: ...profound impact on a girl during adolescence, resulting in lessened self-esteem, inability to trust, academic failure, eating disorders, teen pregnancy, and other serious concerns. If sexual abuse is not addressed, girls may run away, turn to alcohol or other drugs to numb their emotional pain. A few lash out at their perpetrators violently. Substance abuse: substance abuse exacerbates the other problems that might put a girl at risk of delinquency. Many girls, for instance, report being intoxicated or under the influence of illegal substances while committing criminal acts. If a girl runs away from an abusive or dysfunctional...

PRESIDENT MAURSTAD: Time. Thank you, Senator Suttle. Senator Thompson, you're recognized to close.

SENATOR THOMPSON: I'm asleep at the switch. Thank you. I'd like to read another case from 1984 and then ask for your support of the adoption of this amendment. This is a testimony from a guardian ad litem in Lincoln. I'm here today as a guardian ad litem, really in my role as guardian ad litem for some children in a particular case I'm involved in. I'm going to be very brief about that and make a couple more comments and

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will leave you. The cases involve, in particular, a number of kids, but in particular I've got a 13-year-old and a 17-year-old who are currently residing in Lincoln by themselves, in a house by themselves. The 17, just turned 18, is the head of the household. Parents are in town. The Department of Social Services has legal custody of these children, temporary legal custody. There is a problem in that there is widespread sexual abuse, incestuous abuse, in the family. That makes these children especially hard to place. The Department of Social Services has attempted to place these children, but to date has been unable to do so, so they remain in their current placement. The 13-year-old remains now with his 18-year-old brother. I'm the guardian ad litem for those children and I have real problems with a 13-year-old residing with an 18-year-old. I don't care how emotionally stable the 18-year-old might be, that's not a suitable placement. I have the responsibility to watch out for the legal and social interests for those children, and to take what action I think is necessary to cause them to be in a safe and nurturing environment, and to protect their legal interests. The situation evolved by my requesting the Social Services worker to make better placement, to place them in foster care. Well, they couldn't. We went to NCCY, which is managed in a part of the Department of Social Services. Nebraska Center for Children and Youth said these kids don't fit into our program. They have to fit into the entire program or they can't fit into the program at all was, in essence, the words we were given, so that became another option that failed. We saw option, after option, after option fail, fail. The worker that I worked with tried and tried and tried. I called the worker. I said, place these kids in a week or we're going to raise more smoke about this; these kids have to go someplace. They met with supervisors. They went all the way up the supervisor's ladder as far as they could go. No go, take the steps, take any step I could. My next step, even in light of the Supreme Court decision and the statutes, I filed a motion in court and pulled all the parties in and said, these kids need to be placed someplace else, and the juvenile judge sat back and said, everyone knows I can't do anything. And he couldn't do anything and he didn't do anything. He stood on the current law and said the department has the full authority. After the hearing, we went outside and I said to the caseworker, we need

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to do something. I don't, you know, obviously this is failing; something has got to happen. This 13-year-old has to go someplace, and I said at least provide the 18-year-old assistance: money to meet the rent, to pay the food bill; let's give them something to subsist for awhile. Well, if we provide them any money, that would approve them as a foster care and we can't do that so we're not going to give them any money. So the kids can't get any money; they can't get any placement; they can't get help. They're still out there right now. The 13-year-old came home from school today to stay with his 18-year-old brother and they're going to keep going that way until something happens, until we can find a placement. The court is helpless in enforcing a placement here. I'm helpless in forcing a placement here. I see a 13-year-old boy, who has a lot of people who care about him, who is currently on an emotional and educational and general...

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: ...downward spiral because of his problems. He has a tremendously hard upbringing in his 13 years, and now he is in a worse situation where he has no good role model to look to. The department has also been, supposedly, involved in sending a caseworker out to kind of watch over things. The caseworker was supposed to have attended at least a couple times a week, and as of this week we...we had...had only been out once. There's a real problem here. You've heard checks and balances a number of times. I think that's a key point. The other point is though, while the department, having some discretion in placement and a review of the case and make recommendation and making plans is a good idea, having full authority is not a good idea. That leads into the checks and balances idea. The other is, if we're going to err, let's not err against the child. The child is who we are working for. The child is the focus of all the service that we're talking about today.

PRESIDENT MAURSTAD: Time. Thank you, Senator Thompson. The question is the adoption of AM1525 to LB 598. Those in favor vote aye; those opposed vote nay. Record vote has been requested. Mr. Clerk, please record.

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CLERK: (Record vote read, Legislative Journal pages 1561-1562.)
2 ayes, 20 nays, Mr. President, on the amendment.

PRESIDENT MAURSTAD: The amendment fails.

CLERK: Mr. President, the next amendment I have is AM1526 by
Senator Thompson. (Legislative Journal page 1540.)

PRESIDENT MAURSTAD: Senator Thompson, you're recognized to
open.

SENATOR THOMPSON: Thank you, Mr. Speaker, members of the body.
AM1526 does essentially what the previous amendment does. It
just...it would require that we not pass this bill and that we
have our juvenile justice team that's looking at detention and
probation and diversion services in the state also take on this
issue. They are assisted by the University of Nebraska in
Omaha, Department of Criminal Justice, and they would be
required to have a report to the Governor and the Legislature
before the next session. And they would be required to look at
our evaluation and assessment process, to look at the
recommendations of the Nebraska Juvenile Services Plan and look
at this issue and say the best way we can do it. I think this
will bring some buy-in to a very difficult issue. I think this
is a better way to approach this than just to have a couple
meetings and skip over some of the parts of the recommendation
and just list one section of the recommendation out and try to
put it into law without bringing a level of confidence to the
very significant change that this brings about. I want to make
clear what the current bill does and why we should study it.
The bill takes...tightens down the fact that the department does
the placement for the youth, won't be any group of people coming
together to talk about the placement through the judicial
process bringing parents and all the parties involved to the
table. That won't be part of what judges can do. Judges can
ask for a review of the placement and they still have
jurisdiction while the child is with the department but they
don't have the ability to do anything about it. If...the only
way anything can change is by an administrative decision of the
department. I think the field staff that would be responsible

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for this, first of all doesn't report directly to the director of the Office of Juvenile Services. After the merger, it is part of another division affiliated with it but there isn't a direct organizational chart. So I think that's a problem in implementing this...this piece. Also, we need to make sure that our evaluation processes have the confidence of the people in the system so that OJS would be, and the department, would be able to make those decisions. Actually, those decisions will be made on the larger part by the Department of Health and Human Services workers. And we need to have the array of services in place so that there is confidence in the system that placements won't be just what's ever available but what's in the best interest of the child. I'm going to read a little bit from the Juvenile Justice Report from 1998, which really set us on the path for a lot of the changes and recommendations that are out there. The members of the Juvenile Justice Task Force, which then Governor Nelson appointed me to Chair, are Paige...were Paige Beard, who was with the court appointed special advocates; John Clark, who was communication...is communication director of the Department of Education; Allen Curtis, who is the executive director of the Crime Commission; the late Howard Ferguson, who was director of the Nebraska Correctional Youth Facility of the Department of Corrections in Omaha; Chief of Police Scot Ford from South Sioux City; Chris Hanus, coadministrator, Protection and Safety Division of the Department of Health and Human Services; Frank Jenson, deputy probation administrator; James Jones, Youth Violence Avoidance Director of the Lincoln Action Program; Yvonne Norton-Leung, director of the Governor's Policy Research Office; Mark Martin, coadministrator, Protection and Safety Division of the Nebraska Department of Health and Human Services; Denis McCarville, president and CEO of Uta Halee Girls Village and Cooper Village; Linda Steinman, Lancaster County Commissioner; Deb Suttle, State Senator; the Honorable Wadie Thomas, judge of the Douglas County Juvenile Court; and myself. And we're...a lot of recommendations that are made in this report have been set in motion, but I want to come back to the report because some of the overarching issues are impacted by this bill. Just to give you the historical perspective of where we are with the juvenile justice system, much like the rest of the nation, Nebraska is experiencing a rising tide of juvenile arrests. Juvenile arrests in Nebraska increased by 72 percent

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over the 10-year period, 1987 to 1996. The largest percentage of increase of arrests was in the 13- to 14-year-old age group while the largest percentage of increase in violent crimes was among the 15-year-olds. Overall, arrests increased in most classifications including the four major offense classifications: murder, manslaughter, forcible rape, robbery, felony and aggravated assaults. Also, much like the rest of the nation, Nebraska has found itself ill-prepared to respond to the increases in juvenile crime, the earlier ages at which juveniles are engaging in delinquent behavior, and, and this is what's important, the increasing severity and frequency of offending. The state took first steps toward major juvenile justice system reform with LB 988, the juvenile crime initiative which passed in 1994. This legislation created the Office of Juvenile Services and set out a framework for development of a balanced system of care that would provide an array of facilities and statewide community-based services for juvenile offenders committed to state custody. The office was subsequently merged into the Health and Human Services System where linkages to other human service resources was made available. The first new appropriations for juvenile community services was made in 1996. The office and subsequently EHS has been working to evolve the juvenile service system into that envisioned by the Legislature in 1994. While much has been accomplished, it is clear that much work remains. Current facilities and programs are overburdened and agency caseloads are reaching unmanageable levels. Additionally, the juvenile justice system is a much broader than the population served by the Office of Juvenile Services. Many youth on probation have issues similar to those in state custody where effective intervention could prevent further penetration into the system. Little attention has been given to this segment of the population. This documents the efforts of the team and also the recommendations, and here's a summary of those recommendations. The recommendations focus on the need to develop residential and nonresidential capacity to provide programming for juvenile offenders, the placement issues we've been talking about all morning, and the need of juvenile justice agencies to be adequately staffed to manage the number of youth placed under their supervision. And this is another issue that contributes to the discussion on this bill. Other recommendations address organizational issues, needed

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improvements at the existing state facilities, which we have been working on, state and local roles and responsibilities in funding and delivery of juvenile services, there is a bone of contention that this Legislature has been debating for five years, linkage to education and strategies to enhance parental involvement. Among these findings of the task force were the fact of the overburdened caseworker level and I think we have to be able to have that worker level be part of this discussion, and they will be if we pass this amendment because that level of...the fieldworkers are represented at the team that was created last year by the Legislature and are part of it. And one of the things that I noticed in serving on this panel, it's been meeting about monthly for the last...

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: ...maybe not every month but a lot since last year, is knowing, getting a better handle on what's actually happening in the field. And the way you get that is by having those people at the table to develop these solutions. I think it's important to know what they think about taking on this added responsibility when they currently rely heavily on talking with judges and other people in the system about placement options. We shouldn't take that tool away from them. The bill diverts this to an administrative decision by the department. I think we need to look at what the consultant recommended be in place to do this and that we should take the time necessary to do this right. And with that, I urge your support of the amendment.

PRESIDENT MAURSTAD: Thank you, Senator Thompson. Senator Suttle.

SENATOR SUTTLE: Thank you, Mr. President, and members of the Legislature. I got some information from Senator Jensen dealing with kids out of state. His information states that we have about 50 out of state right now, and that there are ongoing contract talks with two facilities that may be looking at treating sexual abuse, one in South Sioux City and one in North Platte. I hope that those contracts are successful. Fifty kids are out of state court-ordered and ValueOptions has

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also sent some kids out. I appreciate the numbers, Senator Jensen, and...but am still concerned about the girls. Nothing is there available for girls except Geneva. Girls have low self-esteem so they medicate themselves to feel better, and then substance abuse exacerbates the other problems that might put a girl at risk of delinquency. Many girls, for instance, report being intoxicated or under the influence of illegal substances while committing criminal acts. If a girl runs away from an abusive or dysfunctional family and winds up on the street, she is more likely to become involved in drug use and/or drug trafficking. Alcohol and other drugs may lessen her inhibitions leading her to take risks that may result in unplanned pregnancy and/or exposure to sexually transmitted diseases. Research shows that among female populations, substance abuse coexists with other problems, such as mental illness, academic failure, and those two things are a significantly higher rate than among males. Female juvenile offenders engage in sexual activity at an earlier age than nonoffenders putting them at higher risk for sexually transmitted diseases and unwanted pregnancy. For many young women, teen pregnancy is a virtual guarantee of poverty and long-term reliance on welfare. Most teen mothers drop out of high school and remain single most of their young adult years. They earn an average of \$5,600 annually, less than half the poverty level income. More than 60 percent of the African-American and half of all Hispanic teen mothers are concentrated in poor, racially-segregated neighborhoods that have poor housing, high crime rates, and inadequate schools. Many teen mothers have been victims of sexual abuse. Adolescent mothers are more likely to raise a child who goes to prison than mothers who delay having children until their early twenties. The most significant risk factor relating to early onset of delinquency is poor academic performance. A disproportionate number, 26 percent of the female juvenile offenders, relating...

PRESIDENT MAURSTAD: One minute.

SENATOR SUTTLE: ...have learned...have learning disabilities. By the time they enter the system, they may be at least a grade level behind their peers, at least a grade level. They may have developed a negative attitude about learning and lack self-confidence about their own ability to master academic

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skills. Girls who are juvenile offenders may have reacted to academic challenges in the past by simply skipping school or dropping out altogether. If they stay enrolled in school which did not meet their needs, they may have shutdown in a classroom internalizing their frustration and assuming they could not learn. Boys experiencing learning difficulties are more likely to be disruptive, externalizing their frustration. Once they enter the juvenile justice system, these girls find themselves...

PRESIDENT MAURSTAD: Time.

SENATOR SUTTLE: ...back in a classroom. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Suttle. Senator Thompson.

SENATOR THOMPSON: Senator Jensen, I was wondering, Mr. Lieutenant Governor, I was wondering if I might ask a question of Senator Jensen.

PRESIDENT MAURSTAD: Senator Jensen.

SENATOR JENSEN: Yes.

SENATOR THOMPSON: I'm asking you this as Chair of the Health and Human Services Committee, not because we're on opposite sides of this bill, but I'm wondering if you're familiar with a point-in-time study that has been done within the department looking at kids in out-of-home placements?

SENATOR JENSEN: Not that I would care to comment on it, no.

SENATOR THOMPSON: So, yes, you are, or you don't want to comment whether you know or you don't know?

SENATOR JENSEN: No, I don't know enough about it to comment on it.

SENATOR THOMPSON: Okay. You know...do you know anything about

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the out-of-home placement issues from that that you'd care to share because of this debate today or...

SENATOR JENSEN: No.

SENATOR THOMPSON: Well, I do...so, and I...I'm concerned about some of the things that I...that I've heard today about this particular study and what its findings are going to be, and the timing of its release. Do you know when it's going to be released?

SENATOR JENSEN: No, I do not.

SENATOR THOMPSON: Thank you. I think we all know that we have issues that are problems within the juvenile justice system. We all know it. And today we're being asked to vote for something that I think needs more time, especially in dealing with placement issues. There is a study that's going to be coming out called the point-in-time study. I think some pieces of it may have already come out in some of the briefings from the department, but there is more to it, and it has to do with placement issues. And we should have had that information if it's available now. We should have had that information. But I am going to go to the information that I already have, that I already know about, that someone didn't have to risk making a phone call to my office to tell me about, but I'm going to talk about what we know about placements in the juvenile justice system currently. We know there is bias. We know from outside studies of the state that there is a disproportionately high number of minority youth in out-of-home placements, and that's what we're talking about here, kids in out-of-home placements; not just Kearney and Geneva but other types of institutional group home settings. We also know that girls are represented at Geneva, for example, that are there for lesser crimes than boys at Kearney. We also know, as a state, we lock up more girls than we do compared to other states in our peer group and other states nationally. That information is in the Juvenile Services Master Plan and, as I mentioned earlier, a subject of another bill that I introduced this session. And I think those are serious, serious problems. Now did the court cause those problems? I don't know. Did the department because of their

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array of services? I don't know, but I think...

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: ...we need the data and I'm not comfortable handing these decisions totally over to the department without a review by more than just the department if there are problems. I am not comfortable to go there. I think we need to amend this bill, to slow down this process and take a look at those issues. Thank you.

PRESIDENT MAURSTAD: Senator Suttle.

SENATOR SUTTLE: Thank you, Mr. President and members of the Legislature. I wonder if we would be having this discussion if there was someone else in the Governor's Office than who is there now. It seems to me that I remember discussions when there was a Democrat in the Governor's Office, the Republicans were always mistrusting the department, mistrusting their ability to do the job and now it seems to be maybe the other way around. The department doesn't change that much from one administration to the next. The oversight, the Policy Cabinet may change, but the people who work there and do the daily jobs seem to be the same people. I don't think that those people have anything but the best interest of juveniles in mind. I think that they are underfunded and overworked, and it concerns me that we are...we're going to take on more responsibility for the department. We're going to take on more work for the department and they are already swamped. And it seems to me that they are going to do this without the help of a lot of other people, and it concerns me. It concerns me especially for girls. Senator Pedersen, again, handed out where all this money is coming from and reminded us that LB 640 was a committee priority, well, he didn't remind us but I know that it's a committee priority bill because I'm on the committee that made it that, and it will be looking for more community-based services. I'm hoping that we have community-based services for girls as well as for boys, especially juvenile offenders. I want to get back to teen pregnancy. Female juvenile offenders engage in sexual activity at an earlier age than nonoffenders putting them at higher risk of sexually transmitted diseases and

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unwanted pregnancy. For many young women, teen pregnancy is a virtual guarantee of poverty and long-term reliance on welfare. Most teen mothers drop out of high school and remain single most of their adult years, young adult years. And, again, they only make \$5,600 a year. The most significant risk factor relating to early onset of delinquency is poor academic performance. These girls just think they are stupid. They are told they are stupid. Whatever comes out of their mouth, they are told you don't have any sense and whatever you think and whatever you feel and whatever you say is of no consequence.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: One minute.

SENATOR SUTTLE: Girls who are juvenile offenders may have reacted to academic challenges by skipping school or dropping out. When you are told enough times that you're stupid you start thinking maybe you are. Because academic failure is so closely linked to underemployment and unemployment, it's a risk factor that must be addressed for female delinquents if they are to avoid a life of impoverished opportunities. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Suttle. Senator Thompson, on AM1526.

SENATOR THOMPSON: Thank you, Mr. Speaker. I'm going to refer, at this point, to a U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, more commonly known as OJJDP fact sheet. It's entitled "Juvenile Court Placement of Adjudicated Youth, 1988 to 1997". And I think this historically puts in context why we're here and the magnitude of these issues. And I'm not without sympathy for the department, for their frustration, but I'm also not without sympathy for the courts and probation and other people who contacted me on this, and service providers who contacted me on this issue for their frustration. And because this is a frustrating issue for both sides, and I realize many of you probably don't get a lot of calls because this is a technical area and people from the general public may not be as

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engaged in this as they are in the idea of raising teachers' salaries or smoking in restaurants, but I do hear from those people and I'm taking their concerns seriously. I am taking their concerns seriously. Those of you who know that since this report came out, I kind of carry it around wherever I go. I've used it hundreds of times, well, maybe not hundreds, but dozens of times in committee hearings and so on, and I have high respect for Karen Chinn who wrote it and I've met with her individually and talked with her on the phone about different aspects of it on numerous occasions. But her recommendation was not solely to do this without some other pieces being put in place to do that, and that's where I think there is room for compromise. There is room for compromise, that if you let the juvenile justice team work on this with their expert help, they can come up with something that won't be so black and white. I believe that can happen, and I think they are the people to do it. They are the people who have to live with this decision. They are the ones who have to live with it, and the field people who have to live with it. And we're not ready to do this yet and we clearly, at least from the calls that I've gotten and the people I have talked to aren't there yet. There are problems with it. If I were the director of the department and I could advocate for this, I am sure I would and that's why they are all here and they were here yesterday because this...this gives them a way to get control over this part of their system so that they can have better recordkeeping, I guess...or at least better knowledge of why the decisions are taking place and how the placements are being made. But before we throw out the baby with the bathwater, we need to make sure that the things that are already happening, that are working well aren't ditched, and that we leave this to a total administrative decision. Why are we here at this point in time? Why have we had this turbulence over the last 20 years? Well, because a lot more kids are getting put in out-of-home placements. According to this OJJDP fact sheet that studied Juvenile Court Placement of Adjudicated Youth, 1988 to 1997, and I kind of think the title is kind of interesting because it sort of implies that what...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...we're doing is what's happening on the

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national basis if that headline is "Juvenile Court Placement of Adjudicated Youth, 1988 to 1997". This is a document from October, 2000. In 1997, more than one in four adjudicated delinquency cases resulted in out-of-home placement. Juvenile courts employ a variety of dispositions for youth adjudicated as delinquent. In 1997, 28 percent, 163,200 of adjudicated delinquency cases resulted in a judicial disposition of out-of-home placement, that is placement in a residential treatment center, juvenile corrections facility, foster home or group home; 55 percent, 318,700 resulted in order for probation; 13 percent, or 72,700 resulted in some other disposition, such as restitution fines, community service or referral to...

SENATOR CUDABACK: Time.

SENATOR THOMPSON: ...other treatment agencies.

SENATOR CUDABACK: Thank you, Senator Thompson. (Visitors introduced.) Senator Brown, on the Thompson amendment to LB 598.

SENATOR BROWN: Thank you, Mr. President and members. Senator Thompson referenced...has referenced a number of times the Chinn report in reference to...in her immediately previous remarks that the author of the report did not intend for this recommendation to be done in isolation. And that is...is the thing that is concerning me the most about what we're doing right here, about the filibuster that we're participating in, because we are filibustering one part of a package that is...is doing all those pieces that the Chinn report called for, and I'm afraid we may be jeopardizing that whole package by virtue of picking out one piece of it and trying to pick that piece apart. To me, LB 598 is merely a clarification of the process by which youth...juvenile offenders get placed, and much of what we've been talking about, many of the stories are child welfare stories, a slightly different system than the juvenile justice system. But LB 598 is just a clarification of the process. It was developed with the help of certain members of the judiciary including someone from the Chief Justice's Office and clarified that rather than saying you will go to Uncle Joe's youth services program, that there would be a level of services

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determined by the judge that...that is looking at out-of-home placement for the offender, that you would look at the needs of that...that youth, whether there were specific kinds of problems related to sexual perpetration, any of those kinds of things, and that there would be a different kind of level of service. And so we are not changing dramatically the...the power of the court to be involved in these cases. What we are changing is the whole system and it, in order to do that, we are going to do this entire package, and by spending the time picking apart this piece of it, I'm afraid we're jeopardizing the first opportunity that we have had to have a major step forward in juvenile justice issues. We are talking about a comprehensive plan, five different bills, that really are going to get at most of the recommendations in the Chinn report. It is an enormous step forward. It is exactly in response to the problems that we've had in the system that we have this package in front of us today, and we cannot deal with this bill without taking it in context of the entire package. And by filibustering this bill, by pulling out one piece and saying, no, we're not going to do that piece of the report, we're going to do...we only want to do the other pieces of the report is...is not what the report said. We are going to be looking at doing all the different pieces. That is the package that we have in front of us. Those of us who are cosigners on all the bills know that we're going to have to do all these things to really be able to make the changes that are necessary to impact the juvenile justice system. But this is the first bill that we have in front of us and I believe, I believe that it is a good idea that we have a process that has been worked on by advocates, it has been worked on by judicial, people from the judiciary, has been worked on by the administration, that we have that process in place...

SENATOR CUDABACK: One minute.

SENATOR BROWN: ...that clarifies how that we're going to do placements so that all the other things will fall into place, and so that we have a system that is the same for a child in one community as it is for a child in another community so that there is a consistency. So that if a child from a certain community has needs at a high level that they will receive the same kind of services that a child from another community might,

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that won't...will not be a specific service provider but it will be a particular kind of service. And I think that this clarifies it, and I think that we should move on, move on to the other bills that are in this package, so that we can have some confidence that the recommendations that...that, the full array of recommendations that we've been given have a chance to be implemented this year. And it's the first chance that I've...that I've seen since I've...

SENATOR CUDABACK: Time.

SENATOR BROWN: ...been here that we can do something comprehensively. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. Senator Suttle, on the Thompson motion. This will be your third time, Senator.

SENATOR SUTTLE: Thank you, Mr. President. I yield my time to Senator Thompson.

SENATOR CUDABACK: Senator Thompson, you've almost five minutes.

SENATOR THOMPSON: I would like, Mr. President, to ask Senator Brown some questions.

SENATOR CUDABACK: Senator Brown, would you yield to Senator...is Senator Brown on the floor? Yes, she's coming, Senator Thompson.

SENATOR THOMPSON: I think she went out to consult with her team.

SENATOR CUDABACK: Will you yield, Senator Brown?

SENATOR BROWN: Yes.

SENATOR THOMPSON: Senator Brown, do you know how many recommendations were in the Chinn report?

SENATOR BROWN: No, I do not specifically know that.

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SENATOR THOMPSON: Okay. There were 23 recommendations, so the package you're talking about deal with some bills that the Governor introduced as his package, not necessarily the recommendations from the Chinn report in totality.

SENATOR BROWN: But the administration took into account the Chinn report in developing their package.

SENATOR THOMPSON: Okay, so are you saying that if the whole package doesn't go, we shouldn't consider each part separately, we should consider them as part of a whole?

SENATOR BROWN: I'm saying that by jeopardizing this bill that we very well may jeopardize our opportunity to do something very significant.

SENATOR THOMPSON: So would you say then that the Judiciary Committee has jeopardized this bill because it's part of the package, that the bill that came before it, which dealt with secure youth confinement is still in committee, is that jeopardizing this package because we won't be considering that? Okay, let me ask another question. Do you think that because the Appropriations Committee didn't advance for the full Legislature all aspects of the bill that was before it, only is going to propose a million dollars over two years rather than the four, I am guessing, I can't remember the exact amount, but didn't implement the piece of the plan that would have set up multisystemic therapy for youth coming out of the YRTCs, that was part of the plan too, but has the Appropriations Committee jeopardized the other bills because they haven't...they did not recommend that part of the plan?

SENATOR BROWN: I happen to believe that the gatekeeper, and I believe this philosophically and for myself and not for any other reason, I happen to believe that a gatekeeper plan is essential because I believe that that's the only way that you can get a consistency of services for the kids across the state no matter what judicial district or what judge they may be a part of.

SENATOR THOMPSON: Senator Brown, do you recall in my attempt to

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override the Governor's veto last year of a bill that did have a gatekeeper aspect to it in terms of placement of juveniles, your comment to me was that we couldn't pass that bill which dealt with out-of-home placements because it wasn't comprehensive?

SENATOR BROWN: That's exactly right.

SENATOR THOMPSON: So now the Governor's plan, as proposed, which you said was comprehensive, is only going to have two aspects of it come forward so that is...you told me that the plan was comprehensive with the five bills. If there are only two bills coming forward, that's still comprehensive enough in your view?

SENATOR BROWN: As I said, I believe that the gatekeeper is the first piece of it. I...I would prefer to have the entire package, but I'm wil...because I think that the gatekeeper is the first piece and then we move forward with all the others,...

SENATOR CUDABACK: One minute.

SENATOR BROWN: ...then I'm willing to take whatever we can put together and feel that we have gone so much further than I've ever seen us go in terms of truly addressing this issue.

SENATOR THOMPSON: Do you believe that, as the Chinn report recommended in this, that there is confidence among judges that an objective and accurate assessment is being conducted, and that all levels of programs, both residential and nonresidential, are available to match youth with appropriate placement needs? Those were the two things...

SENATOR BROWN: No, I do not believe that those things are in place.

SENATOR THOMPSON: And that's my...thank you, Senator Brown, and that's my concern with passing this bill. We are only taking a piece of this recommendation and it's only to give it directly to OJS, and the person who recommended it said in order to build...

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SENATOR CUDABACK: Time.

SENATOR THOMPSON: ...confidence in utilizing a single point of (inaudible).

SENATOR CUDABACK: Thank you, Senator Thompson. (Visitors introduced.) Senator Thompson, there are no further lights on. Did you wish to close on your amendment?

SENATOR THOMPSON: Yes, I do. Thank you. Again, this amendment would allow us to take a step back, to take a breather to allow a group of people who have been working together on other juvenile justice issues to come together on this very difficult issue, and make a recommendation to the Legislature and the Governor. I've been...my first year after I got done chairing the juvenile services or the Juvenile Justice Task Force, I think I introduced about a dozen bills in response. I felt every single aspect of that report needed to have a hearing. That was not appreciated, although tolerated, by the colleagues who had to sit through all those hearings but I think we should take recommendations that come forward from processes seriously, and I'm still carrying some of that legislation and I dust it off every once in awhile and find a better way to...to introduce it. But there are many issues and it's hard to do a comprehensive bill. It's going to be a thousand pages long, so we do have to take these things one at a time. And when this recommendation was made, it was...it has caveats, and I don't believe we're there in terms of being able to do this without wreaking havoc in a system that's not prepared to do it yet. I agree with the overall goal. I agree that the department needs to have a greater handle on placements, that they can't do that in a vacuum, and it shouldn't be a total administrative decision with no ability of oversight by the courts. During the interim, I met with a lot of juvenile groups. I met with several judges, a group of judges. I met with several judges individually, and I talked to them about this particular piece knowing that this is one of the problems. And I'm very willing to work on this. I'm very willing to work on this. I've spent time working on these issues since I was a county commissioner in the early eighties, and I think things work best when you have the buy-in from the system. Putting this bill in place as it is does not

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have the buy-in from the system. Some people may have been invited to a meeting and some people may have called me after the meeting and some people may have chosen to go other routes too because they were uncomfortable or whatever. I'm not getting into how the meeting was held or what...this particular meeting, but if we want to go talk a little more about it, there was one meeting held on this issue. But since that time, just as all of us who present bills, and maybe they are even out of committee, Senator Bromm, may I ask you a question? Did you anticipate when you introduced your insurance pooling bill and you had the hearing that you were going to have difficulty with it when it got to the floor?

SENATOR CUDABACK: Will you yield, Senator Bromm?

SENATOR BROMM: I didn't...

SENATOR THOMPSON: Well, let me rephrase the question. Was there opposition at the hearing to your bill?

SENATOR BROMM: No.

SENATOR THOMPSON: Did...was there opposition from the task force that recommended it?

SENATOR BROMM: No.

SENATOR THOMPSON: Thank you. It isn't unusual, in our legislative process, for people to have second thoughts, for people to take a look at things, for individual senators to seek out information on bills. That's not unusual and the reason I'm not supporting this bill is because of that information that I gathered and what I learned about this issue over the interim. This isn't a new issue. It's come up a lot and I was trying to understand it. And I feel, from where I stand and this...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...isn't to take away from where anybody else is on this issue, from the people that I've talked to specifically about this issue, we're not ready for it yet. And

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those of you who will probably have time between now and Select File, I urge you to talk to the caseworkers in your area, talk to the judges, talk to some people, see if you think we're ready for this yet. I think there is a lot that can be done in a few months time to be ready for this, to be ready for this, and to seek out the people from Nebraska who serve on this juvenile justice team from every congressional district, from every congressional district, and let them make a recommendation and not have to go through a floor debate because what we want is the best thing for the kids. That's what we need. Now you can say, well, these kids are committing crimes...

SENATOR CUDABACK: Time.

SENATOR THOMPSON: ...and they're causing problems in the community but we need to do what's best. That's our job.

SENATOR CUDABACK: Thank you, Senator Thompson. The question before the body is adoption of AM1526 to LB 598. All in favor of the amendment vote aye, opposed nay. A record vote has been requested. We are voting on adoption of AM1526 to LB 598. Have you all voted who wish to? Record, please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1562-1563.) The vote is 2 ayes, 18 nays on the adoption of the amendment, Mr. President.

SENATOR CUDABACK: The amendment was not adopted. Mr. Clerk, next item to the bill.

ASSISTANT CLERK: Mr. President, Senator Thompson, the next amendment I have is AM1527 with a note that you wish to withdraw this one.

SENATOR CUDABACK: It is withdrawn.

ASSISTANT CLERK: Senator Thompson would move to amend with AM1528. (Legislative Journal page 1542.)

SENATOR CUDABACK: Senator Thompson, you're recognized to open on AM1528 to LB 598.

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SENATOR THOMPSON: Thank you, Mr. President, and members of the body. LB (sic--AM)1528 is essentially the same amendment that's been presented several times. It just changes the date of when the report would be presented to the Governor and the Legislature. What the amendment does is create a series of tasks for the juvenile team that was created last year by the Legislature to study issues dealing with detention, diversion and probation services. And I've mentioned that that's in place because those are very important aspects of the system and the people who work in those areas have reform needs just as we are addressing for the department today. At the last meeting of that group, this bill was extensively discussed and not as a bill, per se, but the issues of assessment and evaluation. They are not prepared to make any statement about that but I am because I think there's work that needs to be done in this area. There is some very good things happening but there is some things that aren't so good that we need to improve on, and that's one of the concerns that I have about handing this off at this point in time without having the ability of a parent or another party to the case before a placement is made be able to either provide another evaluation or to be able to talk about that evaluation. That's one of my concerns. I also think that this isn't going to be done without some reverberations and you are going to hear about them. Because of the interest of a particular branch of government in this, there was some effort made to hold them back from that as part of this discussion, so you may or may not be able to discuss this with some people in the system. But I would encourage you to talk to the line workers and others who will have to implement this. What I was told, and I had a conversation last night, is that it's very, very common for the line workers to contact the other people, including the judges, to talk about placement issues, to ask for help, to ask for suggestions. What we're saying is we don't want them to be part of that process anymore. They can listen if someone raises the issue but they can't do anything about it if there is a problem in the placement. I've asked people, what are the problems that happen in placements that would generate a need to come back and ask for a review, other than just the department? It's assaults. It's molestations. It's lack of success. It's programs not accomplishing what they set out to

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do. They just aren't working for kids. I don't think our overburdened system has the time to spend reviewing what's going on in all those placements to the extent even now. You can look at the Journal Star review. You can look at the report of Karen Chinn. You can look at the report of the Juvenile Justice Task Force in 1998. I don't know that it's fair to put that burden on those people. I don't know that we would if we could privately poll the people that are actually going to have to do that if we get the same answer as the people at the top, who are trying to manage a department in the budgets. But I'm also very concerned about the lack of data and a lack of information we have. And so I accept and did in my first amendment include the fact that the department can make the placement and I think that's appropriate for them to do with oversight. I think that can be done if there is oversight, but because of the many flaws in our system now, because of the many overburdened aspects of the system now, we aren't able to put in place this type of a gatekeeper without oversight. It's just not a good thing to do. I've had the term "kids lost in space" used when I was talking with a juvenile court judge about this over the interim, that with something like this in place, they have no way of even knowing where the child is. The court wouldn't necessarily know where the child is. They only know what level of treatment. And because of the way this is written, even though they have jurisdiction, they have no authority. They can bring people in if someone were trying to get some attention to these issues, but they have no authority to do anything. And as I read in those three cases that were brought in 1989 when this was in place, that was a huge problem of not being able to get the attention of anyone in the department because it was solely an administrative decision. We are not there yet. We should not be putting this in place. It's not a good thing for the department or the state and especially not for the youth involved. We need to have a better set of circumstances in place so we aren't throwing kids into a system where everyone is in conflict, and where the court feels that its authority to help with these decisions to bring people to the table, when a judge says come to a meeting, people come to the meeting, and they can facilitate that collaboration. One of the recommendations from the 1998 review was that we have to encourage parental involvement. Parents are more likely to come

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when the judge says you be at the meeting, and parents are more likely to be buying in and supportive of the treatment if they can be part of the discussion of the process of the treatment. This will not now be a level...it will be a level of treatment but not the specific place and the parent won't be able to know my son or daughter is going to be in a place in Omaha, and this is why we think it...you should...the child will do well there, and the parents...well, Senator Dwite Pedersen, oh, he's on the phone. May I ask you a question?

SENATOR CUDABACK: Senator Pedersen, will you respond please?

SENATOR Dw. PEDERSEN: Yes, Mr. President and Senator.

SENATOR THOMPSON: You've been part of...you've been a treatment provider for a long time, is that correct?

SENATOR Dw. PEDERSEN: Yes, it depends how you term treatment provider.

SENATOR THOMPSON: Okay,...

SENATOR Dw. PEDERSEN: I'm a therapist.

SENATOR THOMPSON: ...a therapist. Okay. Do you think there are times when people come to your therapy that it's helpful to have the support of their families in what they are doing?

SENATOR Dw. PEDERSEN: Very much so.

SENATOR THOMPSON: And do you think that if the families have been part of the discussion of why and how and so forth, they are even more willing to be involved than if they just are brought to the process later or do you think it doesn't make any difference?

SENATOR Dw. PEDERSEN: I think, yes, very much so.

SENATOR THOMPSON: Thank you. And I think that's what we want to preserve, and I'm going to use the don't throw the baby out with the bathwater analogy again. There are parts of this

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system that work well to bring people to the table, and having this judicial oversight in the initial discussions of placement, even though the department will make the placement, but having some type of oversight is a reasonable compromise I believe to this bill. The department will still make the placement but the discussion and the review of that happens with everybody at the table, and the judges can facilitate that and make that happen. And I also think we need to give, rather than just a totally administrative decision here, we need to give people involved in these decisions the ability when they think something is seriously wrong to bring it to the court. They have that ability on the child welfare side and they don't use it very often. It's rarely used, seven, eight times a year, maybe, for all the kids that we have in out-of-home placements on the child welfare side. There was a fear, when that bill passed, that there would be a lot of use of that but that didn't happen, and what we've heard or...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...what I've heard is that a special effort was made to get the buy-in of everyone and to provide for a system of collaboration and it works well that way. Now we probably have a few judges here and there who do what they want and make a direct placement. Maybe they do. We've asked for that list of those judges that did that that the department didn't agree with and I've heard of a list of out-of-home placements, but I know in my county that in some of the cas...in those cases, they didn't know of any that weren't approved by the department, but that was one conversation I had, and maybe that's not true around the state or maybe they were overrepresenting their view of it to me but I'm taking them at their word. In Douglas County and Lancaster County, because of this lack of faith in the system, which is part of the Karen Chinn report recommendation...

SENATOR CUDABACK: Time. Thank you, Senator Thompson. Senator Suttle, on the Thompson AM1528.

SENATOR SUTTLE: Thank you Mr. President, members of the Legislature. Thank you, Senator Jensen, for the updated numbers

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on out-of-home placement for kids. Right now in the state, of those kids who are out of state are 210. That's, yeah, that is a little bit different number than he initially gave me, but 210 is a significant number of kids who are out of state. And there are 36 kids that are unreported and we don't know where they are or what has happened to them. That seems significant to me. In this report, it breaks it down by gender, and out of state there are 24...or 84 females, 126 males; not reported or unknown, 24 females, 12 males. Twenty-four females, we don't know where they are. That seems...we know where a couple of them are in the last six months. We found two of them dead under a bridge. So when I see 24 females unknown, not reported, that concerns me. Girls have problems that are unique. Girls who are coping with serious issues as sexual abuse, substance abuse, family dysfunction and/or academic failure may experience, surprise, surprise, depression, eating disorders and other mental health concerns. More than half the young women in training schools have reported attempting suicide. Of those, 64 percent have tried more than once to kill themselves. Girls and boys don't get into trouble for the same reasons and in the same way or at the same rate nor are they treated the same by a juvenile justice system designed to deal with boys. Because community-based resources for girls are scarce if not completely nonexistent and the juvenile justice system perceives the need to protect girls, a disproportionate number of girls are committed to state training schools and we, of course, do it more than most states often for status offenses. Ethnic minority female offenders are treated more harshly than white girls. For boys and girls alike, black offenders are more likely than white offenders to receive a more severe disposition at their arrest, intake hearings, and in court. African-American, Asian and Latino girls who are poor and addicted are more likely to be incarcerated than referred to treatment. African-American girls make up about 50 percent of all girls in secure detention. Latinos make up 13 percent. White girls are more likely...

SENATOR CUDABACK: One minute.

SENATOR SUTTLE: ...to be referred to mental health facilities than juvenile justice facilities. In addition to the risk

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factors affecting many young female offenders, some girls have additional special needs including the lack of parenting skills and a member of a gang, which goes towards teen parenting and, stay tuned, I will be talking about that.

SENATOR CUDABACK: Thank you, Senator Suttle. Senator Chambers, on AM1528 to LB 598.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I've listened very carefully to what Senator Thompson and Senator Suttle have been saying. I've been waiting for those hypocrites on this floor who had so much to say on the fetal tissue bill to speak. I've been waiting for those hypocrites on this floor who are against a woman being able to get an abortion because they think the woman needs to be protected. I've been waiting to hear from those hypocrites on this floor who have voted in favor of making a woman who wants to get an abortion wait 24 hours because they say they care about the woman. How can they sit here silent while listening to what Senator Suttle has been presenting? Where are they? They are not here because they are absolute hypocrites. What they need is for that hierarchical Catholic Church to tell them to do is get off their donkeys and come in here and speak out for these women if that is what they are concerned about. I even heard my good friend Senator Hilgert a few days ago ask where is the documentation that minority kids are treated differently and more harshly than some of these others? Are there statistics that bear that out? We know what the situation is. The more I hear about the things related to this bill, the more I dislike this bill. I'd like to ask Senator Dwite Pedersen a question because it's his bill.

SENATOR CUDABACK: Would you respond to a question, Senator Pedersen?

SENATOR DW. PEDERSEN: Yes, Mr. President. Senator.

SENATOR CHAMBERS: Senator Pedersen, did you vote for those bills that have come through here that are supposedly pro-life bills, as they are called, I call them antiwoman bills, which would require a woman to wait 24 hours before she could get an abortion?

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SENATOR Dw. PEDERSEN: Yes, Senator Chambers, I did.

SENATOR CHAMBERS: And you are against abortion, itself, right?

SENATOR Dw. PEDERSEN: Yes, Senator Chambers, I am.

SENATOR CHAMBERS: And you're in favor of these people who call themselves pro-life being able to surround these clinics and hound these, I won't use the term "hound" because I'm asking you questions, do whatever it is they do under the name of counseling to try to stop these women from getting abortions because they're concerned about the woman who is about to get the abortion?

SENATOR Dw. PEDERSEN: I've not gone that far. No, Senator Chambers, I am not.

SENATOR CHAMBERS: So you don't believe in that?

SENATOR Dw. PEDERSEN: I do not.

SENATOR CHAMBERS: You do care about women, though?

SENATOR Dw. PEDERSEN: Yes, I do.

SENATOR CHAMBERS: Have you heard the statistics Senator Suttle has been reading?

SENATOR Dw. PEDERSEN: Yes, Senator, I have.

SENATOR CHAMBERS: Do you think they are false?

SENATOR Dw. PEDERSEN: No, I do not.

SENATOR CHAMBERS: Did you know these things before you heard those statistics?

SENATOR Dw. PEDERSEN: Yes, I work in this field, Senator.

SENATOR CHAMBERS: Thank you, Senator Pedersen. Members of the

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Legislature, you cannot accept it from me. You cannot accept it from Senator Suttle. Accept it from one of your pro-life colleagues. Where are they? Senator Erdman was so concerned about a bill, he talked about ethanol in connection with the fetal tissue bill. I've noticed quite a bit of silence from Senator Foley. Who else around is...Senator Bruning hasn't said anything. Senator Aguilar, Senator Maxwell, Senator Cunningham, I don't really know what his view is on these things. But look how empty the Chamber is. Now when we were talking about fetal tissue and we're talking about fetuses, the room was full. Everybody was eager to get the light on and say something to establish his or her political credentials, and now that we are talking about the welfare of females, who nobody will argue as to whether or not they constitute full-fledged human beings, silent, all is silent on the western front. How about the Governor who is such a pro-life person he says? Where is he when these statistics are available? What are they doing to...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...address these problems? Nothing, because they care about a fetus. They care about a zygote. They care about an embryo. Do they care about real live women? Absolutely not. They get in such a snit when you talk about taking fetal cells from an aborted fetus and using them for research. Oh, their little hearts just break. Tears come out of their eyes. Their voices tremble and quaver because they are so righteously indignant and they talk about bringing to the floor the moral principles that make them what they are, and then they sit silent at a time like this, and yet they want to talk about they believe in Jesus, they believe in religion and how God is going to judge people because of what they agree to allow happen to these fetal tissues. And then when we talk about women who need help, what is that same God going to say when you go...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...trooping up there on that day. If you really believe that stuff you talk, and you've heard me say many times I know you don't believe it because that Bible says in

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words...

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: ...they recognize me but their hearts are far from me.

SENATOR CUDABACK: Thank you, Senator. Senator Thompson, on you amendment.

SENATOR THOMPSON: Thank you, Mr. Speaker, members of the body, Mr. President, members of the body. I haven't chosen to go into the issues of those gender and minority overrepresentation other than to highlight them and I do have a bill that's been passed out of Judiciary Committee that I hope we get to next year on this issue. But it does impact the decision on this bill because the placements that we have need to be, as Senator Suttle said, appropriate, culturally and gender appropriate, both to have effective outcomes and to serve the youth. And we also know we have too many girls in our YRTC's who are there for lesser offenses and are largely put in or a percentage of them for violating probation orders, so they aren't there because of any crime they committed. They are there because we just don't have any other place to serve them. And one of the things that needs to be in place, that we need to have the confidence of the system before we say to the department you have the sole responsibility is oversight and all the people at the table to make those decisions, and the department needs to be working to develop those. This is from the National Council of Juvenile and Family Court Judges, dealing with the issues, their recommendations on the issues of placements for minority offenders and gender specific services. They said services should address adequately the unmet needs of children of color. Minority offenders and nonoffenders are overrepresented and underserved in most juvenile justice systems. In general, overrepresentation increases in each sequential stage of juvenile justice system processing. Therefore, all jurisdictions should assess whether or not this situation exists when using an established methodology. Where children of color are overrepresented, jurisdictions should, number one, and that's what the bill I've introduced will deal with, implement

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training workshops focusing on race and juvenile processing; two, establish a system to monitor juvenile processing decisions; three, develop guidelines to aid in reaching outcomes. Use of risk assessments as part of the guidelines will also help greatly reduce disproportionate minority representation in the juvenile justice system. And I again take you back to the one-pager, which you have a copy of, of the recommendation for the gatekeeper and what it says. In order to build confidence in utilizing a single point of entry, assessment process and continuous service, there would have to be confidence among judges that the objective and accurate assessment would be conducted. Now I think this recommendation from the National Council of Juvenile Court and Family Judges, which was sent to me by a Nebraska judge a few months ago, gets exactly to that. Secondly, services should address adequately the unmet needs of females in the juvenile justice system, and I'm just going to skip to part of what needs to be in place; treatment for sexual victimization, mental health services, treatment for abuse and neglect, teen pregnancy, programs for unwed teenage mothers, programs for sexually active females, gang prevention programs, juvenile court alternatives for specific behaviors, crisis intervention home-based services. It says juveniles...gender, excuse me, specific services are needed for female status offenders, minor offenders, and nonoffenders. Effective intervention requires the availability of juvenile and family court resources to deal with female runaways and other chronic female status offenders. Juvenile court intervention and use of more severe sanctions will be needed less often. Let me repeat that: Juvenile court intervention and use of more severe sanctions will be needed less often. We're putting kids in our state into...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...a facility that is expensive. It's overcrowded and it's expensive to keep people, children, girls 24 hours a day, seven days a week, 85 percent of whom have some sort of sexual abuse in their background, and the same percentage when the point in time diagram that was given out by the department in their briefings this year have diagnosed mental illness disorders. Is this our best way of serving these

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kids? And that's why we have overrepresentation. We need the second part which is levels of programs, both residential and nonresidential, available to match youth with the appropriate placement need. We don't have that in place. We should not be putting this gatekeeper piece in until we have this done.

SENATOR CUDABACK: Time, Senator Thompson.

SENATOR THOMPSON: This is recommendation number one, develop a single point of entry (inaudible).

SENATOR CUDABACK: Thank you, Senator Thompson. Senator Suttle on AM1528.

SENATOR SUTTLE: I'd yield my time to Senator Chambers.

SENATOR CUDABACK: Senator Chambers, you have almost five minutes.

SENATOR CHAMBERS: Thank you, Senator Suttle. Thank you, Mr. President. I'm not joining in the discussion because I think Pandora and Circe are not doing their job very well. It is just that the issue is such that another point of view has to be offered, and I say, again, I'm wondering where those morally indignant people are who talked about the end not justifying the means. I said on the floor they were a bunch of hypocrites and their silence now proves it. How many times have I said they're concerned only about whatever it is that exists prior to birth, and after birth, they don't care one whit? This demonstrates it, this is why I can mock the Legislature, this is why I, in all my absence of religion, am morally superior because my conduct comports with my articulated principles. I hear these people time after time coming in here trying to force the Catholic faith and dogma into the statutes, and I stand against it and I always will. And I will continue to say these Catholics are the worse hypocrites of all because they are the ones who bring their religion into the Chamber and I want to see their religion in action now. They don't have to account to me. They are the ones who say they believe in God. They are the ones who talk about their dogma. They are the ones who want to say that they are a collection of all those moral principles

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they have, and I think they have no principles. To them the word morality is nothing more than a word. They bring these hair-brained, simpleminded bills to show that so-called pro-life group of extremists that they are marching in lockstep and doing what they've been ordered to do. That's what those bills are for. They serve no earthly purpose. They do not advance a single legitimate cause of society. Then they sit here when I talk and play like they're reading bills, play like something else is occupying their minds. They know that they are hypocrites and they know that they are cowards, moral cowards, and I will call a coward what a coward is. They don't want these clinics in the schools that will teach these children something about sexuality. Why? Because they don't want these girls to become promiscuous. And they are listening to how these girls are being mistreated by the system that they created and it does not bother them. Their Jesus is the one who said, where were you when I was in prison? And the hypocrites said, Lord, when did we see you in prison and didn't come to your aid? And you hypocrites know what is next because you go to church. He said, when you did not visit the least of these my brethren and sisters who were in prison, you visited not me. So the next time you all get on one of those religious kicks and talk to me about your Catholic dogma, I'm going to say it is so much nonsense and you know it. You cannot even support something like this which is designed to help our children, a system...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...which is careening out of control in terms of showing genuine concern about these children. If we had a bill talking about the death penalty, some of these hypocrites would be jumping up here saying the murder of those two girls is why we need a death penalty, and you are being given the opportunity now to address a situation so girls will not be put in the extreme circumstances where they are subjected to that kind of set of circumstances. They are vulnerable. They need our help, and we will not extend that helping hand. I bet there will be more people up here when we are trying to hustle some money for those investors in ethanol plants. You'll all be up here for that. I'm not surprised at all because I've been in this Legislature and I know the kind of people who are on this

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floor. I love to quote Jesus, if there really was a Jesus.

SENATOR CUDABACK: Time. Thank you, Senator Chambers. Senator Thompson, and this will be your third time.

SENATOR CHAMBERS: Mr. President,...was on.

SENATOR CUDABACK: That's because you were speaking, Senator Chambers.

SENATOR CHAMBERS: But...but I was speaking on her time.

SENATOR CUDABACK: I will take your word, Senator Chambers. You may use...you're recognized to speak for five minutes.

SENATOR CHAMBERS: Thank you, and, Mr. President, you don't just have to take my word for it. Senator Suttle gave me her time, and people need to pay attention around here, pay attention, use your brains. I was elected to come to this Legislature. I took an oath, as you all did, and I am delivering on mine in the way that I think is necessary, and mine will not let me sit silent when I know that the system created by the state is abusing children and not taking care of them in the way that they ought to be looked after. And when I see young girls set aside and treated differently, my male colleagues would probably act like they are shocked that sometimes even these young Pages are dealt with in a way that's not appropriate. Things are said that should not be said. And then there is a cover-up attempted and who will speak and say let the corruption stop, let the cover-up end, and when these grown people do wrong call them to account? Oh, we are bold and brave when we're threatening an employee and saying if you speak you will lose your job, but they will not deal with the adult who committed the infraction, and if something is not done, I am going to make everyone of those cowardly cuckoos fly from the limb. That's my job because nobody else will assume it. People shouldn't come here and be exposed to things that they don't have to face on the street, and I'm not going to tolerate it. You all sit around here as though you want to pretend everything is as it should be, and you know it's not, and you lack the courage or the moral rectitude to protect people who cannot protect themselves. But

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I will do it because I don't fear any of you individually and I don't fear you collectively, and you ought to fear your God, the one you're always up here "yippity-yapping" about. You come here for these prayers every morning. For what? You don't act on them, and you don't like what I say. Well, if you believe in a God, there is a God who is going to be far more harsh towards you than my mere words, but I know that people don't want to be embarrassed, they don't want to be exposed. They don't want their wickedness brought to the light, and they hide from the light, as Jesus said, because their works are wicked. And I don't even believe in that stuff, and yet here I am who can be affected to such an extent when I see helpless, vulnerable people mistreated that I feel a personal obligation to do something about it. I have a sense of honor which impels me more than all of you all's morality so-called and religion that is pretended. I am not being educated because I know what is in the people here. That brings me back to the comment I was going to quote that was made about Jesus. Do you know what the writer of the...one of the Gospels said: He had no need that anybody testified to him of man because he knew what was in man. So not only do I look more like Jesus than you all do, I know more about Jesus than you all do. And I practice more of what Jesus talked about than you all do. Jesus said, suffer the little children to come unto me and forbid them not...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...for such is the kingdom of heaven. You all say bring the little children to me and I'll make them suffer. Yeah, you're concerned about fetuses. What about the children? You can turn a deaf ear to them. Your heart is hardened. Your conscience is seared and you sit like knots on a log. You set the standard by which you're to be judged. I didn't say you're religious. You say you're religious. I didn't say this is the level of morality you need to reach. You said this is your level. So when you set the standard, I judge you according to the standard you set for yourself. Come on down here with me and admit you don't believe any of this religious mumble-jumble and you will be a better person. You will be able to feel other people's pain. You'll feel an obligation to do something about it and not say, well, God

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created them, let God take care of them.

SENATOR CUDABACK: Thank you, Senator Chambers, and I apologize for my earlier error. Mr. Clerk.

CLERK: Mr. President, I have some items and then a priority motion.

SENATOR CUDABACK: Items for the record.

CLERK: Thank you. There will be a meeting of the Redistricting Committee, Mr. President, today at noon in Room 1507. Senator Maxwell has an amendment to LB 305 to be printed. I have a reference report, Mr. President, referring certain gubernatorial appointees to the appropriate Standing Committee for confirmation hearings.

Mr. President, Senator Preister would move to recess until 1:30 p.m.

SENATOR CUDABACK: (Visitors introduced.) Mr. Clerk, the motion.

CLERK: Senator Preister would move to recess.

SENATOR CUDABACK: Motion to recess until one-thirty. All in favor of that motion say aye. Opposed nay. We are recessed.

RECESS

PRESIDENT MAURSTAD PRESIDING

PRESIDENT MAURSTAD: Good afternoon. Welcome to the George W. Norris Legislative Chamber. We've called the Legislature to order. Members, would you please record your presence. Mr. Clerk, please record.

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CLERK: I have a quorum present, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Mr. Clerk, the afternoon's business.

CLERK: Mr. President, when the Legislature recessed, pending was LB 598, and pending to that was AM1528, as offered by Senator Thompson. (Legislative Journal page 1542.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Further debate on AM1528. Senator Suttle.

SENATOR SUTTLE: Thank you, Mr. Lieutenant Governor, members of the Legislature. I've been talking all morning about mostly the problem with girls and the lack of services for girls and their unique problems because I'm worried about where they're going to go and where the department is going to place them, if this bill passes, when there are...there's very few, if any, services for girls out there. I also hear through the grapevine that just girls are against this so it's...it's...it's silly of us to continue this, because we're just women and what do we know? That's my point. Whenever we have concerns or whenever we show any kind of opinion on anything it's usually dismissed out of hand because of our gender; seems somewhat unfair. Societal factors for girls and boys are different. And one of the things that we have to worry about are teen pregnancies, and mostly we have to worry about woman who have...who are pregnant, because they're the only ones that can be. Often the outcome of early sexual experimentation creates special needs for both the adolescent mother and her child. For the young mother, parenthood at an age may interfere with the normal challenges of adolescence, such as identity development; she doesn't even know who she is, let alone be able to teach her child who she or he is. Teen mothers are more likely to drop out of high school, limiting their future chances for employment and increasing the likelihood that they'll live in poverty and become pregnant again within a year of their first birth. The child of a teen parent is vulnerable to abuse and neglect. Children of teen mothers are twice as likely to become victims of child abuse and neglect as children of adult mothers. Because at least 70 percent of the girls in the justice system have a history of

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abuse themselves, this becomes an issue that spans generations. Finally, the sons of teen mothers are 2.7 times more likely to be incarcerated than the sons of adult mothers. Girls belong to gangs. Because boys and young men have long dominated the gang culture, researchers have been slow to consider why girls become involved in gangs and what risks they face because of gang membership. Researchers have seen females as playing a primarily sexual role or one of only peripheral importance in relation to male gang members. Although the number of girls involved in gangs remains relatively small, 3.6 percent of the youth identified by law enforcement agencies as gang members are female, gangs do pose specific risks for young females. Girls seem to be attracted to gangs out of a desire for safety or power and a sense of belonging. Studies of female gang members show that many have come from homes and with high incidences of sexual abuse, domestic violence and family dysfunction. Growing up in poverty, isolated from economic mainstreams, marginalized because of race, class and academic failure, girls most likely to affiliate with gangs tend to feel hopeless about their future. Far from offering girls a safe haven, however, gang membership puts adolescent girls at an increased risk of victimization and violence.

PRESIDENT MAURSTAD: One minute.

SENATOR SUTTLE: Girls are often treated as the sexual property of a male gang member. During initiations girls may be beaten, sexually assaulted and gang raped. As gang members, girls face increased risk of unsafe sex, sexual abuse, teen pregnancy, substance abuse and suicide. In addition, gang involvement complicates or interferes with the girl's ability to complete the developmental tasks of adolescence. Staying in the gang may require that a girl tolerate ongoing physical and sexual abuse, suppressing her anger, resentment, humiliation and shame. Some girls eventually become perpetrators of violence themselves. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Suttle. (Visitors introduced.) Further debate on AM1528. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, to

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resume where I left off this morning, I want to start by saying I really appreciate the information that Senator Suttle is bringing to us relative to the conditions of and mistreatment of females in the system. What I wish I could see happen in this Legislature is the female senators recognize that they have more in common with each other as women than they do as politicians, members of a political party, members of a religion or any other consideration. Women are mistreated and abused and taken advantage of in this society because they are women, not because they are Catholic, not because they belong to the Rotary, not because they have a degree or are illiterate, because women, regardless of their status or their achievements, are treated basically the same way. There is not now and never has been in the history of this country any woman who held a position of what could be called finality where, when she speaks, her word stands and cannot be erased. Somebody might mention the two women who are on the U.S. Supreme Court, but there are nine people on the Supreme Court, seven of them men, six white men, one Uncle Tom, and the women can be overridden, if the men choose to do that. If one becomes a CEO in a company, CEOs answer to boards, boards are dominated by men. Well, suppose you have a company run by women and the majority of the board members are women. They are operated...they are operating in a male dominated context and they can literally be erased. Strings can be pulled, phone calls can be made, and if there is a product they are trying to sell, suddenly there is no market for it. If they are brokers, suddenly nobody wants to deal with them, and they can be squelched, and women always have been and always will be. And how do men continue to dominate? In the same way that we see women's interests not being considered on the floor of this Legislature today, women's interests are not considered. And the ones who abuse them will tell them, you're not going to let her tell you what to do and get in trouble, are you? And men know how to divide and conquer women, because women are conditioned to think a certain way, to believe a certain way, to behave a certain way, and the ultimate goal of all of it is to cause her to feel subservient and beholdng to a man, never trusting her own judgment, she always has to get some man's opinion. It's only been very recently that women in this country don't have to get a man's permission to sign a contract, to own property in her own name. But things that take

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generations in the building are not going to be undone overnight, even if the technical barriers are taken away. If you take a person and burden him or her with a load of rocks so heavy that he or she walks in a bent over position every hour of every day that she is awake, you can remove the basket and she continues to hold that bent over position. When you dominate people and you destroy their spirit,...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...that person could be told that the oppressor no longer exists, but that individual has been so spirit broken that he or she still is unable to look people in the eye, unable to believe that he or she is worth anything, and that is the status of most women in this society. And you can hear statistics of the kind Senator Suttle has read to us where our young women are abused in the system, and two of them very recently were murdered, and there's a ho-hum on the floor of the Legislature.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Thompson, on AM1528.

SENATOR THOMPSON: Thank you, Mr. Lieutenant Governor. I would like to ask some questions of Senator Jensen, please.

PRESIDENT MAURSTAD: Senator Jensen, Senator Thompson would like you to yield to a question.

SENATOR JENSEN: Yes, I'm sorry.

SENATOR THOMPSON: Senator Jensen, I'm asking you this in your role as Chair of the Health and Human Services Committee, because if this bill goes forward there are some things, I think, that the committee will be hearing about in subsequent years and I want to make sure that those have been discussed. First of all, do you believe there's a case plan...first of all, are you familiar with the structure of Health and Human Services as it relates to the development of plans for juveniles in out-of-home placement?

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SENATOR JENSEN: Yes.

SENATOR THOMPSON: And you're aware that the OJS staff does not have direct authority over the people who develop case plans?

SENATOR JENSEN: Yes.

SENATOR THOMPSON: Do you believe currently that case plans are developed in a prompt fashion?

SENATOR JENSEN: I can't...I...can they have improvement? Yes.

SENATOR THOMPSON: Can we...pardon me, what was your answer?

SENATOR JENSEN: Can it be improved? Yes.

SENATOR THOMPSON: Yes, because the fact is that lots of times there is a lag there and it's important for every child in the system, I think you'd agree, to have a plan, to know where we're going and have documentation. Would that be your view?

SENATOR JENSEN: Exactly; that's correct.

SENATOR THOMPSON: So, if we adopt this, we need to make some improvements in that regard?

SENATOR JENSEN: I...we're all...there's always room for improvements.

SENATOR THOMPSON: Nice try, I tried. (Laugh)

SENATOR JENSEN: Gee, I kind of like that.

SENATOR THOMPSON: Somebody stepped on the chord.

SENATOR JENSEN: That's an improvement there.

SENATOR THOMPSON: The lights are out. (Laugh)

SENATOR JENSEN: Where were we? I'm sorry.

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SENATOR THOMPSON: I guess, my point being I'm going to go back to the Chinn recommendation. And I'll just ask you, because the recommendation says in order to do this and utilize it there would have to be confidence among judges, and the first part I'll get back to that...well, let's go with both of them. There would have to be confidence among judges that an objective and accurate assessment would be conducted. Do you...and that levels of programs, both residential and nonresidential, are available to match use with appropriate placement needs. Do you believe that exists now?

SENATOR JENSEN: That would...that came from the Chinn report?

SENATOR THOMPSON: Yes, that's what...that's what the report says in the section that says develop single point of entry into state custody. Her recommendation is to do what we're talking about, but her recommendation also contains specific language saying in order to get there, you need to have this in place. Do you believe there is confidence among judges that an objective and accurate assessment would be conducted, and that levels of program, both residential and nonresidential are available to match youth with appropriate placement needs?

SENATOR JENSEN: I can't speak for the judges. I would...some would say definitely not, some may say yes.

SENATOR THOMPSON: What do you think?

SENATOR JENSEN: I guess it depends on...on perhaps what...where in the state that they are. I think some are very satisfied and feel that there is adequate information and that they feel that the system is working good or acceptable. There are others that I...that, no question, think there should be improvement. I think there should be improvement, too.

SENATOR THOMPSON: Okay, good.

SENATOR JENSEN: Okay. And...and...

SENATOR THOMPSON: I know I'm putting you in a spot, but I do...

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SENATOR JENSEN: ...well, and I can say this on my light, too, but...

SENATOR THOMPSON: ...think it's important to know that we're making a rather significant step. And my point throughout this whole debate is if we make that step, there should be safeguards.

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: And what we're doing is making that step without...we're sending it to an agency, and it's an agency that the Health and Human Services Committee oversees to some extent with legislation that comes through it. Appropriations also oversees it from a budgetary perspective. But I'm talking about processes within the agency that people have expressed concerns to me about. And I'm just, for the record, saying that I would hope that you, as Chair of the Health and Human Services Committee, because this won't just happen and not have some repercussions, would be...are aware of the recommendation...that the recommendation, first of all, contained some other things that do impact your committee and will impact judges. And I guess what you said is yes. So let's talk about assessments.

PRESIDENT MAURSTAD: Time. Thank you, Senator Thompson. Senator Aguilar. (Visitors introduced.) Senator Aguilar, on the Thompson amendment.

SENATOR AGUILAR: Thank you, Mr. President and members of the body. LB 598 is not to blame for the inconsistencies and problems of our system. Senators Suttle and Thompson have done a great job of pointing out problems that are yet to be addressed. But LB 598 isn't going to affect that directly. It does allow the Office of Juvenile Services to hopefully redirect money into broadening this array of services. Senator Thompson also said...recommended that people go home and call their people in their districts and get their opinions. Well, I talked to Judge Bush, in Grand Island, he is one of the county judges that is now a Juvenile Court judge in our area, and he loves this bill. And I think it's important to point out he actually...his comments was he thought that the responsibility

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belonged with OJS to make the placement simply because in outstate Nebraska judges don't...aren't full-time juvenile judges, like they are in Omaha. So they're not up to speed on where the best placement would be for the individual juveniles. I think that's a really strong point that needs to be considered here. It's not the same out there as it is in Omaha. And I'd like to ask Senator Pedersen a few questions, if I could.

PRESIDENT MAURSTAD: Senator Pedersen, would you respond?

SENATOR Dw. PEDERSEN: Yes, Mr. Lieutenant Governor and Senator.

SENATOR AGUILAR: One of the points that Senator Thompson has repeatedly made and made a very good, strong case was that a judge has the ability to bring people to the table. Does LB 598 take away that ability?

SENATOR Dw. PEDERSEN: No, it does not.

SENATOR AGUILAR: Does LB 598 take away any of the judge's jurisdiction over a case?

SENATOR Dw. PEDERSEN: Only on specific placements.

SENATOR AGUILAR: Does LB 598 in any way preclude or prevent a judge from holding a hearing on a case?

SENATOR Dw. PEDERSEN: No, in fact it's in the bill that it says they will have one every...a review every six months; I think it was every six months.

SENATOR AGUILAR: Thank you very much, Mr. Pedersen...Senator Pedersen.

SENATOR Dw. PEDERSEN: You're welcome.

PRESIDENT MAURSTAD: Thank you, Senator Aguilar. Further debate? Senator Dwite Pedersen, followed by Senator Jensen.

SENATOR Dw. PEDERSEN: Thank you, Mr. Lieutenant Governor and colleagues. What I have to say does pertain to this bill, but

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basically I want the colleagues to know is what Senator Suttle has been talking about is true. There is nothing she said about how women are being treated and the young ladies in the system, how they've been treated, is not true. I have spent most of my life working with youth offenders, males and females. And what she says is true. I could tell you stories that would make the hair stand up on the back of your neck of what has happened to these people and where they've come from, and the way we treat women in the correctional system in itself. For the first time in the nine years that I've been in the Legislature, we've got some money in the budget to take care of the facility in York, to fix it up for women. We've had them sleeping four and five to a room while we had men sleeping two to a room and building a new prison for them. We've got 11 systems or 11 different institutions in the Department of Corrections and only one female warden. How we treat women. But back to LB 598. The reason I carried it is because this is a step towards making that better for these young people. It is a gatekeeper that watches the money that is going to be put into this program. It's the first time we've had this kind of money. I would hate like the dickens to see it put aside for this amendment. And again, the amendment, there's been some agreement on the Governor's...the administrative side, the Governor's staff, and the Governor and the Supreme Court to work on this very issue and come back next year, hopefully with something that would take care of it. But not now. And I sure don't want to see the money put off another year either. This is a step to do something and LB 598 needs to move on. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Pedersen. Senator Jensen, on the Thompson amendment.

SENATOR JENSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. First of all, here in Nebraska, as any other state, we do not have nor will we ever have a perfect system. We experienced for some time, of course, OJS under Corrections. It was thought that the kids had a better chance and would receive better service if they were under Health and Human Services. And so that happened, that was before I came to the Legislature. I, personally, think that that is...is still a better system. Is it without flaws? No, it is not, but I think

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that...that the Governor's package, leading off with the gatekeeper bill, LB 598, which really just changes where the actual placement will be, it doesn't...the judge still has jurisdiction; the judge...these kids never leave the authority of the judge, it's just that...that the Health and Human Services will describe or actually place the children, the young people in a...in a treatment center or facility, whatever the judges prescribe, whatever the treatment has been prescribed will continue on. There will be a six month review at the end of that. This bill, there is no place in it that it mentions gender, either young men or women, boys or girls, either one. We are in the process of developing better treatment, I really do believe that. What is going on at the YRTCs presently is an improvement over what we had a few years ago. Is there room for improvement? Yes. We are doing a much better job, I think, of treating those with substance abuse and those that have a problem with...with alcohol and drugs, both girls and boys. Sexual abuse and sexual deviance, we had no place for those to go and so consequently many of those were placed in out-of-state placements because there just wasn't anywhere else where...where treatment was provided. We are in the process of developing some of those through private providers. And I hope that that treatment can continue. We...we live in a very, very troubled society. And we in the state, with the dollars that we have, I think are doing a reasonable good job, not that it can't be improved, and I hope that it can, and I hope that I can be part of that. And I really hope that Senator Thompson will be part of that, too. She brings to the table a lot of experience. And I don't know whether this bill will advance, or if it doesn't...if it does advance I would certainly welcome her...her thoughts as we go on. If we were to wait and not do this for a year, I think we'd push everything back. I would rather that we advance the bill, that we work with Senator Thompson and the rest on the detention committee, and then start fine tuning it, and I think that we can do that. I think there is room for improvement. And if everyone will get together and work together I think it only advances that even more. I...I appreciate the time that we've had discussing this issue. But I'd look at this as just the first step. I hope that we can...

PRESIDENT MAURSTAD: One minute.

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SENATOR JENSEN: ...go on from here and...and develop better programs. But for this particular gatekeeper issue, all we're talking about is allowing HHS to place those kids after the judge has described the treatment and the array of services that need to be provided for this young individual. It's really not all that sign...it is significant to the state in dollars. And if the amendment that was proposed earlier had passed, it would have been a significant increase in our budget. I think that this makes sense to me and then we just go on from here and continue to work and improve the system so that we have better treatment for our young people, and we can get them as good citizens back in our society. Thank you, Mr. Lieutenant Governor.

PRESIDENT MAURSTAD: Thank you, Senator Jensen. Senator Thompson, you're recognized to close on AM1528 to LB 598.

SENATOR THOMPSON: Thank you, Mr. Lieutenant Governor. Members of the body, again I rise in support of the amendment. Unlike Senator Jensen, I think we need things in place before we do this. I think this is something that has to come after we've assured ourselves that we have a process in place for evaluation and a process in addition to the process a staffing mechanism that's in place that will work, that we have staffing that can manage it, that has the training to do it, and also that we have an array of services at every level of treatment. We've talked a lot about level of treatment and how the judges still have the authority to point to level of treatment. Well, there are three levels of treatment. And the out-of-home placement one, which we're talking about here, is everything from child may be placed by the department with a relative, or inpatient treatment setting. It could be a few days, it could be months and a year. That process needs to be done more by a team of people than by just a departmental decision with an overworked staff. So I'm not comfortable saying let's cut to the end of the process and put that in place and let the department totally make administrative decisions and not start with getting those things in place that can make that work. And I also think there is room to compromise to provide some oversight for these kids. My worry is and continues to be, and I just got passed a copy, a

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draft copy of this (inaudible) and study thing, and if I remember correctly, is that it then, according to this draft, in the category of not reported, unknown, we have 36 kids. Well, if you take this room and you go three-fourths of the way back, that's how many kids, we don't even know where they are. We need to keep this oversight until we are in a system not reported unknown. Gosh, that kind of worries me a little bit, if it were my kid it would worry me a lot. I think we need to get those pieces in place first, that's where we should start before we go to this piece. Senator Jensen, I'd like...I thank you for your comments, and I'd just like to ask another couple of questions for the record.

PRESIDENT MAURSTAD: Senator Jensen, if you would yield?

SENATOR JENSEN: Yes.

SENATOR THOMPSON: Are you familiar with the current evaluation process?

SENATOR JENSEN: Somewhat.

SENATOR THOMPSON: Okay. I've been hearing a lot about that. I even got a few phone calls...I got a phone call and an e-mail on it over the lunch hour. And I think that's one area that's going to need some review and some study. And this isn't to pick on anyone or not say there's some great things going on with evaluations. But there are problems with evaluations. And let me ask you this, one of the issues 14 years ago was that a lot of these decisions may or may not have to be made with professional review, in other words, considering the recommendations of psychiatrists and psychologists. And we know we have a lot of kids of with mental illness who may have already been working with someone on those issues. Do you think, when that decision is made, that those recommendations and those people should be consulted?

SENATOR JENSEN: I think we should consult as often as we can...

PRESIDENT MAURSTAD: One minute.

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SENATOR JENSEN: ...with the highest professional that we can, whether they be a psychologist or a psychiatrist or a trained person and somebody who has had several years of training and working with these individuals, absolutely.

SENATOR THOMPSON: Now, when an evaluation is made it's more of a...and I don't mean this in a negative way, but it's more of a bureaucratic system; it isn't necessarily made...it's made by someone in...in the field or someone at the state office. But should they be taking into consideration the concerns and the...already on provided evaluations and work with the people who are working with the child?

SENATOR JENSEN: I would hope that these are not numbers, that they have some experience with the individual, that the individual is regarded as a...

PRESIDENT MAURSTAD: Time. Thank you, Senator Jensen and Senator Thompson. The question is the adoption of AM1528 to LB 598. Those in favor vote aye; those opposed vote nay. Record vote has been requested. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal pages 1565-1566.) 8 ayes, 11 nays, Mr. President, on the amendment.

PRESIDENT MAURSTAD: The amendment is not adopted. Mr. Clerk.

CLERK: Mr. President, the next amendment I have Senator Thompson would offer AM1529. (Legislative Journal page 1543.)

PRESIDENT MAURSTAD: Senator Thompson, you're recognized to open.

SENATOR THOMPSON: Thank you, Mr. Lieutenant Governor, members of the body. Again this amendment slows down this process by asking the juvenile team that we created last year to study the issue and make recommendations, both on evaluations as well as the recommendation for the gatekeeper piece that's listed in this...that is contained in the current bill. Well, you may have figured by now that...that history is one of my loves. I have a bachelor's and master's degree in history, so I find how

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we got here and looking at the old records pretty interesting. I'm going to quote Senator Coordsen again, from 1989. (Laugh) And this one isn't about the bee hive, so this is on a little more serious note. And in the...at this point he's summing up before the Judiciary Committee. And I think it's a theme that maybe speaks better than I, who don't use colorful analogies, but I think it's important. The common reference by people, and I quote, was a "circle the wagons mentality" of DSS officials. So they have elected, in spite of a really superb record of success in nearly all the cases they handled, to circle the wagons in cases where there were errors made. And face it, that's what we're looking at with this bill here today, a way of redress for the problems that exist when mistakes are made. The judges, I think, are not asking any more than that and the county attorneys. The childcare agencies aren't asking anymore than that. So perhaps it's our responsibility, as members of the Legislature, to circle the wagons, to protect the interest of those young people who are caught in the cracks of the system, albeit few they may be. And that's my concern and that's why I bring this amendment. And I think Senator Coordsen says it better than I do. Our responsibility is to look out for people who aren't here to speak for themselves. We have plenty of people behind the glass; they've been there all morning; they were there all yesterday, and they are speaking for their agencies and they should. And we have people who are child advocates and they are speaking from their point of view, and they should. We have...but that's their job; that's what...that's what they get hired to do, and that's good. We have the Governor weighing in on this. We have people in the system weighing in on this. But essentially it comes down to us. And our decision is, do we hand off where kids are placed for months and possibly a year to an agency without judicial oversight? That's the question. Without a way, as it's currently written, that other than to come back and review it, the court would have no authority to act. And we'd take away the process by which everybody comes to the table to look at the issue. The parents, where are they in this process? This is protection for these children, no matter what they've done, and they've done some things that are inappropriate; they may have caused harm to the community, or harm to someone else, or harm to themselves. But regardless, they are Nebraska's children,

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and we want to do the best for them, to help them rehabilitate themselves, to help their families collectively rehabilitate. But we want to take away any oversight from that and leave it to essentially the bureaucracy. And I've worked in the bureaucracy, and they are great people and they care and they care about the kids, but it's an overwhelmed system. It's a system that has an organizational chart that is pretty weird. The Office of Juvenile Services, which will be assigned with placement, doesn't even have the workers in its own division reporting directly to them that have to carry it out. I asked Senator Jensen some questions on the mike, because I think it's an important thing that we continue to study as a Legislature where are these kids, what kind of services are they getting, and do we have the capacity to evaluate that, to know that? I think there are things we should be doing first before making an administrative agency in charge of, with no oversight by the court, for this. Have there been mistakes made on both sides? Probably. But at least on the child welfare side there is a way to hear the issues and have them come back to the court and bring the parties back on it. If you pass this bill, we take that away on the juvenile side. We say to the juvenile court judges, you may place in a level, which is already the law, the department may place, but there is no...and now the law will say specifically to clarify anything...misunderstandings about that, that the department shall have the placement. But, because of the way the bill is written, the judiciary then can have them come back, have them review, but has no authority over that placement. I think it's too soon to do this. I think there are many other aspects of the system that need to be in place before we do this. Why is this so important to some people? Well, I think we've heard it on the floor, there are financial issues here, there are placements that the department feels are costly and they should have some authority over that. And I don't disagree necessarily with all of that. All I am saying is don't take away the judicial oversight, that's what shouldn't go away. Let the department make the placement. But just like back in 1989, when Senator Coordsen carried the same issue on dealing in the child welfare side, let there at least be a way the court can hold an...have an...that the parties can have an appeal and let there be court oversight. And that's what needs to be in place. Let the department make the placements, but let them

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have accountability beyond their own department. And that's what I hear over and over, we have not...we don't have the staff to be able to handle the things that are out there now. I'm not confident it can be done unless we slow this down, figure out a way to keep some level of oversight so that there is recourse for families, for the parties to the cases. And we're going to be running up against the clock here, but I'm going to, when I close on this bill, read you again, for those of you who might have missed it, some of the things that were happening back in the eighties, when it was a total function in an administrative agency. Did you say time, sir? Oh, I'm just getting it from somewhere else. So what I would hope is that we would pass this amendment, let this group of experts in juvenile justice from around the state look to ways that we could accomplish what the administration wants in terms of its authority, but keep some oversight so that there are ways for recourse for these placements. Remember, placements can be for a long period of time, a long period of time. I'm not sure we're ready to go there without having a way for, other than through an administrative review. And I'd mentioned too that 14 years ago, or 12 years ago, or whatever it was, one of the problems at that time where the administrative reviews were held in Lincoln. People from the western part of the state couldn't make it. Sometimes they had such short notice they couldn't make it. There are some assurances and...and I'll be looking for those assurances and probably asking Senator Jensen some more questions as time rolls on this bill, when it gets to Select File. But we need to make sure that we're not leaving kids in placements with problems, in appropriate placements. And all we're asking is that not just the department has the ability to change it and look at it. A department that's overburdened, the field staff if overburdened. This needs to be...have some oversight from the court, particularly at this point in the history of the state. This is too far to go beyond the recommendation of the...

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: ...Chinn report. And I'm going to read it again, because I know some of you have been off the floor and other people are concentrating on other things. This

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recommendation is difficult to operationalize because it requires policy and decision-making that is external to OJS. Judges would have to agree to the policy of committing youth to state custody with OJS making placement decisions and statutes need to be revised. Which we're getting into here. And I'm going to underline this, if I can, when I speak--a long process of education and training would also be needed to realize this change in current practice, a long process of education and training. In order to build confidence in utilizing a single point of entry assessment process and continuing with services there would have to be confidence among judges that an objective and accurate assessment would be conducted, and that levels of programs, both residential and nonresidential, are available to match youth with the appropriate placement need.

PRESIDENT MAURSTAD: Time.

SENATOR THOMPSON: We're not there yet.

PRESIDENT MAURSTAD: Thank you, Senator Thompson. Senator Suttle, on the Thompson amendment.

SENATOR SUTTLE: Thank you, Mr. Lieutenant Governor and members of the Legislature. I looked at the fiscal note on this bill, and Senator Aguilar and Senator Pedersen both said that \$10 million are riding on this bill. I must be missing something. Senator Aguilar says I'm misquoting him, and I apologize. I don't know where the \$10 million is. If we are being threatened that money will not be spent if OJS can't spend it or the Health and Human Services Department can't spend it this way, then no money will be spent. Who's that going to hurt? It's not going to hurt me. It's going to hurt our kids, it's going to hurt the very kids who need the most help. I don't understand that logic. Yes, we do care about our kids. For the first time in a long time we have a Governor who has said we're going to...to give some money to this. But now he's saying, if we don't do it the way he wants to do it, he's not going to give them any money. I don't understand that logic; it's not hurting anybody in here. The Chinn report has certainly been referred to often during our discussions. And one of the things that she included was Section 7, the needs

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assessment. And from that needs assessment she writes: Due to the increasing number of juveniles committed to Kearney and Geneva, the length of stay has been reduced in an effort to minimize the overcrowding at the campuses. Well, if we...if we pass LB 640, maybe that overcrowding would be addressed. But from this overcrowding it has resulted in 28 percent of the youths returning to the YRTC's. An increasing number of youth committed to state custody has specialized treatment needs that are not currently being met, this includes youth with mental health, substance abuse and sex offender treatment needs. Programs that are specific to the needs of girls in custody also need to be expanded. I think they need to be initiated. These treatment services are also lacking in the number of community-based programs, both residential and nonresidential, available to youth on parole as they transition back into the community. Nebraska's rate of juvenile incarceration is substantially higher than comparison states, and this is especially true for girls due to the fact that community-based services are limited. Nebraska's average length of stay in state custody, which averages between four and five months, is also substantially lower by 50 percent than comparison states. Tracking and monitoring of juvenile offender services is difficult. Although the merging of juvenile offenders and child welfare services had many identified advantages, information on the juvenile offender population is not...

PRESIDENT MAURSTAD: One minute.

SENATOR SUTTLE: ...is not maintained on a separate data base. Gee, the computer is not doing something? Can't believe that. This makes tracking and monitoring as well as financial oversight difficult. Let me reread this: This makes tracking and monitoring, as well as financial oversight difficult. In addition, the current practice of judges directly committing youth to OJ programs makes management of continuum of services ineffective. Why is that? What's happening? Who's not talking? Many of the stated goals and objectives of the merger between child welfare and juvenile offender services have not been realized. I certainly hope that we can have...

PRESIDENT MAURSTAD: Time. Thank you, Senator Suttle. Senator

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Thompson.

SENATOR THOMPSON: Thank you very much. I'd like to share with you an e-mail that I received a few weeks ago. And this came before some actions that happened subsequent that limited the ability of this group to take a position on it. But I'm going to read this, because I think it nails it. I would enthusiastically support amending the gatekeeper bill to provide for judicial oversight of OJS planning for youth similar to that we exercise over youth and children committed to the Nebraska Department of Health and Human Services for custody and care. Requiring a plan in advance of placement, which could carry the same presumption of validity that it does in the NDHHS case, would give the youth, the parents and the court some idea of what will happen as opposed to what the office...what at times can seem like a blind commitment of the youth to the Office of Juvenile Services for placement at a certain level of treatment. I also think the court should retain authority to approve placement changes for youth committed to the Office of Juvenile Services, to both more restrictive and less restrictive levels of care, to ensure that such decisions are not being made prematurely or for financial or other reasons, other than the best interest of the youth. And that's what my opposition to this bill is about. There's a danger when we make this gatekeeper only a bureaucratic agency with lots of people who work extremely hard and I have high deal...a great deal of respect for. But if we hand it over to an agency with the only oversight being an administrative process, when budgets get tough and we know from our history they certainly do from time to time. There may be professionals, as there were 15 years ago, who saw problems, knew they were happening, made recommendations that fell on deaf ears. Now maybe they were not right. Maybe the department was right not to listen to them. But who's to say? Who has oversight? What neutral party can come to the table and try to work that out? What neutral party can force everyone to come to the table? Well, the agency can't do that. And sometimes they're too busy to even be at the table because they've got such high caseloads. But the only place that we have in our system to do that, to provide that oversight is through the court system. If we don't have that oversight, who's going to do it? Are you going to do it? The senators

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back in that day were getting called by all sorts of guardians ad litem and judges and people involved in the system, saying we've got a huge mess here, we've got a huge problem here. Do we want to do that? Or do we want to have that be the court? I think the court is where those...that oversight should be. They aren't going to...under the original amendment they would have still had the placement authority. All we're asking is some oversight of what they do. Some recourse, some place that can bring the parties back and talk about what's happening. Right now as this bill is written, that would be only the department, only the department. They could come back to the court and talk, but the court would have no authority...

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: ...to do anything. I don't think we're ready to do that yet. I think we need to keep the interests of the child in mind and the interests of the parents; we need to bring everybody to the table and work cooperatively. We shouldn't make this sweeping a change without leaving oversight until we get to the point where our assessment system and our continuum of care are such that we have confidence of everybody involved, that we're going to be able to do what we say we're going to do in terms of placement of youth. I think we should keep going the way we are, delay this bill and take up the other aspects of the system which, if we can get those in place, more community-based services, you're going to see a budget that has money for that. There's money in tobacco settlement interest income...

PRESIDENT MAURSTAD: Time.

SENATOR THOMPSON: ...for that; we need to do those kinds of things first.

PRESIDENT MAURSTAD: Thank you, Senator Thompson. Senator Smith, on AM1529.

SENATOR SMITH: Thank you, Mr. President. Members, I have not gotten into this discussion prior to now and I was asked that before lunch, why...why I didn't get into the discussion. I

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said I didn't know if I had anything to add. And there still may be that opinion after I say what I'm going to. But nonetheless, I thought I would speak up just a little bit. The date, 1989, is being tossed around and that everything now is the same as 1989. And I know that there's been quite a bit of turnover in this body since 1989, in addition to Health and Human Services. And on a lighter note, I guess, 1989 I was still in high school. I think Senator Bruning was beginning his political career as a member of the student government at the university; I think Senator Erdman was probably in about middle grade school, fourth, fifth grade I'm guessing. Nonetheless, things have changed. And I'm not certain, I'm not an expert on juvenile justice, but I know that things come about that can change the environment. There's been turnover at HHS, and I think that we need to move ahead here in a way that is...that best serves young people. And I think that we can do that by advancing LB 598. Thank you, Mr. Speaker.

PRESIDENT MAURSTAD: Thank you, Mister...Senator Smith. Senator Chambers, on the Thompson amendment.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I'm going to support every amendment that Senator Thompson offers; I'm going to support every motion that she makes; and I'm going to speak again about the low status of women, not only in this country, but in the world. And I want to take us back to the very beginning. Those who pray here every morning or listen to those prayers believe that the "Holly Bible" tells the story from the very beginning, even though there are gaps and inconsistencies. For example, Adam was supposedly...he was the first man, supposedly. And he was made out of mud, and his life has been like that every since. Down in the dirt, everything he touches he soils. You cannot wash mud any kind of way and turn it into anything other than mud. Mud is mud, it's always dirty, and men always take advantage of women, they always have. Men wrote the "Holly Bible", so they write the story that here's Adam, made in the image of God. If he's in God's image, God must have been the first big mud ball, because you have to look like the...that in whose image you're made. So then what does God do? He cuts open Adam's rib, side, takes a rib out of it, leans it against the fence, and it turns into a

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woman named Eve. So what does Eve do? She does what women have always done, to hear man tell it, she disobeyed God. How did she disobey God? Well, this serpent came up and said, how you doing, Eve? She said, I'm doing fine. He said, not as fine as you could be doing. And the serpent was a male, by the way. So she said, what are you trying to tell me? You know that tree that God told you don't eat from? She said, yeah. Well, you eat it and you'll be smart, that's why he doesn't want you to eat it, he doesn't want you to know anything; he wants you to be dumb. That's what churches teach now, they tell women don't go to school, don't learn anything, you get out of your position, you're not supposed to be out here running the world, you're supposed to be pregnant, barefoot, staying at home, servicing a man's sexual appetites whenever he wants to engage in them, and be his fire extinguisher, and that's your role. And you read the Bible and you'll find that to be the case. So what was it that made the woman so demeaned, so low? She turned from God and listened to the serpent, because the serpent said he was showing her a better way. So she ate the forbidden fruit, whatever it was, some people said it was sex, it was not a fruit tree at all and the fruit certainly wasn't an apple. Nothing happened. So she took it to Adam; she said, this sure is good, take a bite. Adam bit, then his eyes came open and suddenly they knew they had done something wrong. That's preposterous, but that's the story, and some people believe it as though it's literally true. So when God...he didn't come; the voice of God was walking through the garden; the voice of God walking through the garden. Adam, where are you? Adam was hiding. Eve, where are you? Eve is hiding. Why are they hiding? Because they've done something wrong. And then God acts like he didn't know they were going to do wrong, and he made them to do wrong. So when God talks to Adam, what did you do this for? Adam said, well, the woman you gave me...shifting blame; he's a grown man but he's shifting blame. When he went to the woman he said, what have you done? She said, well, the serpent talked to me. You know the men construe that part of the myth? This shows woman's inclination to shift the blame for her misconduct and never assume it herself. That carries down today where a rape victim is considered to be the perpetrator and responsible for having been raped by some low-down rotten man.

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PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: They didn't blame the man for shifting the blame to the woman. So without telling us how this happened, after Cain was brought into the world, had a younger brother named Abel and killed him, Cain went off and married somebody. I don't know where she came from. Maybe he married a monkey, maybe he married an ape, maybe he married a camel, we don't know. But he gave Eve a fine grandchild, a son, grandson named Enoch. Then when Adam was 130 years old there was no activity between him and Eve, suddenly they remembered what was going on and they had another child, and his name was Seth, born when Adam was 130 years old. You believe that? I'll have to continue this story my next time.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Coordsen, on the Thompson amendment.

SENATOR COORDSEN: Thank you, Mr. President. Members of the body, one more time, one more time. Senator Thompson keeps reading history, she's going to make a young person out of me yet. (Laughter) But that's a day also that shall live in infamy because...and this is...this is...I'm having a little bit of a conversation, hopefully the mikes are working, with those appointees of Governor Johanns that are currently providing the leadership for the Department of Health and Human Services. And in this conversation I think I'm probably extending a little bit of a caution light for them. At that time in 1989, after that hearing, as I recall, I had the great pleasure of having a severe verbal dressing down by the then director of the Department of Social Services in the hallway outside of the hearing room at that time. And of course the next day why we...we resolved that issue, yes, Senator Suttle. But the reason I mention that is this, to those people who I consider, at least those that I know quite well, to be good, honest, competent people that I consider personal friends of mine in more than several instances to be wary, be wary, be careful of programs that are brought to you by people who are permanent employees in the social system. Be careful that you make decisions on your own, not just based upon what some salaried person, who has been there since the beginning of time, tells

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you is what needs to be done. It is important, my friends, it is important that we recognize that there are constitutionally three branches of government. And to create a situation in which longtime employees of an agency of state government have the authority to limit the discretion of the judiciary branch is not a good idea. I have had several conversations here with members of the bar who feel I'm wrong. I look back in time and I do not believe I'm wrong; I believe that while the intent of those who are currently the appointed directors of the Department of Health and Human Services are in fact good and noble and right and true and just in trying to get the best, the best services for juveniles for the dollars that are available, what LB 598 provides...proposes to do is in fact wrong because it does cripple the power of the judiciary, make...it limits what county courts and juvenile courts can select from in caring for juveniles who are wards of the state in the system. And we ought not do that. We have an appeals process in place that, if it's not being used often enough, maybe that's a problem. But if the intent of this bill is to hobble the judiciary, to see that a juvenile court judge in Sarpy County or Lancaster County or wherever they exist cannot issue an order within the realm, the freedom expressed of that branch of government...

PRESIDENT MAURSTAD: One minute.

SENATOR COORDSEN: ...then we're doing something wrong. And I do not fault anyone for this, but this is in fact a dream of any agency of government is to have the ability to direct decisions coming from any court. And I do not believe we should be party to that. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. (Visitors introduced.) Further debate on the Thompson amendment? Senator Suttle.

SENATOR SUTTLE: Thank you, Mr. Lieutenant Governor, members of the Legislature. On the Chinn Planning...the Master Plan recommendations, recommendation 8 says that expand the Office of Juvenile Service Administrative Management and oversight capability. The Office of Juvenile Service does not have the appropriate infrastructure to effectively administer, manage and

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monitor services for juvenile offenders throughout the state. Administrative functions which are lacking and which are typically found within the administrative structure of state juvenile correctional agencies include, and she goes on to name six different places. Additional staff should be assigned. I hope that if we pass LB 640 that additional staff will be assigned or reassigned to ensure that these functions are performed within the administrative office. Contract and program monitoring has been minimal and financial oversight is virtually impossible because financial records are not separately maintained and monitored by OJS for services that are directly ordered by the court. In order to build confidence in this system of services available to youth committed to state custody an effective management structure has to be in place. That is what Senator Thompson has said over and over and over. I don't think we're there yet. Why are we doing this now when this body is usually very reluctant to do anything before everything is in place. We do studies and we know that the Office of Juvenile Services is not ready. They don't have a computer system that can...can tell the difference between a juvenile offender and a neglected child. I'm concerned that, if we do start this and the court has no say over what happens to this juvenile offender, we're going to make just really good adult offenders. They're going to know how to manipulate the system to their own advantage, and the courts won't know what, if anything is being done. Apparently, the Office of Juvenile Services does not know what's going on. So it would be nice if we had at least one entity, the judicial system, that did. I appreciate Senator Coordsen's being here to give us institutional history. It's interesting to hear his feelings and what he went through; it embittered him so terribly, it hurt him so badly that he's hardly been able to carry...well, he's never carried any juvenile justice or welfare bill again, and that is for the detriment of the...of the children in this state. It's good to have Senator Coordsen as an advocate. It's good to have all of us as an advocate. And I'm here to advocate for the kids...

PRESIDENT MAURSTAD: One minute.

SENATOR SUTTLE: ...and not for the judicial system or the

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administrative system, but I'm here for the kids. And I don't want to have children be forgotten, lost, or found dead under a bridge. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Suttle. Senator Thompson on AM1529.

SENATOR THOMPSON: Thank you, Mr. Lieutenant Governor. Members of the body, I'm pleased that we're getting more engaged in this issue, even though we're running out of time. And I...I hope that we'll continue to be engaged and listening to people and talking with people about the problems of this bill. I want to again go back to some of the testimony. I finished half the story of the...of the guardian ad litem working with the 13-year-old boy who was placed with his older brother, when he was 17, because they couldn't...they couldn't or wouldn't find placements for them. And I'm going to finish the rest of the story. His brother turned 18, but they had no help, no assistance, even though they were going back, going back, going back to the department, trying to get them to make a placement. Having full authority is not a good idea, that leads to in the...into the checks and balances idea. The other is if we're going to err, let's not err against the child. The child is who we're all working for; the child is the focus of all the service that we're talking about today. Let's not err against the child. Let's not set up a law let's...that lets the Department of Social Services run into itself and stop cold while a 13-year-old child is sitting in Lincoln, Nebraska, with his 18-year-old brother saying, now what do I do? And the court is saying, now what do I do? And I'm saying, now what do I do? I'm here today really as the guardian ad litem for that child and for all those children and saying LB 182 is a bill that will allow me a little more room to move, will allow the court more room to move, but most important will allow that 13-year-old child and the 18-year-old child, who, as I mentioned earlier, were living alone, to have greater options to receive the kind of help they need. They're helpless now. We're not doing anything to benefit them further. And I would ask that LB 182 be supported to help those and other children that do it. The one brief comment but to the extent that economics comes into it as an argument, I would suggest that economic and administrative

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fees in light of the best interests of the child becomes a very weak argument. And only under compelling circumstances in my mind would that outweigh the needs and best interests of these children. During this debate I've talked...I've read you cases that happened during that brief period of time, that five-year period, that said that...in which we gave total administrative authority to the department and all the problems that ensued and things that happened to real people in real situations, and the frustrations of the people in the system. We need to have that check and balance, we need it. We can still do what the department wants; we can do what this bill does in part and say the department makes the placement, but we need oversight. Judges will not be able to do any more than to bring the people back to court and talk about it but not do anything about it if there are problems. We've made a gummer out of this section of statute for the judiciary if we do this. We also don't start the process with bringing everyone to the table to go through ideas and suggestions and get buy-in from the parents and all the parties involved. Negotiation is the way to go. I know a lot of people have been muzzled on this issue, and I feel bad about that, but that was a decision of other people in the process. And that's going to make a problem for those of you who are seeking information when people have been told they can only tell you one party line.

PRESIDENT MAURSTAD: One minute.

SENATOR THOMPSON: But I think if you go to the history, if you aren't able to talk to people or they now, because of various people who won't allow them to speak, can't tell you, go to the history. See what it tells you. See what happened when we did this a previous time. It was not good, not good for the people in the system and certainly not good for the kids. We need to step back from this. I urge you to support my amendment and give the judicial or juvenile justice experts in the state, people who are at the field level the opportunity to work a compromise on this bill. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Thompson. Senator Chambers, on the Thompson amendment.

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SENATOR CHAMBERS: Mr. President, members of the Legislature, I want to wrap up the story of Eve very quickly. The story of Eve didn't end in the Old Testament. Another group of guys came along writing fibs, fairy tales, fables and whatnot called the New Testament. One of the worst of all, one of the most antiwomen persons I've encountered in history, and I've read a lot of history, was the impostor Paul. When he was writing to a group of people called the Corinthians, trying to infect them with his attitudes, he condemned Eve. He said, you all are just like Eve; you allow yourself to be led away from the simplicity of God by all these temptations and the serpent, just like she did. She's the one who committed the sin. Then, like a lot of these guys, he had an alter ego, a young flunky named Timothy, and when he was writing to Timothy, he said, Tim, man is superior to woman; that's proved by the fact that God made Adam first, and being first made he was superior. Then he jumped on Eve and said, she is the one being deceived, who committed the first transgression. And from then on, and even before then, women have always been demeaned by Christianity. In the church, women cannot be ordained. Oh, they can put on big gowns and mop the floors in monasteries and cook and serve priests and do all the other things down through history, which the history of the church shows that they have done, even though Jesus, the one whom they say is God, had a woman who was his mama. How can that which is produced be greater than that which produced it? So how can they demean women so much and then worship a man that was born of a woman? That shows how twisted this religion is. But what I want all of us to remember, women were girls before they were women, and they are conditioned by the way they are treated with disrespect. Sexual-laden comments are made to them about their figure or their shape, not just a comment like you really look like you're full of life, vim and vigor, and that's the nature of being young, but, "Mmm-mmm", you sure look good to me! Is that the way you want your daughter complimented by a man? What do you think about when you're thinking and you're by yourself and you see a man? That what you want said to your daughter? If a man said that to your daughter and your daughter was in a set of circumstances where she's entitled to protection what would you want to do to him? You know what you'd want to do. I have a daughter. I have a granddaughter. Although it's obvious, my grandmother was a woman, on both sides of my family;

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my mother was a woman; my three sisters are women; my nieces are women. I love women and I respect women and I have contempt for men who misuse women and contempt for men who will misuse a position to take advantage of a young woman who is vulnerable. And sometimes I am put in a position where there are chains on my wrists and I cannot do what needs to be done; I have skid chains put on my tongue and I...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ...cannot utter the words that need to be spoken. But I can speak in such a way that, as Jesus said, the message that is given is understood by those to whom it is given, and a point will be reached when, like Superman, I will break those chains and I'll take the skid chain off my tongue. If I don't see some corrective action, I will demonstrate that I know how to bring forth corrective action. I know how to make every puppy take his hole and I will do it. We're about to leave this bill for today, but when we come back to it I'm going to talk about the double standard in terms of the status of men and women. If a man is a...

PRESIDENT MAURSTAD: Time.

SENATOR CHAMBERS: ...philanderer...you said "time"?

PRESIDENT MAURSTAD: Yes, sir.

SENATOR CHAMBERS: All right.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Mr. Clerk.

CLERK: Mr. President, I have a priority motion. Senator Dwite Pedersen would move to invoke cloture.

PRESIDENT MAURSTAD: Senator Pedersen.

SENATOR Dw. PEDERSEN: Call of the house, please.

PRESIDENT MAURSTAD: Question is, shall the house go under call? Those in favor vote aye, those opposed nay. Please record.

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CLERK: 25 ayes, 0 nays, Mr. President, to place the house under call.

PRESIDENT MAURSTAD: The house is under call. Would unauthorized personnel please leave the floor. Would members please return to the Chamber and record your presence. The house is under call. The house is under call. Senator Landis, Senator Bruning, the house is under call. Senator Schrock, Senator Foley, Senator Erdman, the house is under call. Senator Wickersham, could I ask you to check in, please. Thank you. The house is under call. The house is under call. The motion is to invoke cloture. Those in favor vote aye; those opposed vote nay. Senator Bruning, did you request a record vote? Record vote has been requested. Mr. Clerk, record.

CLERK: (Record vote read, Legislative Journal page 1566.) 34 ayes, 10 nays, Mr. President, on the motion to invoke cloture.

PRESIDENT MAURSTAD: The motion is adopted. The question is the adoption of AM1529. A roll call vote has been requested. Mr. Clerk, when you're ready.

CLERK: (Roll call vote taken, Legislative Journal pages 1566-1567.) 7 ayes, 28 nays on the amendment, Mr. President.

PRESIDENT MAURSTAD: The amendment is not agreed to. Question is the advancement of LB 598 to E & R Initial. Those in favor vote aye; those opposed vote nay. Roll call vote has been requested. Mr. Clerk.

CLERK: (Roll call vote taken, Legislative Journal page 1567.) 36 ayes, 9 nays on the advancement, Mr. President.

PRESIDENT MAURSTAD: LB 598 is advanced. The call is raised. Mr. Clerk, items for the record?

CLERK: Mr. President, an amendment to be printed by Senator Thompson to LB 598; Senator Wickersham, to LB 711. Attorney

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General's Opinion addressed to Senator Schrock (Re: LB 555). That's all that I have, Mr. President. (Legislative Journal pages 1567-1579.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. According to the agenda, we'll move to General File, 2001 committee priority bills. Mr. Clerk.

CLERK: Mr. President, LB 180, introduced by Senator Hilgert. (Read title.) The bill was introduced on January 4, referred to Business and Labor, advanced to General File. I do have committee amendments, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Hilgert, you're recognized to open on LB 180.

SENATOR HILGERT: Thank you, Mr. Lieutenant Governor, members. This is LB 180 that you've been waiting for. This is the detasseling bill. This is the Department of Labor clean-up bill that included not only a revision of our detasseling law but also had some components regarding boiler inspections. Because the committee amendments, which I encouraged the body to adopt, strike the provisions regarding boiler inspections, I will not address those as well. I did think it would be useful for the body to understand why we need to pass LB 180 if we are to go back to the way the state of law was prior to the discovery of a change in law in 1995. In 1995, a bill passed by Senator Landis, LB 330 was a clean-up bill, another clean-up bill, drafted to address the issue of child actors and to ensure the late night work schedules would not cause them to run afoul of Nebraska's child labor laws. The bill went into the definitional section of the child labor law and added a provision that stated that any person liable...

PRESIDENT MAURSTAD: Senator.

SENATOR HILGERT: ...for unemployment taxes is subject...

PRESIDENT MAURSTAD: Senator. (Gavel) Let me interrupt.

SENATOR HILGERT: Sure.

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PRESIDENT MAURSTAD: If the house could come...please come to order.

SENATOR HILGERT: Yes, this is quite riveting. Thank, you, Lieutenant Governor. (Laugh) It was the thought of the Department of Labor that this provision would not apply to any jobs in the agricultural sector because, for the most part, those engaged in work relating to agriculture are not liable for the payment of unemployment taxes. There was, however, a provision in the unemployment tax statutes that requires any person or company engaged in agricultural industry that if an employee achieves more than 20 consecutive weeks of employment in the calendar year or has a payroll of greater than \$20,000, that person or company shall be subject to unemployment tax, and because of LB 330, subject to the child labor law. This provision, the provisions related to the payment of the unemployment tax applies to everything from feedlots to bean walkers. Please note that the persons or corporations who engage in agricultural work and subject to unemployment tax are those that achieve one of the two qualifiers detailed above. If a corporation does not achieve one of those qualifiers, the 20 weeks or the \$20,000, then they may hire 12- and 13-year-olds to perform work. The Department of Labor did not think that any detassellers would be subject to this change in the statute and for four years it was interpreted as such. Late June or early July of 1999, a complaint was received by the Department of Labor with regards to the wages paid by a large detasseler. A labor safety inspector contacted the Legal Division at the department to inquire as to whether or not these large detassellers, ones with the payroll in the excess of \$20,000 were, in fact, able to hire 12- and 13-year-olds under the provisions of LB 330, way back in '95. Legal Council reviewed the provision and concluded that, in fact, these large detasseling firms were statutorily prohibited from hiring 12- and 13-year-olds. The department has decided to ask the Legislature to alleviate the unintended consequence during the following legislative session. And Legislative Session, year 2000, there was LB 1128, a bill designed to address this unintended consequence via statute. The bill did not pass. We ran out of time, it was a short session. Now...and then the

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Business and Labor Committee did a study, LR 475. The results of that study determined that only 12 of the 49 detasseling firms actually were subject to either the 20-consecutive-week provision or the...excuse me, the \$20,000 in one calendar year quarter; therefore, approximately 25 percent of the detassellers in Nebraska are subject to the change that occurred way back in 1995. LB 180 is the clean-up bill that allows us to go back to able to hire 12- and 13-year-olds, not only those who...certainly the ones under \$20,000 a quarter can do that now, but all of the detasseling companies. During the committee hearing, there was testimony that one company was aware of this problem and had knowingly violated the law. Maybe Senator Chambers will comment on that as well. But according to the transcript, Senator Chambers said, "Did your company know that at the time it was hiring these children who are younger than 16, that they were violating the law by doing so?" The response from the individual was, "Yes, sir". So the committee amendments, Senator Connealy will explain, but that's kind of where we're at. This was supposedly an innocuous clean-up department bill that had a quite eventful hearing, and the result of that is what you will see in the committee amendments, And then the additional commend...amendments that have been filed by Senator Kremer and then a final one by Senator Connealy. It would be my hope that we go through these amendments and adopt them all, one at a time. I did have an amendment to the bill that has been adopted in the committee amendments of which Senator Connealy, chairman of Business and Labor, will go into, limiting the children that work in Nebraska to come from Nebraska or adjoining states. And I...there...I wanted to head off any possible mischief that can be...that you can imagine of transporting children across several states from different regions of our country to work in Nebraska in the fields. I wanted to head that off, not saying that that's happened. Don't know of any plans that it will happen, not necessarily, but wanted to make sure that indeed in Nebraska it doesn't happen. Those are in the committee amendments. And with that I will end my opening on the bill.

PRESIDENT MAURSTAD: Thank you, Senator Hilgert. Senator Connealy, you're recognized on the committee amendments to LB 180. (AM0806, Legislative Journal page 958.)

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SENATOR CONNEALY: Thank you, Mr. President, and thank Senator Hilgert for introducing the bill and then being...working with us to clean up this clean-up bill. The committee amendments would replace the bill. Though the bill was presented as a Labor clean-up measure, it turned out that there was more substantive labor law issues than the bill...in the bill that we would term as a clean-up bill, so we chose to address them. This bill...the amendment would propose that no child under the age of 14 be allowed to have detasseling employment. Children 14 to 16 years old...of age may work in detasseling if the employment is outside of school hours and during the summer months when they've...when they have written parental consent, and they are domiciled within 75 miles of the work location. If these requirements are met, then the child labor law statutes do not apply to employment of the child in detasseling. For purposes of the child labor law statutes, employment in detasseling is removed from what makes an employer subject to child labor laws. And if that...and that is if the employer is liable for unemployment insurance payments, as Senator Hilgert said, for \$20,000 through a quarter. This means that detas...all detasseling employers, regardless of their size, are subject to child labor laws. The committee amendment provides a definition for tasseling...detasseling. The committee amendment would allow the Department of Labor to approve of employment certificates for children residing in adjoining states who want to work in Nebraska; otherwise, employment certificates must be approved by the child's school district. The committee amendment would change the penalty for violation of the child labor laws from a...to a Class II misdemeanor instead of a Class V, as has been currently in the law. The current...the committee amendment would also clean up a couple of the Department of Labor provisions such as adding a reference to standards set in the federal Mine Safety and Health Administration in workplace safety statutes. The Department of Labor is currently...currently has the authority to inspect businesses for compliance with OSHA standards only. But some businesses us the standards provided by MSHA. Other clean-up provision is allowed...is that to allow the Department of Labor to serve notices and citations under the Contractor Registration Act by a manner of delivery by the U.S. Postal Service, that can

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verify delivery. The committee amendment is different from the bill in that it puts a minimum age of 14 instead of 12. The original bill would have allowed 12- and 13-year-olds to detassel for an employer, but attempted to do it in a roundabout fashion that was confusing. So the committee amendment makes it more clear who is covered and what kind of employment conditions that are...you are allowed. I do not believe that the original bill would have accomplished what the proponents...what the Department of Labor wanted to because of the confusing way it was drafted. The original bill would have deleted a requirement that the Department of Labor conduct workplace inspections for permit renewals sought for...by employers who employ children under 16 after 10 p.m. The committee felt that this kind of inspection should continue for the safety and welfare of children, and the burden on the department was not significant enough to remove this. So the committee amendment would reinstate the Department of Labor's duty to do those type of permit inspections. The original bill also contained a section on the State Boiler Inspection Act. The committee believed that those were substantive sections of the bill and they didn't really fit with the rest of the bill. Because they were substantive, then we...we decided not to address them in this bill. Those sections of the boiler inspection procedures are not urgent and we believe that they can be addressed next session. This is the entirety of the committee amendment and what it would do. It differs from the green copy of the bill, as I said earlier, and it replaces the bill. I know there is concerns about the age level of employment and there will be amendments to the committee amendments to change those. I will support the amendments with the provision of an amendment that follows from my point of view, that would put some more restrictions on the employment. So with that, I move the committee amendments.

PRESIDENT MAURSTAD: Thank you, Senator Connealy. Mr. Clerk.

CLERK: Mr. President, the first amendment I have to the bill, by Senator Stuhr. Senator, I had a note you wanted to pull the amendment at this time and refile it. Is that correct?

SENATOR STUHR: Yes.

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PRESIDENT MAURSTAD: The amendment is withdrawn.

CLERK: Mr. President, Senator Kremer would move to amend with AM1061. (Legislative Journal page 1124.)

PRESIDENT MAURSTAD: Senator Kremer, you're recognized to open.

SENATOR KREMER: Okay. Thank you, Mr. Lieutenant Governor. I apologize for my voice. I have been trying to sound more like Senator Coordsen, would get a little more authority that way. My amendment simply changes the wording on page 1, line 3 and 5, from 14 to 12 which would allow 12- and 13-year-olds to continue to detassel corn. I've known many kids that have been involved in detasseling, my grandchildren; one of my staff, her son from Lincoln has detasseled; and every one of them have felt that it's been a great experience, and able to earn some money and learn how to work and realize that you have to work in order to...to buy things that you would like to do and you earn some...teaches them responsibility. So I think it's been a good experience for them. I'm sure there's probably always places that there could be abuse, but I have not...I have not heard of any. Most of the detasseling is done by contracts, and many of those in our area are teachers during the summertime, run a crew of kids to detassel. Most of the detasseling now is done with a machine the first time over and the kids just come through and clean up, you know, any strays or something that the machine has missed. So I'm sure there's many times that it's hard work but then they seem to have a lot of fun in doing it at the time. So we feel like it's...and I've heard it also from many of the kids saying that please don't deny us this privilege of doing this. So I think it just makes a lot of sense that we go back and allow the 12- and 13-year-olds to also be involved in detasseling. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Thank you, Senator Kremer. You've heard the opening on AM1061 to LB 180. Open for discussion? Senator Hilgert.

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SENATOR HILGERT: Thank you, Mr. President and members. I just simply rise and say I support the Kremer amendment, and I did...was neglectful, I did want to thank the Department of Labor for bringing me this bill and having me introduce it, but I do support the Kremer amendment and also the Connealy amendment as well that will follow. Thank you.

SENATOR CUDABACK: Thank you, Senator Hilgert. Senator Stuhr, followed by Senators Vrtiska, Preister, Connealy, Chambers and Beutler. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I do rise in support of this amendment. I had previously filed an amendment for 13, but I've cosponsored this amendment which lowers the age to 12, which I think is the right thing to do. I've talked to a lot of the detasseling companies, and 12- and 13-year-olds actually make up about 40 percent of the people that they employ during this short time. And I guess one thing I would like to emphasize that this is really short-term employment. It is just a seasonal kind of thing and lasts for two or three weeks probably at the most. As has been pointed out, I've also received a number of letters saying how much the students really appreciate the opportunity to have this work experience and also the parents. They do learn the value of hard work. They also learn responsibility. They learn that work can actually be fun. And the companies, many of them will have a very, very difficult time surviving if we do not allow this younger age. That's not to say that all 12-year-olds will be working but it will give the opportunity to those that do wish to do this...this kind of employment. Some of these young people do earn \$600 to possibly \$1,000, which really does help to meet some of their many expenses that they have, might help them attend some camps that they enjoy, gives them some per...money for their own personal use. And also, I...I've heard from a large number of them that use it for college, to go on. I know that I was one of those that detasseled and I think if I would ask for a count in here, I think that there are a number of the senators who also had that experience when they were young. So I do believe that lowering the age is the right thing to do, and hope that everyone will support this amendment. I feel that detasseling is...it's really a positive

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character-building experience and one that most young people carry with them for the rest of their lives. So please give them this opportunity. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. Senator Vrtiska, on the Kremer amendment.

SENATOR VRTISKA: Thank you, Senator Cudaback. I am one of those people who went out and did detasseling when I was about 11 years old, I and my twin brother, and we found out, yeah, there was some work to it but it was also a lot of fun. You get to meet other kids. As a country boy, I didn't get very many opportunities to do that. I think the important thing that we need to understand here is these kids, if they want to quit, they can quit. Nobody is going to make them out there...go out there but, you know, as much fun as some of the kids have and the parties they have afterwards, some of the pizza parties, some of the other fun that goes with it, a lot of these kids look forward to...sure by the end of the time that they're working, they're tired, but the next day they're ready to go. And I guess my only comment is it looks to me like it's a lot better to have them out there in the field earning some money and having a good time as to sit in front of the television set and get fed with all the garbage that comes over television. And with that I certain support the Kremer amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Vrtiska. Senator Preister, on the Kremer amendment.

SENATOR PREISTER: Thank you, Honorable President, members of the Legislature. I may take a little different view in my concern about protecting children and the kinds of things that children may end up doing. I would prefer Senator Stuhr's amendment to go to 13 as opposed to Senator Kremer's amendment which would allow the detasseling at 12 years old. It seems to me that a young person at the age of 12 is still maturing. They're going through a time when their bodies are still young. They have some growth and adjustment that I think is different than certainly a 16-year-old, and that is even different than a 14-year-old. When we heard some of the testimony in the

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committee, we heard about some of these children needing to travel a half hour or more to get to the sites. And in order for them to work during the cooler part of the day, to be out at the fields in some cases at 6:00 in the morning, some of these children are needing to get up at 4:00 in the morning. I certainly have to question whether a youngster whose body is developing and forming and needs sleep should wisely and with state sanction be getting up at 4:00 in the morning, then going out to the field and working in the field, sometimes maybe getting ill while they're out there and not necessarily always having the opportunity to get that half hour or more ride back home where they could, when they were sick, be tended to, perhaps having to stay on a bus because the bus is what's available for shelter out in the field. I'm concerned about those 12-year-olds and 13-year-olds in particular who may not necessarily be able to cope with and deal with that kind of a situation, and even those who are and who may adjust very well. I, for one, walked a number of cornfields and bean fields. I didn't detassel but I certainly chopped a lot of cockleburrs and sunflowers and other unwanted plants out in those fields, and I did it when I was 12 years old, and that certainly didn't hurt me. But I was on my family's farm and I was close to home and if something happened, I was right there where I could go into the house or into shelter or have that availability. I'm not sure that in all of these cases those 12-year-olds are going to have that same opportunity. One of the letters I think fairly well illustrates, and this was one of the adults...you probably have received the letter as well, from an adult who in her letter talked about her experiences in detasseling, and she says as part of it and I quote this paragraph. "Yes, we began early in the day and, yes, it was torturous. The summer heat, the sweating, the gnats and bugs, the mud, the early morning dew and pollen on the corn blades that slapped me in the face walking through the fields. Yes, the agony, and the appreciation of a good cold drink of water when we got to the end of the corn row." I think that most of the companies that work with the detasseling youngsters are trying to look out for the interest of those children. In fact, I think I've heard from just about all of them in the course of this legislation being before us, and a host of those young people who started at 12, haven't talked to any of the 12-year-olds yet, but I think the vast

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majority of them are seriously and genuinely concerned about the children that they work with,...

SENATOR CUDABACK: One minute.

SENATOR PREISTER: ...but we don't always make the laws for the law-abiding. We don't make the laws because everybody does the right thing. We create laws and regulations, particularly when it comes to child labor, to look out for those who don't necessarily have the children's best interests at heart, and who aren't really concerned about more than their own bottom line and their own self-interests. I am concerned about lowering the age to 12. I would prefer Senator Stuhr's 13. I think further amendments that Senator Connealy has, with two people...two crew people looking out for those children is a step in the direction of looking out for the children. At this point, I will listen to the discussion, but I find in the best interests of the children, even though they may have good benefits coming from this opportunity,...

SENATOR CUDABACK: Time.

SENATOR PREISTER: ...I question that this is the best thing to do. Thank you.

SENATOR CUDABACK: Thank you, Senator Preister. We are discussing the Kremer amendment to the committee amendments to LB 180. Those wishing to speak are Senators Connealy, Beutler, Hudkins, Jones, Janssen, Engel and Bruning. Senator Connealy.

SENATOR CONNEALY: Thank you, Mr. President. Senator Preister's comments are right to point. I...I agree with you, Senator Preister. I...my comfort level isn't very high but I am going to support the Kremer amendment and then I do have an amendment to put some inspection and some...and a form in, in the law also. And with that, my comfort level will hopefully be a little higher. We had testimony at the committee that states like Iowa get along fine with 14-year-olds. I don't know whether it's going to put people out of business, but because of the fact that we've been doing it, I'm going to go ahead and agree with the committee...with the Kremer amendment to allow

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this at this time. But I want the committee to look at safety in workplace all across the state, and I intend to do...introduce an interim study on workforce safety, with particular interest on child labor laws, and hopefully we'll do that this interim. And with that, I will support the Kremer amendment.

SENATOR CUDABACK: Thank you, Senator Connealy. Senator Beutler, on the Kremer amendment.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I...this is an interesting sort of proposition which kind of gets you back to the whole fundamental idea of child labor and what it's all about and what we're trying to do and why there should be an exception in this particular instance. And the...this is the first time I've had an opportunity to look back through some of the child labor laws and it appears that the general rule, if I'm reading it right, Senator Hilgert and Senator Connealy, is that under the age of 14, by and large no matter what kind of activity you're involved in, you cannot hire children. Is that more or less correct, Senator Connealy?

SENATOR CUDABACK: Is that a question, Senator Beutler?

SENATOR CONNEALY: Yes, if you...if you had a...you fall under child labor laws if you have a quarterly payroll of \$20,000 and most of these do, that...

SENATOR BEUTLER: Okay.

SENATOR CONNEALY: ...most of the detasseling operations in the state is done probably by detassellers that would fit within that category.

SENATOR BEUTLER: But under current law, if you were a small operation that did not have the \$20,000 or above, or meet the other qualifications, could you hire a child who is 12?

SENATOR CONNEALY: Yes, under current law, you would fall back to the federal law on the ones that do not fit within child labor laws. That would put it down to 12 with the...and I don't

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even think you have to have permission of parents, but you do...maybe you have to have permission of parents but 12, with permission of parents, it's what the federal law base line. But states do, as Iowa does and as we do...have, is to higher levels of protection.

SENATOR BEUTLER: Let me ask you just one additional question to get...for myself to get a little better perspective on this. As far as I can see in the statutes, there are only two exceptions now, or this would be the second exception to the general rule in Nebraska, and the first exception is a kind of strange one relating to golf caddies, but I assume that's a very short work experience. I know I'm not sure why they were exempted, but detasseling, on the other hand, involves fairly long hours when they're doing it. It involves fairly tough work, especially if the weather conditions are poor. If we make an exemption for detasseling, how would we defend not making an exemption for almost...for most things that a company or an employer might want a 12- or 13-year-old to do? I mean, if detasseling were on the really easy end of tasks, that might be one thing, but it seems to me that for a 12- or 13-year-old, that's pretty hard work. And if we allow the exemption here, when the next one comes along, have...are we opening...I'm worried about the precedent. Are we opening the door to exemptions on almost anything by doing this or not?

SENATOR CONNEALY: I think it's a risk that we take. We...the argument is the duration of the work experience, that it's over a relatively quick period of time, that is...that is probably the most to-the-point argument for this exemption. The...I think that the law in '95 captured all child labor, and now if we're going to have exemptions, we have to pick those exemptions and I think we should pick them very carefully. As I said, my comfort level isn't really high with this, but...

SENATOR CUDABACK: One minute.

SENATOR CONNEALY: ...I want to continue to study child labor and see if there's any other protections or amendments that would allow more child labor that we want to look at.

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SENATOR BEUTLER: Okay. Thank you, Senator Connealy. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Hudkins, on the Kremer amendment to the committee amendments.

SENATOR HUDKINS: Thank you, Mr. President and members of the body. We're all standing up saying how we have detasseled and look how well we turned out. I did detassel when I was considerably younger. In fact, I detasseled on Senator Raikes' farm and he was much younger then, too. I don't know how Senator Stuhr did it because she's not very tall and cornstalks are considerably taller than she is. But if you have the will, you'll find the way. If you have to jump at every stalk, you'll do it. I am supporting the amendment to the bill. Our daughter detasseled when she was 13, maybe even 12, I'm not quite sure. I also had a cousin, a younger cousin, who detasseled for seven years. She paid her way through business school. When she graduated, she was looking for a job, went to a bank in Hastings and they looked at her resume and they said, you know, we really don't have a job available, but anybody who has detasseled corn for seven years, we will find you a job. They did. To make a long story short, they found her a job. She worked her way up in the bank and now she is in management. But it just shows that you learn responsibility when you're out there doing hot, dirty work. But you certainly do learn the responsibility because you're on the bus. When Janet detasseled, she had to be in Seward at 5:30 in the morning. The bus left whether she was on it or not. And you pull tassels until early afternoon. It's hot, dirty work, but it's fun. You get to chat with your friends, you get to play practical jokes on each other, but when you come home, you are beat. You don't have time to go out and raise trouble. You come home, you take a shower, you eat and you go to bed because you know that you have to get up at 5:00 in the morning the next day to be on that bus. The parents should be the ones to decide if their kids are old enough for this type of work. Some kids are mature at 12 years old, others aren't mature at 16 or even 17, so this should be a parent's decision. If the parents don't think the kids can handle it, the parents, hopefully, will try to dissuade the youngsters from trying it. If they can't, the kid says, oh, please, Mom and

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Dad, this is so much fun, all my friends are doing it, let me go. After six or so hours out in the field, they'll decide if this is as much fun as they thought it was, they'll decide if the blisters outweigh the fun with their friends, they'll decide if the bug bites and mosquito bites outweigh the money that they're making. So just because you're 16 or 14 or 12, the age shouldn't really make that much difference. If the kid thinks they can do it and they can't, the contractors will say, you know, Mary or Tom, or whoever, you know, you're doing a good job but we see that you're really struggling here, you maybe just need to grow another year. And if you're really messing up, they'll tell you that, too, and they'll say, you know, we really appreciate your enthusiasm and your desire to do this but we just don't think that you're physically ready. They're not going to say, you're fired, kid, sit on the bus the rest of the day. So the contractors are working with these youngsters. They...they need the help obviously. Seed corn is a basic industry in Nebraska and Iowa. We need the kids. I don't think many of us would want to go out there and do it. I certainly wouldn't. As our daughter told us, any fool will detassel once. She stuck it out for a year, but she decided, you know, I think I really would rather spend my time in school,...

SENATOR CUDABACK: One minute.

SENATOR HUDKINS: ...get the education, so I can do something that isn't quite so hot and so dirty. The kids, though, will learn how to work, they learn how to develop cooperation, they will grow up, that's for sure, and they learn how to work in a team effort. So thank you for the amendment, Senator Kremer. I will be supporting it, and I'll turn my time back. Thank you.

SENATOR CUDABACK: Thank you, Senator Hudkins. Senator Jones, on the Kremer amendment to the committee amendments to LB 190...180, excuse me.

SENATOR JONES: Mr. President and members of the body, I'm going to stand up just to visit just a little bit about this issue, and I don't know why we really have to put anything in state statutes because I think it should be left up to the parents. But my wife did detassel when she was small. I grew up in the

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hay country and I drove a straight rake and side delivery rake and things like that when she was out probably detasseling, but this is only going...this only lasts about two weeks or so and it's all over with, and it's a lot different now than it was then. Then they didn't have a machine come in there and top it off and get most of the stalk off. They just got to clean it up now. Then they had to pull every tassel out so it was a lot bigger job than it is now and I know that the stalks was tall and the kids was short but they...they'd bend the stalks over until they could do it. But I think this is a really a work ethic for these young kids and they look forward to it each summer to get some spending money so they can use it to buy clothes and different things like that. I cannot believe that we would be putting any...any age in the state statutes on something like this. I just think it should be left out and left up to the parents. But I will support Senator Kremer's amendment now but I think we're just trying to put an age limit on it which I don't think we should do. Thank you.

SENATOR CUDABACK: Thank you, Senator Jones. Senator Janssen, on the Kremer amendment.

SENATOR JANSSEN: Thank you, Senator Cudaback. As long as we're telling detasseling stories about our childhood, I have a few to tell also. I remember when I was about 12 years old, I thought I was...my Dad was working me quite hard on the farm so I went and caught the detasseling truck one morning. It was Hoegemeyer Hybrids which are still in existence, one of the better seed corn companies in this state and in the Midwest. After a few days of working for Mr. Chris Hoegemeyer and Mr. Leonard Hoegemeyer, I found out that I really didn't have it that tough on my Dad's farm. So after about a week, I told Mr. Hoegemeyer that my Dad sure did need me back at the farm and I was missed there terribly and that I was sorry but I was going to have to resign my position as one of the detassellers on his crew. That...it is hard work, and let me tell you something, that was back in the days when the hybrid seed corn was not as short as it is now. It was a lot taller. The corn was...some was high and some was low. Since that time, though, the youngsters have...the working conditions have improved and these companies are not going to hire someone who is very, very short. They're

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going to try to tell that person, you know, hey, look, you know, you might have a lot of intestinal fortitude but, you know, you're not going to be able to handle it. They watch...I've watched young people detassel corn for a long, long time, and if they're not physically able to do this, they are not hired. And when Senator Vrtiska talks about being...detasseling corn, I...I didn't realize that Senator Vrtiska was that young. It seems to me that at his age they did not have hybrid seed corn when he was 12 years old. I think it was all open pollinated corn at that time. So I got a...received a note here from Senator Vrtiska that told me to sit down and shut up, so with that I will. Thank you. (laughter)

SENATOR CUDABACK: Thank you, Senator Janssen. Senator Engel, followed by Senator Bruning and seven others.

SENATOR ENGEL: Mr. Speaker and members of the House, I don't want to belabor this because we...I think we've had a long day and everything has been fairly well spoken, but I do want to make a comment as far as these younger people detasseling. I have five children and every one of them detasseled and they did...whatever the age they...the age was that they did it and if they could have done it earlier, I would have let them because I think the sooner you can install a work ethic in children, the better off those...they are, not only then but throughout their life. As far as Senator Preister mentioning they're developing and they require their sleep and so forth, I think after about one full day in the fields, you don't have to worry about them getting the required sleep. They will sleep. They have a...they have a clock, they have a built-in clock. They will get whatever sleep they do...they do need. And we're always concerned about...about children not having enough to do and, you know, if you live on a farm and so forth, there's always something for a child to do or some...if live in a...or perhaps have a type of business where they can sweep floors and so forth, but so many...so many children in these...in town, they don't have anything to do other than school activities, and so you say, keep your child busy. Well, how do you keep a child busy? Well, this is one way not only to keep them busy but they can also teach...teach them how to work and how to earn money and teach them the value of money. And it's not like hoeing

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beans or anything, there aren't any bean hooks, it's not dangerous and it is supervised, so I think that it...that this is a very, very good amendment and I hope the amendment passes, along with the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Engel. Senator Bruning, on the Kremer amendment.

SENATOR BRUNING: Mr. President and members of the Legislature, first let me say for the record, this is a corn state. (laughter) I do rise in support of the Kremer amendment and I'll tell you why. I had the...I had the privilege of being a crew chief for a detasseling company for Oetting's Detasseling out of Seward not long ago, since we're telling stories, Senator Janssen, and it was a fabulous experience. And I'm telling you, these 12- and 13-year-olds, they loved it as much as anyone. It was...the way Oetting's did, it was almost a team. Our crew was a team. We competed against other teams. If we were done faster, we made more money. They loved it as much as anybody. It was a great experience, especially the little girls and boys that might not be on the football team or the basketball team, well, they were on my crew's detasseling team, and I think they had a great experience. There were a handful who might have been too small or too weak to handle the early mornings and so on, and I loved to hearing actually what Senator Preister read because it actually brought back good memories for me, the dew on the corn and the mud and the cold water, the irrigated water. You could, you know, get a drink in the middle of the day. But it was a great experience. We loved it. The handful that were too small or too weak to handle it, you would figure that out real quick. They didn't want to do it, we didn't want them to do, and they would eventually decide to quit. They'd go sit on the bus that day and then they just wouldn't come back. But it wasn't like the detasseling crew chief or the company was forcing these kids to do it. They figured it out and they just didn't come back for those handful of kids. But you got to remember, if you haven't done this before, we're talking about a two- or three-week season, and that's it, which you don't realize unless you detassel. I mean, this comes and goes like that. We're not talking about 1890 sweatshop where you're back in there sewing dresses 16 hours a day for, you know, 365 days a

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year. This is three weeks and that's it. So I support 12- and 13-year-olds. I think they can get it done.

SENATOR CUDABACK: Thank you. Are you...

SENATOR BRUNING: Thank you, Mr. President.

SENATOR CUDABACK: Are you finished, Senator Bruning.

SENATOR BRUNING: I am.

SENATOR CUDABACK: Thank you. Senator Price, on the Kremer amendment.

SENATOR PRICE: Senator Cudaback and members of the body, I had...I have two beautiful granddaughters who experienced detasseling when they were 13 years old, and I knew they were children that wanted to make some money for some various projects that they had. And the experience of these two to three weeks with the detasseling really showed me that this detasseling really weeds out the girls from the women. It isn't easy money, it's real hard money. The hours are long, you put up with bug bites, you put up with the cuts from the corn stalks, the corn leaves. You put up with the...that yellow green water that's running off of feedlots when they're watering cattle down to keep them cool and you're walking mid-calf in that water that when you get them in the car, you know, they have a real interesting odor. When I would pick them up at the drop-off sites when they returned, they would always warn me to be sure and cover my seats with a plastic sheet and put newspapers on the floor because these kids were just absolutely filthy, and the first thing they did was strip their clothes, run to the shower, we ran the clothes, washed...rinsed them in a sink before they put them in the washer. And I...really, I just admired the grit of these kids. They weeded out those that thought it was going to be really easy money. They weeded them out right away. I have been termed in my lifetime as being a tough old bird, but let you...there isn't much that I can't and won't do, but when it comes to detasseling corn, I really admire young people, 12, 13, 14 years old that will get out there and do this year after year. They earn good money, it makes them a

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better person, and I am very, very supportive of this bill.

SENATOR CUDABACK: Thank you, Senator Price.

SENATOR PRICE: Oh, I...

SENATOR CUDABACK: Senator Bruning, on the Kremer amendment.

SENATOR BRUNING: I call the question, please.

SENATOR CUDABACK: The question has been called. Do I see five hands? I do see five hands. The question before the body is, shall debate cease on the Kremer amendment? All in favor vote aye, opposed nay. We're voting on ceasing debate, the Kremer amendment to committee amendments. Have you all voted who care to? Record, please, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 0 nays, to cease debate, Mr. President.

SENATOR CUDABACK: Debate does cease. Senator Kremer, did you wish to close on your amendment? Senator Kremer waives closing. The question before the body is, shall AM1061 be adopted to committee amendments to LB 180? All in favor vote aye, opposed nay. We're voting on AM1061 to the committee amendments. Have you all voted who wish to? Record, please, Mr. Clerk.

ASSISTANT CLERK: 33 ayes, 3 nays, Mr. President, on the adoption of Senator Kremer's amendment.

SENATOR CUDABACK: The Kremer amendment is agreed to. Mr. Clerk, next amendment?

ASSISTANT CLERK: Senator Connealy would move to amend. (AM1432, Legislative Journal page 1552.)

SENATOR CUDABACK: Senator Connealy, to open on your amendment to the committee amendments to LB 180.

SENATOR CONNEALY: Thank you, Mr. President. This amendment was drafted so that some protections could be provided to children

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who detassel at a very young ages. If we are to consider, and we have, 12- and 13-year-olds to detassel, at a minimum I believe that these protections should be enfor...enacted into law. The amendment is very simple. The first part requires detasseling employers to provide two adult supervisors for each detasseling location where children under the age of 16 are working. The supervisors are to be a contact for young workers and are to provide assistance to them with issues of health and safety and wages, if those issues would come up. The second part of the amendment requires that detasseling employers who hire children under age 16 provide information in a sheet form to the worker's parents that describe the terms of employment, describes health matters, wage information and how to contact the Department of Labor if there's a problem regarding wages. I believe this language provides a measure of protection for the young people who want to detassel. This amendment is in the spirit of encouraging detasseling for the seed corn production here in the state, and it also provides at least a small amount of protection for the children that would...this will allow me to support the bill, and hopefully we will go ahead and look at all the child labor laws and how they're instituted in the state. I sent around at the beginning of the discussion of the bill a copy of the Department of Labor letter on LB 180 and the history of the bill. I think it's necessary to provide a little bit more information about...than what the Department of Labor provided. There's been a great deal of publicity and correspondence on this issue. It's not been something that the Business and Labor Committee expected to have this much interest at the first. We think it's necessary to say a few words about the bill, though, as many of you come to find Nebraska's child labor laws have been very confusing and obviously they've been misunderstood. Since the 1985 change, there have been employers who have been employing children out of compliance with the law and, you know too, in their defense they weren't aware of it. The Department of Labor was not instructing those employers, I think, to the extent they should have been, to allow...to let them know that they were out of compliance with the law. It's actually been stated that the Department of Labor was giving names of 12- and 13-year-olds to these detasselers within the last couple of years when they knew that was out of compliance with the law. We had testimony in the hearing that at least one

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detasseler knew for the last three years that they were out of compliance, so I think this is serious. We hopefully addressed it here, but I don't want the body to think that this is the end of it. The Business and Labor Committee is going to follow up and address child labor laws in the years ahead.

SENATOR CUDABACK: Thank you, Senator Connealy. You've heard the opening on the Connealy amendment to the committee amendment to LB 180. Those wishing to speak, Senators Smith, Robak, Kremer, Stuhr, and Chambers. Senator Smith, you're recognized.

SENATOR SMITH: Thank you, Mr. President and members. If Senator Connealy would yield...

SENATOR CUDABACK: Would you yield, Senator Connealy?

SENATOR CONNEALY: Yes.

SENATOR SMITH: I...there's kind of a long list of requirements here. By any chance, contained in the requirements, would that be to use ethanol in the buses that carry the detassellers out there?

SENATOR CONNEALY: No, but that would be a very good amendment if you want to add it?

SENATOR SMITH: So you would entertain amending a mandate to a...(laugh). Okay. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator. Senator Robak.

SENATOR ROBAK: Thank you, Mr. President and members of the body. This seems to be a war story today, to tell your war stories. See, I did detassel, too. I also detasseled and I know that it's work and fun at the same time and you learn a lot. Actually I really learned a lot the first day because I forgot to wear a hat. Nobody told me to wear a hat and I got sunburned and overheated and so I learned to wear a hat after that. So you do learn while you're detasseling. It sounds simple and it is longer than three weeks, as Senator Bruning said, now because they rogue first, then they detassel, and

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sometimes it stretches out to be almost all summer. So it's longer than three weeks. But I consulted the "Keeper of the Earth" just a minute ago, of the body here, and he and I both agree that it's very dangerous for some of the children, the youngsters, to be in those fields because they are soaked with pesticides, insecticides, all types of fertilizers, and those young children come home soaked, their boots are soaked, and they hose them out and dry them out, and wear the same ones for the length of time they're detasseling. I know my kids did, my grandchildren did, and they get that...they actually can get that soaked up into their feet and absorbed into their bloodstream through their feet. And I'm wondering, and I'm just speculation right now, but I'm just wondering if that isn't the high rate of cancer that we get later on in life, that we have no reason of knowing how we got cancer. I live in the Platte Valley which has the highest cancer region in the state, and it's probably because...it's thought to be because some of the Sandhills where they are fertilizing and doing all sorts of strange things with cattle and everything else filters down through to the Platte River, the Platte Valley where I live, and everybody is dying of cancer. And our children are forced to go out and wade in those infested waters, and with all sorts of pollutants, insecticides, pesticides and all sorts of other ill things that are not good for your body, and therefore we don't know what's going to happen. It's just a concept but later on in life there's a lot of cancer, and I think that 12-year-olds are too young to have that absorbed into their bodies. Their organs aren't finished growing. They haven't developed and it's really a potentially serious thing to do. I know it's good money. You can work detasseling for three weeks or however long and make more money than the kids that work part time all year round, but however money isn't everything and fun isn't everything. We need to look out for our children's health, and it's incumbent upon us as legislatures to be sure...legislators to remember that that is a serious problem and I think DEQ should look at that, too. I think we need to look at the waters that our kids are wading in and detasseling, and it is sort of child labor anyway. So I oppose...I opposed the other amendment but I didn't get to speak on it, and I don't know how I'll vote on this amendment, but I think we need to look at the fact that Nebraska is a high cancer region and this could be one of the

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reasons why. We have to be very careful. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Robak. Senator Kremer, on the Connealy amendment.

SENATOR KREMER: Thank you, Mr. President and members of the body. First of all, I'd like to say that I failed to mention in the previous amendment that Senator Stuhr cointroduced that with me and I appreciated that. Also I just want to simply state that I support the amendment, Mr. Connealy's amendment. I talked to two of the seed corn companies this morning and both were very favorable to this. They said they already do Part 2 and maybe not the...they're not sure about whether the telephone number listed there, but I think that's very good. If any child is being abused, they have a number that they can call to state that they're...they have a complaint, and so I think that's a good part of the bill. They first part, they had no problem with that. They probably do that but they would be very careful to make sure that they always had two people over 18 to supervise and look after that. I want to assure you also that the seed companies are very careful not to spray any insecticides on these fields when the kids are out there detasseling. If there's any spraying done, it's probably after that anyway, but they are very careful never to do that. Thank you.

SENATOR CUDABACK: Thank you, Senator Kremer. Senator Stuhr, on the Connealy amendment.

SENATOR STUHR: Thank you, Mr. President and members of the body. I just wanted to share with you a letter that I had received from one of the operators of a detasseling group. And they very emphatically stated that their goal number one is safety, that they have two-way radios located at various locations within the field for constant communication, along with cellular phones. They have teachers with coaching experience in charge of supervision. They have multiple water and food breaks. Workers are required to carry water with them while in the field. Goal number two, creating a positive work experience and environment. They realize that their workers are

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very vital to their operation. Goal number three, providing benefits to our workers, seasonal wages ranging from \$6 to \$12 per hour. And in summary, they just stated, we enjoy working with the youth of Nebraska and attain great satisfaction in watching them grow and mature during our interaction. The youth involved in detasseling each summer are often Boy Scouts, good students, athletes and goal-orientated, highly-motivated individuals, and we enjoy encouraging these individuals in fostering development of their character and motivation. And I know that most of them...I stand in support of the amendment because I do really feel that most of the operators are doing many of the things already stated, and support this aspect. With that, I'd turn the rest of my time back to the Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. Senator Chambers, on the Connealy amendment to the committee amendments.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I had been leaning favorably toward this until I heard Senator Price's comments about children wading in water that is a runoff from feedlots, and I don't see that as something safe. And prior to that, I could see these young women pirouetting through the cornfields as they detassel and sharpened and honed their ballet abilities. Yes, because we got those letters that were not for detasseling, ballet would not have been a career they could have embarked on. I heard...it may have been Senator Engel, but I'm not sure, about the work ethic that these kids learned there that they wouldn't learn anywhere else. Farm life must certainly be barren. The only way that these children can learn how to work is to go out there and detassel, wade in this nasty runoff from feedlots. Now I've driven past feedlots, and when DeCamp and I first got down here, I even went into one of them and it's not a pleasant place, and I certainly want a child...wouldn't want a child of mine walking around in the runoff from it, but then we have different views, those of us who are in the city and those who are in the farm area. Some kids learn to bathe by...as a result of detasseling, and I am a fanatic when it comes to personal hygiene, so since detasseling teaches them to bathe, I'm glad and I can say that there are people who shall remain nameless who obviously didn't do any

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detasseling because bathing and they are about as likely to come together as some of my colleagues are to come together with me on some of my opinions. Now some learn to go to beddy-bye when they got tired. Now we didn't have to be taught that in the city, but again we have different lifestyles. My friend, my dear friend, Senator Robak, whom I was thinking of adopting and I'm beginning to think now that I need to adopt her, she learned how to put on a hat when she was detasseling. She used to get very, very hot and she couldn't figure it out, sun just beating down on her head and scorching her brains. And then it occurred to her, I bet somebody told her, though, but she thought deeply about that when she got home and figured that a hat would make the difference, and she put on a hat and, voila, no more scorched brains when she was out there detasseling. I heard that my friend running for Attorney General said this is a corn state. I'm...that's going to be his mantra now. We got to get ready to hear that all the time. He probably wouldn't be running for Attorney General if he hadn't been out there detasseling. So when I begin to see all that is being achieved by this, I must ask Senator Connealy a question.

SENATOR CUDABACK: Would you yield, Senator Connealy?

SENATOR CONNEALY: Yes, Mr. President.

SENATOR CHAMBERS: Senator Connealy, we've all heard about the school of hard knocks. How much is the tuition for this school of detasseling which teaches our children so many things? How much do the parents have to pay to allow their children to attend this school?

SENATOR CONNEALY: Oh, I think it's free.

SENATOR CHAMBERS: It's free? Thank you, Senator Connealy. I can't believe it. These children are learning more detasseling corn than they learn in the school system, and they get to go there free. We need to shut down the schools and make detasseling a year-round activity. And we don't have to limit it to naturally growing corn, we have people who would know how to make artificial corn, and put them on out there and let them splash around in the runoff from the feedlots. But before I sit

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down, I want to say one thing. I'm certainly glad that the activity of detasseling has touched...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...the emotions of my colleagues to such an extent that they would all come on the floor and speak in behalf of this when they can say nothing about the young women who are being lost in the system, being abused in the system, and not a word was spoken. So now here they all come again, here they all come again, talking about detasseling. You know why? Because somebody in their district is a detasseler and said, you got...you better get down there and speak for it, but don't speak for the young women who are vulnerable and need our protection. I am learning something today, but I didn't have to go to a cornfield and detassel to learn it. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Hilgert, on the Connealy amendment.

SENATOR HILGERT: Thank you, Mr. President and members. It's nice at the end of the day when we have an opportunity to share some of the stories that you have with us about growing up and your experiences in detasseling. It's...we've heard also some satire and some puns being made. But let me say this and to Tim and everybody else and all my good detasseler friends that I'm met, Woe be you who breaks this law and ignores this law because this senator will be back next year, and right now we have a...if this passes, is going to be a Class II misdemeanor. If you break the law, that's six months in jail or a \$1,000 fine, or both, it's not just a \$100 slap on the wrist any more. Maybe we'll even go to a Class I, but woe be you who break this law. We do not want to have any reports coming to any senator or anyone in the Department of Labor saying that, well, we hired an 11-year-old because we wanted to give that 11-year-old an opportunity, or we just didn't get the parental notification because, well, you know how parents are, we just want to give that little child some opportunity to get some money. Some of the arguments I've heard, frankly if I wasn't predisposed for this bill, would make me resist this bill. So woe be you who

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break this law, you...you're getting what you want, you're getting what you asked for. Senator Connealy has wisely put, with this amendment, some guidelines in place. Senator Beutler, I know is going to be entering the fray a little bit with some amendments and some concerns, but woe be you who break this law, you don't have an excuse anymore. When this law passes, you read it and you follow it. And woe be you who ignores the section about adjoining states. I am not going to participate where we have a two-tier system, one for Nebraskans, one for people around our state and one for migrant workers, like they do in Iowa. And we're not...I'm not going to be part of that. So it's been a wonderful exchange of reminiscences, but there is some serious matter here, and the responses that I've received since this bill has been introduced has caused some concern. We're going to pass this bill in the form that you want it. Twelve-year-olds are going to be able to work but follow the law that we have. Thank you very much.

SENATOR CUDABACK: Thank you, Senator Hilgert. There are no further lights on. Senator Connealy, did you wish to close on your amendment?

SENATOR CONNEALY: Thank you, Mr. President. Thank you for the discussion. The committee has serious concerns about child welfare conditions and we...we understand that over the last five years people have been hiring children outside the compliance with the law, and our concern is that there are other areas of the law that might be disregarded, specifically that have to do with safety and welfare and wages for children. We have the responsibility to ensure that structures are set up that are clear and that will be held in compliance. My concern is the safety and fair treatment of children who work in this area, and that's the base of the committee action. I urge your adoption of this amendment.

SENATOR CUDABACK: Thank you, Senator Connealy. The question before the body is, shall the Connealy AM1432 be adopted to the committee amendments? All in favor of that amendment vote aye, opposed nay. We are voting on the Connealy AM1432 to the committee amendments to LB 180. Have you all voted who wish to? Record, please, Mr. Clerk.

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CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Connealy's amendment.

SENATOR CUDABACK: The Connealy amendment is adopted. Mr. Clerk, next item to the bill?

CLERK: Mr. President, Senator Beutler. Senator, I have a note you want to offer FA201. (Legislative Journal page 1580.)

SENATOR BEUTLER: ..., Mr. Clerk.

SENATOR CUDABACK: No objection, so ordered. You're recognized, Senator Beutler, to open.

SENATOR BEUTLER: Members of the Legislature, this amendment is intended to re...to restore to the bill what I think maybe was an oversight. There is a Section 48-310 in the current statutes that deals with two different things. One is a bureaucratic system dealing with work certificates that would have pertained to these detassellers and their employment but for the new law that we're putting into effect now, so we get rid of all that bureaucracy and recordkeeping. The other part of 48-310 which was...which was stricken and which I would restore with this amendment is a provision that puts a limitation on the hours of work that you can work these 12- and 13-year-olds. And the current provision in the law indicates that no person under the age of 16 shall be employed or suffered to work in any employment more than 48 hours in any one week, no more than eight hours in one day, nor before the hour of 6:00 in the morning nor after the hour of 8:00 in the evening, et cetera. So that is being restored with the further exception that transportation time will not be counted as work time, in accordance with my amendment, so that if you...if they are on a bus or a van being transported to work, that wouldn't count as work time, but that otherwise the work hours that have long been established in our state for child labor, the outside limitations are restored to this particular bill and would apply. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Open for

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discussion on the Beutler amendment to the committee amendment.
Senator Hilgert.

SENATOR HILGERT: Thank you, Mr. President, members. I would ask Senator Beutler a question.

SENATOR CUDABACK: Would you respond, Senator Beutler?

SENATOR BEUTLER: Yes.

SENATOR HILGERT: I understand that you're trying to accommodate the transportation time because many times I believe that the workers are picked up at 5:00 in the morning and you don't include that as work time. Right now it's my understanding that these young men and women get paid for that time. I don't want anyone to reference this amendment and say, well, it's transportation time not work time, so we don't have to pay you. That's not your intent, is it, Senator Beutler, that they will still be reimbursed even though this is classified as transportation time?

SENATOR BEUTLER: Absolutely, Senator. It has no effect one way or another on that particular aspect of the problem, but is meant only to pertain with regard to their maximum work hours.

SENATOR HILGERT: And the second question I have, Senator Beutler, I've learned more about detasseling in the last, you know, this session than I had in my 36 years prior to this session, obviously, but...because I certainly didn't get the benefits of detasseling. I do want to ask you, though, it's my understanding that the season lasts approximately 17 days, and if you were to limit to a 48-hour work week and you only have a 17-day season, do you think that really makes logic? Do you think it's best to apply the same standard to a season that only lasts 17 days? I don't want to impugn that say what you're trying to do is illogical, I'm just saying that...do you think that would really apply to this situation when you only have a 17-day season?

SENATOR BEUTLER: I think it most certainly..

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SENATOR HILGERT: I'm trying to be polite.

SENATOR BEUTLER: I think it most certainly should apply, Senator. It...the logic depends on whether you judge the standard by the criteria of a child or whether you judge it by the criteria of a particular industry. I don't suppose that if a child were working in a heavy duty industry, that you would say, just because the hours of that industry were such and such, it would be wrong to construct the maximum hours for children simply because it didn't fit the industry. So I think we're talking about children and I think that's...I think what we're doing here is perfectly logical.

SENATOR HILGERT: Well, Senator Beutler, it almost kept me...captured me in a hypocritical moment because my one-day rest from the (inaudible) bill, my mandatory rest period bills, so thank you for not exploiting that opening which you were so politely ignored, Senator Beutler. I will let others who are more familiar with the industry discuss your amendment, but I did want to bring up those two points, and make sure that these children are still paid for that transportation time and, two, whether or not since it's only a 17-day season, that it makes sense. Thank you.

SENATOR CUDABACK: Thank you, Senator Hilgert. Senator Chambers, on the Beutler amendment.

SENATOR CHAMBERS: Mr. President, before I speak as I intend to, I'd like to ask Senator Hilgert a question.

SENATOR CUDABACK: Would you respond, Senator Hilgert?

SENATOR HILGERT: Yes, I will, Mr. President.

SENATOR CHAMBERS: Senator Hilgert, did I hear you correctly, what I think you said, you learned more this session about detasseling than in the last 36 years?

SENATOR HILGERT: That's correct, Senator Chambers.

SENATOR CHAMBERS: What were you doing the 20 years before that?

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(Laughter) Thank you, that's all I have to ask you. Members of the Legislature, I do agree with Senator Beutler's amendment, and if they were working one week, they should not be allowed under the laws of this state to work more than 48 hours, so it's not the length of time during which this season is going to be computed, but the number of hours in a day, the number of hours in a week that we're going to say children should be allowed to work. Now if the body decides to reject this amendment, which means that these young children can be worked more hours than this, I promise you we're going to be on this bill a good long time. Now I'm having to chew my teeth, swallow hard and hold my nose to let this bill go as it is. I'm one of those who insisted that we protect these children who are 12 and up to that next tier. Now if you're going to reject this amendment, and you can take it as a threat or anything you want to, but I'm making that statement. If this amendment is rejected, I'm going to start my amendment writing and I'm going to see if the body wants to give eight hours on this as we gave eight hours on the bill that Senator Thompson and Senator Suttle did such good work on. It's time now to play hardball. I got the letters from those detassellers who want to hire these children, I feel exploit them. And I'm listening to all these senators talking about how great this kind of work is for them, and I'm holding my nose as I listen. They've not been that passionate about anything related to children. That's all we were talking about this morning, and not one of them was speaking. Maybe one or two did at some point. So you're getting on the proper side of me on this bill. You shouldn't provoke me but if you want to provoke me and throw down the challenge, I will accept it, but I'm going to listen to see how somebody is going to tell me we should work these children more than eight hours in a day. And you all have talked about how hard the work is, and more than 48 hours in a week. How many hours constitute a work week for a grown man? We talk about 40 hours all the time, but I haven't yet heard anybody express outright opposition to this amendment. But if somebody is thinking about doing that, I advise them to go ahead and do it but total up the cost. And what some of my colleagues have done is to say, I'm tired of him saying that, I don't care what he says, I'm going to do what I want to do. And I think we all ought to do what we want to do, and I invite you to do it. I am interested in and concerned about these

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children. Parents are not always the ones who are looking out for the best interest of their children. How many times have you picked up the newspaper and seen where an adult will take a child who is just a few months old and kill that child, either by shaking it to death, throwing it against a wall, stepping on his or her back, breaking ribs, putting the child in a bathtub of hot water, butting cigarettes out on the child? And with that kind of record, I'm supposed to believe that parents,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...just because they're parents, are going to exercise good judgment with reference to children? I don't buy that. But this is the crunch amendment. I am in favor of it and I believe it ought to be adopted.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Stuhr, on the Beutler amendment.

SENATOR STUHR: Thank you, Mr. President and members of the body. I have not printed the amendment off but I...I just...I have some concerns about the wording of the last part particularly, because I don't think it's applicable to what we're talking about in...in this particular detasseling. I don't ever know of any group working after 8:00 or after 10:00. Those are some statements in the bill that I...I would certainly like to address. Also, there are sometimes concerns about weather that have an effect on this type of work and the length of time that you have to complete a job. So I did visit with Senator Beutler and hopefully we might be able to work something out. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. Senator Coordsen, on the Beutler amendment to the committee amendments to LB 180.

SENATOR COORDSEN: I was looking for Senator Kremer. I wanted to ask him a question if I might.

SENATOR CUDABACK: Senator Kremer, will you yield to a question, please?

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SENATOR COORDSEN: Thank you, Mr. President.

SENATOR KREMER: Yes.

SENATOR COORDSEN: Thank you, Senator Kremer. I really don't have any experience in either employing or employing companies or in any way having a first-hand knowledge of detasseling, although I'm well aware of that. You do have a large amount of seed corn grown in Hamilton County.

SENATOR KREMER: Yes, we do.

SENATOR COORDSEN: Are...are you aware of detasseling crews, while they may be out in the early hours of the morning, what might be the typical hours that they work in a day? I...and I ask this,...

SENATOR KREMER: I...okay. Okay.

SENATOR COORDSEN: ...as both of know, days get awfully hot toward the middle of the day.

SENATOR KREMER: Yeah. I think most of the time that they are off, like, 2:00 or 3:00 in the afternoon than, and they try to start a lot of times early in the morning because they want to avoid the very hot hours. And I don't think that there's very few times they go past eight hours, but you never know if there should be some rain sometime and they have to really put in a little more time because when the corn is pollinating, you don't have much choice but to do it. So I think it very seldom would ever happen.

SENATOR COORDSEN: Okay. Well that...that, because my experience has to do with in the olden times when the younger people in our area used to work, we hired what we called roquing crews which were high school students, all the way down to possibly one or two 12 years of age. And I will tell you that anyone that stands on this floor and makes light...or makes statements about those conditions have never experienced them nor have they ever had the experience of trying to accomplish a task with young people. My support of this bill is

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probably...maybe a little bit different because what I'm beginning to find as I get older is that fewer and fewer adults have ever had the experience of doing work that had some physical nature connected to it. They've played t-ball, they've played soccer, they've done things of that type. And it is getting more and more difficult, I think to find anyone who will...in fact, it's not difficult work but it...it is, has to be if it's anything like roquing grain sorghum and soybean crops, only enjoyable from the perspective that you're doing something in the company of a group of your friends and getting money for doing it which, as I understand, is fairly good. You cannot...I just don't see how you could abuse these young people because they simply will not show up for work. There's enough competition out there in the seed production fields and other areas that these young adults have to be...have to be treated well. One of the...one of the philosophies that I keep coming back to, and I think about the parenting of my generation, and it probably came a little bit late, but you know we're given babies to care for and we care for them as children, but what we're really doing is raising adults. I hear so many parents saying, well, we're taking care of kids. Not true. And raising adults includes within that appropriate work...

SENATOR CUDABACK: One minute.

SENATOR COORDSEN: ...appropriate work for the age of that young adult, that person who is almost on the verge of being grown up. I recall quite frankly, Mr. President, being 12 years of age and 13 years of age, absolutely confident in my own mind I could have ran any piece of machinery or did any chore on our farm place except that my father would not let me do some things. So I think we sometimes have a mental misadventure when we think about the capabilities of 12- and 13-year-olds. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Coordsen. Senator Chambers, on the Beutler amendment.

SENATOR CHAMBERS: Mr. President, members of the Legislature, there is an expression in basketball and even football: No harm, no foul. If there is nobody who is going to work beyond

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these hours, what does the amendment hurt? If no child is going to be worked more than eight hours a day, what does the amendment hurt? You all who are doing all this yapping on the floor did not sit in that hearing and become outraged like I was, and you wouldn't have been outraged anyway because they are your people doing it. A company representative acknowledged that they violated the law with reference to these children and they knew they were violating the law, so don't stand on this floor and try to tell me that these children won't be abused and the law will not be violated. You don't know what you're talking about. You should have left this bill alone, you should have let Senator Connealy who had worked all this stuff out and had gotten me off the bill in terms of being against it, to add his amendment, Senator Kremer's amendment, then you should have taken Senator Beutler's amendment. But instead, you're going to talk like we're here trying to tear down the Sistine Chapel. What is there about this amendment that is so ominous so that people got to stand up here and say, well, they're not going to work that many hours anyway, then put the amendment on and make me feel better, because I don't trust them. I don't trust adults who work children. I don't trust senators who will be on the floor and not be concerned about a system that is abusing our young girls. And I'm supposed to trust your judgment? This, brothers and sisters, what has been happening today is why I never use profanity and I don't even think profane words because if I did, what is in me would come out. Going back to your best friend, Jesus. He said, of the abundance of the heart, the mouth speaketh. If you stick a pig and he says, oink, that pig doesn't have to go to detasseling school to learn how to say oink. The oink came with the pig. You all need to learn to stop "oinking". And if I were not so stubborn, I would just throw up my hands and go home, but I have some more pearls to cast, and I've got my amendments drafted. I feel sorry for Senator Connealy, and it's not often when there's a bill that I don't like that I will let somebody persuade me that it can be put in a shape where maybe the right thing is going to be done, and if not, we can rectify it. But Senator Connealy achieved that. I want to ask my seatmate, Senator Connealy, a question.

SENATOR CONNEALY: Yes.

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SENATOR CHAMBERS: Senator Connealy, are you going to support this amendment?

SENATOR CONNEALY: Yes, I think it's a reasonable...48 hours is a reasonable amount of time in a week. I'm going to support it.

SENATOR CHAMBERS: Thank you, Senator Connealy. I'm going to watch and see if the privates are going to follow the lead of their general. The general is not just a tactician, that means you learn how to take care of little bitty engagements, but a strategist who looks at the entire battle theater and has managed to nullify what the enemy is going to do in terms of destructive firing. Now don't take the legs...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...out from under him, don't spike his guns. My guns are the ones you should be spiking. I'm going to say one of the favorite verses that I quote when I'm talking to a basically black audience on my cable program once a week. My people perish for lack of knowledge. And this is the verse that Senator Connealy would quote. "Oh, that my head were water and my eyes a fountain of tears, that I might weep day and night for these hard-headed people".

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Hilgert, on the Beutler amendment to the committee amendments to LB 180.

SENATOR HILGERT: Mr. President and members, we did get this...the substitute amendment a while ago. I just talked to Senator Beutler, frankly, after debate had started about his amendment, and I do appreciate the chance to dialog with him and the Department of Labor and experts in their fields, like Senator Vrtiska. And frankly, this amendment is fine, it's a good one. There was a concern. I certainly did want to make sure that those young men and women were going to get paid for being on that hour-and-plus ride on the bus. And with that, I would encourage the entire body to accept the Beutler amendment.

SENATOR CUDABACK: Thank you, Senator Hilgert. Senator Beutler,

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there are no more lights on. Did you wish to close?

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, Senator Hilgert, thank you giving consideration to the amendment. I want to simply reiterate that this is nothing new and nor is it anything radical. The law that is being applied with regard to work hours is the same law that applies right now to any child that's employed who is under 16 years of age. So if you're going to have this set of laws for kids who are 14 and 15 and 16, why would you not have it for kids who are 12 and 13? It seems to me perfectly logical and, in fact, if you want it to be more logical, you should probably have fewer hours for kids that are 12 and 13. But be that as it may, all I'm doing is applying what current law is to this category of child labor. I would ask for your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. The question before the body is the Beutler amendment to the committee amendments to LB 180. All in favor vote aye, opposed nay. We are voting on the Beutler amendment to the committee amendments. Have you all voted who wish to? Record, please, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment.

SENATOR CUDABACK: The amendment is agreed to.

CLERK: Senator Stuhr, I understand you want to withdraw your amendment now. Is that right, Senator?

SENATOR CUDABACK: It is withdrawn.

CLERK: I have nothing further on the committee amendments, Mr. President.

SENATOR CUDABACK: Open for discussion on the committee amendments. Seeing none, do you wish to close on committee amendments, Senator Connealy?

SENATOR CONNEALY: Yes, Mr. President, thank you. And I want to thank everyone for working on this bill, making the law more

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clear. I think it's a goal of the Business and Labor Committee and this will do that. We've been too...we're going to take a long, hard look at the Department of Labor and employers and especially employers that employ children, and the child labor laws. And if there were inadvertent changes in the child labor laws as a result of LB 330 in 1995, we need to take a look at that law. We...we intend to do that. We intend to look at all the exceptions and see if we need to have any more of those or restrict these exemptions. The mechanisms in our state that were there to guide employers on the law and provide protection for children, I think have broken down to some extent in this instance. And I assure you that the Business and Labor Committee will come back and try to fix these. That...I hope that you would approve the committee amendments.

SENATOR CUDABACK: Thank you, Senator Connealy. The question before the body is the adoption of the committee amendments to LB 180. All in favor of the committee amendments vote aye, opposed nay. We're voting on adopting the committee amendments to LB 180. Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President on the adoption of committee amendments.

SENATOR CUDABACK: The committee amendments are adopted. Open for discussion of advancement of LB 180 to E & R Initial. Seeing no lights on, Senator Hilgert, did you wish to...Senator Hilgert waives closing. The question before the body is, shall LB 180 be advanced to E & R Initial? All in favor vote aye, opposed nay. We're voting on the advancement of LB 180. Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 180.

SENATOR CUDABACK: LB 180 does advance. Mr. Clerk, items for the record?

CLERK: Mr. President, hearing notice regarding gubernatorial appointments by the Health Committee, signed by Senator Jensen;

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and an Attorney General's Opinion. (Legislative Journal pages 1580-1584.)

Mr. President, I have a priority motion. Senator Jones would move to adjourn until I assume tomorrow morning, Senator, at 9:00.

SENATOR CUDABACK: The motion before the body is to adjourn until Friday morning at 9:00. All in favor say aye. Opposed nay. We are adjourned.

Proofed by: Kathleen Higley