

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

Floor Debate
November 18, 2008

[LB1 LB2 LB3 LB6 LB157 LR4 LR5 LR6 LR337 LR338 LR363]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for this, the fourth day of the One Hundredth Legislature, First Special Session. Our chaplain for today is Senator Aguilar. Please rise. []

SENATOR AGUILAR: (Prayer offered.) []

SENATOR LANGEMEIER: Thank you. I call to order the fourth day of the One Hundredth Legislature, First Special Session. Senators, please record your presence. Mr. Clerk, please record. []

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Judiciary, chaired by Senator Ashford, reports LB1 to General File with committee amendments attached. That's signed by Senator Ashford, as Chair of the committee. Confirmation hearing reports from the Business and Labor Committee; Health and Human Services Committee, three separate reports; Transportation and Telecommunications, two reports; Government Military and Veterans Affairs, two reports; the General Affairs Committee; the Natural Resources Committee, two reports...three reports, excuse me...four reports by Natural Resources, all signed by the respective Chairpersons. That's all that I have, Mr. President. (Legislative Journal pages 51-54.) [LB1]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk. []

CLERK: Mr. President, LB2 introduced by Senator Engel. (Read title.) The bill was introduced on November 14, referred directly to General File. [LB2]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Engel, you are recognized to open on LB2. [LB2]

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

Floor Debate
November 18, 2008

SENATOR ENGEL: Mr. President, members of the body, LB2 appropriates funds for costs associated with this special session. I've handed out a sheet that breaks down for you the various costs, and these costs are premised on the session lasting seven days. The first item on the sheet, Program 122, is for per diem expenses and mileage. The dollar amount in 123 reflects the costs of bringing in pages, Sergeants at Arms, Bill Room staff and other operating expenses. And the third amount in Program 127 is for additional staff hours needed in the Bill Drafting Office. So if you have any questions, I'd be happy to answer them. [LB2]

SENATOR LANGEMEIER: Thank you, Senator Engel. You have heard the opening on LB2. The floor is now open for discussion. Seeing no lights on, Senator Engel, you are recognized to close on LB2. [LB2]

SENATOR ENGEL: I waive closing, thank you. [LB2]

SENATOR LANGEMEIER: Senator Engel waives closing. The question before the body is, shall LB2 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB2]

CLERK: 44 ayes, 0 nays, Mr. President, on the advancement of LB2. [LB2]

SENATOR LANGEMEIER: LB2 does advance. Mr. Clerk. [LB2]

CLERK: LB1, Mr. President, introduced by the Speaker at the request of the Governor. (Read title.) Introduced on November 14, referred to the Judiciary Committee. The bill was advanced to General File. There are Judiciary Committee amendments, Mr. President. (AM5, Legislative Journal page 51.) [LB1]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Flood, you are recognized to open on LB1. [LB1]

SPEAKER FLOOD: Thank you, Mr. President. Good morning. First of all, I'd like to recognize Chairman Brad Ashford and all of the members of the Judiciary Committee for their hard work, both yesterday and for the past couple of months dealing with what has been a very difficult issue. I'd also like to thank everybody who took the time to testify at yesterday's public hearing on both LB1 and LB3. It is my hope that the momentum that was generated yesterday and prior to yesterday will continue into next session when we have a full and careful discussion about the accessibility of resources and services for Nebraska families. As I mentioned when I introduced the bill yesterday, reasonable people can differ as to whether the age limit in Nebraska's safe haven law should be 3 days, 14 days or 30 days, the clear intent of the traditional safe haven law is to protect newborns and their mothers. Its purpose is to prevent the tragic situation

Floor Debate
November 18, 2008

that occurred in my hometown in 2004, where a baby was born at home and dropped in a gulch behind a department store just hours after the baby's birth. As introduced, this bill provides a three-day age limit for children who may be left under the safe haven act. After listening to public hearing testimony yesterday and carefully weighing the options, the Judiciary Committee chose to amend the law with a 30-day age limit. This 30-day age limit which the Judiciary Committee has advanced is acceptable to me. I, like many of you, listened to the testimony yesterday. And I respect the decision made by the Judiciary Committee to amend and advance LB1. As amended, it does allow, as many have pointed out, some additional time frame for the mother who suffers from postpartum depression or who may face a dire situation upon leaving the hospital. Therefore, I will support the committee amendment of LB1 and I will vote to advance this bill in its current form. Thank you for your continued consideration. [LB1 LB3]

SENATOR LANGEMEIER: Thank you, Senator Flood. As the Clerk has stated, there are committee amendments offered by the Judiciary Committee. Senator Ashford, as Chair of that committee, you are recognized to open on the committee amendments. [LB1]

SENATOR ASHFORD: Thank you, Mr. President, and good morning, everyone. I...thank you, Senator Flood, for that, Speaker Flood, for that acknowledgement. I would like to acknowledge the work of the Judiciary Committee and all its members, the Vice Chair, and we have worked together to try to craft a responsible reaction to what has occurred since February, when this bill came to the Legislature last time. LB1 is a responsible compromise. But it is only a start, as Speaker Flood has suggested, to a bigger question of how we deal with resources, access to mental health resources especially involving the children across the state, not just in the urban areas. It was very interesting yesterday to hear testimony from some of the parents who live in rural Nebraska and were concerned about access to services, the amount of time it took for them to come to Omaha, in many cases, or Lincoln to receive services. It is an issue that we can conquer. This is something that we can solve if we work together in the next 30 to 60 days to come up with some responsible legislation. It must be a high priority of our Legislature and I believe it will be. The hearing yesterday was extremely important to me. I learned a great deal. I learned a couple of fundamental things: First, that the parents involved with children who are in need of mental health services, the providers, the hospitals, the advocacy groups, and certainly Senator Dubas, in sponsoring her LB3 bill which remains in the Judiciary Committee, all unanimously agree that there is a need to address the access to services, the availability of resources in the area of mental health. Why did we go from 3 to 30 days? It was a very interesting discussion. Most of the testimony, for those of you who heard it will recall, was on the issue of older children. But there was some good testimony on the issue of infants. The testimony, I believe, was that most of infant deaths caused by this kind of activity involving the mother occur very, very quickly, within hours of birth. But there are...there is a potential for these occurrences to happen within the first several days after birth. It seemed to us

Floor Debate
November 18, 2008

that 30 days was a reasonable option. The other argument that was made to put some sort of a cap on the time, there were some suggestions of one year or six months, was the idea which was, I thought, pretty well set forth by adoption groups that we want to encourage young mothers to avail themselves of the adoption services. And if we make the time frame too long, if we go beyond 30 days, that that would...could be problematic and would interfere with the normal adoption process. Senator Chambers has added to this debate in talking about the...and I'm sure he will have an opportunity to chat himself about this issue. But we had some very impassioned testimony from children who had been, in truth, abandoned by their parents. And an older young man who was an adult came in and talked about his experiences in being abandoned. It was very telling testimony. And Senator Chambers has talked to us about the harm done to older children if they are abandoned in any way, whether it's at a hospital or anyplace, and I acknowledge those comments. On the other hand, Don Kleine, the Douglas County Attorney who works with this in this area every day, indicated that they were handling the cases that they had been given as a result of the safe haven bill that we passed. They are handling them in the normal course. They're prepared to handle them. And that in many of these cases the children, though left at hospitals, were still interfacing with their parents. And I think some of the testimony that occurred yesterday did underline that fact, that parents, guardians, grandparents, aunts and uncles who were involved in the safe haven process, in most cases, not all, have stayed involved with their parents...with their children, which indicates to me that there was not so much an intent to abandon as a crying out...as there was a crying out for resources. And it's this crying out for resources that we need to address in the next session because it is real, it is real. Right down the line every testifier indicated that, yes, there was a gap, there was an intake problem, there was/is a lack of resources, a lack of psychiatric care professionals and other healthcare professionals to deal with these issues. I spoke yesterday with Lieutenant Kathy Gonzalez from the Omaha Police division. And she talked and wrote a letter to the committee, which is in the record, and talked about the numbers of children who were...had been involved in the system because of a police call. And I believe the number is somewhere around 160 or 170 children per year obtain services because they are in eminent fear of danger. The police come to the home, they take the children, child, children out of the home, take them to Project Harmony, provide services for them and the system seems within reason to work. But there are at least 1,000 other children where there is no...that...where there is an inquiry made, where there is not eminent danger but there are issues. And it's these 1,000 children that make contact with the Omaha Police division and other children that simply can't find the services that are needed. And the parents who talked yesterday at the hearing made it very clear that this was a problem in our state. Let me say this is something we can do. This is something we can deal with and it is something we must deal with. We are all aware of the fiscal restraints as we get into a questionable economic condition in the next...in the 2009-2010. We understand that the revenues are not going to be as significant as they have been in the last two years. We understand all that. This is not necessarily an issue of significantly increasing the budget to deal with mental health

Floor Debate
November 18, 2008

issues and children. But it is an issue of commitment, an issue of management and an issue of priorities. We can allocate funds to mental health issues, I'm convinced. We can do that by making a...taking a hard look at this issue. Lastly, I'd like to say this--and we talked about this at the hearing yesterday and we mentioned...I know Senator Chambers made a significant point in this regard--to say to the providers, to say to the...all those who are engaged with these children--the juvenile court, the county attorneys' offices across the state, the healthcare providers, the mental healthcare providers--we've got 30 to 45 days for these groups to come together, to come together and put forth a plan that will deal with the resource issue that was so glaringly discussed and pinpointed in yesterday's hearing. This was a great hearing. It was a significantly important hearing, in my mind. I agree with the Speaker, in conclusion, that it is important that we get beyond the infant safe haven issue. But in getting beyond it we have to get to what the problem that we saw and heard about yesterday is addressed. Nebraska was not embarrassed by this situation, was not embarrassed by this circumstance. We are a unique Legislature. We take issues on the floor and we deal with them, as we did in the safe haven issue. At the time this bill was on Select File last year and passed on Final Reading those of us in this state who...in this Legislature... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR ASHFORD: ...who voted for that bill were concerned about all children. They were concerned about all children, I'm convinced of this. This was not some mistake but is an example or was an example of how Nebraskans deal with issues. We know there's a problem with minor children in this state. We know there's a problem with access to services. The Von Maur shootings, which was a tragic...which is...was such a tragic evidence of that fact underlines the need for change in this area. Thank you, Mr. President. And I do urge the adoption of the amendment and advancement of LB1. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Mr. Clerk, for an amendment to the committee amendments. [LB1]

CLERK: Mr. President, I do have amendments to the bill and to the committee amendments. Senator Avery would move to amend the committee amendments with AM4. (Legislative Journal page 55.) [LB1]

SENATOR LANGEMEIER: Senator Avery, you are recognized to open on your amendment, AM4. [LB1]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. I want to join the Speaker and Senator Ashford in commending those who have worked on this bill. They put in long hours yesterday. I watched it on the closed-circuit TV. And I was

Floor Debate
November 18, 2008

impressed with the genuine concern that the committee and the testifiers showed for families at risk in our state. I am convinced, as many of you are, that the issue we are being asked to resolve in this session is part of a much bigger problem that was revealed by the passage of the safe haven law. I do not believe that passing that law was necessarily a mistake and I'm not embarrassed by it. This law exposed a problem that many of us did not know existed and we needed to know it. We did not know the extent to which many families with older children were in such desperate need of help. The wave of children being left at hospitals under the safe haven law raised many issues regarding the accessibility, the availability, and the effectiveness of services provided. And it raised more questions about that than it does about the Legislature's judgment in passing this bill the way we did in the last session. But given the constraints of the call of this special session, the bigger issue must wait until our regular 90-day session in a few weeks. What we have to do now is decide the appropriate age of children covered under the safe haven law. With this amendment I am proposing that the committee amendment that sets the age at 30 days be changed to one year, and let me explain why. I did not arrive at one year arbitrarily. I did so with one principle objective in mind and that is providing safe haven for children when they are at greatest risk. There are reliable studies that provide factual evidence that children are at greatest risk of homicide by a parent or guardian in their first year of life than any other year of childhood before reaching the age of 15 to 17 years old. Now this finding is based on a study conducted in 2002 by the Centers for Disease Control and reported in the respectable Journal of the American Medical Association. I have distributed a copy to each of you, a chart showing the percentage of infant homicides revealed in the study. And you will see, if you refer to that chart, that a child is in most danger in the first day of birth. But if you look throughout the remainder of the bars on that chart, stretching to 52 weeks, that it peaks at age eight, and it starts to decline over time down to a much lower level by the 52nd week, that is the first year. This is hard evidence, folks, that the first year of life is one of greatest risk for the infant. This study that I refer to dealt only with infant homicides. But a more recent study by the same organization, done in 2006, examined nonfatal injuries, neglect and abuse during the first year, typically defined as infancy, all the literature refers to the first year of life as in the infancy. The 2006 study, the most recent one, found that 1 out of every 50 infants in the United States is a victim of abuse. Interestingly, two-thirds of the abuse victims were between the age of one week and one year old. Again, we keep coming up to that one year. These two studies provide compelling evidence that children are in most danger of physical harm and death during their first year of life. For me the issue we are trying to decide is how to save the most children possible. We may not be able to save all of them. But we must do our best to broaden the scope of this legislation to save as many as we can. Yesterday, before the Judiciary Committee, Jim Blue testified and he provided additional empirical, factual evidence that children are most vulnerable to death due to abuse and neglect during the first year of life. Infants age birth to one year account for over half of the deaths of children in Nebraska between the age of birth and 17. Deaths attributed to child abuse accounted for over one-third of those deaths. And he also cited

Floor Debate
November 18, 2008

some similar evidence that I cited from national data. I am asking you to look at this issue in terms of what it does to save children, the most possible that we can. I think if we go beyond one year we open ourselves up to more out-of-state drop-offs. I think it's important that we not encourage those drop-offs. Our taxpayers are not responsible for other people's problems out of state. I do think, though, that if we keep our eye on what must we do to save the most children possible, we do need to look at extending this beyond 30 days. I urge you to support this amendment. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Avery. (Visitors introduced.) You have heard the opening on LB1, the committee amendments, and AM4 offered to the committee amendments. The floor is now open for discussion. Those wishing to speak, we have Senator Preister, Chambers, White, Pedersen, Stuthman, Erdman, and others. Senator Preister, you are recognized. [LB1]

SENATOR PREISTER: Thank you, Honorable President. Friends all, our children are under assault mostly in the name of being cheap. Cheap is very costly. Children are fed cheap food that is highly processed with additives that are often unpronounceable. Foods contain hormones, antibiotics, trans fats, radiation, and HFCS. Our children's diets have led to a national epidemic of obesity. We intentionally put industrial waste in our drinking water that makes baby formula. We vaccinate children with over 25 required shots and, in being cheap, we add preservatives like mercury. We want cheap electricity, so we burn coal that emits more mercury, a neurotoxin, PCBs, and other hazardous emissions. Children in east Omaha, both north and south, are exposed to lead in paint and soil. They live in the EPA's largest residential designated superfund site in the nation. The state allowed this because we were too cheap to regulate lead. Because it is cheap, hazardous waste is recycled into fertilizer, unbeknownst to many people. Autism levels are at epidemic rates and we sometimes wonder why. Nebraska has the second highest death rate from asthma. The CDC reports 8 percent of all children age 4 to 17 years have been diagnosed with ADHD. They say it is an underdiagnosed and undertreated disorder, likely because we are cheap. Some people who are trusted by children use them as cheap toys for their own sexual gratification. Sadly, these abusive adults are relatives and even priests. TV images graphically depict violence and sexual exploitation. In Douglas County we have an epidemic of teenage sexually transmitted diseases. Cheap toys used by children for teething are imported with lead in them. Lead causes brain damage. Our children are under siege and largely it's because we are cheap. We closed mental health facilities to save money, being cheap. Now we are looking at a three-day window of opportunity for a safe haven to save money, being cheap. I don't think being cheap is very economical. Ten thousand nine hundred and seventy-two children were in out-of-home care for some or all of 2006; 2,484 of the 5,052 Department of Health and Human Service wards in foster care in 2006 had four or more caseworkers during their time in out-of-home care, virtually half; 55 percent of children in foster care in 2006 experienced four or more placement changes; almost 20 percent had four to five placement changes; almost 21 percent had

Floor Debate
November 18, 2008

six to ten placement changes;... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR PREISTER: ...15 percent had 11 or more placement changes. We have problems, we have challenges. Our children are under attack from all directions. I'm amazed that they do as well as they do. Families are in crisis, children are in crisis. The bottom line for what we do here in the special session, the bottom line for what happens in January with the body that comes back should not be done on the cheap. It should not be done on the cheap because cheap is far more expensive. If we don't do prevention, if we don't take care of mental health, behavioral health and physical health of our children, then those problems will only be exacerbated. We will either pay up front or we will pay in... [LB1]

SENATOR LANGEMEIER: Time. [LB1]

SENATOR PREISTER: ...costs of incarceration. We should not be cheap. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Preister. Senator Chambers, you are recognized. [LB1]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, since this is the only issue we have before us, we can take however much time is needed to compile a legislative record or history and get onto the record the kinds of matters that ought to be dealt with in the upcoming session. Many of us are not going to be here. The new people who will be taking our places are not here right now. So to have a transcript that will include the debate and maybe provide some developmental discussion that leads us to one position rather than another may prove helpful to those people who are not here right now. Sometimes when a person is given a written document there is the opportunity to mull it over, to think on it and meditate, which is not available when you're listening to the flow of a discussion. If you have a quick mind you can catch things as they go by. If the discussion is not complicated you can grasp the full meaning of something as soon as it's said. But we're going to get into some tangled territory before we get through here today. There will be political positions taken, ethical positions, partisan positions, almost everything that's imaginable to be covered when a political body is dealing with an issue. And we are a political body. When a bill comes out of here and it has an age limit, it is not necessary to worry too much about what the term "child" or "infant" might mean if it winds up being in whatever the final version is because the age limit takes care of any defect that might exist if you just used a word that was undefined or that might be amenable to more than one definition. If an age limit is adopted, all that does is to create an exemption from a person being prosecuted for child abandonment. Any child left within that period of time will have a parent or guardian who is not subject to prosecution simply for leaving that child wherever you

Floor Debate
November 18, 2008

say the child should be left in your final version. Even if a child is somewhat above that age, there is no mandate that a prosecutor file a criminal charge. The prosecutor has discretion. The prosecutor determines whether or not, under all the circumstances, an act rises to the level of criminal culpability. Perhaps somebody was very stressed out. There could be many extenuating circumstances, and that's why a prosecutor who is worthy of his or her salt is going to be concerned more about justice and what is equitable and proper than in winning a case and obtaining a prosecution. So if under all of the circumstances criminal intent cannot be established as far as the actual motive, if the surrounding circumstances will not make it possible to attribute a criminal intent to that person, no crime will be charged. If a crime is charged that does not guarantee that a conviction will result. A judge, if the case is tried to the judge,... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR CHAMBERS: ...may decide that there is no crime here. If tried to a jury the same opinion may be reached by the jury and the person will be acquitted. All the Legislature is doing is establishing a benchmark. And I have other things I'm going to discuss in addition to what this bill deals with directly because the die has been cast, the skids have been greased. This is a train without brakes on a downgrade, moving without impediment. So if you get on the track in front of the train, you're going to be run over. And at the end of the day, I hate cliché's but that's the one, a bill is going to be passed that puts a restriction on how old a child can be when left without consequences of a criminal nature. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Those wishing to speak, we have Senator White, Pedersen, Stuthman, Erdman, and others. Senator White, you're recognized. [LB1]

SENATOR WHITE: Thank you, Mr. President. And to my colleagues, I would like to correct two things. First, I would like to correct what we did do and then I'd like to correct a misimpression on what we can do. What we did do is pass a law that said no child, used the word "child." That is a term with definition. We are a common law state. We adopted the laws of England. And absent a definition to the contrary, when we use a term defined in the common law it becomes part of the statute. In the common law a child is a person who has not yet reached their 14th birthday. There has been a canard passed, not only in this state but across the world, that we did not incorporate an age limit. Now I cannot, you cannot, we cannot control how the administration and others interpret the language we use. But if you go to the legal dictionaries, it is without a doubt that we did have an age limitation in this law. Second thing that has not been accurately reported about this law is that it does not terminate parental responsibility. Many of the laws that have been passed, many of the safe haven laws have a fast track, dump the kid off, your rights are terminated, your responsibilities are terminated and it's over. We deliberately and consciously did not do that. Our law says you can take the child to the

Floor Debate
November 18, 2008

hospital, leave the child there and then the juvenile court system will intervene and take custody of the child. That is light years from being able to drop the kid off and walk away. You can't do it. All you have done is invite the juvenile authorities into your home to examine every aspect of your parenting. You remain subject to their authority. You've submitted to their jurisdiction. You still have to pay for that child. If they order you to, you have to go into counseling. We did not allow or license the abandonment of children. That is to correct what we did do. Now I want to correct a misperception on what we can do. Everyone here needs to understand you are part of a 1,000-year-old tradition. You are a legislative body. And for that 1,000 years there has been tension between the executives; in England it was the king, in the United States it's the President, and in this state it is the administration, the Governor. Tension between legislatures and administrators...and the executive is a healthy and necessary aspect of a representative government. We have separation of powers to preserve that. Now, we have a special call and that special call went far beyond what is traditional or honorable inside of this old tradition. The Governor has every right and we have every obligation to focus on the issue that he raises, the problem that he raises and he can raise it specifically. But what he cannot do is dictate a legislative result. The special call that he sent out said we must only consider reducing the age. That is a legislative decision. To say you may only take one method of correcting a crisis is a huge, huge invasion into our responsibility, our constitutional obligation. We may choose to do that. You may hold the opinion that that's the right thing. That is fine. But you cannot diminish this institution because one executive tells you, you can only look at this way of solving the problem. I believe the constitution is clear, I believe that our traditions are clear, despite the Attorney General's Opinion, that we must only look at the problem of safe haven, the problem of children being left, the problem with older children being left, the problem with children from other states being left. Those are the problems. But to say the only solution is to reduce the age is to make us nothing more than a rubber stamp, unable to think, unable to create. And there are other ways to solve the problem. So I ask all of you, as we move forward in this, remain true as legislators to your branch of the government, maintain separation of powers, freely debate all ideas or all issues on this one subject. [LB1]

SENATOR LANGEMEIER: Thirty seconds. [LB1]

SENATOR WHITE: That is what we are obligated to do. And I appreciate learning from all of you, all of your thoughts on the problem that we've been called here to face. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Pedersen, you are recognized. [LB1]

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. First of all, I want to apologize to those of you who thought I was making less of our topic today by wearing my Mickey Mouse hat. It's Mickey's 80th birthday today and I'll be handing

Floor Debate
November 18, 2008

out treats later to commemorate that. By no means do I want to belittle the issue of what we're talking about today. I have worked with children in out-of-home placement most of my life, close to 50 years. I have some experience in this field and families I have worked with. The word "abandonment" means they don't want anything more to do with their children and they drop them off and leave. I lived with 20 teenage boys by myself for nine years in a cottage at Boys Town, which is still very much a part of my heart. We have another home in Omaha, called Omaha Home for Boys. Seldom do they have a young man brought to their institution that is abandoned. I cannot remember one child, teenage boy that I had in my cottage in the nine years that I lived with 20 boys, that was abandoned. They were sent there by their parents, by church organizations, and through the courts. They went home in the summertime to visit their families. They talked on the phone often and they got lots of mail which, at that time of my life, was not a neat thing because them were days when we had to censor mail, and there would be about an hour and a half to two hours every day of censoring mail. They were not abandoned. They were brought in by their families and sent with their families to the courts or whatever avenue they brought into them places because they loved them and they wanted something better for them than what they could give. We people, by passing this bill today, will be abandoning a lot of teenagers by this Legislature and those younger, between the ages of 3 months and 18, 19. We will be abandoning them by not letting this bill sit the way it is. They need us and they need us today. And we were lucky that this bill turned out the way it did. I will say something about those children that I know that have been abandoned. They go through hell most of their life and they suffer tragically. But the biggest amount of these children that we're talking about have not been abandoned. I can tell you on a weekly basis children have been abandoned. I've seen kids sit for months and months in jail without a visit. They've been abandoned because they have no family that would show up. There are some of them there. But when we're talking about what has happened since this bill took effect in July, I have not been able to see in the cases that I've read one case of abandonment. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Pedersen. Senator Stuthman, you're recognized, followed by Senator Erdman. [LB1]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. February 28, 2007, this bill was advanced out of the Judiciary Committee, the safe haven bill, with the 30-day age limit on it. I did support that. It was not my original bill. My original bill was the 72 hours. But since that time a lot of discussion has taken place and we changed it and it was changed here to include all children. And I think that was very, very important. Since it went into effect we've had a number of teenage children. We have had parents, guardians reaching out for help and finally they have found something that maybe they can access something to try to help those situations. I did receive many e-mails stating that we had done something wrong. I am not embarrassed at all with what we have done. I think we have done something that no other state, you

Floor Debate
November 18, 2008

know, thought of doing. Why do I say that about other states? I say that because why would people drive 12 hours to try to receive some service for their child and hopefully get that in Nebraska? They should be able to get that in other states if it was possible. In some of the radio interviews that I did over the last several weeks to a month I stated other states had better look in the mirror to see what they're doing because they wouldn't be traveling that far to come to Nebraska to try to get some help. These people need help. We have a very serious situation. At the present time I think we in Nebraska, in January, February and March need to take a serious look at what we can do, you know, for these children, parents and guardians. We could have cutting-edge legislation that could help the youth of our community, our state and our nation. I think that's very important because who are the people that are going to be in these positions in time to come? That's the youth. We need to have it so that the youth can be assets of the state and be assets to the community, not a liability. And I think in those first years of their life that is how it is formed. A lot of people say that people have found a loophole in our legislation, in our safe haven law, LB157. Maybe they have found a loophole in it, but is that all bad? It has surfaced an issue that we need to address. We need to address that. We need to find, you know, what is it that they need. I was very impressed in the testimony yesterday of the parents that were trying to get help for their children, trying to receive help. And as Senator Pedersen stated, there are youth that sit there for weeks upon weeks with nobody there to see them. Imagine yourself sitting in that situation. That has got to be devastating to them. I think one of the biggest issues that we got to deal with next year is what we are dealing with right now. Yes, we're going to take care of the time frame of when they are being dropped off, of how old before they...before...until they can be dropped off. But I think we have to deal with... [LB1 LB157]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR STUTHMAN: ...a big issue. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Just one minute, Senator Stuthman. You have one minute. [LB1]

SENATOR STUTHMAN: Oh, I'm sorry. I thought you said time. And I do listen to you. (Laugh) I think we must draft some type of legislation this coming January that deals with this. Maybe there are services that are available. We need to look into that. We need to make sure that we can provide services for our children. I think the biggest thing that we have to look at is what do we provide for these children when they're from birth to four years old. Those are the years that set the style of life for the rest of their life. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Erdman, you are recognized. [LB1]

Floor Debate
November 18, 2008

SENATOR ERDMAN: Mr. President, I rise in opposition to AM4 and I'm in support of the Judiciary Committee amendments. As the Speaker has said today, I also watched the hearing yesterday afternoon, in addition to the other responsibilities a lot of us had in our committees, and believe that they did yeoman's work. Obviously, there were a lot of people that wished to testify. Not everybody may have had the opportunity to do that. But I do think that the Judiciary Committee has worked tirelessly, not just these last few days but prior to this special session, amongst each other and with other members of the Legislature to try to find a possible solution that did set the parameters for this special legislative session. There's a couple of things I've heard this morning that I think maybe at the surface level may appear to be true. But if you actually dig in and actually look below the surface, you're actually going to find maybe quite the contrary story. For example, we closed mental health facilities to save money. It's not true. If it were true then funding for behavioral health would have gone down. If it were true the money that we now receive by having people placed in local facilities or receiving services locally wouldn't have gone up and, more importantly, we wouldn't be receiving the federal match to do it. Because another tradition that we have in the United States and in the state of Nebraska is called case law, and it governs in those scenarios in which the Legislature or an elected body had placed a statute in order and enacted it and the interpretation then was carried out. And we have cases like Olmstead that say that individuals that are placed in facilities must be placed in the most least intrusive facilities available. And what we have learned and what we have been told by the United States Supreme Court is those generally have to be in those facilities that are closest to that individual's residence or closest to their community. So a big push behind LB1083, which was behavioral health reform in Nebraska, was to accomplish that goal. And it wasn't foreign to some of us. Senator Harms, Senator Loudon and myself have seen it firsthand and it has worked very well. Region 1 began this process of saying, let us treat, let us provide the services, let us meet the needs, if possible, of those residents that live in western Nebraska, for their behavioral health needs, before you make the decision that we stick them in the back of a cop car, drive them 300 miles east to Hastings or elsewhere so they can have services, only to try to be reintroduced back into their community and try to readapt all over again. Homeward Bound Programs, those opportunities that we experience and we created in western Nebraska have been and are working. Those are the basis that we begin the discussion on LB1083. We proved it can happen. And because of those types of opportunities, we as a state are now eligible for more federal funding for behavioral health because we're able to take those dollars that we're spending for those local facilities and local services and get the Medicaid and federal match that we weren't eligible to receive when the individuals were institutionalized. So we didn't close mental health facilities to save money. We provided the best possible opportunities for success in the treatment of those individuals. And there are still a need for those types of institutional and regional facilities. They're operating differently today than they were prior to LB1083. The other thing that I alluded to just briefly was we have traditions in our state. And the traditions have come down

Floor Debate
November 18, 2008

through us in a number of areas, whether it's the members of this Legislature setting traditions from year to year...Senator Chambers has been here for 38 years. He's been here eight years longer than I've been alive, and I've learned a great deal from him as a member of the Legislature. And I've learned a great deal from him just as a citizen and as a student of our history and traditions. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR ERDMAN: But this is not new territory that we're in as a special session. Read the plain reading of Article IV, Section 8, the Governor may, on extraordinary occasions, convene the Legislature by proclamation stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called together. That's the plain reading of the law. It goes further. In Arrow and in Jaksha the Supreme Court has ruled, which is the guiding principle for us today, that the Governor can set parameters on what we consider. If you don't like why you're here, if you don't want to be here vote to adjourn. Vote against the proposal. But if you honestly think that you want to set new precedent and ask the court to reinterpret, establish case law and a clear understanding of what the plain reading of the constitution is, file your amendments, file your solutions, see what happens in the court of law and we can continue to spin the wheel and gamble at this process. We have clear direction. We can have a conversation. Let's not try to recreate something or, more importantly, try to interpret something that is clearly the contrary of the plain reading. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Erdman. (Visitors introduced.) Senator Louden and SharonAnn Louden are proud grandparents of a new granddaughter, Elliott Elizabeth Sutton. Elliott weighed six pounds, two ounces, and was 19 inches long, was born October 24, 2008, in Fort Collins, Colorado. Congratulations, Senator Louden. Returning to floor discussion on AM4 offered to the committee amendments to LB1, those wishing to speak, we have Senator Kruse, Schimek, Engel, Wightman, Gay, Wallman, and others. Senator Kruse, you're recognized. [LB1]

SENATOR KRUSE: Thank you, Mr. President. Greetings to all. I stand in support of the amendment. I believe that the definition of the law should apply to infants and one year is as old as infants get. I would support, if we have to back off of that, I'll support anything else longer than what's before us. I would want to add to the legislative record on the total issue before us, and I'm going to describe two persons personally known to me. In one our budget was a success, and the other the budget was a failure. I do not deal in compassion. None of these...compassionate people can look at this, but I'm talking budget. The first was a person that came to my attention because my wife Ruth ran an agency on North 24th Street in Omaha where they dealt with persons who had need in that area in the community. Her staff discovered a 3rd grade girl who had mild depression. Now in both of these cases I should say the parents are professional

Floor Debate
November 18, 2008

persons working full-time, loving, caring persons. They aren't wanting to get rid of kids. So get those mental barbs off your mind. This mother was in tears. She was working full-time as a nurse but she could only provide the house and food and clothing. She could not provide healthcare and she knew that something was needed here. Ruth's staff was able to connect with Medicaid and that system, where she received some medical treatment. Instead of going to the emergency room, she went to a physician. And I don't know, I think that first episode probably cost us about \$100, got \$250 worth of Medicaid help and she was balanced out and told that she would have to be on medication the rest of her life. That was a little over 15 years ago so I can tell you what happened. She completed college. She is married. She is a public school teacher, married to a public school teacher and they are heavily committed to teaching in low-income schools. They have a high social conscience and she wants to pay back for what she has received. I don't know how much help she received, maybe \$1,000 all told before she aged out of that system. But she understood. When I saw her recently I said, are you still on meds, and she (laugh) looked at me like I was a little foolish. She said, of course, I'll be on meds the rest of my life, but that's no big deal. She is a healthy, productive person. For \$1,000 we avoided at least \$100,000 of costs because without that she would have gone to emergency rooms, she would have self-medicated on the street, as we say, she would have found ways to stop the pain and would have done something foolish and almost always end up in Geneva, maybe later in the state prison system. She could have become pregnant as a teenager and we would have that situation to pay for. But the worst thing of all of that is that during all this time she would not be paying us taxes, she would not be a productive citizen in our community. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR KRUSE: I find this person a good example of what can happen to one of those persons in the teenage or children's years when we pay attention to them. We are paid back handsomely for that, not in cash but in relieved liability. Would any business turn away from that kind of an offer? No. But unfortunately, we don't operate as a business and, unfortunately, the public doesn't think of us as operating in a business. We avoid paying what is an investment in order to prevent future liability, and that becomes a foolish course for us. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Senator Schimek, you're recognized. [LB1]

SENATOR SCHIMEK: Good morning, Mr. President and members of the body. I rise to express a few thoughts on this whole issue and the reason we are here. First of all, I was very much hoping that we wouldn't be coming into special session because of the fact that I believed that it wasn't much longer until we would be in regular session. And you know what? Coming into special session means we do things hurriedly and under a lot of pressure to get things done and go home. And frankly, I think that's what

Floor Debate
November 18, 2008

happened with the original bill. We were under pressure to get something done and we may not have considered all of the ramifications. Perhaps the other reason that I was opposed to coming into special session was that the call itself was so restricted. And we are precluded, to a great degree, from even looking at the safe haven baby portion of the bill, let alone the portion dealing with all of the other children out there. There are a lot of things that we are not addressing in this bill and we didn't address originally because the whole concept of the bill was different. But we are not addressing, for instance, whether the mother and the baby can remain anonymous. And that is a huge concern of mine, seeing what happened with all those older children and families that ended up in the newspaper. Now I think one or two of them did that voluntarily and on their own because they care so desperately about the problems that people have accessing services. But I'm sure that a lot of those families didn't want to be exposed to the public. And yet, and yet I know that the news media managed to get those families' names off the police blotter and in some cases that is really, really too bad. Another thing that we don't address in this is a voluntary collection of information about the child's medical history, the parental history. And I think that's pretty important to include. But we're not going to be able to do it in this bill. All we're going to be able to do, apparently, is look at the actual age of the child. We aren't looking at any provisions for parental reunification, if that can be accomplished. We are not looking at the other party in this and that would be the baby's father. And it leaves things in limbo for adoption processes. In fact, we've had a lot of adoption agencies talk to us about that particular problem. It doesn't address a public information campaign which, I think, is exceedingly important. If we want people to use the system... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR SCHIMEK: ...what we have learned in this process so far is that people just don't know where to turn. So we don't allocate any money, we don't establish any kind of a program. And we need to do that if we're going to have an adequate safe haven law. It also doesn't require any reporting by the parties involved of how safe haven is working and who's being dropped off and all of those kind of things. So I intend to turn my light on later, talk more. But those kind of things are missing and that concerns me a lot. And after I went home last night I started thinking about it more and more. So one of the things I'm going to be doing, in fact have just done, is to file a provision that would sunset this bill on June 4 of next year so that... [LB1]

SENATOR LANGEMEIER: Time. [LB1]

SENATOR SCHIMEK: ...we will come back and address those questions. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Those still wishing to speak, we have Senator Engel, Wightman, Gay, Wallman, Preister, Carlson, and others.

Floor Debate
November 18, 2008

Senator Engel, you're recognized. [LB1]

SENATOR ENGEL: Mr. President, members of the body, I supported from the beginning what the Governor proposed. And not because...essentially because he proposed it, but what I was looking at is that...what I'm concerned about, because up in our area we had one of these young mothers, a very scared young lady. She took the baby to full term, so evidently she wanted to save a life, she didn't want to kill a baby. But when she got frightened, she had a boyfriend that was evidently part of this procedure, they dumped the baby and they found it in the trash back in Jackson, Nebraska. And the thing is the reason I was sticking to the 3 days...and of course 30 days is fine as far as I'm concerned. That's a compromise that came out of committee and I do support that. I don't support anything else. But the thing is what I was concerned about is after a baby is actually born it's public knowledge there's all kinds of resources there for them. But so many of these young people are not made aware of those. We got the 211, you've got the Boys Town, you've got the HHS hotline and all those. And once the baby is born there are other resources as far as letting those babies up for adoption, etcetera. And God knows that there are so many people that want to adopt babies that have to go overseas to get them. I have a nephew that had to go overseas and he adopted four Korean children because the procedure took so long here, up to six years to get a baby. Well, then finally the ironic part of that, after they adopted the four, they had two of their own, which happens occasionally. But the thing is our adoption procedures, there are so many things that need to be overhauled. And I also believe because of this investigative committee in Beatrice, there's all kinds of things going to come out of that that need fixing. There's no question that there are deficiencies in HHS. There always have been, there always will be. Well, I hope there not always will be. But I think the Governor is trying to do something about that when he's overhauling HHS. But they're finding things there that I'm sure when that report comes out in December it's going to be a revelation to all of us, especially you people who are still going to be here. So those things need to be fixed. And like Senator Tom White said, you don't need a quick fix, and I believe that. But I think if we can handle this portion of the problem right now, and then next year when you're back in full session, you got the whole session to work on this, you can work it over on a methodical basis and do something that's worthwhile and long-lasting. But we don't have time, as far as I'm concerned, in this short session to solve all the problems that we have. But this will fix one of the immediate problems and saving the lives of those young children. Again, I think information is so important to get out there that these young people, they realize that. Because these young girls, they're frightened to death. They don't want their parents to know, they don't want anybody else to know. They're having them in motel rooms, they're having them in rest rooms, they're having them everywhere else. And once the baby is born, that's when they panic, don't know what to do with it and, bingo, it's gone. And we don't know how many, we don't know how many that we don't know were dumped in dumpsters. There could be several hundred of those. We don't know that. All we know about are the ones that have been revealed. But I think getting

Floor Debate
November 18, 2008

information to these young people, not only through the newspapers and the TVs and the radios and so forth but through other resources in your communities and so forth, that if this would occur to you, you know, and heaven forbid, but it does, it happens all the time, that these are resources you have where you can take this baby and you don't have to worry about any repercussions from the law and so forth. And that baby that you took to full term, you saved the life of a child, you created the life of a child, and that child can continue to live. And I think that's very important. So I support what came out of committee and that's it. Thank you very much. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Engel. Senator Wightman, you're recognized. [LB1]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I do rise...I will support the committee amendment for 30 days. If such an amendment would be made, and I'm not sure I want to make the amendment, I probably would support 60 days as well, partly on the basis of the report we received this morning from the American Academy of Pediatrics, the Nebraska Chapter, in which they're saying that 60 days or two months of age is minimum, and they suggest two years. I'm not willing to support that long a period at this time and am reluctant to support one year in light of the committee amendment. I do think, as Senator Stuthman said, that we do have a big problem on our hands, and that's been alluded to by a number of the speakers here this morning, with regard to older children. And I want to relate a situation that came to light in my district, one of my constituents...two of my constituents came in involving the problem of a pastor within my district who had adopted three children. One of the children was beyond the age of minority, was 19 years of age, had had a lot of problems. The two older ones had been adopted when they were four or five years of age, and of course brought with them the abuse that they probably had suffered and perhaps drug addiction as well. The younger one...the youngest one, which was only four or five years of age--and I talked to this lady in the last couple of weeks--they'd adopted as an infant and were assuming they wouldn't have the same problems. But at any rate, the 19-year-old had finally reached the age of majority, had overcome some of her problems. The 13-year-old had become an impossible problem for the parents, the adoptive parents. They were unable to control her. She had been taken, I think, to Boys Town first. They had called after three or four days and said that they were unable to handle her. She was then taken to another community-based provider, the Cedars. They had also called after four or five days and said that they would not be able to handle that situation, they should come...the parents should come and pick up the 13-year-old. They were beside themselves as to what to do. Here is a situation where they adopted children. These children were brought from foster care. They had been foster parents prior to the adoption. They alleviated the state of a major cost that the state would have had, had these children stayed in foster care. And yet the state was unwilling to do anything in this particular situation, or at least as it was related to me. I think there are probably many, many situations across the state of Nebraska where

Floor Debate
November 18, 2008

parents are crying out for help. And I think it's probably more dramatic, in my opinion, where they have taken on the burden of foster care. I think if it shows anything, I think it shows maybe that we have not treated our community-based providers fairly, and I've thought this for the last two years as I've served here in the Legislature; that when the state employees go up 2 to 5 percent, we try to hold the community-based providers down to 1 to 2 percent. And I think in time we're going to lose a lot of our community-based providers. And we're certainly not going to create a situation where we're going to have any more community-based providers stepping forward to provide these services that are so sorely needed throughout the state. So I do think we have to take a look at... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR WIGHTMAN: ...this problem, as Senator Stuthman, Senator White have stated here today. I think this is a problem that really needs to be addressed at our regular session. And I think step number one has got to be providing proper increases for community-based providers. And if we continue to do what we do, then it's all going to fall back to the state of Nebraska and the Department of Health. And I think these services can frequently be much better provided by our community-based providers. So I am in support of the committee amendment, but I would also look strongly, if somebody wants to make an amendment or propose an amendment, to 60 days. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Gay, you're recognized. [LB1]

SENATOR GAY: Thank you, Mr. President. I also would like to rise. I do oppose this amendment. And I would like to commend the Judiciary Committee for their hard work. I think that we've got it right. Thirty days is a time period. Is it perfect? We don't know. But I think it's a good time period to allow those who need a little more time to decide what the best interest of a child would be to make that decision. One thing while we were all listening to testimony yesterday, I was taken by some of the hospital providers, what they were talking about. This was heart wrenching. But I do think as we have this discussion I would say a thank-you to the hospitals and the staff. They've had to deal with some of these issues and they've done a yeoman's work on that. So those who are talking about a problem that may have been pointed out exactly, I think what we've done, we did the best that we thought was in our best interest. But now we've got an opportunity ahead of us, I think. I think we can look at this as an opportunity. We talked about we can't do it all now. But we need to absolutely address this situation when we return. Fifteen of us who are here today won't be returning. I think it's proper that we come back and address this situation. The new members joining us will have ideas, good ideas. But many of us that are left, we need to make sure that we go forward, address these issues. There has been work been done this summer that I think pointed

Floor Debate
November 18, 2008

out many of the issues that we're discussing. So we have a reference of where to begin. It's a matter of wrapping it all up together and making sure we have appropriate measures. We had a LR338, which was just recently completed a joint...is an interim study between the Health Committee and Appropriations Committee relating to the implementation of the Behavioral Services Act. so we had two days of hearing on that. We heard from stakeholders and experts. LR363 was a Health Committee hearing that basically identified the duties and prioritized all the programs in Health and Human Services. We heard detailed discussions and we have notebooks, if anyone wants them, of the priorities and agenda of the Health and Human Services for the next five years. So I thought that was very productive. And all the members of the Health Committee, I would assume, thought it was productive as well. It was completely attended, both days, by all members of the committee. Also, LR337 was a Health Committee interim study. And it looked at examination of the development of a plan to provide behavioral health workers to support necessary community-based services. That was a very good hearing, heard from a lot of people. So when we look at this problem into the future, who needs to be involved? Senator Wightman just discussed the providers. In one of those hearings it was absolutely critical that those providers are involved and that we have the quality providers out there to do the service. Now when we do compensate them for services, and they're saying we can't handle this child, I think we do need to ask them a little bit more, well, why not, and how can you take care of these children. So that's something we need to look at. We need to look at ourselves a little bit here, too, and say, you know, we're coming back and what can I do about it. If we need to get together we have a month and a half, roughly. Holidays are coming up, we're all going to be busy. But talk to new members, let's have discussions, let's get ideas. I would commend Senator Dubas. She had an idea. Is it...was that it? Now is not the time. But she's got an idea; she came forward, very commendable on that. The child advocates that are out there, they've given us a lot of input. They had great testimony that I've heard from parents. There are parents out there, we're discussing some of the parents that took extremely drastic measures with their... [LB1 LR338 LR363 LR337]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR GAY: ...children, but we all know that there's parents out there in your district and personal friends and people that go to our churches, they're in our community, they have a lot of issues. Ninety percent of these kids had behavioral health issues, so it's something we need to look at. But I would just wrap that up. When you talk to your constituents there is a need and they recognized it. Last night I was at an event and it was brought up, and the 250 people that were absolutely on board, we need to look into this issue. So the public is asking us to do this as well. So to conclude, I just think our actions next year are going to speak louder than any words we say today. If you've got an idea, let's talk, let's get together, let's draft a plan and let's move forward. But I think next year our actions will speak much louder than any words we give today. Thank you, Mr. President. [LB1]

Floor Debate
November 18, 2008

SENATOR LANGEMEIER: Thank you, Senator Gay. Continuing with floor discussion on AM4 offered to the committee amendments to LB1, those wishing to speak: Senator Wallman, Preister, Carlson, Chambers, Friend, White, and others. Senator Wallman, you're recognized. [LB1]

SENATOR WALLMAN: Thank you, Mr. President. Members of the body, I support Senator Avery's amendment. I did informal (inaudible) McDonald things, you know, handed out napkins. I gave them three options: three days, three months, a year. Every single...these are retired nurses. Every single person put on there a year. And then a nurse called me up last night. She said, it should be five years. I don't agree with five years, I says, but I can support a year. And I appreciate Senator Stuthman's comments about this did bring attention and it is about the cost, folks. We're not paying our direct care providers, like Senator Wightman said. And our state employees, we're probably paying them quite a bit more. But if we want more private care providers, which was mandated by the federal government to spread out these Medicaid dollars, and so we have to obey by some of these mandates. But I wish we would look at this not as a cost but as an opportunity. At one time we were ranked one of the best in behavioral healthcare. The whole nation came to Beatrice to look at how things were going. And then we started cutting funds, cutting professionals. We have to tie professionalism into these institutions, that it's a good place to work, it's an economic development tool for communities that have these places. And I'm proud to be at Beatrice because they do treat these people with respect. And so I support Senator Avery's amendment and see where it...thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Preister, you are recognized. [LB1]

SENATOR PREISTER: Thank you, Honorable President. Friends all, when all is said and done, a lot more is said than is done seems very appropriate here this morning. We know that we only have one thing that we can do in the special session or we have other options, of course, but that's what the call is for, to change the time element on the special haven law. That's what we will do. But many of us want to make a record and want to have in that record there are concerns. Those concerns still need to be addressed. And just as Senator Schimek said, there are some failings in the existing bill that many of us would like to see adjusted while we're still here. She won't be here, I won't be here, 15 of us will not be here. But we do have an opportunity to slow the process a bit and that's an important component. Speeding through things leads to mistakes, slowing the process, being more deliberative helps avoid some of those challenges. There are those people who said that the Legislature made a mistake. There are people who said, after we were the last state, why couldn't we get it right, why couldn't we look at what everybody else did and why couldn't we take advantage of all of the things that worked and avoid the things that didn't. Well, I don't think we made big

Floor Debate
November 18, 2008

mistakes, and I say that even though I didn't support the bill most of the time. I voted for it on Final Reading, finally, but I listened to a lot of the people from the adoption agencies, from Voices for Children and others who said this was not the direction to go at all. Firefighters were concerned. There was a lot of concern over this bill, and that concern is still there. But at this stage of the game, right here today I am glad that I voted for it on Final Reading. I am glad that we brought attention to the problems of children and families in crisis. And I think those crises are going to be exacerbated as our economy is more dramatically affected and as we see more people unemployed, underemployed, less health insurance, less ability to take care of their children and their families and more time away from their families, trying to make a living and deal with economics. That's why many of us are talking today. We see the gravity of the need. We see the gravity of the importance of having services available, preventively dealing with these behavioral healthcare, mental healthcare issues up front, not being cheap and saying we will put it off until later. In my first time talking, I talked about being cheap. We can pay to help develop children or we can pay later, even greater amounts in healthcare costs and Medicare costs and prison costs. And those costs are far, far greater. Economically it's much cheaper in the long run to pay for prevention and to be up front in addressing these issues when children are still young, impressionable and able to be helped rather than when they're in their twenties or thirties or forties or fifties and we're paying the cost of keeping them in prison. So, yes, a lot is being said, it's being said to help direct the issue in the next session when some of us won't be here to have those opportunities to speak. And just as I pointed out in my first time of speaking--problems, it is essential that we point out the problems, not to point blame but to show where we need to make changes, to show where there needs to be improvement,... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR PREISTER: ...where the system needs to be corrected. There are a list of things that the Children's Behavioral Health Plan, prepared by the Children's Behavioral Health Task Force in 2007, pointed out. They identified a lack of coordination and integration across agencies and systems, no single point of accountability for the system, no uniform and portable needs assessment tools, funding that is inconsistent, fragmented and inefficiently allocated, a lack of adequate community-based service capacity, a shortage of behavioral health providers, a lack of adequate data and information systems and accountability measures for the systems, much as Senator Schimek said, a lack of transformational vision, planning and implementation. The list goes on, but it's that planning and vision and implementation... [LB1]

SENATOR LANGEMEIER: Time. [LB1]

SENATOR PREISTER: ...that this body will need to do next year. And I hope they do it well. Thank you. [LB1]

Floor Debate
November 18, 2008

SENATOR LANGEMEIER: Thank you, Senator Preister. Senator Carlson, you are recognized. [LB1]

SENATOR CARLSON: Mr. President and members of the Legislature, before I address this issue I'm going to mention something else that I believe does have a relationship to what we're talking about today. November is an important month and on November 11 we remembered our veterans who fought for and won our freedoms. One of those freedoms is freedom of speech, freedom to think and to express thoughts openly, freedom to disagree, a freedom to be critical. We're exercising that today. Since the beginning of the Civil War, some 1.4 million brave men and women have died to guard our freedom and today we exercise that freedom. We'll have that freedom only as long as men and women are willing to volunteer to guarantee that we continue with the freedoms that we have today, and I thank them for what they have done. Now on our issue today as I think about this, the most effective group that we have in our society, and the overwhelming majority of the time they deal with these problems successfully, are our parents. Parents aren't professionally trained to be counselors, to be psychologists, to be psychiatrists, but the vast majority of the time they do very well; the results are positive. But in a few cases they cry for help and that's what we're attempting to address here. I've spoken to a lot of people in my district in leading up to this special session, I asked them what they thought. No one agreed that 72 hours was an adequate time, and so I support the amendment of the Judiciary Committee. I can also support Senator Avery's amendment for a year. We all will agree that the Nebraska safe haven law has identified other issues that must be recognized, not today but in the 2009 Legislative Session. We can't and we shouldn't try to solve it all here now, but between now and the 2009 Session I call for the citizens of Nebraska to let it be known to their state senators their ideas on how the issues of children beyond the safe haven age should be addressed. I don't necessarily believe that more government programs have to be the answer to many of the issues with these children. And many organizations already exist that can and should be an important part of the solution, such as Boys Town, Nebraska Children's Home, Cedars, and I could mention many others which I don't. There are groups like Teammates, Big Brothers Big Sisters, and others who use volunteers to make a difference in young people's lives. And if this difference is made long enough in advance, we wouldn't have to deal with many of the problems that we're dealing with today. I challenge our churches, our charitable organizations, our service clubs and others to step forward with ideas on how they could help in the solution to many of the needs of our children in Nebraska. I ask the people of Nebraska,... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR CARLSON: ...offer solutions to these needs. Contact your state senators. We as a body are concerned. We want to do the right thing. We want to help our children, and we'd like to be able to look back and say well done. Thank you. [LB1]

Floor Debate
November 18, 2008

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Chambers, you are recognized. [LB1]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'm Ernie Chambers, I approve this message. Senator Carlson made me think of something George Bernard Shaw said: Parents are the very ones who ought not to have children. I don't think we can get sentimental about the term "mother," "father," "parents" or any other one, because all of those categories include people who have done some very horrible things, so we have to look at the reality that is in this society and be pragmatic. The pragmatic message today can be presented in a letter that I wrote to you all October 10, and probably none of you read it because you don't pay attention to what I send you, but it said with reference to special session to deal exclusively with safe haven law. The Governor didn't pay attention. In fact, the media said that there was a very cool reception to my recommendation. Nineteen days later he called you all in to special session. It's not that I'm a fortune teller. I'm pragmatic. Senator Carlson, I'm like that guy in the Old Testament who saw a cloud a great way off, the size of a man's hand, but he knew something about the formation of clouds and that it was going to bring about a great storm. I saw what was developing and I tried to offer something which was ignored at that time. Anyway here's what it says. I want this in the record: Colleagues, I've been advocating for a special session whose sole purpose will be to bring an end to the current worsening situation surrounding the existing safe haven law. My primary concern is not with inconvenience to the state or any other agency or entity, but rather with the traumatic and potentially life-scaring experience of adolescents being abandoned. That's a horrible thing to happen to a child old enough to understand what is happening. As adults, we perhaps can empathize with those who are set adrift in a strange environment among strangers and deprived of all that is familiar, even if it happens to be dysfunctional. Being the senior member, I deem it a duty to propose the calling of a special session. Since I will not be returning to the Legislature next session, I cannot be accused of seeking any strategic or tactical advantage in my struggle against safe haven laws. I don't like them. I think they are bad public policy. They are throw your child away with the state's approval types of legislation. Continuing: During such a session whose minimum constitutional duration will be seven days, the issues brought to light by the existing law can be thoroughly discussed without any hasty action being taken. Removal of the open-endedness of the current law will stem the flow of older children and give the Legislature time to consider next session, (1) whether there should be a safe haven law and the form it should take if one is desired; (2) a less pressure-packed environment for addressing the issues that have surfaced regarding programs and meaningful assistance to desperate families. Although I will continue emphasizing the need to tackle underlying causes that impel women to abandon their babies, I will not delay enactment of appropriate amendatory language to the existing safe haven law. I have spoken with the Speaker and the Governor's Office. I'm not ambushing anybody. We can and must apply a tourniquet as a temporary expedient.

Floor Debate
November 18, 2008

There was a program on television, it used to be called Designing Women. Four white women had this company down in Georgia, and they had a black guy who was a eunuch, played the role of a sexist eunuch, and that's the only way you could have a black guy in the house with these four white women so white people aren't afraid. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR CHAMBERS: I'm not going to have time to finish so if somebody would give me some time I will finish it, but I have a definite point that I want to make based on that particular program and it demonstrates what I mean when I say you all don't listen to me. White people don't listen to black people, and if somebody gives me time I'll explain exactly what that lesson is and how it was effectively presented by that eunuch. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Those still wishing to speak, we have Friend, White, Dubas, Howard, Kruse, and others. Senator Friend, you're recognized. [LB1]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I am in support of the Judiciary Committee amendments. I am not in support of AM4 to the Judiciary Committee amendments. I also like to try to...this deep into the discussion it's pretty tough to be innovative or creative, especially as innovative and creative as this law actually is, but I'll try. It's just my opinion and it's based on the same type of stuff and information that you all have, is that safe haven laws, they're not meant to do what we have done. If you want to call it a mistake, call it a mistake. I don't know that it was for some of the reasons that were pointed out earlier. Safe haven laws, they're not meant to have the scope that we've given it. And many have pointed out to me, constituents, coworkers, my sister...my sister called me. She saw something on CNN or Fox, I don't know. She probably watches CNN; she's got a liberal bent that I have a difficult time dealing with. And she said your law is great. And I...she didn't see me but I shook my head on the phone and I went, I don't know what you're talking about. I didn't abdicate my authority, I just didn't know what she was talking about. She thought it was great. The point is people like it because it's innovative, it's creative. I don't even know if we were going down that road. I don't know that that's what we wanted. Based on the transcripts, it appears to me that it is, to a degree. But because we did what we did last February, I think it's well-documented now that we've exposed the problems that Senator Carlson and others have brought up, and we can deal with those in the 90-day session. But I think we also have plenty of folks that have pointed out that this was a huge mistake, including national media, including local media, including our friends, neighbors, and everybody else. They said, what were you guys thinking? We've tried to explain that. I don't know that you can. But if what we did was a mistake I believe that the 30 days, based on what a lot of other--we might not all like to follow other states--but based on what a lot of other states have done, I think that 30 days is a decent way to fix

Floor Debate
November 18, 2008

a situation, if it's broken, to fix a situation and provide the appropriate scope that we need. It's not...like I said, it's not unprecedented. I mean, we can see that in green and blue and white and whatever colors people want to make the matrix. I don't think what other states have done is irrelevant, I never do. I've been here for six years and I've always tried to promote the idea that, yeah, sure, we've got some autonomy. Sure, we're sovereign. But what other states do from a revenue standpoint, from a criminal justice standpoint, they affect us directly--most often indirectly--but they affect us directly at times. It's never irrelevant what other states are doing. We'd be well-served to take careful note of all of the things that have happened since this bill was signed into law and for the next three days that it actually won't be existing law. We will be well-served to take careful note of that. I also believe we'd be well-served to make some careful, deliberate enhancements to our Health and Human Services system that can, I guess, not only benefit our citizens, but potentially indirectly benefit the citizens of other states who need Nebraska's help because we are or we think we can be more innovative about some of these problems. We have seen things now that other people haven't seen and I think we can address that, but we also have to address and understand that we cannot save the world, we'd like to. Do you know why safe haven laws are around? I agree with what has been said. Actually, I think Senator Chambers said it. [LB1]

SENATOR LANGEMEIER: Time. [LB1]

SENATOR FRIEND: Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Friend. Senator White, you're recognized. [LB1]

SENATOR WHITE: Thank you, Mr. President. I would like to make a couple brief points and then yield my time to Senator Nantkes. First, I would ask you to look seriously at Senator Avery's one-year limitation. I think it addresses Senator Chambers' concern of adolescents and other people who would be emotionally scarred by being abandoned, which I do not discount, but it also allows for a child to physically develop to the point where they are a little more resilient to abuse. Children at a year and under don't have the neck strength. They are particularly vulnerable to the shaken baby syndrome. One of the things I sent before we started was a poor child, a female child in Creighton University Medical Center, right now, with severe brain injuries caused by shaken baby syndrome. She was four months old. I think if we had been swamped with under-one-year-old children, then we could talk about the need for three days or 30 days, we haven't been, there hasn't been any. I want to give that parent under pressure the chance, just the chance to not hurt that child, deliver it to us, and then our system is we intervene, we give counseling, we strive to reunite child with parent. That's what the law is as it is now. I think if we put on a year we hurt nothing, we expose ourselves to nothing, but we protect truly the most vulnerable children up to the age when they are a little more resilient. With that, Mr. President, I yield the rest of my time to Senator

Floor Debate
November 18, 2008

Nantkes. [LB1]

SENATOR LANGEMEIER: Senator Nantkes, 3:20. [LB1]

SENATOR NANTKES: Thank you, Mr. President, and thank you, Senator White. A few brief points that I wanted to inject into the debate this morning, first, beginning from a procedural posture. We've had some discussion about the scope of the call. And I want to take this opportunity to commend Senator Dubas for moving forward in an appropriate and aggressive posture as a responsible Legislature should. Regardless of the Attorney General's Opinion, which may or may not be issued in regards to this special session, Nebraska's Constitution and case law is quite clear. While, of course, the special session's constitutional origins are found in Article IV, Section 8, of the Nebraska Constitution, and allows the Governor some latitude to define the parameters, the call of the session is just that, and the Governor cannot dictate or restrict what the Legislature does. We have the freedom, flexibility, and prerogative to look at these issues as broadly as we deem appropriate. This bears upon one of the most fundamental principles within Nebraska constitutional framework: the separation of powers, which according to Attorney General Opinion 02012, is even broader and stronger in Nebraska than exists at the federal level. This has been codified in the Nebraska Constitution and further delineated by the Nebraska Supreme Court, therefore the legislative authority granted to the Nebraska Legislature is absolute and supreme and must be afforded that sort of deference. Finally, in terms of the substantive issues that we're looking at here, I like the idea that Senator Avery has brought forward with the one-year limit because it's grounded in science. Medical professionals, mental health experts, and child welfare professionals have told us that is what is appropriate. Those are the folks on the front lines who have the closest connection to these families in crisis. I also like the idea that Senator Schimek has presented in terms of looking at a more flexible approach rather than rigid time frames and having maybe a sunset effect in place,... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR NANTKES: ...and I think those are things that we need to delve into more completely. I've heard a lot about how the safe haven bill has demonstrated unintended consequences. My friends, a human service system devoid of leadership and appropriate funding in terms of child welfare, behavioral health, and other critical human services over the course of many, many years and many administrations brings us to this point. Those are not unintended consequences. Those are serious consequences that we can see and have seen coming. How many task forces do we need? How many class action lawsuits do we need? How many Department of Justice investigations do we need into Nebraska's human services? Take the opportunity to appropriately exercise your and our legislative prerogative and power, and look at this not as a band-aid... [LB1]

Floor Debate
November 18, 2008

SENATOR LANGEMEIER: Time. [LB1]

SENATOR NANTKES: ...but a true opportunity to move forward. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Nantkes and Senator White. Senator Dubas, you are recognized. [LB1]

SENATOR DUBAS: Thank you, Mr. President, members of the body. I would like to stand in support of Senator Avery's amendment. As Senator Nantkes just pointed out, it is grounded in good research and solid evidence to support that age. It's just not an arbitrary number pulled out of the sky, so I do stand in support of the amendment. I'd also like to reiterate some of the facts that Senator Nantkes just made. Quoting from a letter from Attorney General Spires to Senator Jerome Warner: While the Legislature must confine itself to the matters submitted, it need not follow the views of the Governor or legislate in any particular way. Within the special business or designated subjects submitted, the Legislature cannot be restricted to dictated to by the Governor. It is a free agent and the Governor, under the guise of definition, cannot direct or control its action. The Legislature, while in special session, may enact legislation relating to, germane to, and having a natural connection with the purpose for which it was convened. I see it as my duty and our duty as senators to stand up for our constitutional right to legislate. We have every right and obligation to bring anything forward on this floor for the full body to decide whether it should move forward or not. It is our duty to preserve the integrity of the separation of powers between the executive, judicial, and legislative branches of government, so it is totally within our prerogative to raise all issues that are pertinent to the topic at hand. We opened this door when we passed safe haven legislation in the last session. We opened the door. It's our responsibility to come back and address this issue, and I know when we passed this legislation it would probably be a pretty safe bet to say none of us expected the magnitude of the response to the legislation. We knew the possibility was there but I know personally I did not expect the numbers that we are seeing today to turn up. But I think it's made us aware of some very major gaps in our community-based mental health delivery system. Yesterday's hearing further clarified for me the fact that there is a huge disconnect between the Department of Health and Human Services and those who are actually out in the trenches providing the services, trying to address the concerns and the very serious issues that our youth are facing when it comes to mental health issues. I believed we realize that just because services may be available, that doesn't mean they are easily obtainable, and I think that's a huge issue that we need to take note of. I recognize that in seven days we cannot create responsible, comprehensive legislation, and that's why in the bill that I introduced that would have created a two-tier system that would have allowed us, put a process in place for the older children to address their concerns, I included a sunset in my bill because I recognize that we need to come back in January and look at the big picture.

Floor Debate
November 18, 2008

We need to look at how services are delivered to our youth. We need to look at how services are delivered to our adults. We need to look at how we can help community-based mental health services be more effective in how they work with the public and what they're able to provide. We talk continually about the importance of saving money, and I am not going to say that that's not important. That's paramount to the work that we do. We need to be... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR DUBAS: ...fiscally responsible in how we handle taxpayers' dollars. But as we talk about the importance of saving money, Nebraska is in the middle of being investigated by the Department of Justice for denying developmentally disabled people their civil rights and we're forcing a staff at veterans' homes to work mandatory overtime. Over 50 percent of the children who have been abandoned under the law are children who are already in the care of the state. Obviously there's some money that's being found to provide the services for these 35 kids. I think there's a lack of transparency. I think there's a lack of accountability. Where does this money come from? Where is the department finding money to provide for these kids? I believe the number 17...17 of these kids are still not back in their home of origin. They're still in the system. Obviously there were some serious issues that the department deemed it not safe for them to go back to their home. [LB1]

SENATOR LANGEMEIER: Time. [LB1]

SENATOR DUBAS: Thank you very much. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Dubas. (Visitors introduced.) Returning to floor discussion on AM4 offered to the committee amendments to LB1, those wishing to speak we have Senator Howard, Kruse, Harms, McDonald, Preister, and others. Senator Howard, you're recognized. [LB1]

SENATOR HOWARD: Thank you, Mr. Speaker. I want to start my remarks this morning by thanking members of this body. We didn't make a mistake. What we did was present an opportunity. People like Senator Ashford who has been such a champion of this, Senator White, Senator Dubas, Senator McGill, I could on and on, all of us who are committed to this issue. I worked for the department for 34 years. I was an employee. I was a person who, if I did not do my job, could be fired. When I read comments in the paper that the director has made, the director Todd Landry, that once we correct the age, the problem will disappear. The problem is not going to disappear. Everyone doing the work knows that. Everyone who is parenting a child that is so very difficult knows that. Everyone in the court system knows that. Why doesn't the director of Health and Human Services know that? When we confirm someone, in my eyes that confirmation is an agreement of trust that that individual is going to fulfill that duty that he or she has

Floor Debate
November 18, 2008

taken on. To come into our committees and to minimize this problem, to downplay it, to say people could have waited, does not address this problem; to not return phone calls to people who are concerned about this, to say to the paper these people abandoned their children. In the state of Nebraska, abandonment is defined as leaving your child with absolutely no contact for a period of six months. These people are going into court with their children, they're expressing their frustration. They're coming to Lincoln. They are throwing themselves on the mercy of our committees, saying we can't provide for our children. I can't begin to tell you how monumental that is to have a parent say, I can't care for my child. I've taken relinquishments for people. I've taken relinquishments for people who want their child to have a better opportunity than they did. We need a Department of Health and Human Services that's attuned to the needs of the people that come to them, that can't deal with these serious problems. We need a director of Health and Human Services, child welfare, who's going to be honest with us, who's going to come into us with solutions. This body cannot come up with the solution to this problem alone. It needs to have an effective department of child welfare on the job. You may remember a week ago there was a tragic shooting in my district. This was at an Infinite station. My neighborhood associations have banded together to fight issuance of a liquor license to that facility. It's in a neighborhood. It's close to family homes. A liquor license would draw in more crime and more destruction. My neighborhood associations were successful. That liquor license was not granted. However, tragically there was a killing up there, a week ago, of a 27-year-old girl who was locking up, had a few cents in her pocket and a driver's license; was taken to the alley at the site of that building and was killed. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR HOWARD: Thank you. My staff just gave me some news information about that killing. A 15-year-old boy was arrested in connection with the November 12 shooting of Tari Glinsmann. The teen, whose name has not been released, is in the Douglas County Youth Center on suspicion of first-degree murder and use of a weapon to commit a felony--15 years old. I'm afraid; I'm afraid that if we change this age limit, if we alter this, that come next January when we don't feel the pressure, when the heat is not there, these things won't be addressed. I ask you to stay committed. Hold the Department of Health and Human Services responsible for working with us toward a solution and a way to help families. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Kruse, you're recognized. [LB1]

SENATOR KRUSE: Thank you, Mr. President, and greetings to all. I emphasize that this is not an issue of sentiment or compassion, though we are caring people and we expect some of those who are working as case workers, as Senator Howard has indicated, to be caring and compassionate. But our job is strictly a business decision,

Floor Debate
November 18, 2008

and in that light I'm going to speak about a person who has cost us dearly and will raise your taxes. Your taxes are going up and I'll tell you why. He entered the system as a 14-year-old. He is now 26 years old. He has professional parents who have cared about him deeply and who had health insurance which got him into treatment, and they found out that he's bipolar. They proceeded to give him care and treatment until he aged out of their health insurance, and then they started into trouble. The parents tried every angle they could to get treatment in the state of Nebraska, and they could not. He was not violent so he didn't qualify, you know. They answered the question more times than you can imagine: Is he a danger to himself or to others? No, he's not violent. He is bizarre. He has behavior that causes him to lose his job. He cannot go on this way. Finally, they were able to angle for treatment under the state provide treatment. It lasted three days. In the three days, the state confirmed that he had serious bipolar but they weren't going to do anything about it. Two weeks ago I met with the dad and we had a clear-eyed discussion with each other about a business decision of the state. I asked him, what are we going to do about it--that's we, the state--what are we going to do about your son? And he said, I guess we will send him to prison. It will be decided in November--I think it's to be decided this week. The judge is well-aware that he's mentally ill but there are all kinds of circumstances which I'll not get into. The dad, clear-eyed, said, what does it cost for the state to provide treatment for a bipolar person? I said, well, \$50,000, let's say. It's all over the place but that's a good figure to start with. What does it cost, he said, to go to prison? I said \$30,000 a year and he'll probably be in for two years, so that's \$60,000 we're willing to put up with there, however it costs us a lot more on the prison route because he's not paying taxes. I like to receive taxes that we can disperse through the Legislature and he won't be doing that for two years, plus he will be damaged goods on the market. He'll be damaged because he will think less of himself and the future employers will think less of him, so we will have a lifetime of his deficit to pay. I said, in the Legislature I've started to...I've been there a long time and I figured out the view of the forest. We have various departments and we have a Department of HHS that has been administering the services, what you've gotten for your son. They are under a budget. Don't blame them; they're under a budget and they're supposed to hold it down, so they won't pay for the treatment for your son. But if we send him to prison, they will pay, so it's not a question of whether we the taxpayers are going to pay for his medication. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR KRUSE: As of three years ago, we said we'll start paying for that, so we will pay for his medication, but at the end of that time he will be damaged goods. We will pay for the rest of his life for our way of going at it. Our taxes will go up. We have that kind of a system. We have that kind of a conflict in the system and that's what we're looking at, and I urge those senators who continue, to think about the ways in which our taxes will go up because we have a conflict of the departments that we administer. Thank you. [LB1]

Floor Debate
November 18, 2008

SENATOR LANGEMEIER: Thank you, Senator Kruse. At this time I'd ask the body to respect the individual speaking and hold their conversations to a minimum. Thank you. Senator Harms, you're recognized. [LB1]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of the Judiciary amendment. I can live with 30 days. I would rather like to see it a little bit longer, but 30 days is okay and I can support that. Senator Dubas made a pretty good point in regard to Health and Human Services being disjointed and not in the flow of what is taking place here with our children. And as I look at this, no parent should ever have to abandon a troubled child to get some help from this great state. The children problems that are coming into the safe haven program have mental illnesses, they have behavioral disorders, they have violent threats, they have fractured families, and this is typical of what you find when you get into the foster care system. And what we're seeing right now is only a very small percent of the issues that are still in our Nebraska families and our family homes, and the longer we would go with this, the more children you will see, the more teenagers you will see will come into the system. We have to recognize the fact that families, when they bring the...families are in a crisis. Families are troubled and hurting when they have to bring their child into this kind of a system such as a safe haven. What they find is a system that is not friendly. What they find is a system, in many cases, that's so filled with red tape and the families feel like they're being intimidated and that they're guilty from the very beginning before they bring their child in and ask for assistance. That's the issue that's broken. That's the issue that needs to be corrected. That's the issue that Health and Human Services needs to be held accountable for, because they are not. When you listened to the testimony yesterday, if it wouldn't have been for Senator Lathrop and Senator Chambers pursuing the issues, they talked around the issue, they never gave an answer until finally they said that that's enough; we want you to answer the questions. And that's the experience that we've had. That's the experience we've had in our commission with the Beatrice issue. It's similar and there's a theme that runs through this system. The safe haven cases, colleagues, involve very challenging and complex family and societal issues that we need to have a much better understanding about. And the one thing that's really clear to me is we cannot legislate bringing the family circle back. The family circle is broken. We cannot fix that. We should have realized that when we began to see children killing children in our public schools, that there were some issues that were societal issues that we cannot fix. But we can fix the issue for the teenager. We can help the family get the appropriate assistance they need. We can no longer tolerate what is happening now. And I know that when we come back in January, I know that we'll have legislation that will begin to address this issue because I think it's critical, I think it's important, and we have a responsibility to address this issue. The question that we should be asking ourselves is not so much about the safe haven law but what's happening to our children; what has happened to our teenagers. [LB1]

Floor Debate
November 18, 2008

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR HARMS: Thank you, Mr. President. Why has the family circle broken down? What are the societal issues that are creating the environment that we have? Those are complex thoughts and I don't know what the answer to those are but we have to start to penetrate that and that question. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator McDonald, you are recognized, followed by Senator Preister. [LB1]

SENATOR McDONALD: Mr. President and members of the body, yesterday I sat in the Judiciary Committee and listened to the testimony of many desperate, desperate people, and as I researched the issues that were talked about, I began reading some of the mail that was sent to me, and this was a letter sent by Todd A. Landry, director of the Division of Children and Family Services. And in his letter he states that there are supports across the state available to help families with challenges they face as they raise their children. These supports generally come from a parent's own family or extended family, their faith community, and from community services and resources. Well, many of these situations are far-reaching than any family or extended member can even comprehend. There are available tools like 211 to help parents locate resources. So I looked up 211 in my computer and I found that only 38 counties have the 211 access. Not all counties in the state of Nebraska are able to be reached by 211. Most of those are in the eastern part of the state. Only one of my counties is listed by the 211, and it says if you're outside the counties listed or using a cell phone you can call a 402 number--now I'm sure that most people don't know what that 402 number is; it's not even an 800 number but merely a 402 number--and we will do our best to serve you. That is one of the real issues is that in rural Nebraska we have very few services, if any at all. Rural Nebraska doesn't have the opportunities that eastern Nebraska does and I think that's one of the real issues is how are we going to see that these children get services. Populations are minimal and it's very, very difficult to get someone out there to come and live--a psychiatrist to be in rural Nebraska. If you aren't born and raised in that area you probably are not going to appreciate the wide open spaces. That's one of the big issues is statewide services. Another part that I was disturbed about as I'm reading the letter, it lists a Web site that you could check into and it's www.dhhs.ne.gov/children_family_services/safehaven . And when I pulled that up on my computer I get: This page cannot be found. So how quickly was that page removed as we went into special session? It can't even be found on the computer anymore, waiting for this change. I think that we have a broken system in HHS--truly a broken system--because they can't wait to make sure that as we pass the law here, that the services are even going to be less available because they don't even acknowledge it on their computer. As the members come back and us that are term-limited out won't be here to talk about this issue, the biggest concern is this, is it's all going to cost money. And many of Nebraskans pride themselves in not spending any money or saving the

Floor Debate
November 18, 2008

hard-earned tax money for things that seem to be more important than services for our children. So I challenge you to make sure that you fund this program so that we have services from across the state for all of our children that are mentally disturbed. Because what ends up happening as these parents...they're not coming in to abandon their children. That's the furthest thing from their mind. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR McDONALD: What they want is help, help from HHS, help from someone that can see that that child is taken care of. They don't want that child totally abandoned. They don't want that child to be out of their love and their family structure. They just want help and the only way they're going to get help is to be funded by we, the taxpayers in the state of Nebraska, or we'll end up with more Columbine, we'll end up with more Van Maur because those kids slipped through the cracks, and we will all pay in the end. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Senator Preister, you're recognized. [LB1]

SENATOR PREISTER: Thank you, Honorable President, friends all. Thank you, Senator McDonald. Well-said with much compassion. Senator Carlson, thank you. I appreciate being recognized as a veteran and I appreciate your comments. I would just hope that people would remember that those veterans that are homeless and on the streets, half of the homeless men on the streets are veterans. So we remember them when they're in the military; we don't always remember them after they're out--and we're creating more of those folks. I'm hoping at some point humanity can get to the point where we can solve geopolitical problems without having to kill each other. It would seem we should be that advanced but somehow we're not. Senator Carlson, I would also like to address what you said. I think we do have a lot of churches and social service agencies that can be a part of this process and can contribute something, and I hope that since you're coming back you will look to them and they will be supportive. But I hope that you do as Senator Schimek said and that's make sure we've got some accountability and that we see how that's being done, because we know churches have victimized children. We know that religious leaders have victimized children, and so we need to be very careful in how we do this. Let me also tell you how the state has helped to victimize children. Many of you have read these instances in the paper. The state of Nebraska, rather than hire state employees to do some of these services, contracts out. Once again, it's being cheap. We're trying to do it for less money. We had sheriff's deputies pulling over a driver after receiving complaints of impaired driving. Deputies determined that the driver was intoxicated and five times the legal limit. That driver was transporting a ward of the state, at the time of her arrest, under contract with the state. A contract transportation employee was charged with felony first-degree sexual assault of a child. He was hired to transport. He's accused of having sexual intercourse with a

Floor Debate
November 18, 2008

girl three times on May 7, 2007. He is also being investigated for similar incidents in Hamilton County. A driver, another incident, allegedly sexually assaulted the 16-year-old child he was transporting from Omaha to Ogallala. Another incident, a 7-year-old and 3-year-old were transported from Gothenburg to Lincoln for a visit with their mother. The driver arrived at the mother's home before the scheduled appointment time, and left the children with a neighbor who had been convicted of sexual assault. Though the driver had the mother's phone number, he did not even attempt to call her. There are incidents where when we contract with private developers we have not established good guidelines. We have not determined accountability. We contract to be cheap. We're contracting for all kinds of services, my friends, and if we're going to do that, being cheap, we need to make sure there's accountability. When they're state employees, we check backgrounds. We have access to them on a regular basis. The same person transports the children and they can be a part of the contract for rehabilitative services. But when we do it just on the cheap, we put a lot of kids at jeopardy. I would also add that in the long term the taxpayer is going to pay one way or another. I would rather pay up-front, but if we allow the abused and neglected children to continue there's going to be even more cost. We know that often those costs are in special education. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR PREISTER: They have increased costs because of the likelihood of current and future drug and alcohol abuse. These children are more likely to have mental health needs. They are more likely to be homeless. They are more likely to enter the prison population--and we all know \$28,000 a year in prison is a whole lot more expensive than helping children. And they may, unfortunately, but they tend to model the same behavior and they are most likely the ones who are going to victimize their own or other people's children, and the cycle goes on and on and on. We need to invest in our children, just as Senator McDonald and others--Senator Dubas has introduced legislation--and do it up-front, do it wisely, do it in a way that does look at how we spend taxpayers' money, but don't do it just on the cheap. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Preister. Senator Janssen, you're recognized. [LB1]

SENATOR JANSSEN: Thank you, Mr. President, members of the body. Listening to all the discussion this morning, I have a concern about a, what you might call, a paper trail or some type of knowledge about where this infant...where they come from. But I would imagine with the new types of identification that they have today, such as DNA and these types of things, I have a concern about what's going to happen down the road to this child when they become 16, 17, 18 years old, but with the way medical science has advanced over the last few years that quite possibly would not happen. Maybe Senator Johnson will allude to this when his time to speak comes up. But I don't want to see this

Floor Debate
November 18, 2008

happening 20 years down the road where half-brothers could be marrying half-sisters, so on and so forth. I hope that doesn't happen. Of course, it could be taken care of in some other way I'm sure. But I believe we are going down the right road. I like the 30 days. Any shorter time, I think that was not good. Any longer than that, that's not good either. I think this is a good balance. That's my perspective of what's happening here today. The discussion has been great. I haven't weighed into this situation. I feel sorry for those of you that are coming back because I believe you're going to be addressing this for a good many years to come. With that, thank you, Mr. President. I would give the remainder of my time to Senator Chambers, if he would like to have it. [LB1]

SENATOR LANGEMEIER: Senator Chambers, 3 minutes. [LB1]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. Thank you, Senator Janssen. And I think I'm next up so if I don't finish with these 3 minutes, I will have enough time to finish. I was telling you all how white people don't listen to black people. And I had mentioned, so I can give the background of it, this program on television called Designing Women--four white women with this business where they designed interiors, buildings, and so forth. And they had this black guy who I described as a sexless eunuch, and that would let white people not be nervous with this black guy being around these four white women. So he was going to make the point...by the way, they always give us exotic names when they put us in these stereotypical roles. His name was Anthony Bouvier. So Anthony Bouvier was going to explain to these white women how white people don't listen to black people, and he gave an example. He said there was this older black fellow who worked for this old white woman, and as death began to make itself present on her, her conscience smote her and she said, Bominitious, I want to give you something in my will. How do you spell your name? He said you've never even called me by my name, let alone need to worry about how to spell it. She said, well, your name is Bominitious. He said no ma'am, that's not my name. She said, well, why do you answer all these years when I call you Bominitious, here you come? He said, I thought that was one of those made-up names that white folks hang on black people and I needed this job so I was not going to correct you. She was insistent. She said, but when you first came to work for me all those years ago I asked you what should I call you and you said Bominitious. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR CHAMBERS: He said, no ma'am, that's not what I said. When you asked me what can you call me, I said "By my initials." White people don't hear what we say. They stereotype us. They hang names on us. They hang titles on us. They insult us. They slight us, then we're not supposed to be offended. We're supposed to go along with the program, but they don't like that. And if we have the audacity to correct them, then we are wrong. We can lose a job. A black woman can say, I'm a grandmother, I have grandchildren, I don't want you to call me a gal--she's out of there. I'm a grandfather. My

Floor Debate
November 18, 2008

grandchildren respect me. You're young enough to be my grandson; don't call me by my first name. Oh, you're insubordinate; you're out of here. [LB1]

SENATOR LANGEMEIER: Senator Chambers, you are now on your time. [LB1]

SENATOR CHAMBERS: Thank you, Mr. President. That racism is still here and it is so palpable in Nebraska that when people come here from other parts of the country, they can't believe that Nebraska is as racist as it is. And I don't need to quote somebody; these are my words. Nebraskans, maybe not every one, and I know some who are not and I can count them on the thumb of one hand--that's to lighten the mood--they are backward, narrow-minded, red-neckish, racist, hateful, and they have some of those people working as faculty members at the university. And because white people feel comfort with a racist because there is a kind of resonance, they don't mind that. But then a man cannot be allowed to speak because of some things he did in 1960, and he has been rehabilitated. There was an old dog who worked for Nixon who said he would run over his mother's grave to get to Nixon and do what he wanted. He was involved in Watergate. I won't give you his name. But he developed what they call a prison ministry. He served his time in prison. He has talked at universities. He has been invited to address Congress. He has talked to presidents and he did things that could have undermined the government. But he was on the "Repelicans" side, so he could become rehabilitated. He could become a productive member of society. He could become an example of a person who had strayed and fallen, picked himself up and showed what can be done if a person changes. I'm talking about this guy names Ayers. I don't know him. I wouldn't know him from Adam's house case. His name was not even familiar to me. But Nebraskans were so afraid and fearful at a university where you're supposed to be teaching these children how to live in the world, and you insulate them, you isolate them, and they get out in the rest of the world and they come off as rubes and hicks. They are shocked, they're stunned at everything. They don't know anything. You teach them to be ignorant, to be intolerant, to be backward, to be fearful of anything different. And I am different. I am the other and I won't tolerate a second-class status because white people don't like me or think I shouldn't say certain things or that I ought to bow my head and not make eye contact with a white person. If I do, that white person will look away first; that white person will blink first. You all need to know, and not just the members on this floor, they carry this by NETV or something where other white people out there can see it, and around the world because it's on the net. There are black men and women who are not afraid of white people. We're not going to scratch when we don't itch, grin when nothing is funny, and be apologetic to white people as though we exist by virtue of a privilege you're bestowing on us instead of as a matter of right. And how am I going to thank you for something, as a privilege, when it's mine as a matter of right. I will not do it. And when the stereotypes are handed out, you will know that you did spend time in the presence of a black man: M-A-N. White people could not function if they had to confront what we confront every day,... [LB1]

Floor Debate
November 18, 2008

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR CHAMBERS: ...think the thoughts that are with us all of the time because some of you without having that to deal with cannot function here as well as I do. White people voted for Obama. They voted for Obama for their own sake. White men had gotten them in such a bind, they said we'll try anybody, even this guy. We'll go to the devil himself, not because we like the devil but for our own sake. You voted for Obama, not Nebraskans except around Omaha, for your own sake. White people are enamored of Obama but they hate black people. They like Obama; they hate black people. That might be too deep for some of you all to grasp, but if you think about it it'll come to you. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Those wishing to speak, we have Senator Lathrop, Nantkes, Christensen, Erdman, and others. Senator Lathrop, you're recognized. [LB1]

SENATOR LATHROP: Thank you very much, Mr. President, and I'm glad for the opportunity to speak on this important subject today. What has occurred to me after we were called into special session is that we've been struggling with two issues: (1) we have a nontraditional safe haven bill that we passed, I think deliberately, and (2) is that our nontraditional safe haven bill has demonstrated that we've got a big problem. We've got a very big problem in this state and it has to do with Health and Human Services and the provision of services to people who are in need--some families that are in crisis. And as I sat through a hearing yesterday that was five hours. It went probably five hours, and that's after a summer of working on developmental disability issues where I saw another facet of Health and Human Services. I am seeing a disconnect. There is a disconnect between what we see and what we are talking about today on the floor, which is we have kids that were brought to hospitals because families were at their wit's end. These aren't people who were tired of caring for their kids or who wanted to get off early on the long journey of parenthood. These are families in crisis. We heard stories of children that were suicidal and brought to the hospital. We heard stories of children where the parents had done everything they could. One lady who had been essentially outed by the department after her difficult decision to drop a child off, had driven back and forth from Decatur, Nebraska, every day for the longest period of time, used up all the coverage she had in her health insurance and was at her wit's end. And the director...the director came before us yesterday and the disconnect is that when you listen to him talk there is no problem. These people needed to call United Way. These people didn't have an immediate crisis. They should have called Lutheran Family Services. They should have called their church. They should have called a teacher. They should have called somebody else, but don't call the Department of Health and Human Services. It is wrong. There is a problem and maybe the best way to illustrate it is to give you two quotes I got out of the paper and these are from Todd Landry, stand in sharp contrast to what we heard yesterday, and he said on September 28, it's been

Floor Debate
November 18, 2008

less of an issue of knowing where to turn and more of an issue of I simply don't want to do this job. October 14 he said, just like every one of these other instances of safe haven use, the child does not appear to be and was not in any immediate danger of being harmed in any way. That's not what we heard yesterday. I think...I went through the newspaper articles. I believe there were at least three kids that were expressing suicidal intent, three kids. We don't have to tell the people in Sarpy County how that is a serious situation. Other kids were threatened, siblings. One poor lady had a child that was threatening her and standing over her in the middle of the night. We have a big problem. It is with the delivery of health and human services--services to people in this state--and we have another big problem and that's that the department doesn't recognize they're doing a poor job. We must...we must, between now and the end of the next session, change the way, the attitude when it comes to Health and Human Services, the delivery of services in this state. And when we say we're going to hold people accountable for how that agency is run... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR LATHROP: ...it is important that we hold them accountable. I'm going to yield the balance of my time to Senator McDonald. Thank you. [LB1]

SENATOR LANGEMEIER: Senator McDonald, 50 seconds. [LB1]

SENATOR McDONALD: Mr. President and members of the body, I would like to correct the record. As I looked at the Web site--and I'm probably in that age of almost computer illiterate--that I didn't realize you have to underline a space and I didn't do that, and so as I read it there, I looked it up on the computer, it didn't come up. But not knowing that I need to underline it, it actually did come up, so I apologize what I said. But the sad thing about it is there are probably people out there that are as computer illiterate as I am, and as they plug that in they get the same screen that I got, so it does need to be addressed and it does need to be in elementary procedures for many of us that can't handle the computer as others are. Yes, you can go to the Web site and get into the safe haven. It is there also. [LB1]

SENATOR LANGEMEIER: Time. [LB1]

SENATOR McDONALD: But I apologize for my illiteracy. Thanks. [LB1]

SENATOR LANGEMEIER: Thank you, Senator McDonald and Senator Lathrop. The cookies that were passed out are compliments of Senator Dwite Pedersen. Returning to discussion on AM4 offered to the committee amendments to LB1, those wishing to speak: We have Senator Nantkes, Christensen, Erdman, White, Pedersen, and Schimek. Senator Nantkes, you're recognized. [LB1]

Floor Debate
November 18, 2008

SENATOR NANTKES: Thank you, Mr. President. To continue on some of my original comments on this issue which looked at procedural issues and substantive issues, I didn't get a chance to talk about financial constraints and, as a member of the Appropriations Committee, this is an issue that I did want to illuminate some facts from. We talk a lot about the amount of resources required to make a significant difference in the realm of human services, but I want to talk about and provide a little bit of context in regards to the amount of resources we do provide and maybe pose the question within this discussion about why there is no creativity or flexibility or forward thinking with these kinds of resources within the department and within the administration. For example, members, if you look at the "Legislator's Guide to Nebraska State Agencies," and you just start going through Agency 25 which covers Health and Human Services, the total expenditures appropriated for the 2006-2007 year are \$319 million. To be fair, only \$175 million of that is state General Funds, but that's one program in terms of Health and Human Services. Let's look specifically on Central Office Operation: \$56 million in general taxpayer dollars going into that program. Let's look next at Juvenile Services Operations: For 2006-2007, over \$21 million already appropriated for juvenile services in just General Fund dollars. Let's look next at what we are already investing in terms of behavioral health aid: For General Fund dollars, over \$44 million for the '06-07 year. Let's look further: In Department 38, there's \$76 million appropriated in that regard. There's existing programs in place that cover a variety of the different jurisdictional issues that safe haven touches upon. And the point that I want to make is one of political reality. We all know that our state has great needs, whether it's infrastructure financing; whether it's education financing, K-12 all the way through colleges, including our university and state college system; and we have limited taxpayers and limited revenues to accomplish those very awesome and august tasks. That being said, we have to work harder and be smarter with existing dollars. And we're not talking about a shoestring. We're talking about millions and millions of taxpayer dollars already infused into these systems, and if they're not making it to the people in need through this bureaucracy, then we need to look at streamlining how those revenues flow out from the state and get them to where they're needed. It's not always a question of throwing more money at an issue; it's a question of efficiently utilizing and responsibly utilizing taxpayer dollars which I know that we can do and I know is a point of common ground for all of us in this Legislature regardless of political philosophy, regardless of geographical origin, regardless of personal/professional expertise or background. Being efficient with taxpayer dollars is something we can do and must do a better job of. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Nantkes. Senator Christensen, you're recognized. [LB1]

SENATOR CHRISTENSEN: Thank you, Mr. President. Thank you, fellow senators. You know, we've heard a lot of people talking about this being a financial issue. We've heard them talking about it's a race issue. We've heard them talk about a family issue. Let's

Floor Debate
November 18, 2008

look at the real heart of things here. We have removed Christ from the family, from church, from schools, from all kinds of places. We have a moral problem here, folks. We have disintegrated the families and we're dealing with the consequences. You know, we keep trying to read the constitution being freedom from religion. It says freedom "of" religion but yet our courts have interpreted it "from." It comes down to a heart issue. I don't care how you look at it financially because you can look at it as this is going to be very costly to leave the bill as it is and deal with the kids that are coming in, and you can say this is very costly, dealing with it, if we don't let these kids get services and have more kids get into the penal system and have to deal with them in jails and build the jails. Where do you want to really deal with the issues is what this come down to, folks. If we're only worried about the kids that are initially dumped in dumpsters, then fine, move it down to three days, a week, a year. If you're really concerned about the kids, then let's look at the services that are being provided. Let's look how we can best spend the tax dollars to make better citizens to deal with solving the issues of this state so we keep people out of our jails and make them productive citizens. But if we don't give people something to believe in then we're not going to be able to deal with the problems. Until we get strong families we're not going to be able to deal with the problem. It don't matter how much money you throw at it, it comes down to a heart issue. We have a lot of caring people in HHS that work and do the best they can, but we have restraints. We have roadblocks to get into the system. There's a lot of things needs to be looked at and dealt with that can't be done in this session we have right here. But the fact is, it's going to continue to come back to a heart issue and how we're going to deal with it because we're either going to deal with these kids because of the mess we have right now or we're going to block them out and deal with them later when they get into the court system and they're thrown in jail as young adults. We're going to either stand up and start doing what's right or we're going to continue to have larger costs of dealing with kids and families. This is more about services than what we need to look at changing the days. The fact is, it's more of a heart issue than services, but everybody wants to look at the financial side or the services. But if we were given good services that give somebody something to believe in...when you go into AA in alcohol rehabilitation they tell you believe in a higher power. The higher power is Jesus Christ if you're going to get any type of change in your life. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR CHRISTENSEN: But because we as citizens have decided that we have to separate God out of it, we're dealing with this issue right now. So are we going to start allowing community services to give faith-based issues, to give them hope, or are we going to continue throwing money at it is what this comes down to. It doesn't matter what you do with the age. You can drop it to three days and hide the situation, as 49 other states have done, or you can be proactive and start working with the situation, with the counselors, with families, putting people and families back together so that we have something to build on in this state. It's become very evident where we are at.

Floor Debate
November 18, 2008

We're worried about the dollars instead of worried about getting people the help that they need. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Christensen. Senator Erdman, you're recognized. [LB1]

SENATOR ERDMAN: Mr. President, I call the question. [LB1]

SENATOR LANGEMEIER: The question has been called. Do I see five hands? I do see five hands. The question before the body is, shall debate cease? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1]

CLERK: 31 ayes, 8 nays, Mr. President, to cease debate. [LB1]

SENATOR LANGEMEIER: Debate does cease. Senator Avery, you are recognized to close on AM4 offered to the committee amendments of LB1. [LB1]

SENATOR AVERY: Thank you, Mr. President. I listened very carefully to the debate and I kept listening for a solid rationale or factually-based argument for 30 days. And with respect for all of you who support 30 days, I ask why, because I didn't really hear a factually-based argument for 30 days. So the question is why, why 30 days? What's the rationale based on what evidence? Do 30 days provide more safety and protection for more children? If not, why not 40 days? Why not 4 months? Why not 6 months? We need to focus on the question, during what period of a child's life is the child most in danger, and this is what my amendment tries to do. I presented what I believe is compelling, empirical, factual evidence that supports the amendment. You have a handout that shows that in the first year of life children are at significant risk of homicide by a parent or guardian. The Centers for Disease Control that provided this study upon which the chart is based found also that 1 in 50 children in America are victims of nonfatal neglect abuse in that first year, so it seems to me that the first year is a time of greater risk and that 30 days are simply not enough. Some information that I did not discuss earlier has been provided for me by the Nebraska Hospital Association. This is information that shows the number of days that a child stays in the hospital past 30 days. And in 2007--that's the latest year that we have this information--314 infants...314 infants remained in the hospital 31 days or longer. Now, why is that important? If a child is in the hospital, there's a lot of support services and the mother may not experience the kind of stress that she may not be able to handle while in the hospital, but once discharged things may change and that's when the child may be in great danger. So I am concerned here and interested in saving children. This is what it's about: protecting children at a time when they're most in danger. And I believe that the evidence supports my amendment which covers the first year of life. And by the way, let me reemphasize that the data show that the next time that a child is in great danger is age 15 after you've

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Transcriber's Office

Floor Debate
November 18, 2008

passed the first year. The data don't peak again until age 15. That's an issue for us to deal with in the next session. What we need to do now is to set the age at the appropriate point to protect the children who are most in danger, and that is 1 year. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Avery. [LB1]

SENATOR AVERY: I would request a call of the house. [LB1]

SENATOR LANGEMEIER: Thank you. There has been a request to put the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1]

CLERK: 45 ayes, 0 nays, Mr. President, to place the house under call. [LB1]

SENATOR LANGEMEIER: The house is under call. Senators, please record your presence. All those senators located outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. All senators are present and accounted for. Senator Avery, how did you wish to vote? [LB1]

SENATOR AVERY: I request a roll call. [LB1]

SENATOR LANGEMEIER: There has been a request for a roll call vote on AM4 in regular order. Mr. Clerk...The question before the body is, shall AM4 be adopted to the committee amendments? Mr. Clerk, please call the roll. [LB1]

CLERK: (Roll call vote taken, Legislative Journal page 55.) 23 ayes, 26 nays, Mr. President, on the amendment. [LB1]

SENATOR LANGEMEIER: AM4 is not adopted. With that I raise the call. Mr. Clerk, items for the record. [LB1]

CLERK: Mr. President, confirmation hearing reports from the Education Committee, both...two reports signed by Senator Raikes. A new resolution: Senator Stuthman offers LR4 congratulating the Scotus Central Catholic High School on their C-1 volleyball championship. That will be laid over. (Legislative Journal page 56.) [LR4]

Mr. President, I have a priority motion. Senator Avery would move to recess until 1:30 p.m. []

SENATOR LANGEMEIER: The motion is to recess until 1:30 a.m. (sic--p.m.) All those in favor say aye. All those opposed say nay. We stand at recess. []

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Transcriber's Office

Floor Debate
November 18, 2008

RECESS []

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Welcome to the George W. Norris Legislative Chamber, for the afternoon session is about to reconvene. Senators, please return to the Chamber and record your presence. Mr. Clerk, please record. []

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Do you have any items for the record? []

CLERK: I do, Mr. President. Your Committee on Enrollment and Review reports LB2 to Select File. That's the only item I have. (Legislative Journal page 57.) [LB2]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will continue with today's agenda. We were on LB1 with the committee amendments. Mr. Clerk, for a motion. [LB1]

CLERK: Mr. President, Legislature was presented the committee amendments by the Judiciary Committee this morning. The next amendment I have to the committee amendments, Senator Hansen, AM6, but, Senator, I believe you want to offer, as a substitute, FA2 as a substitute for that AM6. Is that right? [LB1]

SENATOR HANSEN: That's correct. [LB1]

SENATOR LANGEMEIER: Are there any objections? Seeing no objections, so moved. [LB1]

CLERK: FA2, Senator. (Legislative Journal page 57.) [LB1]

SENATOR LANGEMEIER: Senator Hansen, you are recognized to open on FA2 offered to the Judiciary Committee amendments. [LB1]

SENATOR HANSEN: Thank you very much, Mr. President, members of the Legislature. When I started studying this bill and we talked about it out in my district prior to the special session being called, we talked about days, we talked about if anything else needed to be added to it. But then when the special session was called, then we got a little more serious about talking about the days, the age of a child to be included in the safe haven. I was at 30 days, prior to talking to more constituents, talking to more early childhood development people. They're the...they're my lobbyists, they're my experts, they're my lifetime experience working with children. There's an early childhood

Floor Debate
November 18, 2008

program in North Platte in the public schools. One of them goes from birth to three. Another portion of that group goes from age three to five when these children enter kindergarten. And what they do, they go out and they try to...they're working with and identifying the at-risk children, and this is the group that we should be most concerned about when we talk about safe haven children anyway. But they deal with the at-risk children; they help the parents learn to nurture and raise infants. They are a proactive group. They go out and they help all social classes, all economic classes, it doesn't matter. They go into homes and do this nurturing of the parent. They help the parents understand what needs to be done. The reason they do this is to prevent abuse and neglect. They talk to parents about nutrition. They do...they work with the parents if there's a need in speech pathology. They work with the parents, saying, encourage your children to speak, encourage your children to communicate at the very basic level. They have occupational therapists that go out and teach and help the parents do the things that this child needs to do to develop into a normal five-year-old by the time they start kindergarten, and they do work. The dollars, the money, if you want to talk about that, they say that that service, whatever it costs, \$1 saves \$7 or \$8, something to that effect. But that's not the point. The point is that they're working with at-risk children and they're doing a great job. They're training parents to nurture and raise infants. Well, I went to these lobbyists and I call them the "lobbyist." They're my constituents. They're my friends. They're my...one of them I live with so she's a daily lobbyist, I guess. But anyway, I know a lot of her friends and we communicate quite regularly on issues like this. But I went to my constituents, I went to my experts, I went to the childhood development group in the county, in the area. There's also counties...multicounty groups that work with at-risk children also. But then on the second round, when I went back to talk to these folks, they started saying if 30 days is okay then maybe we ought to look at something that's even more important or as important as the first 30 days. And they suggested that they look into the Center of Excellence for Early Childhood Development. They thought that I should look into the National Center for Shaken Baby Syndrome. And then I had several people ask me, why 30 days? That's what Senator Avery was talking about this morning--why 30 days? Is 30 days the magic number? Well, I want to...I would ask you and I've asked Senator Avery, just so we would save part of a tree, if he would get out Senator Avery's handout this morning, and I thank him for doing this handout about homicides of infants. There is a spike at 16 weeks. Certainly the first day is certainly the most and the most tragic situation, but it also goes out there is a spike at about 60 days...or at 16 weeks, I'm sorry. So we do have to take that into consideration. Some of the data, some of the research that we came up with that my constituents said, Senator, you ought to look at some of this stuff, this is important, this is important literature that you need to read, and what it dealt with was both postpartum depression and shaken baby syndrome. These are bad things to look up, I'll tell you. If you haven't looked them up you can do it, but be prepared to see some really bad...really bad data. Shaken baby syndrome is a form of intentional injury to infants and children inflicted by violent shaking with or without impact to a hard surface. It can result in severe head trauma, such as bleeding in and around the brain, retinal

Floor Debate
November 18, 2008

hemorrhages, and bone fracture. About 25 percent of clinically diagnosed infants die at about...and about 80 percent of the survivors suffer lifelong neurological damage. In the context of postpartum depression, excessive crying behavior poses a particular problem. Postpartum depression affects approximately 10 to 20 percent of all mothers and can compromise infants' social, emotional, and cognitive development. Incidence is highest in the first three months. Corresponding peak to crying among infants: There is a correlation between three to four months, the crying and infant deaths. The National Center on Shaken Baby Syndrome has developed intervention materials. We've been talking about intervention, we've been talking about preventative measures. The National Center on Shaken Baby Syndrome has some intervention materials and it's called the PURPLE crying and the period of PURPLE crying. P is for crying peak; U is for unexpected; R is for the resistance to soothing; P is for pain like a pain like in the face, although the children may not be in pain; and it's for long...and L is for long crying bouts; and E is the evening cluster of crying. The period of PURPLE crying starts about two weeks, peaks at two months, and usually comes to an end by four to five months and often earlier. It's very important that parents have material with them at home and when their baby goes through the period of PURPLE crying. There were...there was a case study done in Children's Hospital in Denver, Colorado, of 173 cases of abusive head trauma in children less than three years old. This study was done from 1990 to 1995. Since the mechanism of injury cannot always be accurately determined in child abuse cases, they studied children who have experienced shaking, impact to the head, or both. The mean age of these children were...of these 173 children was eight months. So the shaken baby syndrome is important, postpartum depression is important. It's important for these children to have a good start. What can be more vulnerable than a young child laying in a crib crying and crying and crying? And that crying is not abnormal. There's a lot of children that cry. That's the only way they can communicate. If Mom comes in there and says...or Dad comes in there and says, what is wrong with this kid, the kid would say, if he could communicate, I'm practicing to be an opera star, I'm practicing to be a legislator. We have no idea what they're thinking about, but that's their only way of communicating. The shaken baby syndrome, the way doctors tell if a child has been shaken...and who knows why a parent or a caregiver would shake a child that is that young, even up to four months or whenever, four to five years as far as that goes, but why would a caregiver do that? It's probably not premeditated. It's probably an instant reaction to something that's, you know, gone wrong at work, gone wrong at day care, gone wrong...and I'm sure the parents question, what has gone wrong, what have I done wrong. Well, they've not done anything wrong. It's a natural occurring instance that children cry. Some parents can handle it, some can't. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR HANSEN: I think that I've not experienced this. I've not experienced shaking a child. I've not experienced the chronic crying of hours and hours of a child crying. But when we realize that it's a natural occurring event, we have to help young parents, old

Floor Debate
November 18, 2008

parents, doesn't matter, grandparents, caregivers that this is normal, that babies cannot be shaken. I'd appreciate your consideration on changing the safe haven...the law to include 121 days...or 120 days believe it is. So we changed that. Senator Pankonin suggested we did that...that we do that. We did that. It stays consistent with the bill. The bill started out 3 days, changed to 30 days coming out of committee, and I'd like to change it to 120 days. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Hansen. You have heard the opening on FA2 offered to the Judiciary Committee amendments to LB1. The floor is now open for discussion. Those wishing to speak, we have Senator White, Pedersen, Loudon, Pirsch, Carlson, and others. Senator White, you're recognized. [LB1]

SENATOR WHITE: Thank you, Mr. President. It is important that we understand what we're doing and what the potential impact will be. Please understand that today we are setting a period of time in which the state will not protect a life. Whether that time period is 3 days, 30 days, one year, 120 days, we are saying within that time period you can have sanctuary, we are going to extend every opportunity to you to protect this child; outside of that, we're taking that away because of cost, because of convenience, because of embarrassment. I don't know. But do be prepared, each and every one of you, to recognize that there will be a child killed or brain damaged in the state who's just barely outside of whatever age we choose, and be prepared, morally in your own conscience, to accept that we have decided that life is outside of the area that deserves the protection of the state. Also be prepared that when that father, when that mother snaps and shakes that baby there will be a defense mounted. A good criminal defense attorney will argue that they suffered diminished capacity because there was no place they could take them in the emergency to protect their lives; they had no place to go. Be prepared in your own conscience to accept not only that that will occur but that we will be blamed in courts of law for the injury to that child. I also want to look in a very callous way at Senator Avery and Senator Hansen's chart. Ask yourself this, and I think you'll find the number to be staggering. The percentage of the people in prison who have had brain damage and/or child abuse is overwhelming. The cost of what we don't prevent will go on for a lifetime. The cheaper ones, in some sense, are the poor children that we have to take care of in an institutionalized basis. Children who are abused, children who have brain damage, they go on to become criminals and abuse others. That cost is incalculable. Now one of the problems I've had and I've discussed with you is the nature of the call. I want you to know one of a million possibilities of solving one of the main problems that we face with this law doesn't address setting an age limit. I was most concerned and indeed at times offended by people who come from, for example, Michigan to teach their son a lesson by dropping him off in Nebraska. I found that abhorrent. Well, we can solve that without addressing age. For example, we can say that any person who faces an emergency situation in which they fear the immediate harm of their child may drop that child off at the nearest hospital without penalty, at the nearest hospital. But if you pass the nearest hospital it's presumed, in fact it's evidence,

Floor Debate
November 18, 2008

that it was not an emergency. We do not discriminate against people out of state but we say if it's really an emergency you drop them off at the next hospital and you've got a free pass. But you pack them up in the car in Michigan, you drive them across...eight hours across a couple of states, that's not an emergency, you don't get protected. And you know what? We don't choose which child deserves our protection. We're not a dumping ground. We are not going to see out-of-state people taking advantage of our taxpayers. We are going to get the care legitimately to a person who believes their child is in immediate danger. That is all possible if we open our minds and talk. And I am certain there are far better ideas out there among the body if we are creative on how we can solve this problem. I want to thank you for your attention but I'd ask you, it should not just be focused on when this child no longer needs our protection or deserves our protection. The moral question ought to be... [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR WHITE: ...how can we stop their injuries from happening at any age. That is economically and fiscally the most conservative, responsible thing we can do. It is also the most humane thing that we can do and it also stops us from being a dumping ground. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Pedersen, you're recognized. [LB1]

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. I will not ask this body for any more time on this particular stage of this bill, but it has come very clear to me this morning what a complicated issue we have come upon, even more so than when we came into session last Friday. This is way too big of a deal to handle in a five-day, six-day special session. It has not been proven to me that any of the kids that were dropped off to this point suffered trauma from, quote, abandonment. It has not proved to me that the state has been out of any money because of the kids that have been dropped off to date. We were told yesterday in committee that the kids that came from other states returned to their home states within two days. I see this as making a big fuss over something that we cannot handle in this short-term time. And I can see the handwriting on the wall very easily, when in the committee the vote is 7 to 1 to pass it with the 30 days, what the end result is going to be. I will not tie up your time fighting for something that I believe in that I can't win. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Pedersen. Those wishing to speak, we have Senator Louden, Senator Pirsch, Carlson, Friend, Chambers, and others. Senator Louden, you are recognized. [LB1]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I noticed the vote on Senator Avery's amendment and I've listened to the discussion today, I'm

Floor Debate
November 18, 2008

wondering what we were really trying to do. I think last spring, when we were in the session and discussing this, there wasn't agreement on where the days should be, and it looks like we're about at the same stage as we were then. I think Senator White probably has some very good point there. I think there is ways that this can be set up so it isn't a dumping ground, and at the present time the way the bill is written it is evidently taking care of the safe havens. There haven't been any dropped off. But my concern is, is when you look at the amount of them that dropped off that those, according to the paper we got from the Department of Health and Human Services that was dated November 11, there was about 17 youths from 13 years on older, and that seems to be where the problem is. I'm wondering, if we go ahead and put a number on there, what becomes of those children in that age group? Evidently, by having this law in place, we evidently set something up so that those people could bypass a lot of either agency red tape or problems or else they were stressed out to where they couldn't find help and went this route. So I'm wondering if we really have to change that much to this law as far as the age grouping. We could probably lower that age to 15 or 16 or 14, somewhere along in there, or go through some of the ideas that Senator White just stressed a little bit ago. I think what we've done, we have identified a problem that's probably more than just in Nebraska. Evidently, other states have the same problem or else they wouldn't be bringing their kids here. And are there some states out there that do have a system set up for these kids that are older than that to be taken care of without prosecution? In these instances, there are instances where these people were completely probably stressed to the point they didn't know what to do. When you look at the list on this paper there, I think out of those 17 groups or so there was only 2 that didn't have a single-parent family. So anyone knows that there has to been some people that were very well stressed out when they did take this route to do this. I know there is a problem with Health and Human Services. The way they're doing things now, they changed their strategy. We have a Nebraska Boy's Ranch out there south of Alliance, I think some 20,000 acres or so, and right now they've had to close down two units because they don't have enough boys that are sent out there to fill the place, mostly because the different system that the Health and Human Services is using to place those kids in there, and that's what that ranch was set up for, was for boys that were from about the 12- to 17-year age group that was having problems at home and didn't have places to live, and they could go out there and have a home and a family setting out there in the Sandhills. They've raised many boys out there and there's a lot of them that have come back, and I've even visited with some that went through there and turned out to be very good citizens. In fact, more times than not their percentage is quite high to turning out good citizens. I would like to think that we could do better than just come in here in a couple of days and put a number on it and all go home and then everything is supposed to be all right for 60 days or so until we come back. When we do come back and work on this, you're talking about something along in the middle of the spring before anything will be done, so what happens to those children in that age group that we've been...that have been... [LB1]

Floor Debate
November 18, 2008

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR LOUDEN: ...dropped off to take care of them? I'm concerned about that. I think that's something that's a problem we've identified. I think it's a problem we need to solve, and I would like to see a little bit more discussion and perhaps some type of an amendment or something along what Senator White has mentioned that we could fix this thing without dumping it. What is it you say? We don't want to throw the baby out with the bathwater. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator Carlson, you're recognized, followed by Senator Friend. [LB1]

SENATOR CARLSON: Mr. President and members of the Legislature, I want to thank Senator Avery for bringing his amendment forth this morning, which was one year, and I voted for that. I want to thank Senator Hansen for bringing his amendment, which is 120 days, and I will vote for that. I think that the concerns expressed by Senators White and Pedersen and Louden somewhat mirror my concerns, but whatever date we decide upon, if it's 120 days then children that are older than 120 days, from that point, wherever it is, until age six, they have, many of them, have no advocate. And my wife Margo, who is a retired speech pathologist, brought this to my attention and I really think it's true. Whatever date we decided upon, from one day beyond that until they go to school, the children that need protection basically have no advocate. And think about that a minute. They have no advocate. And I talked to somebody this morning that said, well, yes, they do, because they have advocates in preschool. Well, the children that need that protection don't go to preschool. They have protection at church. The children that need protection will not be in church. They have protection when they go to their dance lessons and swim lessons and the teachers there can observe. Those that need protection won't go to those activities. He also said that they have protection when they go see their doctor. The children that need protection won't be seeing a doctor until it's too late. So this legislation is not going to fix that problem and I'm not saying that it should, but I'm simply using this time to emphasize, when we come back into session that that group from whatever date we decide upon until age six, which then takes care of children up through kindergarten age that have really no advocate, need an advocate. And I don't know what the bill should be. I don't know what the protection should be. Maybe part of it is really letting adults understand what's available. If you don't know what's available you can't...you can't ask for help. That may be part of it. But this group of children needs protection and once they get in school and teachers observe them--teachers are good at this--they report what they observe and they ask for help for those students. But we need to keep that in mind as we debate. And thank you for this opportunity. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Friend, you're recognized. [LB1]

Floor Debate
November 18, 2008

SENATOR FRIEND: Thank you, Mr. President. Members of the Legislature, I think where I left off this morning, my final words in a five-minute ordeal were "I agree with Senator Chambers." So that's a dangerous proposition. Let me continue to explain that for a second. I was joking with him earlier about it. I don't know that anybody understands that joke. I do. That's the only thing that's important. Safe haven laws...here is where I thought that I agreed with him. This thing passed 44 to 1 last year. I was 1 of the 44; I think we all know who the 1 is. I mean, that's been well documented. Who doesn't want to save kids? This got to the point, I mean this discussion, just like many of the others that we have, have gotten to the point where we're not dealing with the specific scope of what we're supposed to be dealing with. Everybody wants to save kids. Everybody wants to do what's right. That's why this thing passed 44 to 1. I don't like safe haven laws. I said that twice on the record last year and I still voted for this thing. Now I think we made a mistake. That's evidently why we're here again. But I think, unless we make this as restrictive as we possibly can...which is what safe haven laws are meant to do nationwide, to be restrictive, to be safe haven laws--an emotional person in a very, very bad position and the state trying to provide the help in a restrictive manner. That's what safe haven laws are. But we're getting lost in the Health and Human Services issue. Of course kids need help at 15 years old, of course they need it at 16, of course they need it at 10, and of course they need it at five or six months. Safe haven laws are ways for legislators like myself to feel better about themselves when they look in the mirror and they come home and said, you know what, if we only save one kid. Well, you know what? I did feel better. And, quite frankly, when that guy dropped the nine kids off I felt better because I had a feeling that at least one of those kids was in danger. I felt better about myself. It doesn't solve the problem and it doesn't address what a safe haven law really is meant to be. I didn't ask Senator Stuthman, but I'd like to see if he would yield to a question for me. [LB1]

SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question? [LB1]

SENATOR STUTHMAN: Yes. [LB1]

SENATOR FRIEND: Senator Stuthman, you brought this bill last year and others had brought it before you and, first of all, I wanted to thank you. Even though I know that we're in a weird situation right now, I think it was done for very good reasons. I would ask you, is one of the reasons that you think if you look at these maps and you look at the Nebraska as it could have been, the only state without a safe haven law, do you think that that was a problem? [LB1]

SENATOR STUTHMAN: I don't think it was a problem and, in my opinion, Nebraska having a safe haven law or not to me was immaterial. The thing to have a safe haven law--to save a baby from being dumped in a dumpster or in a creek bed or in a road ditch. That was why I put this bill forward. [LB1]

Floor Debate
November 18, 2008

SENATOR FRIEND: Don't you think, if we go through this whole summer and we're the only state without a safe haven law, don't you think people mock us nationwide? Everybody else has one. [LB1]

SENATOR STUTHMAN: I think that's possibly true because we didn't have one, and I think perception would probably be that we were not concerned about the welfare of our children if we did not have a safe haven law. [LB1]

SENATOR FRIEND: Thank you, Senator Stuthman. That's true. Look, I've thought about it. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR FRIEND: I thought about the whole idea. We don't want to look stupid. We don't want to look like the only people who are not addressing these child issues. Hey, guess what. We don't have a bicameral Legislature either. How smart is that? Let me tell you something. If this was a mistake, if this was a mistake, the mistake wouldn't have happened if we'd a had a group across the hall looking at our stuff before it went to the Governor's desk. Does it mean that we should have one? No, but it means we're going to have to be dang deliberate right now and we have to be as restrictive as we possibly can and meet the letter of intent of what safe haven laws nationwide are meant to be. A hundred and twenty days is crashing into new ground. I'm not in the mood to crash into new ground. I'm in the mood now to deal with what we've got--a restrictive opportunity. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Friend. Senator Chambers, you're recognized. [LB1]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, something that would help give us guidance would be to look at the reality of the situation. There is no connection between this so-called safe haven nonsense, as I label it; rescue mission, as the rest of you label it; and children who suffer from shaken baby syndrome or other violent acts committed by adults against babies. You've got an unlimited age and not one has been brought in. So you say, okay, if we put four months then they're going to start bringing them in before somebody snatches up a baby, shakes the baby or throws it against a wall. That's...you all are not using your brains. This approach is what makes the Legislature look stupid. You keep talking about if we put this limit then these little bitty young babies can't come in. Well, there is no limit now and they're not coming in, not one; (singing) no, not one; no, not one. You pay attention when somebody squalls at you. Senator Hansen was talking about this baby that cried all the time and if they asked the child, what are you doing, the baby might have said, I'm practicing to be an opera singer or a legislator. No. If the baby was practicing to be a

Floor Debate
November 18, 2008

legislator the baby would have eaten everything on his plate and then started on the plate before the parents rescued him, and the lobbyists will confirm that to be the fact. What our children need, and it will shock some of you all, is sex education and counseling so that we don't have so many young people becoming pregnant outside of wedlock, without being aware that they're going to be made pregnant. They need to be taught about contraception. They need to be taught about condoms. They need to be taught about sexually transmitted infections. They need to be taught about AIDS. All of these things are what need to be made available to our children. And we're talking about something that has not even been shown to be needed in this state. The reason I wanted a special session is to stop the bringing of these children who are old enough to realize that they are being dumped. Some people don't like that word. It's not a case where you have only desperate parents. You have people who are letting children be put in a situation from which they may never recover emotionally, psychologically, intellectually. That's where the cruelty lies. If you put three years, there's been no need shown for that. When you read all of these letters that come from the doctors, those that deal with older children, those that deal with babies, they're talking about something that won't even be touched by a safe haven bill. If one of these adults is angry and grabs this child, you think that person is going to say, well, there's a safe haven bill? There's one now and it has no impact whatsoever. Won't you think? Use your brains. The issues you all keep bringing up are not going to be touched by this so-called safe haven. You confuse the issue. You dilute the resources. You scatter the focus. The only thing I want to see--and that's why I will support the 30 days--I want to repeal the safe haven bill, if I had my way, but I'm not seeking my way. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR CHAMBERS: I want to do away with the bringing of these older children. Thirty days will do that. You all then have next session to review every aspect of the safe haven notion and these other problems that have been shown to exist. As good as Immanuel Hospital made us believe they were about accepting these children, they give them temporary places to stay. Then when they turn them over to HHS, where do they go? They're treated like any other child that comes into HHS's care, which means they might not get the care that they need. That's where the problem is. I hope that all of these attempted amendments are defeated and we go ahead and take the 30 days. I was for the three. I don't care whether it's 3 or 30. I want to stop those older children. But I hope that the bidding process does not lead us down a path where we go up, up, up and then lose complete focus. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Those wishing to speak, we have Senator Pankonin, Lautenbaugh, Harms, and White. Senator Pankonin, you're recognized. [LB1]

SENATOR PANKONIN: Thank you, Mr. President. As my usual practice, I'm only going

Floor Debate
November 18, 2008

to speak once on these issues. And I've been listening carefully, but I think the larger issue that we've talked about of kids at risk, I'm confident we will revisit that in our regular session starting in January, and it does need attention. I think there's going to be discussions between now, and there has been and should be, continuing to talk about families in crisis and kids at risk. That is a large issue that needs our help and attention and that will be well deserved and served if we do that. On the number of days, you know, we've had a lot of information, but I used a method that is maybe not as precise but it's important to me. I talked with some mothers that I respect, and my own mother is long since gone, but I talked to my wife Lori, who's a mother I respect of my children, and she has emphasized that 30 days, in her opinion, is too short. In fact, she dropped me off at the Capitol this morning and said, you need to take a serious look at Senator Hansen's four-month amendment but you need to change it to 120 days so it's more precise. So, Senator Hansen, that's actually Lori's suggestion that I followed up and talked to you about. But I think the reasons that she gave, and I've talked to some other women today, who have been mothers who I trust and value, and they think that the time period of 30 days is yet too short to maybe determine what your situation is and how you are going to be doing physically and mentally and find out for sure about your baby's condition. And so I think this is a viable compromise of a number of days that would not put the state at undue risk, yet would give mothers more time to consider their options and situation. And so for that reason I am going to support this revised amendment. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Pankonin. Senator Lautenbaugh, you're recognized. [LB1]

SENATOR LAUTENBAUGH: Thank you, Mr. Chair, members of the body. I rise to agree with some of the comments of both Senator Friend and Senator Chambers. I won't sing, but I do agree with some of it. We all care about children here, there's no denying that, and our motives are pure, I believe, on this issue. But in my mind, the safe haven bill was a specific bill to address a specific problem and we actually had occurrences of that problem--newborns being dropped off, dumpsters, hospital rest rooms, whatever the case may be. So we tried to have a bill passed that would address that. To get it through, we took the age limit out and we are where we are. I came back here to this prepared to vote for three days again. I have made my peace with 30 days because I thought it would get the job done, so to speak. But I feel like we're losing our focus on a specific problem and a specific solution when we start talking about problems with HHS, long-term issues, what are we going to do after that. The more...the longer we make this period, the more it becomes an excuse to not do anything else if you feel something else must be done. And I note the four months or 120 days puts us with a longer window than any state around us, so those of you who are troubled with children coming from out of state, it could still happen. We would be making it likely we would have one of the highest limits in the nation, if you would. Once again, we haven't seen four-month-old infants being dropped off in Nebraska but it could happen and this

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Floor Debate
November 18, 2008

would not address that, if you will, other than to allow it. I'll be brief, because you've heard a lot of this before today, but once again, in my mind we're losing focus on the specific problem that we were trying to deal with, with this very specific, in my mind, piece of legislation, and that was to protect newborns, the newest of the newborns. I can support 30 days. It wasn't my first choice, but I understand it. The longer we get, the harder that becomes for me to do. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Lautenbaugh. Senator Harms, you're recognized. [LB1]

SENATOR HARMS: Thank you, Mr. President, colleagues. Senator Johnson, would you yield for a question, please? [LB1]

SENATOR LANGEMEIER: Senator Johnson, would you yield to a question? [LB1]

SENATOR JOHNSON: Yes, sir, thank you. [LB1]

SENATOR HARMS: Senator Johnson, would you be willing to have a conversation, the same conversation we had off mike, in regard to the scientific evidence that you need to determine how old a child is? [LB1]

SENATOR JOHNSON: Certainly. [LB1]

SENATOR HARMS: The question I have, Senator Johnson, does it make any difference or how do we determine whether a child is 30, 60, 90, or 120 days? Is there any scientific evidence that we can bring to the table to see whether or not how old this child actually is? [LB1]

SENATOR JOHNSON: At the earliest age, in other words with the first few days, obviously you would be able to tell that, the age of the child, that it was at three days of age as opposed to two months. The further you get away from the birth date the less accurate or the greater span of allowance you would have to make as far as how old the child is. So could you tell a three-month-old from a four-month-old? Pretty questionable as far as just examining the child. You might be able to come relatively close, within a couple of weeks, but that's probably about as good as you could do. [LB1]

SENATOR HARMS: Thank you very much, Senator Johnson. So really, when we start looking at the age, we really are going to get into, if we go further than 30 days, we're really going to be guessing about this child and that then opens up the door when you don't have the evidence for proof. What does that do to Health and Human Services? What does it do to the mother and the father who gave the child up? How do we address that issue? Because that's going to be an issue, that's going to be challenged, and I guess I'm concerned about that aspect. It's the same thing in the last debate we

Floor Debate
November 18, 2008

had when we originally passed this bill, when we discussed about when does a child quit becoming a child, and what is the age that we should have? That's the same issue here. And as Senator Johnson said, there really isn't any scientific way we could prove this. And so I guess I have some concerns about that part of it because I'm concerned about the parent and the child being placed in that environment, and then the argument takes place that this child is older than 120 days or less than 30 days old. That's going to be a problem for us and I don't know if there's any way we can address that issue. I don't know if there's any way we can tighten this up so we don't have or that Health and Human Services does not have to have that kind of debate and we don't have to go in court to resolve this issue. Mr. President, thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator White, you're recognized, followed by Senator Erdman. [LB1]

SENATOR WHITE: Thank you, Mr. President. I would like to correct what I think may have been a misstatement about no infants coming in. A 17-year-old girl turned herself in and my understanding is she then said her mother was taking her assistance checks, leaving her unable to take care of her infant, although I'm not sure of what the actual age was but my understanding was it was a very small child, and that that child then was also taken into custody. Now is that a classic case? I would say probably not, but there was that instance. And then in the family of nine, my recollection is there was a two-year-old that was also brought in under the safe haven act. So while we have not had the classic situation of the baby just being born dropped off to avoid being put in the dumpster, I must disagree with those senators who say we should only focus on the baby. I am unable to look at any child clearly in pain, clearly suffering, clearly in an abusive or neglectful environment, and not talk about it. I know it's uncomfortable. It's certainly uncomfortable for the state agencies involved to have this shown to the world and it is very tempting to turn our eyes from it now and other times, but it is also morally wrong. I cannot distinguish between the value of a five-year-old and the value of a three-day-old. I can't do it. And until I can figure out why that can be done, I don't know what to do. I will tell you this, so that all know how I will vote. If I can extend the time of protection to the maximum of a year, I'm going to do that because I can protect as many as I can. But I will tell you flat-out I can see no rational basis to protect a year-old and not a 366-day-old. If Senator Hansen is for 120 days, I will vote for that as opposed to 3 days because we will protect more children. But I will do it with an incredible amount of regret because in saying I will protect these children, I am denying protection to others. I would also like to address the concern, and it is heartfelt, from Senator Chambers that he does not want children to feel abandoned, to go through that mental agony and suffering, and I do respect that. This has to be an incredibly painful event for them and it is likely to leave lasting scars. However, from what I have seen of the situations from where these children come from, they are being abandoned on an every day basis, emotionally, physically, their needs, their issues, they're being emotionally abused on a daily basis, and how they can be called in. Is it less traumatic to call 911 and say, my

Floor Debate
November 18, 2008

child, that I emotionally abandoned when he was three, now at nine is setting fire in his bedroom, and so now the police come and arrest him? That's less emotionally traumatic? I don't think it is. I think in truth this offers one of the most humane ways to do something that is incredibly painful for all people involved. Now I again would submit that we cannot, because of what Senator Harms has just said, that limiting the days or the months is not only morally dubious, it is practically impossible, for the reasons Senator Harms has just said. There are better ways and, honestly, a better way is to write a law that says a parent faced with what they reasonably believe to be an emergency, threatening the immediate health and harm of their child, may take them to the nearest hospital and leave them there, invoke then at that point the juvenile authorities, which is how our law is. They come in, they counsel the parent, they train them, they maybe try to reunite them. Maybe they figure the parent in it is too far gone; they take the child away. That is morally the right thing to do. We're not distinguishing between the value of some children over others. We're not rewarding parents for dumping them, because if you don't find a reasonable basis to believe of an emergency situation... [LB1]

SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: One minute. [LB1]

SENATOR WHITE: ...they face all of the normal sanctions. Thank you. [LB1]

SPEAKER FLOOD: Thank you, Senator White. Senator Erdman, you're recognized. [LB1]

SENATOR ERDMAN: Good afternoon. Thank you. Mr. President, members of the Legislature, I think it's probably clear to a lot of you that you don't know what to do, and I think the reason that we as a Legislature don't have a clear path on what to do is because when we passed LB157 last year we went so far beyond the bounds of what a safe haven law was intended to be into an area that is completely different that to come back from that is nearly impossible with the same group of individuals. And that's just my sense. Because as I look at this, the comments have been made that the skids are greased, you can't get in the way of the train coming down the track, but it looks like, if I'm reading the votes, the Judiciary Committee votes 7 to 1 to send a bill out here with a 30-day age limit and, on the first opportunity, 5 of the 8 members abandon their own committee amendment within 24 hours and vote for one year. And my sense is, is that the same 5 are going to abandon their position again of 30 days and they're going to vote for four months, because you don't know what to do. You don't want to be perceived as something that you're not; you don't want to do too much but is this not enough. You're trying to figure it out. Well, fine, let's look at the facts. And Senator Hansen and Senator Avery have provided us all kinds of data and all kinds of numbers, but go back to the conversation between Senator Friend and Senator Stuthman. The

Floor Debate
November 18, 2008

intent of a safe haven law is not to protect all children and it's not to be some type of panacea or some type of solve-all, as Senator Chambers has pointed out, but maybe we're callous, we don't listen to him, but he's right. The intent of the law is specific to solve an individual problem. And here's what the facts in Nebraska tell us. This isn't some study in Denver. This isn't some study done by some group of folks that are in a think tank analyzing numbers. These are Nebraskans with Nebraska cases and Nebraska situations. In the last ten years, in Nebraska, the Child Death Review Team has reviewed four cases. The Child Death Review Team is a team that reviews cases similar to what you would have in a safe haven where a child is left, is abandoned, in a setting that is detrimental to them. And the cases we have are, in Norfolk, an individual was...or a child was left at a river to die. That's the case the Speaker spoke of when we debated LB157 for four full days, the last two legislative years. The clear focus was always about these types of cases and here's what they show us, that every one of these cases were under 30 days, every one of them: 26 days, 9 days, one was at birth, 16 hours. Those are the solutions that we're supposed to be solving and we're not. I've got a seven-week-old son at home. If you didn't know that I didn't tell you when you came up here this week how old my son was, you wouldn't have had a clue. But somehow you're speaking intelligently about all kinds of cases that you have no clue about. You're making assumptions that children have no advocates when maybe their parents work and they go to day care, or maybe their neighbor looks after them part of the day and wonders, maybe that child needs some help. How do you possibly know that the state is the only solution and, more importantly, how can you possibly ascertain the appropriate age? You would all be better served, if you're afraid about putting any age limit, to vote down this amendment, to vote down LB1, to vote for LB2, get paid for your services and go home. I am just baffled that we're having these types of conversations. We've identified the problem. We have the Nebraska facts to show the solution. We have the members of the Legislature that brought the legislation that had the intent that said this is what we're trying to solve. These are supposed to be unique cases, but we blow the doors off and we let 18-year-olds and under get dropped off at hospitals from all over the country. [LB1 LB157 LB2]

SPEAKER FLOOD: One minute. [LB1]

SENATOR ERDMAN: And then we come in here and think that somehow that's the standard. That is not the standard. Thirty days is reasonable. But if you have time, and in all due respect to Senator Pankonin, if you have time to decide whether you have a problem, this is not a safe haven case. It's an emergency. Emergencies happen when children drop off their children in rivers or they abandon them in dumpsters, as they did in Omaha. And all of those cases in Nebraska have been under 30 days. Senator Avery wanted an example of why 30 days is the standard. Because that's what we're trying to solve. That's what LB157 intended to do and that's why we should adopt the committee amendment. Thank you, Mr. President. [LB1 LB157]

Floor Debate
November 18, 2008

SPEAKER FLOOD: Thank you, Senator Erdman. (Visitors introduced.) Continuing on with discussion on LB1, FA2 to LB1, we have Senator Pahls, Senators Chambers, Dierks, Karpisek, Avery, and Ashford. Senator Pahls, you are recognized. [LB1]

SENATOR PAHLS: Thank you, Mr. Speaker, members of the body. As I recall, LB157, when it was originated two years ago, it had a three-day. There was another bill, LB6, had 30 days. That happened to be my bill. That bill did not make it out. LB157, as it traversed across the lines, the committee decided to give it a 30-day window. So it appears 30 days seems to be a popular destination. Earlier, I had a bill that I was going to introduce but I did not because I received an Opinion from the Attorney General that it was not appropriate. But we are still dealing with the 30 days and I will support...continue to support that. About ten minutes ago Senator Chambers made a comment that sort of awestruck me a little bit because he says nobody needs this or they wouldn't use this. I'm not talking about the current situation that we are in, but what happened in 2007 in the summertime? There was a baby dropped off at a hospital in Lincoln. There was a baby dropped off in the hospital in Omaha, and the reason why they knew a lot was going on in Omaha, because they had a camera. There also was a baby dropped off, if I'm not mistaken, at...on May 12 near a dumpster on 66th and Fowler, which is close to Benson Park, and the reason why I know that is I drove up there. I drove around this apartment complex and there are a number of dumpsters. And the reason why I drove around, because I wanted to really get the feeling how would I be that hopeless that I would drop a baby off. I walked around just trying to see this person. I'm assuming it a young woman because we have no evidence that it was not or whoever dropped the baby off, but that person actually had some needs and she didn't know how to handle it, he or she did not know how to handle it. So some of the arguments I'm giving now does argue for the three-day, but what I'm saying is we had that summer three babies dropped off, so there is a need for some form of safe haven. I'm not...I can't say for sure whether we are on the right track, but I'm just going to give you a little bit of an idea of what happened to this little baby that was dropped off May 12th near a dumpster on 66th and Fowler in an apartment complex. A physician estimated the baby was approximately 24 hours old, from a full-term pregnancy. And the reason why he knew that, the cord was crudely tied and the baby had not been cleaned. Now on May 15 this baby was placed with a family in foster care, on May 15. No parent ever contacted the system or they did not find out who actually belonged with this young baby or this baby. The parental rights were terminated August 14, which is approximately six months. It is six months. On May 2, 2008, the adoption with the original family was finalized. That baby was placed with the original family. And here's a couple other questions I had. Said the adoption finalization was delayed because there were problems getting a physician to issue a birth certificate with no mother present. This delayed in getting the Social Security number. So you can see there are a lot of issues that we don't even think about when we're dealing with this issue, but it does appear that we need... [LB1 LB157 LB6]

Floor Debate
November 18, 2008

SPEAKER FLOOD: One minute. [LB1]

SENATOR PAHLS: ...that we do need this safe haven. And here's another issue that I'm not going to talk about today. I probably will talk about it in the future in the next session. You know, we talk about the mother and the father having trouble dealing with children all the way up to age 16, 17, etcetera. Well, you know, I've dealt with a number of those children in my career because they attended school. Just to give you a feeling, at one time there were five children in one class, grade level, rotating in and out of Richard Young. There are teachers who are dealing with this issue on a regular basis. I have a number of stories which I will go into next session. This is not an easy issue to resolve. Thank you. [LB1]

SPEAKER FLOOD: Thank you, Senator Pahls. Mr. Clerk, items for the record? [LB1]

CLERK: Mr. President, thank you. Committee on Judiciary offers two confirmation hearing reports; new resolution, Senator Harms, LR5 congratulating the Scottsbluff girls state cross country team; and LR6 by Senator Harms congratulating the Scottsbluff girls golf team for their successes this past session. Those will be laid over. That's all that I had, Mr. President. (Legislative Journal pages 58-59.) [LB1 LR5 LR6]

SPEAKER FLOOD: Thank you, Mr. Clerk. Senator Chambers, you are recognized. [LB1]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I want to repeal the bill, but that's not what I'm here for. I'd like to stop the bill. I'm not going to do it. I came here agreeing to three days, which was a huge step for me to go from being against it to accepting any bill. Then I moved from 3 days to 30 days. Well, pretty soon you've pushed me beyond my agreement and you may get nothing unless you're going to be willing to fight it hard. I appreciated the discussion between Senator Harms and Dr. Johnson, but some of us are practical people of the world. We know how prosecutions take place. If there is a very young child brought by a mother and left at a hospital and the intent is to save the child, no prosecutor with two brain cells working is going to prosecute that mother for a criminal offense, because everybody who read about it would be outraged all over the country. They'd say you've got somebody you ought to impeach if you can impeach. And here's what I'm getting to. This bill does not talk about services. It does not talk about placement. All it does is says you will not be prosecuted under certain circumstances. That's all this bill does. It doesn't touch anything else. Now if you think I don't know how to read a bill then you can reject what I'm saying, but if you reject it, read the bill and see if your reading says that what I'm telling you is untrue or false or off the mark. All it does is shield a person from prosecution. If you have this very young child brought, I don't believe that child is going to be the cause of a mother being prosecuted as a criminal. Beyond that, when these children are brought to these hospitals, these hospitals do not admit those children and

Floor Debate
November 18, 2008

say we will provide free of charge the services needed by that child as long as they're needed. It's temporary. The only thing that happens, if you're talking about rescuing all of these children that Senator White mentions, is a transfer of custody or location. This child who may be burning curtains and threatening people will not do it at this particular home but will be doing it at a foster home somewhere and still not getting the services because HHS and nobody else provides them. When you name all these Child Saving Institutes and whatever, they don't just accept anybody who comes in off the street. They want referrals. They want you to pay if you can pay. Certain children have the kind of problems they don't deal with so they're not out there with open arms like you'd imagine a Jesus would be, from what you've read about him, saying bring any child to me. If I could save every child I would. If I could remove every impoverished person from poverty I would, but I can't, and this Legislature won't. So being a pragmatist, being a realist, I know that we must do what we're able to do. You've got on the books now, as Senator Erdman was telling you or reminding you, a law with no age limit. If that's what you want, vote against LB1 altogether and leave it the way it is. Although not one of the individuals brought under this bill fits the category of those for whom it was intended originally, it's fine after the fact to say, well, we were able to look down the line and see that something else was needed and that's why we did what we did. No, the only reason LB157 passed was because a group of people agreed on... [LB1 LB157]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR CHAMBERS: ...something and I had made the mistake of saying, if you agree on something I won't fight it. Did you say time, Mr. President? Oh. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR CHAMBERS: Okay. Thank you. I think I can wrap it up. I don't want to keep speaking, but when other issues come up I just want to say a little bit on it. All you're doing is transferring that child from one location to another. You cannot get at those issues through this bill that is in front of us. Focus on the limited scope of this bill and offering these amendments that change the number of days will not do anything of value. Take the 30 days that you've got, run with it if you want a bill. But if you keep expanding and expanding the borders, you may become so greedy that you wind up with nothing. Remember the dog who looked in the reflection and thought the bone of the reflected dog... [LB1]

SENATOR LANGEMEIER: Time. [LB1]

SENATOR CHAMBERS: ...was bigger and he wanted to go after it and he lost the bone that he had. Thank you, Mr. President. [LB1]

Floor Debate
November 18, 2008

SENATOR LANGEMEIER: Thank you, Senator Chambers. Those wishing to speak, we have Senator Dierks, Karpisek, Avery, Ashford, and Lautenbaugh. Senator Dierks, you're recognized. [LB1]

SENATOR DIERKS: Thank you, Mr. President. I've kind of been trying to listen to what people are talking about here. It seems to me like we've got the answers but we keep trying to find different answers. I thought that one of the questions that was brought out here a little bit ago by Senator Harms had a lot of interest here: How can you tell the age if a baby is 40 days or four months or whatever? That's impossible. And I don't...I think that if I read the thing right, if a mother came in, with a 30-day amendment that we're going to talk about, and the baby was 120 days old, I don't think anybody is going to stop the action because they can't prove that this baby is less than 30 days. So looks to me like we're kind of clouding the issue and I really think that the issue is we know we can't take care of everything that people have asked us to take care of, but we know we can do one thing that the call for the special session and that's to support the bill as it came out of committee, and that's what I'm going to ask that you do. Just support the bill as it was recommended to the legislative body from the committee and we can do the other things we need to do for those other older children next year. There's a little bit of a gap there, but we can do that next year. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Senator Karpisek, you're recognized. [LB1]

SENATOR KARPISEK: Thank you, Mr. President. Members of the body, I've tried to stay quiet on this issue but I thought I'd just as well one time, like Senator Pankonin said. Senator Erdman just wants to get it done. A lot of times we talk about things that aren't the issue on a bill, so I think we need to talk about what got us to this position, talk about it some. Obviously, we can't act on it as we'd like to, but I think taking a little time and talking things out is not going to hurt anything. We'll get it done. The other thing I want to talk about maybe a little bit is, yes, I'm sure it's traumatic for these kids to be dropped off and I don't want to make light of that. But how many children are taken out of their home in protective custody in a month or in a year? I think we have roughly 5,500 children in the foster care system right now. How did those kids get there? I'm sure that was very traumatic also. I wish that none of this would have to come up. We talk about people should just not use it, people should be better. We know that, but how do we force that issue? I don't know how we make people be better parents. It creates scars on these kids maybe, too, if they're left where they are. That's why governments go in and maybe take the kids away. They try to get them to go back to their home and be with their family, but sometimes maybe that is not the right answer. Maybe it's scarier, more dangerous for those kids to be there. Maybe the kid is happy to be away from that, maybe the parent is. Again, it's not a good situation to be in but someone has to try to protect these kids. Yes, maybe it is only feel-good legislation, but I'll agree with

Floor Debate
November 18, 2008

Senator Friend that if one child does have a better life I'm fine with it. The other issue I want to bring up is--we know that we'll probably talk about it in this next session--is unborn children. Many people in this body want to save unborn children, but now they don't want to save a year-old child. I don't see the difference. A child is a child. Let's try to do our best to protect them. I will vote. I voted for the one year. I would vote for probably more than that because some people just need a little more help than others. I'll vote for the 120. I'll vote for the 30 if we get that low. I hope we don't get there. Let's work this out. I think that we've had great debate today. I think there have been a lot of good points made on each side. The bottom line to me is let's help kids. These kids are in a bad situation to begin with. Let's try to help them out. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. Senator Avery, you're recognized. [LB1]

SENATOR AVERY: Thank you, Mr. President. I yield the entirety of my time to Senator Ashford. [LB1]

SENATOR LANGEMEIER: Senator Ashford. [LB1]

SENATOR ASHFORD: Thank you, Mr. President, and thank you, Senator Avery, because we may not be on the same side of this vote, so I appreciate your indulgence. And, Senator Erdman, I know that five members of my committee voted the way I didn't vote, but three of them voted with me, including me, so it was not bad. (Laugh) So thank you for underlining that. But let me tell you why I think, at least why I felt, the committee was right in arriving at the 30-day limit. Initially, we had a 72-hour bill last year. We had a 72-hour bill when we convened in Executive Session yesterday, and there was quite a bit of discussion as to whether or not we should stay with 72 hours. Senator Chambers made a significantly, I think, important argument in favor of the 72 hours and we arrived at 30 days. The point is this. When we heard the evidence, the evidence...and we can go on and we could go back and forth and have sort of this Oklahoma offer deal where 100 didn't work so now we're at 112, which is then maybe we'll go to 124 or 150. The issue is care of the children and how do we get services to children of all ages? Unborn and born, it doesn't matter. We need to get the right services to these children. That is a big issue. That is a big issue and yesterday we heard three hours of testimony about why those services are lacking in our state. I am certain, I am absolutely certain that if we put a deadline of 120 days, there's going to be someone...or 112 days, there's going to be a case that's going to occur with some...with a two-year-old and we are going to wish we had two years in our safe haven bill. It will...in my view, it deflects away from what is in front of us. The challenge that is in front of us is not this issue, whether we are at 30 days or 2 days or 3 days. The challenge before us is how are we going to get mental health services to children in our state? That is the issue. Senator Chambers is correct. If we get too engrossed in this sort of...and very well-intentioned, and Senator

Floor Debate
November 18, 2008

Karpisek's points are well-intentioned and valid in many respects, but I sincerely believe the committee was correct in the decision that it made. We went back and forth. We did not get into depth about the 100-day issue, though it was mentioned, but the compromise or the number of days was arrived at because we wanted to make sure we were covering those cases in Nebraska that are real where we can...and I believe, and I don't want to speak for my colleague Senator Chambers and my good friend, but I think that's why he may have gone to 30 days, is that there is hard evidence that would support that. There isn't any evidence beyond that. So we would simply be...we'd be adopting a number of days and, quite frankly, I know this is not the intent of anybody voting this way, but somehow thinking that we've solved something by doing this. My feeling is we have not. We have not. At the 30-day level, I think we have. We have dealt with the newborn infant. We have dealt with the other issues impacting the mother in the first few weeks after birth. That is the issue. [LB1]

SENATOR LANGEMEIER: One minute. [LB1]

SENATOR ASHFORD: That is the issue. We should not go beyond that in this bill. We should leave it up to next year. Speaker Flood has committed to me and I've committed to him, at least in the Judiciary Committee, if I should be Chair of that committee, that we're going to work on options to deal with that issue. Tim Gay has, if he or Senator Dierks happen to be Chair of those committees, I know they're going to work on that or whomever is running is Chair of that committee. These are big issues and I fear that this discussion is deflecting away from that and that we should stay with this, this promise to ourselves that we're going to move forward next year. Adopt the 30 days, which is reflective of the issues and the instances that were raised at the committee hearing and move forward next year with viable options to make sure that mental health services are available to all Nebraska children no matter what age. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Ashford, and thank you, Senator Avery. Senator Ashford, your light is next and you're recognized. [LB1]

SENATOR ASHFORD: Question. [LB1]

SENATOR LANGEMEIER: The question has been called. Do I see five hands? I do see five hands. The question before the body is, shall debate cease? All those in favor vote yea; all those opposed vote nay. Just to clarify, we are voting currently on the cease of debate, not the amendment, to cease debate. Have all those voted that wish to? Record, Mr. Clerk. [LB1]

CLERK: 28 ayes, 9 nays, Mr. President, to cease debate. [LB1]

SENATOR LANGEMEIER: Debate does cease. Senator Hansen, you are recognized to close on FA2, the amendment to the committee amendments to LB1. [LB1]

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Floor Debate
November 18, 2008

SENATOR HANSEN: Thank you, Mr. President. I don't think that 120 days is a magical number. I don't think 30 days is a magical number. And who in this body knows what the magical number is? I don't think there's anything magic about it. We're trying to pick a date that we can, the majority, can go along with. It's not a magical date, whether it's 30 days, 3 days, 120, or a year. There's nothing magical about it. There's 13 other states that have the safe haven bill. Their laws include 30 days. So does that mean Nebraska needs to join the big 13? I don't think so. I don't think that we ought to look at other states. I mean, we need to look at other states and find out what they're doing. We don't need to look at other states and say those states are the good ones; we need to join that state. I don't think anybody can pick that number, I really don't. And then Senator Ashford says that we've talked to the Speaker and we've talked to this group and we've talked to that group and we decided on 30 days, but then still some of the Judiciary members bailed out on him so (laugh)...I, at this time, would ask for those votes plus some others. And I'm as concerned as anyone in this body on taking care of the kids beyond whatever date we arrive at. It doesn't matter. I spent the last two years on the HHS Committee, an eye-opening experience. I've already talked to Senator Lathrop. Pretty sure I've got him convinced that Judiciary is just not the place; that he really ought to be on HHS Committee. He didn't hear that. I don't think he's going to jump ship for the Judiciary Committee either, but HHS Committee deals with these issues. Former Senator Jim Jensen has a study out now on the Behavioral Health Oversight Committee, has made some recommendations that really should help if the Legislature will take the time, take the action to put the oversight in. Mr. President, that's about all I have. I ask for a call of the house and a roll call vote in normal order. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Hansen. There has been a request to put the house under call. The question is before the body, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1]

CLERK: 46 ayes, 0 nays, Mr. President, to place the house under call. [LB1]

SENATOR LANGEMEIER: The house is under call. Senators, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. All members are present or accounted for. Mr. Clerk, please call the roll in regular order. The question is...for the body is, shall FA2 be adopted to the committee amendments? Mr. Clerk, please call the roll. [LB1]

CLERK: (Roll call vote taken, Legislative Journal pages 59-60.) 20 ayes, 29 nays, Mr. President, on the amendment. [LB1]

SENATOR LANGEMEIER: FA2 is not adopted. With that, I raise the call. Mr. Clerk, next amendment. [LB1]

Floor Debate
November 18, 2008

CLERK: Mr. President, Senator Schimek would move to amend the committee amendments with AM9. (Legislative Journal page 60.) [LB1]

SENATOR LANGEMEIER: Senator Schimek, you are recognized to open on your amendment, AM9, to the committee amendments. [LB1]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. The object of this amendment is to say that this particular bill that we're working on right now will sunset on June 4 of 2009, unless, of course, we choose to come back and do something else. And let me explain my rationale. I have really two I think good reasons for offering this amendment. One is that we keep the heat on ourselves. I think we need to flesh out what we're doing here and we are not capable...or I should say we're not permitted to do that during this session, and we need to come back and say that we are going to have some provisions in here that we've not even talked about, that we've not even addressed. I passed out this chart a little while ago that elaborates what all the other 49 states do on safe haven, and let me point out a couple of states that I think have got some provisions in it that we at least need to think about and one is California, which is on the back of the first page. And you will notice that they have in their bill a provision of immunity from prosecution for abandonment, failure to provide, or desertion. They also provide an envelope for filling out nonidentifying information on medical background so that if a baby is left at a hospital, on a voluntary basis the mother can provide that medical information that's so critical maybe to that baby ten years down the road or even one year down the road. It also...California also collects data on numerous categories regarding abandonment so that they can evaluate what's going on. They also give the biological parents and the baby a bracelet, an ID bracelet which match. And within 14 days, that mother can return that ID bracelet and regain custody. And you know what, I don't really know how long of a provision they have in their law. The last thing they do, they create billboards, hot lines, public service announcements, media coverage, TV spots, Internet articles, and multilingual publications that let people know there is a safe haven law. There's another state that I'll mention to you and that's Illinois. And they have addressed some of those same issues under their statute. And as you go through this, you'll see that most states have tried to address either part or all of those issues. I think we'd be remiss if we didn't. And I want to make sure that we don't let that slide off our radar, that we need to continue to try to work on. The other thing I think it's important to do is to be able to go to your constituents and say, yes, we did change the date or the time frame for which this bill would work, but we were unable to do more than that. We need to do that so we put the sunset provision on so that it does get addressed next year. This is only about the infant or baby provision of our original safe haven act. And, Senator Ashford, I think, you know, I was one of those recalcitrant committee members, and I always hated it when my own committee would do that so I guess I got a name, probably I deserved it. But I think Senator Erdman did make a really good point and his message was right on target--we got to keep separated in our own minds about who we're talking about here. And I find myself laughing over and

Floor Debate
November 18, 2008

crossing over those boundaries from time to time, and I'm sure the public does too, and so we need to clarify. I think that in a way this will help keep the focus on the behavioral health and mental health services in this state. And I think that the question may arise if this is within the call, and I think that it is. I think that we're not touching the provisions of safe haven. We are just establishing a time line to finishing the job, and the time line would be June 4, 2009, which is the date that this Legislature will adjourn next year. So I would ask for your serious consideration of this. For me, it's going to be difficult to continue to support the bill unless we can give our constituents this kind of reassurance that we are really going to not only address the older children issue, but also address this very particular part of the whole safe haven issue. Thank you. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You have heard the opening to AM9 offered to the committee amendments to LB1. Those wishing to speak: We have Senator Erdman, Aguilar, Chambers, Flood, Engel, Howard, and others. Senator Erdman, you are recognized. [LB1]

SENATOR ERDMAN: Welcome, Senator Engel. I would yield my time to Senator Flood. [LB1]

SENATOR LANGEMEIER: Senator Flood. [LB1]

SPEAKER FLOOD: Thank you, Senator Erdman, members, Mr. President. I do not need to attach strings to a state policy to make me do what I feel is the right thing to do next session. As a state senator, that's my job. That's our job. And there are 15 new ones coming in next year that have to make some pretty significant decisions on state policy as it relates to behavioral healthcare for adolescents. I'm opposed to this amendment. I don't believe it's the right direction for us. What happens if we adopt this amendment? June 4, 2009, if we don't have an answer or if we don't meet some unknown set of conditions, and quite frankly, I don't think anybody in this room can say they know the answer because we don't because the answer is complicated because the problem is complicated, and tough problems have tough solutions. And it's more than one bill. It's more than one committee. It's an entire Legislature having to make some pretty hard decisions next year about what we think we need to do. But if we adopt this amendment and we don't meet those conditions, you may think that we've sent something over to the Governor and he's got to sign a bill, we just don't have any safe haven law. It doesn't go back to age 18. It comes off the books. And that baby in Norfolk that was dropped in a gulch behind a department store, that mom wouldn't have a chance June 5 to drop her baby off at a hospital. And I don't want to play that game. Don't play chicken with a train unless you're prepared to crash. And I'm not going to vote for it. It's nothing against Senator Schimek. I know where she's coming from. She's frustrated. She wants to see an answer. She wants a remedy. She wants to know that the Legislature will deal with the bigger issue, and she's probably feeling like this is the time she needs to be in the Legislature next session as Ernie said, as Senator

Floor Debate
November 18, 2008

Chambers said yesterday, because they want to be here to do it. And I can respect that. That's a credit to her years of service in the Legislature. It's a credit to Senator Chambers' years of service because they see a problem, and they want to fix it and term limits has taken them out of that game. But for those of us that are coming back, we've got to make that decision. The safe haven issue is not going to be the issue next session. It's going to be on the services we provide in emergency situations to families in crisis, to kids that have a substance abuse problem or are battling bipolar disease or schizophrenia or any other type of mental health condition. And Senator Dubas and I know how important emergency services are in our area. We have been working on EPC issues for several years. And I think there are a lot more things that have to be looked at. And I appreciate what Senator Nantkes says. We have to make sure we're using our existing money responsibly and in the right way before we start up 15 new programs. But I think it's too early to predict what the answer is, and you have to listen to the professionals. And I think the Judiciary Committee, the Health Committee are both very responsibly looking at this issue, and it's going to be here next session whether you want it to or not. The public won't let it go away, we won't let it go away, the media will certainly stay on it, but don't play chicken with a train unless you're prepared for the result. So I'm opposed to this amendment. I understand why it's been offered, and I plan to vote against it. Thank you, Mr. President. [LB1]

SENATOR LANGEMEIER: Thank you, Senator Flood and Senator Erdman. Senator Engel, excuse me, Senator Aguilar is next. [LB1]

SENATOR AGUILAR: Thank you, Mr. President, members. I rise in opposition to the amendment and in support of the underlying legislation and the committee amendment. I've been listening to all of this debate, and I'd come to the conclusion about a month before I come down here that I was going to support the 30-day time frame. And I haven't heard anything, any revelation that's changed my opinion of that. I'm still going to support the 30-day time frame. I would remind the body before we can get to next year and get to all the important issues that everybody has referred to during this entire debate, we have to get by this issue. And we need to get by this issue pretty soon. I think the consensus is there to do what's right so that we can move on. I really hope we can do that. That's the most important issue. What we need to realize alongside this is that in my nine years here I've seen situations and debates just like this, and I've seen the whole piece of legislation unravel because of a variety of differences of opinion that have transpired during the debate. I think underneath it all we all know where we're going to go with this, and I think we need to stay focused on that and get back to that. Senator Ashford, all I can say to you is that if my committee ever bailed on me...bailed out on me like yours did, we'd be going to the woodshed (laughter). I would yield the rest of my time to Senator Chambers, if he wants it. [LB1]

SENATOR ERDMAN PRESIDING []

Floor Debate
November 18, 2008

SENATOR ERDMAN: Senator Chambers, you have 3 minutes. [LB1]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Aguilar. And when they arrive at the woodshed, I will be waiting. And in the words of Darth Vader, I have you now. Members of the Legislature, this is one of those issues for me which in philosophy, logic, maybe even theology comes under the rubric of double effect. A nuance situation exists for me here, and a nuance is just a subtle distinction. Logicians thrive on that. I had said that I would enjoy being a facilitator instead of a terminator on a bill that I don't like. I had given the impression that I would support it when all I had really said is that I will not delay it. But since my words created the impression that I will support it, I will support it. I am not supporting a safe haven. I am voting in opposition to a circumstance that allows the dumping of these older children. I'm voting against safe haven. I'm voting for a procedure that will rescue those older children from what I see as a very traumatic, life-scarring experience. I care about the Legislature even though I'm not going to be here. And the fact that I'm not going to be here is what's going to impel me to do nothing that will make the work harder than it needs to be for those who will be here. Now once I'm out of here, I will make a clean cut and I won't look back. The Legislature will have nothing to do with me further, and I will have nothing further to do with the Legislature. But for now, I am still here. While I've been here, I've tried to do the best that I could. I've tried to do the best that I know how. [LB1]

SENATOR ERDMAN: One minute. [LB1]

SENATOR CHAMBERS: But I've never been able to pull my colleagues to that level of the best I know how, so I had to do the best that I could. I will not support Senator Schimek's amendment. The only reason that I pushed so hard for special session is to give the Legislature some breathing space, room to look without as much pressure at those issues that were highlighted by having an open-ended, so-called safe haven bill. I'm not going to get even with anybody at this point. I'm not going to point fingers at anybody in mockery, in taunting, or any of those things that might be the case if I were coming back next year. I never believe in "hittin' and gettin.'" I'm not going to hit you and run away, Senator Carlson. So I will not support Senator Schimek's amendment. And I don't know whether I'm next up or not, but if I am, I have just a few more things I want to say. [LB1]

SENATOR ERDMAN: Senator Chambers, Senator Aguilar's time has expired, but you are the next speaker. You may continue. [LB1]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm not a teary-eyed, boo-hoo kind of person, and I don't get nostalgic about the Legislature, all the things that have happened because I've been here a long time and I'm leaving. I'll be in the world longer than I was in the Legislature, and I'm going to leave the world too...I'm going to leave the world also. And that's going to make a whole lot of people

Floor Debate
November 18, 2008

very happy, Senator Carlson. Now how many people can have fought as many battles as I have and made as many enemies as I've made, blood enemies who hate the sight of me, hate the thought of me? And yet there's something I will do at the very end which will bring them more happiness than they ever had in their life, provided they don't croak before I do (laugh). And if I have my way, I would want them to live longer than I. Do you know why? It's vindictiveness on my part. Because when I'm gone, they'll say we sure had a good thing and lost it. And the only way they can feel that regret and that remorse is if they're still alive. Now instantly after they feel that remorse, if they croak it's all right. But getting back to this bill and what is before us now, I'm not going to question at this point the motivations of anybody, no matter what it was they thought or said or felt should be done. But I will do all that I can to make sure we keep our eyes on the prize, which I think is to go no farther than the 30 days out. If there are other amendments that are offered for the purpose of debate and discussion, that's comprising a record for us. But none of them would be taken seriously I hope, and we need to get this bill moved today if you want to get out of here in seven days. Now I come down here every day anyway. So if you decide you want to stay here, you'll see me every day and I won't be regretful. But there are others of you who are not situated as I am. And again being pragmatic, practical, and realistic, you need to think in terms of our process, how it works, how much time it's going to take, and where you want to be. How much time do I have, Mr. President? [LB1]

SENATOR ERDMAN: Two and a half minutes. [LB1]

SENATOR CHAMBERS: Okay. There's a song that I'm not going to sing, but it's the words, some of the words in it are "when I wore a younger man's clothes." It's "The Piano Man." And one of the verses says something to the effect: John at the bar is a friend of mine. He gets me my drinks for free. He's quick with a joke and he'll light up your smoke, but there's someplace that he'd rather be. Now there is someplace else many of you would rather be than right here in this Chamber. I say again the die is cast. It might take us a long time to get there, but when it's over, what the bill is saying now is what I believe it's going to ultimately say. So if you like spending this time together, then we can do it here. We can do it again on Select File. Then on Final Reading if you insist. But Al Green sang a song: Let's just be glad we had this time to spend together. It's in the past tense. We had it, but it doesn't go on and on forever. Senator Schimek I have a lot of respect for and I understand what she's attempting to do, but I can't vote for this amendment. Thank you, Mr. President. [LB1]

SENATOR ERDMAN: Thank you, Senator Chambers. Those members wishing to speak on AM9: Senator Engel, Senator Howard, Senator Schimek, and Senator Pahls. Senator Engel, you're recognized to speak. [LB1]

SENATOR ENGEL: Mr. President and members of the body, I'll not spend a lot of time on this, but I told everybody I would listen and consider this particular amendment. But

Floor Debate
November 18, 2008

the only thing is, in thinking about it I don't know why we who are leaving should tie up the hands of those who are coming back next year. And secondly, anything we do this year they can tweak next year. So if this doesn't work quite right, they can always tweak it, they can always change it, they can do everything. But at least they won't have to dwell particularly on this subject. They can go on and get at the huge problems that we have in front of us. And I'm sure that they'll handle this very well and they'll help straighten out the mess that we happen to be in as far as these older children. I have nothing but faith in the new people--the ones that are here and the new ones coming in. I'm sure they can handle it, and I think we should leave it in their hands and not try to tell them how they have to run their next session. So with that, I support, as Senator Chambers, I support the 30 days and that's it. Thank you very much. [LB1]

SENATOR ERDMAN: Thank you, Senator Engel. Senator Howard, you're recognized to speak, followed by Senator Schimek. [LB1]

SENATOR HOWARD: Thank you, Mr. President. I believe that we're here today at a turning point. We're in the midst of dealing with a very complicated and a life-impacting issue. There are many people who should be at the table with us, and we're lucky. We're lucky that we have a world-renowned facility to call upon for answers. We've got Boys Town, the Boys Town facility here in this state. We have front-line case managers who want to be a part of the solution. We're fortunate to have committed community leaders, many of whom have devoted their lives to addressing issues regarding children and families. And Health and Human Services also has to be part of the answer. They need to be with us in providing services, rather than denying services through bureaucratic barriers. Now like you, I've gotten many e-mails, and I'm just going to read two of these. Please help formulate workable help for parents whose children need specialized help with behavioral and mental health issues. I know that your background will provide practical and sensible guidelines to achieve this. There are many desperate families in America now, and they need Nebraska not to close the door, but to open options of resources and of help. We have a responsibility, and whether we choose to do it now or whether we choose to do it next session, the burden has been laid at our doorstep. I support this amendment in that I feel we need to move forward on this, and I thank Senator Schimek for bringing us this amendment. We need to do a lot more work on this, and we need to have a lot more minds involved with it. Thank you. [LB1]

SENATOR ERDMAN: Thank you, Senator Howard. Senator Schimek, you're recognized, followed by Senator Pahls. Senator Schimek. Senator Schimek waives her opportunity to speak. Senator Pahls, you're recognized to speak. [LB1]

SENATOR PAHLS: Thank you, Mr. President, members of the body. Senator Chambers, this is twice this afternoon that I've been taken aback by your comments. Number one, when you said there was no need for the...our safe haven. I think we got past that. But a little bit ago when you said that you were finished with the Legislature. I

Floor Debate
November 18, 2008

was hoping when you become a member of the...officially a member of the learning community that you would utilize the Legislature as a way of helping perhaps to correct some of the issues that need to be corrected. So I am inviting you to use some of us in that endeavor. Thank you. [LB1]

SENATOR ERDMAN: Thank you, Senator Pahls. Senator Schimek, you're recognized. Senator Schimek. [LB1]

SENATOR SCHIMEK: Thank you. Mr. President and members of the body, first of all, first of all I'd like to respond to a couple of things that were said here. But I think I can see where this may be headed, and I don't like it too much. But the reason I'm persisting is because of some things that were said. For instance, and I may have misunderstood, but Senator Flood isn't on the floor I don't think and I can't ask him. But I think I heard him say that safe haven will not be the issue next year. It will be the older kids. Well, that's my point. I want to make sure that we come back and do something about the part of this that deals with infants because I don't believe we've got an adequate piece of legislation here. It is puny. It is sloppy. It does not address some of the things that need to be addressed that other states have addressed if we want to have a good safe haven law. And that's why I'm interested in pursuing this. The other thing is, Senator Aguilar, you said we have to get past this issue. That's my point. I don't want us to get past this issue. I want us to be able to come back and address the parts of this that we're not addressing now. And that is the parts that deal with the leaving off of infants, babies with hospitals. And as our law is written under this bill and actually under the previous bill, we didn't have any provision for a woman to be able to voluntarily give medical information, to be encouraged to voluntarily give medical information. We didn't...you know, we don't have any provisions for trying to establish who the father is. What happens to this child if there is a father who wants to have some say in this child's life, who wants to establish paternity, and he doesn't even know this has happened to this child? What are we going to do? We don't even talk about it. We don't even address it. There are a lot of things I suppose that could be done in rules and reg, but I think we would like to have some say in the policy that we're going to have on this. Are we going to come back next year and just address the problem of older kids? My goodness, I hope we do address that. But I also want us to address the little kids, the babies, and that's why I'm introducing this. What I want to happen is I want LB1 as we go forward and as it passes and as it becomes law, I want there to be something hanging over that law that says, okay, we know that we need to finish our job. And we will do it by June 4 when the existing language terminates. That's my purpose here, and I don't think it's a bad thing to want to do, to come back and complete the job that we've started here in special session. Our hands are tied. We cannot address some of these other issues in this session, and that's the reason that I've introduced this amendment. [LB1]

SENATOR ERDMAN: One minute. [LB1]

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

Floor Debate
November 18, 2008

SENATOR SCHIMEK: Now I would like to have a discussion with Senator Lathrop about the amendment and its impact because he came and raised it with me. I do have my light on and so I'm hopeful that we can continue this discussion a little bit. [LB1]

SENATOR ERDMAN: Senator Lathrop, would you yield? [LB1]

SENATOR LATHROP: Yes, I would. [LB1]

SENATOR SCHIMEK: Senator Lathrop, you came back to me and wanted to know if I was trying to, in essence, kill LB1 is my understanding of what you were asking. [LB1]

SENATOR LATHROP: My question had to do...I've looked at the amendment, and the amendment creates a Section 2. The Section 2 says "this act" and the act is the safe haven act or whatever we call it, and it sunsets the entire...as I read the amendment, it sunsets the entire thing, all of safe haven, in June of '09. [LB1]

SENATOR SCHIMEK: If... [LB1]

SENATOR LATHROP: Now that... [LB1]

SENATOR ERDMAN: Senator Schimek, your time is up. You may continue on your third time and then, Senator Lathrop, would you continue to yield? [LB1]

SENATOR LATHROP: Yes. [LB1]

SENATOR SCHIMEK: Thank you very much. If by the safe haven act, and we don't name the act in any legislation I don't believe, do we, Senator Lathrop? [LB1]

SENATOR LATHROP: I don't know that it is. [LB1]

SENATOR SCHIMEK: No. [LB1]

SENATOR LATHROP: It's one section long, two sentences, and I don't think the name of it is anywhere. [LB1]

SENATOR SCHIMEK: But I guess what I want to clarify here, what this amendment would do, at least that's my intention is that...and the only thing that will be left in statute after we pass this bill will be the language of LB1. Correct? [LB1]

SENATOR LATHROP: I think if we attach your amendment to the safe haven bill, which is what LB...LB1 amends former LB157. [LB1 LB157]

SENATOR SCHIMEK: Yes. It essentially inserts, actually inserts a time frame that

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

Floor Debate
November 18, 2008

wasn't there before. [LB1]

SENATOR LATHROP: That's the way I read it. [LB1]

SENATOR SCHIMEK: Yeah. [LB1]

SENATOR LATHROP: And your new Section 2 says this act terminates June 4, 2009, and that's why I came back to talk to you. I don't know if it's your intention to have safe haven go away entirely, which is what I think your amendment does, as of June 4 if nothing changes in the meantime, or whether it was your intention to take the new time period out and go back to where LB157 was before the special session. [LB1 LB157]

SENATOR SCHIMEK: My intent was not to take out the 30-day provision, but rather to sunset the entire language if the Legislature hasn't done anything to complete the language of the bill. In my estimation, it is incomplete. Is that what you thought I was trying to do or is that (inaudible)? [LB1]

SENATOR LATHROP: No. That's not what I thought you were trying to do. I thought your intention was to put the heat on the Legislature to do something in the next session, and if we didn't, we'd go back to where we are today. And... [LB1]

SENATOR SCHIMEK: I see. [LB1]

SENATOR LATHROP: ...your concern apparently was with the safe haven bill in other respects, some of those expressed by Senator Pahls in his bill and expressed at different times by Senator Pahls. Now I understand. And I suppose I told you I would support the idea of a 30-day sunset. I'm in support of the idea that we would sunset the 30 days and go back to where we were as a means of keeping Health and Human Services engaged in this topic. But if your intent is to repeal all of the safe haven statute with this amendment, then I wouldn't be in support of it. [LB1]

SENATOR SCHIMEK: Well, I thank you for that, Senator, and thank you for helping clarify not only for me but for others what the issue is here. And actually, having participated in this discussion, I can see some value to your approach because it would be a wider-spread hammer. It would be a broader hammer, I should say, than the one that I was considering because it would say...yes, I understand what you're saying. I think that in consideration of the discussion that we just had that I may withdraw my amendment and ask that it be reintroduced in a clearer fashion after having a chance to talk with some people first. Then perhaps...it wouldn't be wise to go ahead with it right now I think. And so with that, Senator Erdman, Mr. President, I would ask for withdrawal of the amendment. [LB1]

SENATOR ERDMAN: So ordered. There is nothing further on the committee

Floor Debate
November 18, 2008

amendments, we will proceed with discussion. Senator Pahls, your light is on. [LB1]

SENATOR PAHLS: Thank you, Mr. President. I will just say a word or two. The thing I thought was a little ironic in the past the bill that I was trying to promote and some of the same concepts that Senator Schimek is saying we need to include are the ones she was fighting me on. I mean I'm sitting here and that's all I need to say, but these are the proposals that I tried to get across in the past, but I was told some of these things are too expensive, la-di-da. This has been a pretty expensive happening, you might say. Thank you. [LB1]

SENATOR ERDMAN: Thank you, Senator Pahls. Senator Ashford, as Chair of the Judiciary Committee, you're recognized to close on the committee amendments. [LB1]

SENATOR ASHFORD: Yes, thank you, Mr. President. Senator Johnson, if you would, I'd like to give you my time and ask you to sort of summarize from your perspective where we are with the committee amendments if you would. [LB1]

SENATOR ERDMAN: Senator Johnson, you have 4.5 minutes. [LB1]

SENATOR JOHNSON: Thank you, Senator Ashford. I think what we want to do here today is conclude what we were sent here to do, then have the confidence that the next session of the Legislature, with good people having been elected, can take over and do a good job from that standpoint. I'd like to mention a few things. First of all, go back in history and a guy by the name of Winston Churchill said, give us the tools and we will finish the job. In the early and dark days of World War II, Churchill recognized that his people had the will and the fortitude to withstand the absolutely awful war that lay ahead. He also clearly recognized that his courageous nation did not have the means to withstand the onslaught of the Nazi regime. We've got the same problem in our state today. The good citizens of Nebraska have the desire to help our fellow citizens, and particularly the most vulnerable ones. But we have seen the symptoms of these serious deficits--the safe haven abandonments, Von Maur, Beatrice Developmental Center's problems, suicide rings amongst our youth, complaints from law officers and other public officials with the mental illness people with no place to go. Effective services begin with good people with the proper training to provide the best possible care. Here are some suggestions for you to consider in the next session. Nebraska, first of all, needs a comprehensive plan for the development of mental health teams. We need to make better use of our resources such as UNMC, Creighton, Boys Town, and many others, and the solutions must be for the whole state. We need incentives for nursing instructors, nurses, mental health nurses in particular, psychiatrists, psychologists, and many others to stay and practice in Nebraska. We need programs such as innovative ones now where psychologists are in pediatric clinics. Ideas like this are new, they're innovative, and they work. We need to make better use of existing family practice physicians, internists, nurse practitioners, and others to help us solve our mental health

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

Floor Debate
November 18, 2008

problems. We are not going to be able to put psychiatrists in every town. We might consider a thing that they use in medical school. It's called grand rounds where students, residents, and staff get together and talk over problems. We can do this with interactive television across the state and with the teachers being in our medical schools. [LB1]

SENATOR ERDMAN: One minute. [LB1]

SENATOR JOHNSON: Nebraska needs a master's degree program as well, another one, because the only is in Omaha, and this is where our social workers get their training. These are almost absent in western Nebraska. We need a program for peer professionals where those with mental illness function similar to what it is in Alcoholics Anonymous where they reach back and help others. We need to ease the regulatory bureaucracy so that HHS and the providers work together for successful solutions. Behavioral health reform and reorganization of the Department of Health and Human Services... [LB1]

SENATOR ERDMAN: Time. [LB1]

SENATOR JOHNSON: ...have successfully, but this is administratively only and we need to complete the job. Thank you, Mr. President, and thank you, Senator Ashford. [LB1]

SENATOR ERDMAN: Thank you, Senator Ashford and Senator Johnson. Members, you've heard the closing on AM5, the Judiciary Committee amendments to LB1. All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Have all members voted who choose to? Record please, Mr. Clerk. [LB1]

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB1]

SENATOR ERDMAN: The committee amendments are adopted. Mr. Clerk, next amendment. [LB1]

CLERK: Mr. President, a series of amendments to the bill: Senator Avery, AM1, but I have a note you want to withdraw that, Senator. [LB1]

SENATOR ERDMAN: It is withdrawn. [LB1]

CLERK: Mr. President, Senator Langemeier, AM2, but again I have a note you want to withdraw that, Senator. [LB1]

SENATOR ERDMAN: It is withdrawn. [LB1]

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

Floor Debate
November 18, 2008

CLERK: Senator Schimek, I now have AM11. [LB1]

SENATOR ERDMAN: Senator Schimek, you're recognized to open on AM11. [LB1]

SENATOR SCHIMEK: Mr. Clerk, Mr. President, I would like to withdraw both of the next two amendments. [LB1]

SENATOR ERDMAN: The amendments are withdrawn. Mr. Clerk, any other items? [LB1]

CLERK: Nothing further on the bill, Mr. President. [LB1]

SENATOR ERDMAN: Members, we're on discussion of LB1 as amended by the Judiciary Committee amendments. Senator Flood, as introducer, excuse me, Senator Chambers, you're recognized to speak. [LB1]

SENATOR CHAMBERS: Mr. President, in honor of the work that has been done by the body, and I think it has been good work, and the young engineer whom I had to chastise earlier and commemorating the characteristic of this bill I gave, toot toot. [LB1]

SENATOR ERDMAN: Thank you, Senator Chambers. Speaker Flood, you're recognized to close on the advancement of LB1. [LB1]

SPEAKER FLOOD: Mr. President, members, I urge the adoption of LB1, moving it on I should say to Select File. I appreciate the good discussion we've had today on this issue. I know it's been difficult. I want to again recognize the work of the Judiciary Committee. I think you saw today that what they did last night is the will of the body, and I appreciate their efforts. Thank you, Mr. President. [LB1]

SENATOR ERDMAN: Members, you've heard the closing on the motion to advance LB1. All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB1]

CLERK: 40 ayes, 4 nays, Mr. President, on the advancement of LB1. [LB1]

SENATOR ERDMAN: LB1 does advance. Mr. Clerk, items for the record. [LB1]

CLERK: Mr. President, I have no items other than a motion. []

SENATOR ERDMAN: Mr. Clerk, for a motion. []

CLERK: Senator Pirsch would move to adjourn until Wednesday morning, November

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Transcriber's Office

Floor Debate
November 18, 2008

19, at 9:00 a.m. []

SENATOR ERDMAN: Members, the question before you is the motion to adjourn. All those in favor say aye. All those opposed nay. The ayes have it. We are adjourned. []