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Transcriber's Office

Floor Debate  
May 12, 2015

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SENATOR COASH PRESIDING

SENATOR COASH: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SEVENTY-EIGHTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR CHUCK TSCHETTER OF COMMUNITY BIBLE CHURCH IN OMAHA. HE'S A GUEST OF SENATOR SMITH AND REPRESENTED BY SENATOR RIEPE. PLEASE RISE.

PASTOR TSCHETTER: (PRAYER OFFERED.)

SENATOR COASH: THANK YOU, PASTOR. I CALL TO ORDER THE SEVENTY-EIGHTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SENATOR COASH: THANK YOU, MR. CLERK. ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SENATOR COASH: ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB329 TO SELECT FILE WITH E&R AMENDMENTS ATTACHED. HEARING NOTICE ON THE GENERAL AFFAIRS COMMITTEE FOR A CONFIRMATION HEARING. AND TWO NEW GUBERNATORIAL APPOINTEES BE REFERRED TO REFERENCE COMMITTEE FOR REFERRAL TO STANDING COMMITTEE FOR CONFIRMATION HEARING. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGE 1511-1513.) [LB329]

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SENATOR COASH: THANK YOU, MR. CLERK. WE NOW PROCEED TO THE FIRST ITEM ON THE AGENDA.

CLERK: MR. PRESIDENT, LB259A, IT'S A BILL BY SENATOR GLOOR, (READ TITLE.) [LB259A]

SENATOR COASH: SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON LB259A. [LB259A]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT AND GOOD MORNING, MEMBERS. YOU'LL RECALL, LB259A IS THE \$10,000 PERSONAL PROPERTY EXEMPTION FOR BUSINESSES AG RELATED. IT DOES HAVE AN A BILL. I'M PLEASED TO SAY THAT EVEN THOUGH THE DOLLARS ASSOCIATED WITH THIS FOR NEBRASKANS ARE SUBSTANTIAL, THE A BILL IS VERY UNSUBSTANTIAL, BUT WE STILL NEED TO ALLOCATE SOME DOLLARS. IT'S ESTIMATED THERE WILL BE A COST OF ABOUT \$36,120, THAT'S THE FISCAL NOTE ON THIS TO THE DEPARTMENT TO PROGRAM FOR THIS CHANGE AND THAT WILL BE PROGRAM DEVELOPMENT THAT'S DONE BY THE CHIEF INFORMATION OFFICER WITH THE STATE. THAT WILL BE THE DOLLARS ASSOCIATED WITH IT. AND I WOULD ASK FOR YOUR GREEN VOTE SO WE CAN GO AHEAD AND GET THIS IMPLEMENTED. THANK YOU. [LB259A]

SENATOR COASH: THANK YOU, SENATOR GLOOR. MR. CLERK. [LB259A]

CLERK: SENATOR GLOOR WOULD MOVE TO AMEND WITH AM1592. (LEGISLATIVE JOURNAL PAGE 1513.) [LB259A]

SENATOR COASH: SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON AM1592. [LB259A]

SENATOR GLOOR: THANK YOU AGAIN, MR. PRESIDENT. A LATE TECHNICAL AMENDMENT BROUGHT TO US BY THE FISCAL OFFICE. WE'RE APPROPRIATING SOME DOLLARS IN THE SECOND YEAR OF THE BIENNIUM, AS I SAID, \$19.6 MILLION. WE NEED TO MAKE SURE THERE'S AN ACCURATE DISTRIBUTION OF THOSE FUNDS TO THE VARIOUS POLITICAL SUBDIVISIONS. THAT'S HOW THIS WORKS. SO WE'RE ESTABLISHING PROGRAM 109 IN THE DEPARTMENT OF REVENUE. IT WILL OPERATE MUCH LIKE A SIMILAR PROGRAM THAT'S ESTABLISHED FOR THE HOMESTEAD EXEMPTION. SO THIS ESTABLISHES THAT PROGRAM TO MAKE SURE THAT WE DO THE ACCURATE DISTRIBUTION. AGAIN, A

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VERY TECHNICAL AMENDMENT, BUT AN IMPORTANT ONE TO MAKE SURE THAT THIS BILL DOES WHAT IT'S SET OUT TO DO. THANK YOU, AND I WOULD ASK FOR A GREEN LIGHT ON AM1592 AND THE A BILL. THANK YOU. [LB259A]

SENATOR COASH: THANK YOU, SENATOR GLOOR. MEMBERS, YOU HEARD THE OPENING TO LB259A AND AM1592. FLOOR IS NOW OPEN FOR DISCUSSION. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR GLOOR IS RECOGNIZED TO CLOSE. THE QUESTION FOR THE BODY IS: SHALL AM1592 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB259A]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR GLOOR'S AMENDMENT. [LB259A]

SENATOR COASH: AM1592 IS ADOPTED. [LB259A]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB259A]

SENATOR COASH: RETURNING TO DISCUSSION ON LB259A. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR GLOOR IS RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION FOR THE BODY IS SHALL LB259A ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB259A]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB259A. [LB259A]

SENATOR COASH: LB259A DOES ADVANCE. WE'LL NOW PROCEED TO CONFIRMATION REPORTS. MR. CLERK. [LB259A]

CLERK: MR. PRESIDENT, I HAVE TWO REPORTS FROM HEALTH AND HUMAN SERVICES. SENATOR CAMPBELL, THE FIRST I HAVE IS FRANK TURK TO THE COMMISSION FOR THE DEAF AND HARD OF HEARING. (LEGISLATIVE JOURNAL PAGE 1430.)

SENATOR COASH: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

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SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. THE HEALTH AND HUMAN SERVICES COMMITTEE HAD A HEARING AND SPOKE WITH DR. FRANK TURK FROM OMAHA, WHO IS A NEW APPOINTMENT TO THE DEAF AND HARD OF HEARING COMMISSION. DR. TURK HAS HIS BACHELOR'S FROM GALLAUDET UNIVERSITY, HIS MASTER'S FROM MARYLAND UNIVERSITY, AND A DOCTORATE FROM AMERICAN UNIVERSITY. HE HAS SPENT 38 YEARS OF HIS LIFE AS AN EDUCATIONAL ADMINISTRATOR AND A DEAF EDUCATOR. HE HAS RECEIVED NATIONAL RECOGNITION THROUGH PUBLICATIONS AND SERVICE ON BOARDS AND HAS NUMEROUS HONORS. AND REALLY, IT IS A DISTINCTION FOR US THAT DR. TURK IS WILLING TO SERVE. IN HIS LETTER TO THE GOVERNOR ON HIS APPOINTMENT, HE INDICATED THAT HIS GOAL WAS TO HELP DEVELOP A MODEL OF SEAMLESS STATEWIDE PROGRAMS AND SERVICES TO BE EMULATED NATIONWIDE. SHOULD WE ALL HAVE THOSE KINDS OF GOALS. DR. TURK IS A VERY WORTHY NOMINEE FOR THIS COMMISSION. THANK YOU, MR. PRESIDENT.

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING ON THE CONFIRMATION REPORT. IS THERE ANY DISCUSSION? SEEING NONE, SENATOR CAMPBELL IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE HEALTH AND HUMAN SERVICES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATURE JOURNAL PAGE 1514.) 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SENATOR COASH: THE REPORT IS ADOPTED.

CLERK: MR. PRESIDENT, A SECOND CONFIRMATION REPORT FROM HEALTH AND HUMAN SERVICES INVOLVES A SERIES OF APPOINTMENTS TO THE STATE BOARD OF HEALTH. (LEGISLATIVE JOURNAL PAGE 1430.)

SENATOR COASH: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. MR. CLERK, MAY I ASK A QUESTION FIRST?

CLERK: YES, MA'AM.

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SENATOR CAMPBELL: WILL WE...DO YOU WANT ME TO GO THROUGH ALL OF THE NOMINEES AND WILL IT BE A SINGLE VOTE THEN?

CLERK: IT'S ONE REPORT, SO THAT'S WHAT I WOULD RECOMMEND, SENATOR.

SENATOR CAMPBELL: EXCELLENT, THANK YOU, MR. CLERK. OUR FIRST NOMINEE FROM THIS LIST FOR THE STATE BOARD OF HEALTH IS DR. KEVIN BORCHER FROM OMAHA. DR. BORCHER SERVES IN NEBRASKA METHODIST HEALTH SYSTEMS AS ITS PHARMACY INFORMATION COORDINATOR. HE HAS A DEGREE IN PHARMACY FROM UNMC. HE HAS SERVED ON THE BOARD OF PHARMACY FOR TEN YEARS AS ITS CHAIR AND VICE CHAIR AND THE SECRETARY OF IT. AND ALSO SERVED ON COMMITTEES FOR THE NATIONAL ASSOCIATION OF THE BOARDS OF HEALTH. WE, OBVIOUSLY, APPRECIATE DR. BORCHER'S PREVIOUS SERVICE AND IT WILL SERVE HIM WELL AS SERVING AS A MEMBER OF THE STATE BOARD OF HEALTH. OUR SECOND NOMINEE THIS MORNING FOR THE STATE BOARD OF HEALTH IS SHANE FLEMING FROM COLUMBUS. MR. FLEMING IS THE VICE PRESIDENT AND C.O.O. OF TELEMEDICINE COMPANY, TELEDYNE HEALTH IT IS CALLED. AND THIS IS A NEW COMPANY IN THE STATE OF NEBRASKA AND MOST LIKELY WE'RE GOING TO HEAR A LOT MORE FROM THAT, PARTICULARLY BECAUSE OF OUR INTEREST IN TELEMEDICINE. HE WAS PREVIOUSLY THE COLUMBUS COMMUNITY HOSPITAL DIRECTOR OF TRANSITIONAL CARE. HE HAS HIS MASTER'S FROM UNMC; HIS UNDERGRADUATE FROM KEARNEY, AND ASSOCIATE DEGREE IN NURSING. MR. FLEMING IS, AGAIN, AN EXCEPTIONALLY-QUALIFIED NOMINEE TO SERVE ON THE STATE BOARD OF HEALTH. OUR NEXT NOMINEE IS DR. RUSSELL HOPP. DR. HOPP IS A REAPPOINTMENT TO THE STATE BOARD OF HEALTH. HE IS FROM OMAHA. HE IS AT CREIGHTON UNIVERSITY IN THE DEPARTMENT OF PEDIATRICS AND DID HIS UNDERGRADUATE WORK AT CREIGHTON AND HAS HIS D.O. FROM DES MOINES UNIVERSITY; AND SERVES A NUMBER OF OUTREACH CLINICS IN THE OMAHA AREA. AGAIN, DR. HOPP HAS BEEN VERY ACTIVE ON THE STATE SCENE AND HAS APPEARED BEFORE THE HEALTH AND HUMAN SERVICES COMMITTEE A NUMBER OF TIMES. OUR NEXT NOMINEE FOR THE STATE BOARD OF HEALTH IS DR. KEVIN LOW, WHO IS A NEW APPOINTMENT FROM CHAPPELL, NEBRASKA. HE IS A DENTIST AND HAS THE CHAPPELL DENTAL CLINIC. AS AN UNDERGRADUATE AT UNL AND RECEIVED HIS DOCTOR OF DENTISTRY FROM UNMC. AND MOST INTERESTINGLY, HE IS A SUBSTITUTE PASTOR IN CHAPPELL, NEBRASKA. HE'S A PAST PRESIDENT OF THE NEBRASKA DENTAL ASSOCIATION. OUR NEXT NOMINEE IS DR. TRAVIS TEETOR. AND DR. TEETOR IS A NEW APPOINTMENT. HE SERVES THE BOY'S TOWN NATIONAL RESEARCH HOSPITAL; DID HIS UNDERGRADUATE WORK AT UNL, HAS A PEDIATRIC RESIDENCY AT UNMC AND AN

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ANESTHESIOLOGY RESIDENCY FOR THREE YEARS AND HAS BEEN A DELEGATE TO THE NATIONAL SOCIETY OF ANESTHESIOLOGISTS. AND VOLUNTEERS A GREAT AMOUNT OF TIME TO THE FELLOWSHIP OF CHRISTIAN ATHLETES; WAS BORN IN LEXINGTON, NEBRASKA. OUR FINAL NOMINEE FOR THE STATE BOARD OF HEALTH IS DR. DOUGLAS VANDER BROEK WHO IS IN LINCOLN. HE IS FILLING OUT THE REMAINING YEAR OF A TERM; HAS BEEN INVOLVED OVER 32 YEARS IN HIS PROFESSION. HE IS WITH THE HOLMES LAKE CHIROPRACTIC CLINIC AND PREVIOUSLY SERVED ON THE BOARD OF CHIROPRACTIC AT DHHS FOR A FIVE-YEAR TERM AND IS A CASA VOLUNTEER IN LANCASTER COUNTY. ALL OF THE NOMINEES, WE FEEL, ARE WELL-SUITED TO SERVE ON THE STATE BOARD OF HEALTH AND WOULD ASK FOR YOUR GREEN VOTE ON THESE NOMINATIONS. THANK YOU, MR. PRESIDENT.

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING TO THE CONFIRMATION REPORT. IS THERE ANY DISCUSSION? SENATOR CHAMBERS, YOU ARE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I SUPPORT THESE NOMINEES. BUT I WANT TO USE THIS OPPORTUNITY, WHILE WE'RE TALKING ABOUT CONFIRMATIONS, TO TOUCH ON A SUBJECT THAT I DID WHEN YOU ALL WERE TALKING ABOUT THAT DOCTOR THE OTHER DAY. I WAS VERY UPSET AND I THINK I MADE IT CLEAR THAT THE LEGISLATURE WAS GOING TO BACK AWAY FROM A DECISION THAT IT HAD TAKEN WHICH I FELT WAS CORRECT. BUT EVERYBODY WHO SWITCHED DID SO THINKING THAT THEY WERE SERVING THE GOVERNOR. AND I WAS CONCERNED ABOUT THE REPUTATION OF THE LEGISLATURE. THAT MAN KNEW THAT HE WAS NOT GOING TO STAY IN THAT POSITION. HE LET THE LEGISLATORS GROVEL, BACK OFF THE POSITION THEY TOOK THAT WAS CORRECT; RATIONALIZED AND TRIED TO GIVE AN EXCUSE, AND THEN HE LEFT YOU ALL SWINGING IN THE WIND. HE CUT YOU OFF AT THE KNEES. HE KNEW, WHILE WE WERE GOING THROUGH THAT, THAT HE WAS NOT GOING TO STAY IN THAT POSITION. NOTHING HAPPENED BETWEEN THE TIME THAT WE REJECTED HIM, AS WE SHOULD HAVE, AND WHEN HE QUIT, THAT HE DID NOT KNOW AT THE TIME YOU ALL WERE OVER HERE MEA CULPA, APOLOGIZING. SOME OF YOU MAY HAVE DONE 10 OR 12 "OUR FATHERS" AND 13 OR 14 "HAIL MARYS", BUT IT WAS ALL FOR NAUGHT. AND THE LEGISLATURE LOOKED FOOLISH, AS SHOULD BE THE CASE. AND I'M NOT GOING TO TAKE A LONG TIME ON THIS, BUT WHEN WE GET TO THOSE BILLS, I'M GOING TO HAVE SOMETHING TO SAY ABOUT A BRAND NEW GOVERNOR WHO KNOWS NOTHING ABOUT CORRECTIONS OR THESE ISSUES; A BRAND NEW ATTORNEY GENERAL WHO KNOWS NOTHING ABOUT IT; A BRAND NEW DIRECTOR OF

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CORRECTIONS, AND THEY ARE GOING TO TAKE OUT AFTER SOME OF THESE BILLS, AND SOME OF YOU HAVE TRIED TO NEGOTIATE WITH THESE KNOW-NOTHINGS ALREADY. THE SENATORS, SOME OF US, HAD SPENT A LOT OF TIME STUDYING, A LOT OF TIMES AT HEARINGS AND GATHERING FACTUAL DATA. THEN THESE KNOW-NOTHINGS COME ALONG AND SAY WE DON'T LIKE THIS. AND THE LEGISLATURE, WHICH IS NOT RESPECTED BY THE GOVERNOR'S OFFICE, BY THE ATTORNEY GENERAL'S OFFICE, AND CERTAINLY NOT BY THE COUNTY ATTORNEYS, WILL BEGIN TO BACKTRACK AND NOT DO THE JOB WE SHOULD. THOSE ARE SOME OF THE THINGS THAT I PROBABLY WILL TOUCH ON TODAY, BUT I PLAN TO DO SOME LISTENING. I JUST WANTED TO RUB IT IN THIS MORNING SO THAT WHEN WE HAVE DONE WHAT WE ARE SUPPOSED TO DO BASED ON THE CONSTITUTION, WHICH IS TO...THEY CALL IT IN CONGRESS, ADVISING AND CONSENTING. WHEN WE HAVE DONE THAT, THEN WE CAN JUST BE WHISKED AWAY FROM IT. ONE BREATH FROM THE GOVERNOR AND THE LEGISLATURE ROLLS OVER. WELL ONE THING THAT HIS QUITTING SPARED THE LEGISLATURE FROM HEARING FROM ME. I WAS IN THE PROCESS OF DRAFTING AN AMENDMENT TO THE CONSTITUTION, WHICH I KNEW WOULD NOT HAVE BEEN ADOPTED, PROBABLY COULDN'T HAVE GOTTEN IT INTRODUCED, THAT WOULD HAVE AMENDED THE CONSTITUTION TO TAKE AWAY THE REQUIREMENT THAT THE LEGISLATURE APPROVE OF CERTAIN APPOINTMENTS MADE BY THE GOVERNOR. SINCE YOU'RE GOING TO SUSPEND YOUR JUDGMENT, LET IT BE REPLACED BY THE GOVERNOR AND SWITCH. THERE'S NO NEED FOR GOING THROUGH THAT CHARADE. BUT SINCE HE QUIT, I'M NOT GOING TO DO THAT. THE ONLY REASON I WAS GOING TO DO IT WAS TO MAKE THE POINT IN THAT WAY THAT I'M MAKING NOW. AND I'M DOING IT WITHIN THE CONFINES OF THE LEGISLATIVE PROCESS. I TRY TO DO THAT WHENEVER I CAN. BUT SOMETIMES THOSE CONSTRAINTS BIND A LITTLE TOO TIGHTLY.

SENATOR COASH: ONE MINUTE.

SENATOR CHAMBERS: AND I MUST FIND A DIFFERENT METHODOLOGY IN THE SAME WAY THAT IF YOU CAN FIND WATER IN A WATERTIGHT CONTAINER, YOU'VE GOT IT. BUT IF YOU MAKE A LITTLE HOLE OR OPENING ANYWHERE, THE WATER WILL FIND IT AND COME OUT. AND WHEN IT'S NECESSARY TO DO THAT, I WILL. THAT'S ALL THAT I HAVE. THANK YOU, MR. PRESIDENT. AND I SAY AGAIN, I AM GOING TO VOTE YES ON ALL OF THESE NOMINATIONS.

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE CONFIRMATION REPORT. SENATOR CAMPBELL

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WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE HEALTH AND HUMAN SERVICES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATURE JOURNAL PAGES 1514-1515.) 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE REPORT.

SENATOR COASH: THE CONFIRMATION REPORT IS ADOPTED. MR. SPEAKER FOR AN ANNOUNCEMENT.

SPEAKER HADLEY: MR. PRESIDENT AND MEMBERS OF THE BODY, I ACTUALLY HAVE TWO ANNOUNCEMENTS. FIRST ANNOUNCEMENT IS THAT I'LL BE MAKING ONE ALTERATION ON TODAY'S AGENDA. AFTER THE LUNCH BREAK, WE WILL BE TAKING UP LB656--LB656 IS THE DEFICIT APPROPRIATIONS BILL--IN ORDER TO RETURN IT FROM FINAL READING FOR A SPECIFIC AMENDMENT. THE AMENDMENT MAKES A CORRECTION IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC ASSISTANCE BUDGET AND IN THE DEPARTMENT OF REVENUE'S HOMESTEAD BUDGET. THESE ARE BOTH REDUCTIONS IN THE CURRENT FISCAL YEAR AND WERE OVERSIGHTS DURING THE DRAFTING OF THE COMMITTEE AMENDMENTS. BY AMENDING THE BILL TODAY, WE WILL BE ABLE TO HAVE IT RETURNED TO FINAL READING BY THE REVISOR'S OFFICE BEFORE THE DAY'S END ALLOWING IT TO BE READ ON FINAL READING ON THURSDAY WITH THE OTHER BUDGET BILLS. THURSDAY WILL BE THE EIGHTIETH DAY OF THE SESSION. AND AS MANY OF YOU KNOW, OUR ROLES CALL FOR THE PASSAGE OF THE BUDGET BILLS BY DAY 80. ONCE WE HAVE AMENDED LB656 AND WE ADVANCE IT TO E&R FINAL, WE WILL RETURN TO THE DEBATE AT THE LOCATION LEFT PRIOR TO OUR 20-MINUTE STANDING AT EASE. MY SECOND ANNOUNCEMENT PERTAINS TO THE LEGISLATIVE SCHEDULE. THE OVERWHELMING, AND I REALLY DO MEAN OVERWHELMING RESPONSE OF THE BODY IS THAT WE CONTINUE WORKING THROUGH THE LUNCH HOUR AND ADJOURN AROUND 7:00. IT IS MY INTENTION TO CONTINUE WITH THIS SCHEDULE THIS WEEK IN ORDER TO GAIN A LITTLE...PERIOD. IN ORDER TO GAIN A LITTLE EXTRA TIME, WE WILL CONVENE ON THE FIRST DAY OF THE WEEK NEXT WEEK AT 9:00 A.M., AND ON...INSTEAD OF 10:00 A.M. ON BOTH MAY 18 AND MAY 26. THAT'S THE FIRST DAY OF THE WEEK, WE'LL JUST START AT 9:00 INSTEAD OF WAITING UNTIL 10:00. IT'S TWO HOURS, TWO HOURS COULD VERY WELL BE TWO BILLS THAT WE ADVANCE. JUST SO YOU KNOW WHERE WE'RE AT AT THIS POINT IN TIME, WE'VE HAD SEVEN...ONE BILL IPPed, SEVEN ARE STILL IN COMMITTEE ON THE PRIORITY BILLS. WE, BASICALLY, HAVE 26 BILLS ON GENERAL FILE THAT ARE PRIORITY BILLS. WE HAVE 13 ON E&R AND

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SELECT...INITIAL AND SELECT. ON FINAL, WE HAVE 37. AND AS SOON AS...MY PLAN IS NOT TO PUT THOSE ON FINAL READING UNTIL WE HAVE...THE GOVERNOR HAS SIGNED THE BUDGET AND WE HAVE TAKEN CARE OF ANY BUDGET VETOES AND POTENTIAL OVERRIDES. SO THOSE WILL BE WAITING. THE BILLS PASSED AND APPROVED BY THE GOVERNOR--14, AND BILLS VETOED--2. SO YOU SEE WE HAVE A LOT OF THINGS THAT WE HAVE LEFT TO DO. AND THIS WEEK WE WILL WORK THROUGH THE NOON HOUR AND...OR WITH THE 20-MINUTE BREAK; BE DONE BY 7:00, BUT THE NEXT COUPLE WEEKS, I CAN'T GUARANTEE IT, IT WILL JUST DEPENDS ON HOW QUICK WE CAN GET THROUGH SOME OF THE THINGS THAT WE HAVE HERE. AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS, INDIVIDUALLY, THAT YOU MIGHT HAVE. THANK YOU, MR. PRESIDENT. [LB656]

SENATOR COASH: THANK YOU, MR. SPEAKER. MR. CLERK, NEXT REPORT.

CLERK: MR. PRESIDENT, THE AGRICULTURE COMMITTEE REPORTS ON THE APPOINTMENT OF R.M. JOECKEL TO THE CLIMATE ASSESSMENT RESPONSE COMMITTEE. (LEGISLATIVE JOURNAL PAGE 1430.)

SENATOR COASH: SENATOR JOHNSON, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT; GOOD MORNING, COLLEAGUES. DR. R.M. JOECKEL PREFERRED TO BE CALLED MATT DURING THE HEARING. AND THE AG COMMITTEE IS RECOMMENDING HIS CONFIRMATION...OR HIS APPOINTMENT TO THE CLIMATE ASSESSMENT RESPONSE COMMITTEE. WE HAD AN APPOINTMENT EARLIER. FOR THOSE OF YOU AND THOSE LISTENING, WHAT IS THE CLIMATE ASSESSMENT AND RESPONSE COMMITTEE AND WHAT'S THEIR RESPONSIBILITY? THEY SERVE AS THE PLANNING AND INFORMATION GATHERING ENTITY FOR ADVERSE CLIMATE EVENTS, PARTICULARLY DROUGHT RESPONSE AND MITIGATION. IT ALSO COLLECTS...SERVES TO COLLECT DATA AND ASSESS THE DATA REGARDING CHANGES AND LOSSES IN DROUGHT, SEVERE DROUGHT, AND EXTREME WEATHER EVENTS. THEY ALSO COLLECT DATA IN DETERMINING THE THRESHOLD OF WHETHER DAMAGE IS SUFFICIENT IN ORDER TO APPLY FOR FEDERAL ASSISTANCE PROGRAMS. DR. JEKYL (PHONETICALLY)...JRKYLL (PHONETICALLY), I SHOULD SAY, JOECKEL, SORRY, IS CURRENTLY A STATE GEOLOGIST AND ASSOCIATE DIRECTOR OF CONSERVATION AND SURVEY AT THE UNIVERSITY OF NEBRASKA-LINCOLN, SCHOOL OF NATURAL RESOURCES. HE'S ALSO A GEOLOGY CURATOR FOR THE UNL STATE

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MUSEUM AND HAS RELATED TEACHING ASSIGNMENTS IN THE SCHOOL OF NATURAL RESOURCES. HE EARNED HIS DOCTORATE DEGREE IN GEOLOGY FROM THE UNIVERSITY OF IOWA IN 1993, AND OBTAINED BOTH BACHELOR'S AND MASTER'S REQUIREMENTS OR DEGREES IN GEOLOGY FROM THE UNIVERSITY OF NEBRASKA. IT WAS APPARENT IN HIS RESUME AND HIS VERY THOROUGH AND INTELLIGENT RESPONSES AND QUESTIONS TO THE COMMITTEE THAT THE DOCTOR WAS WELL-QUALIFIED AND EAGER TO FULFILL THE UNL CONSERVATION AND SURVEY DIVISION APPOINTMENT. PEOPLE ON THAT COMMITTEE ARE THE POLICY RESEARCH OFFICE, DEPARTMENT OF NATURAL RESOURCES, NEBRASKA ENERGY MANAGEMENT POLICY AGENCY, CONSERVATION AND SURVEY DIVISION, A NEBRASKA CROP PRODUCER, THE DEPARTMENT OF AGRICULTURE, HEALTH AND HUMAN SERVICES, COOPERATIVE EXTENSION, A NEBRASKA LIVESTOCK PRODUCER, AND OTHERS THAT THE GOVERNOR MIGHT APPOINT. DR. JOECKEL'S CONFIRMATION HEARING WAS HELD TWO WEEKS AGO WITH APPOINTMENT...THE APPOINTEE IN ATTENDANCE. HE WAS ACCOMPANIED BY HIS DAUGHTER WHO IS ONE OF OUR TOUR GUIDES IN THIS BUILDING. THE COMMITTEE RECOMMENDS THE CONFIRMATION OF DR. JOECKEL'S APPOINTMENT AND ASKS FOR YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT.

SENATOR COASH: THANK YOU, SENATOR JOHNSON. MEMBERS, YOU'VE HEARD THE OPENING TO THE CONFIRMATION REPORT. IS THERE ANY DISCUSSION ON THE REPORT? SEEING NONE, SENATOR JOHNSON, YOU'RE RECOGNIZED TO CLOSE ON THE CONFIRMATION REPORT. HE WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF THE REPORT OFFERED BY THE AG COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 1515-1516.) 40 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AGRICULTURE COMMITTEE CONFIRMATION REPORT.

SENATOR COASH: THE REPORT IS ADOPTED. ITEMS, MR. CLERK.

CLERK: THANK YOU, MR. PRESIDENT. NEW A BILLS: LB598A BY SENATOR SCHUMACHER (READ LB598A BY TITLE FOR THE FIRST TIME); SENATOR CHAMBERS, LB173A (READ LB173A BY TITLE FOR FIRST TIME); AND SENATOR MELLO OFFERS LB605A (READ LB605A BY TITLE FOR THE FIRST TIME). SENATOR SCHEER OFFERS A NEW RESOLUTION, LR251, THAT WILL BE LAID OVER. AND

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SENATOR SEILER, CHAIR OF JUDICIARY, OFFERS LR252, CALLING FOR AN INTERIM STUDY. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1516-1517.) [LB598A LB173A LB605A LR251 LR252]

SENATOR COASH: THANK YOU, MR. CLERK. WE WILL NOW GO TO THE NEXT ITEM ON THE AGENDA.

CLERK: MR. PRESIDENT, SELECT FILE: FIRST BILL, LB605. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER81, LEGISLATIVE JOURNAL PAGE 1214.) [LB605]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB605]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB605. [LB605]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE...SENATOR KRIST, YOU'RE RECOGNIZED. SENATOR KRIST WAIVES. MEMBERS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS, ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB605]

CLERK: SENATOR BURKE HARR HAD AM1336. I HAVE A NOTE THAT HE WISHES TO WITHDRAW. MR. PRESIDENT, THE NEXT AMENDMENT I HAVE, SENATOR SEILER, AM1530. (LEGISLATIVE JOURNAL PAGE 1390.) [LB605]

SENATOR COASH: SENATOR SEILER, YOU'RE RECOGNIZED TO OPEN ON AM1530. [LB605]

SENATOR SEILER: MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, AM1530 ADVANCED FROM THE GENERAL FILE WITH 35 VOTES FOR ADOPTION, HAVE THE JUDICIARY AMENDMENT AM1530--MAKES SEVERAL CHANGES TO ENSURE THAT LB605 IS CONSISTENT WITH THE RECOMMENDATIONS OF THE COUNCIL OF STATE GOVERNMENT REPORTS ON JUSTICE REINVESTMENT INITIATIVE WORKING GROUP PROCESS. SECTION 60 OF AM1530 REMOVES THE PRO ONE-THIRD RULE FROM SENTENCING PROVISIONS FOR HIGHER FELONIES. THIS SECTION ALSO CLARIFIES THAT A LIFE-TO-LIFE SENTENCE FOR A JUVENILE IS POSSIBLE, BUT NOT MANDATORY. SECTION 61 CLARIFIES THE NEW SENTENCING PROCESS FOR LOWER-LEVEL FELONIES WHICH INCLUDES A PRESUMPTION OF PROBATION FOR

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CLASS IV FELONIES, NOT MANDATORY PROBATION AS SOME HAVE CLAIMED. TWO MAIN CONCERNS FOR THE COUNTIES ARE ADDRESSED IN THIS AMENDMENT. FIRST, SECTION 6 CLARIFIES THE ONLY SENTENCE WITH A MAXIMUM TERM OF ONE YEAR SHALL BE SERVED IN THE COUNTY JAIL. SECOND, SECTION 87 REMOVES THE THREE-YEAR SUNSET PROVISION FROM THE COUNTY JUSTICE REIMBURSEMENT GRANT PROGRAM AND APPROPRIATES \$500,000 TO THE FUND. IF YOU REMEMBER WHEN IT FIRST CAME OUT OF COMMITTEE, IT'S \$250,000. SENATOR MELLO MAY HAVE MORE TO SAY ON THIS PROGRAM. TO CLARIFY THE PENALTY CHANGE IN THIS BILL ARE NOT INTENDED TO APPLY RETROACTIVELY. SECTION 6 INCLUDES NEW LANGUAGE. THERE IS A CONCERN THAT OUR CHANGING OF THE PENALTIES WOULD REVERT BACK TO EVERYBODY THAT HAS ALREADY BEEN PROCESSED AND THIS LANGUAGE CLARIFIES THAT. THE AMENDMENT RESTORES THE GREEN COPY REGARDING THE JUSTICE REINVESTMENT OVERSIGHT COMMITTEE AND UPDATES EXISTING STATUTE THAT ESTABLISHES THE JUSTICE REINVESTMENT WORKING GROUP LAST YEAR. AS YOU REMEMBER, THEY HAD THREE PROGRAMS: ONE WAS THE GATHERING OF DATA, WHICH THEY DID AND PRESENTED TO US IN FOUR COMMITTEE HEARINGS. THEN THEY WORKED WITH OUR LEGAL STAFF AND PROVIDED A CLEAR SET OF STATUTES THAT WE ARE WORKING WITH TODAY, AND LB605 IS A DIRECT RESULT. THE LAST SECTION THAT THEY WILL WORK WITH IS HAVING THE LB605 IN EFFECT FOR A YEAR. THEY WILL CONTINUE TO MONITOR IT AND SEE THAT IT GAINS THE RESULTS THAT WERE ANTICIPATED. SECTION 92 INCORPORATES A VICTIM PRIVACY PROVISION FROM LB354. SECTION 7 CHANGES A MINIMUM PENALTY FOR A CLASS IV MISDEMEANOR FROM \$100 TO \$0 AS SENATOR HARR SUGGESTED DURING GENERAL FILE DEBATE. TWO PROVISIONS FROM THE COMMITTEE'S AMENDMENT WERE NOT INCLUDED IN THIS BILL. THE PENALTIES FOR HUMAN TRAFFICKING RELATED OFFENSES ARE ADDRESSED IN SENATOR SCHEER'S LB294. THAT CONCLUDES THE CHANGES IN THIS AMENDMENT. AND I ASK FOR A GREEN VOTE ON THIS. [LB354 LB294 LB605]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: MR. CLERK. [LB605]

CLERK: MR. PRESIDENT, THE FIRST AMENDMENT TO THIS AMENDMENT, SENATOR MELLO, AM1609. (LEGISLATIVE JOURNAL PAGE 1517.) [LB605]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB605]

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SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AM1609 CLARIFIES THE INTENT OF THE COUNTY JUSTICE REINVESTMENT GRANT PROGRAM AND DIRECTS COUNTIES AS TO HOW THIS ONE-TIME MONEY SHALL BE SPENT. THE LANGUAGE IN AM1609 ALSO ENSURES THAT THE COMMITTEE ON JUSTICE REINVESTMENT OVERSIGHT WILL WORK WITH COUNTY GOVERNMENTS TO STUDY THE IMPACTS OF CUSTODIAL SANCTIONS AND HOW LB605 IS AFFECTING COUNTY JAIL POPULATIONS. WHILE I'M ABLE TO OPEN ON AM1609, I SPEAK ALSO IN SUPPORT OF AM1530. AS WE DISCUSSED ON GENERAL FILE ON LB605, THERE WAS A NUMBER OF SENATORS THAT SAT DOWN WITH ALL OF THE INTERESTED PARTIES TO HELP CRAFT A COMPROMISE THAT LED US BACK TO THE ORIGINAL GREEN COPY VERSION OF LB605 IN RESPECTS TO WHAT THE COUNCIL OF STATE GOVERNMENT'S JUSTICE CENTER HAD HELPED US DRAFT WITH THE ORIGINAL VERSION OF THE BILL. AM1530 INCORPORATES THAT ORIGINAL INTENT. IT WAS DRAFTED, I WOULD SAY, IN THE SPIRIT OF COMPROMISE WITH ALL OF THE INTERESTED PARTIES, AND THE REALITY IS THAT WE KNOW THERE WAS A COUPLE OTHER TWEAKS. SENATOR SEILER ALSO HAS ANOTHER TWEAK OF THE LANGUAGE THAT WE'VE GOT TO ADD IN REGARDS TO AM1530. BUT THE OVERALL CONCEPT ADDRESSES WHAT WE HEARD ON GENERAL FILE, SOME OF THE CONCERNS THAT WERE RAISED IN RESPECTS TO THE AMENDED VERSION OF LB605. WITH THAT, COLLEAGUES, I'D LIKE TO THANK SENATOR SEILER, SENATOR KRIST, THE SPEAKER, SENATOR McCOY, SENATOR PANSING BROOKS, SENATOR COASH, SENATOR WILLIAMS. THOSE WERE THE SENATORS THAT WERE INVOLVED IN OUR DISCUSSION WITH ALL OF THE INTERESTED PARTIES TO KIND OF HAMMER OUT AN ORIGINAL AGREEMENT. SENATOR MORFELD WAS THERE AS WELL, I SHOULD APOLOGIZE. IN A SENSE OF TRYING TO BRING AS MANY PEOPLE AROUND THE TABLE TO UNDERSTAND WHAT THE GREEN COPY OF LB605 DID IN COMPARISON TO WHAT WE HAD MOVED FROM GENERAL TO SELECT. WITH THAT BEING SAID, I'M APPRECIATIVE OF EVERYONE'S HARD WORK ON THIS BILL. IF THERE ARE ANY QUESTIONS, BY ALL MEANS, SENATOR SEILER, SENATOR KRIST OR MYSELF WILL BE WILLING TO TAKE ANY QUESTIONS YOU MAY HAVE. THANK YOU, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS MELLO, KRIST, CAMPBELL, WILLIAMS, CRAWFORD, AND OTHERS. SENATOR MELLO WAIVES. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB605]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I DID HAVE AN OPPORTUNITY TO VISIT WITH SENATOR KRIST, AND BRIEFLY, VERY BRIEFLY WITH SENATOR MELLO ABOUT THE QUESTIONS. AND THESE ARE MEANT TO BE VERY FRIENDLY

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QUESTIONS. CERTAINLY SUPPORT BOTH THE AMENDMENTS AND THE UNDERLYING BILL AND VERY GRATEFUL FOR THE ENORMOUS AMOUNT OF HOURS THAT HAVE GONE INTO LB605 BY EVERYONE. BUT IF SENATOR MELLO WOULD ENTERTAIN A QUESTION OR TWO, THAT WOULD BE HELPFUL. [LB605]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB605]

SENATOR MELLO: YES. [LB605]

SENATOR CAMPBELL: SENATOR MELLO, I'M ATTEMPTING TO PUT ON THE RECORD FOR SOME OF THE COUNTIES WHO HAVE ASKED QUESTIONS, JUST TO MAKE SURE THAT THERE IS A RECORD OF THIS AND THAT THEY ARE CLEAR AS TO WHAT THEY ARE TO DO. NUMBER ONE AND TWO GO TOGETHER. WHO IS IN CHARGE OF THE FUND? AND WHO DECIDES WHERE THE FUNDS WILL GO? [LB605]

SENATOR MELLO: THAT IS SPELLED OUT IN AM1530, SENATOR CAMPBELL, THAT THE NEBRASKA CRIME COMMISSION IS THE STATE AGENCY THAT WILL OVERSEE THE COUNTY JUSTICE GRANT PROGRAM, AND THEY ARE THE ENTITY THAT WILL ADMINISTER THE PROGRAM, AND THEY WILL LIKELY HAVE TO DO OR CREATE SOME RULES AND REGULATIONS IN REGARDS TO THE EXPENDING OF THE FUNDING FROM THAT PROGRAM. [LB605]

SENATOR CAMPBELL: THE SECOND SET OF QUESTIONS HAVE TO DO WITH MEASURING IN TERMS OF INCREASES. WHAT SHOULD COUNTIES BE MEASURING IN TERMS OF THE INCREASES IN THE POPULATION, AND WHERE SHOULD THEY GO TO REGISTER THOSE NUMBERS? [LB605]

SENATOR MELLO: THAT'S GOING TO BE LEFT UP...THE FIRST ANSWER TO YOUR QUESTION, SENATOR CAMPBELL, IS THE COUNTIES ARE GOING TO HAVE TO MAKE A DETERMINATION OF HOW THEIR COUNTY JAIL NUMBERS HAVE INCREASED, SO TO SPEAK, BASED OFF OF LB605. AND THE NUMBERS THAT SPECIFICALLY WE'VE BEEN DISCUSSING IN CONVERSATIONS THAT I'VE HAD WITH COUNTY GOVERNMENTS. I KNOW SENATOR CRAWFORD HAS HAD A NUMBER OF CONVERSATIONS--IS THE NUMBER OF COUNTY-JAIL BEDS. THAT IS THE FOCAL POINT THAT COUNTIES HAVE BEEN RAISING IS THE BELIEF...WHILE THEIR BELIEF IS NOT SUBSTANTIATED BY ANY DATA OR ANALYSIS, THEIR BELIEF IS THEY WILL SEE AN INCREASE IN THEIR COUNTY-JAIL BEDS. THUS THEY'VE GOT TO BE ABLE TO PROVIDE TO THE CRIME COMMISSION AN ANALYSIS THAT TRACKS THEIR COUNTY-JAIL BEDS. AND THE SENTENCING, ESSENTIALLY, BASED

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OFF OF THOSE BEDS THAT WOULD BE RESULTED FROM CHANGES IN LB605.  
[LB605]

SENATOR CAMPBELL: THE THIRD QUESTION IS CAN THEY USE THE MONEY FOR THEIR EXISTING DIVERSION PROGRAMS? [LB605]

SENATOR MELLO: SENATOR CAMPBELL, THAT'S A GREAT QUESTION. AND SENATOR CRAWFORD HAD BROUGHT THAT TO SENATOR KRIST, (SENATOR) SEILER, AND MY ATTENTION LAST WEEK IN DISCUSSIONS. YES, THE INTENT WAS NEVER FULL DISCLOSURE THAT THE LANGUAGE THAT WE HAD USED IN CREATING THE COUNTY JUSTICE REINVESTMENT GRANT PROGRAM WAS UTILIZED FROM THE EXISTING LANGUAGE IN THE COMMUNITY-BASED AID FOR JUVENILE JUSTICE THAT RESIDES IN THE CRIME COMMISSION. AND I KNOW IN TALKING WITH SENATOR KRIST AND OTHERS, THERE HAS BEEN SOME CONCERNS IN REGARDS TO HOW THE CRIME COMMISSION INTERPRETED THAT LANGUAGE WHEN THEY DEVELOPED THE RULES AND REGULATIONS OF HOW THAT MONEY WAS SPENT. THAT WAS NEVER OUR INTENT IN REGARDS TO, ONCE AGAIN, THIS EXTRAORDINARY COMPROMISE THAT HAS BEEN MADE. I WOULD BE REMISS NOT TO PUT ON THE MIKE THAT NO OTHER STATE THAT HAS GONE THROUGH THE JUSTICE REINVESTMENT MODEL HAS HAD TO CREATE SOME KIND OF FAIL-SAFE OR FIRE WALL FUND FOR COUNTY GOVERNMENTS BECAUSE THEIR RESULTS DO NOT SHOW AN INCREASE IN COUNTY JAIL POPULATION BASED ON THE JUSTICE REINVESTMENT MODEL. WE TOOK THAT EXTRAORDINARY STEP. AND IT WAS NEVER OUR INTENT TO SAY THAT COUNTY GOVERNMENTS WENT APPLYING FOR THIS MONEY NEED TO CREATE SOME KIND OF NEW GRANT...OR NEW PROGRAM TO QUALIFY. IT'S ALWAYS IF THEY'VE GOT EXISTING GOOD-EVIDENCE BASED PROGRAMS, THEY SHOULD BE ABLE TO UTILIZE THE MONEY THAT THEY APPLY FOR, FOR THOSE EXISTING PROGRAMS.  
[LB605]

SENATOR CAMPBELL: THANK YOU, SENATOR MELLO. AND I KNOW THAT THE COUNTIES APPRECIATE YOUR WILLINGNESS TO PUT THESE ANSWERS TO THESE QUESTIONS ON THE RECORD. I WANT TO ENCOURAGE MY COLLEAGUES TO SUPPORT BOTH THE AMENDMENTS AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR CAMPBELL; THANK YOU, SENATOR MELLO. SENATOR KRIST, YOU'RE RECOGNIZED. [LB605]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES; GOOD MORNING, NEBRASKA. I'VE HAD SEVERAL OF YOU COME TO ME AND ASK ME IN THE PAST FEW WEEKS HOW IS LB605...AND I TOLD YOU LB605 WAS UNDER THE CARE AND FEEDING OF SOME FOLKS WHO HAD BEEN INVOLVED WITH IT OVER THE LAST YEAR AND A HALF. I HAVE TO TELL YOU THAT FROM THE JUDICIARY COMMITTEE'S PERSPECTIVE AND FROM THE LR424 AND THE CSG COMMITTEE, WE HAVE GONE OUT OF OUR WAY...AND THIS NEEDS TO BE LEGISLATIVE INTENT AS WELL, OUT OF OUR WAY TO TAKE THE CONCERNS OF THE COUNTIES, THE COUNTY ATTORNEYS, THE PUBLIC DEFENDERS, AND OTHERS TO MAKE SURE THAT LB605 IS AS GOOD AS IT'S GOING TO GET. AND THAT IS A STATEMENT THAT YOU NEED TO LISTEN TO--AS GOOD AS IT'S GOING TO GET. WE'RE NOT GOING TO FIX THE CORRECTIONS PROBLEMS IN THIS STATE WITH ONE BILL. THIS IS GOING TO BE AN ONGOING EFFORT AND IT'S GOING TO BE A REINVESTMENT, AS IS EVIDENT WITH THIS PAST WEEKEND'S ACTIVITIES IN OUR CORRECTIONS SYSTEMS. I WON'T TAKE MY FULL FIVE MINUTES, BUT I WILL SAY THIS FOR THE RECORD, NOWHERE HAS CSG GONE IN AND EVALUATED PROGRAMS AND THEIR METRICS AND THEIR STATISTICS AND THEIR PREDICTIONS HAVE BEEN WRONG. SO THE FEAR THAT THE COUNTIES HAVE THAT THIS IS GOING TO CAUSE THEM IN AN UNDUE PRESSURE BOTH ON THEIR COUNTY JAILS AND FUNDS WAS FULLY ALLEVIATED BY MY COLLEAGUE AND FRIEND, SENATOR MELLO, WHO PUT IN, INITIALLY, \$250,000. AND WHEN THAT WASN'T GOOD ENOUGH, WE CHANGED IT TO A HALF MILLION DOLLARS. I'VE GOT SEVERAL STEAK DINNERS BET ON THE FACT THAT CSG DID THEIR JOB AND THAT WE WILL NOT SEE THAT OVERCROWDING SITUATION HAPPEN. AND THAT THOSE THAT ARE, RIGHT NOW, WITH THEIR HAIR ON FIRE TRYING TO MAKE SURE THAT THEY'RE COVERED, THAT'S THE LEGISLATIVE INTENT. BUT MARK IT ON YOUR CALENDAR, THIS IS NOT AN ONGOING FUND THAT WILL CONTINUE TO THROW MONEY INTO WITH NO SUBSTANTIATION FROM THE COUNTIES. THE COUNTIES NEED NOT TO LOOK AT THIS AS A BOTTOMLESS PIT. AND THEY NEED TO LOOK AT THE METRICS THAT THEY NEED TO WORK WITH, THE CRIME COMMISSION TO MAKE SURE THAT THAT OVERCROWDING SITUATION AND REIMBURSEMENT IS JUSTIFIED, BASED UPON THE LEGISLATION THAT WE'RE TALKING ABOUT IN LB605 AND OTHERS. IT IS NOT MEANT TO BE AN ONGOING SUSTAINING BOTTOMLESS PIT. LET ME SAY THAT AGAIN, IT'S MEANT TO BE AN ALLEVIATION AT THIS POINT OF THOSE CONCERNS. AND I HAVE THE SAME CONCERNS. SO WE'VE TAKEN EVERY MEASURE THAT WE CAN TO MAKE SURE THAT THOSE CONCERNS ARE TAKEN CARE OF. THANK YOU. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB605]

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SENATOR WILLIAMS: THANK YOU, MR. SPEAKER, AND GOOD MORNING, EVERYONE. AND I ALSO STAND IN SUPPORT OF THE TWO AMENDMENTS AND THE UNDERLYING LB605 AND WOULD LIKE TO THANK ALL THE MEMBERS OF THE JUDICIARY COMMITTEE. BUT IN PARTICULAR, CHAIRMAN SEILER FOR SHEPHERDING US THROUGH THIS PROCESS, ESPECIALLY KNOWING THAT THERE ARE FOUR NEW MEMBERS ON THAT COMMITTEE THAT HAVE WORKED VERY HARD TO UPDATE THEMSELVES AND GET THERE. AND ALL ALONG, WE HAVE TRIED TO STAY VERY TRUE TO OUR FOCUS OF NOT SACRIFICING PUBLIC SAFETY FOR PRISON REFORM, AND I THINK THAT'S IMPORTANT FOR US TO REMEMBER. IN THE SPIRIT OF NEGOTIATION THAT HAPPENED OVER THE PAST COUPLE OF WEEKS, IT'S IMPORTANT TO NOTE THAT EVERYONE WAS WILLING TO COME TO THE TABLE AND NOT END UP WITH EXACTLY WHAT THEY WANT, BUT WHAT WE BELIEVE IS THE BEST RESULT UNDER THE CURRENT CIRCUMSTANCES FOR OUR STATE. WE HAD REPRESENTATIVES AT THAT TABLE FROM THE GOVERNOR'S OFFICE; THE CORRECTION SYSTEM, INCLUDING DIRECTOR FRAKES; THE AG'S OFFICE, INCLUDING ATTORNEY GENERAL DOUG PETERSON; THE COUNTY ATTORNEYS ASSOCIATIONS; THE PUBLIC DEFENDERS OFFICES; THE ACLU; AND A NUMBER OF SENATORS. IT WAS THE PROMISE AT THE END OF THE DAY THAT WE WOULD WORK TOGETHER THROUGH THIS PROCESS AND ARRIVE AT A SOLUTION THAT WILL TAKE NEBRASKA FORWARD. AND THIS WILL NOT, AS YOU HAVE HEARD ON THE MIKE, BE THE END OF PRISON REFORM, BUT IS CERTAINLY A GREAT BEGINNING. AS SENATOR CAMPBELL POINTED OUT, MOST OF THE QUESTIONS THAT I HAVE RECEIVED HAVE BEEN FROM COUNTY OFFICIALS CONCERNING THE COST BACK TO THEM. THE ESTIMATE UNDER THE CSG REPORT IS THAT THERE COULD BE 32 BEDS AFFECTED BY THIS. SO I THINK THE PROPOSITION PUT FORWARD BY SENATOR MELLO TO CREATE THE FUND OF HALF A MILLION DOLLARS IN THE GRANT PROGRAM CAN CERTAINLY TAKE CARE OF THE EXTRA NEEDS THAT MAY BE PLACED ON THE COUNTY. I WOULD ASK YOU TO ALL COME TOGETHER TODAY AND SUPPORT ONE OF THE THINGS THAT WE TALKED ABOUT AT THE BEGINNING OF THIS SESSION THAT WOULD BE NECESSARY, AND THAT'S ADDRESSING THIS ISSUE FOR OUR STATE. I HOPE YOU WILL SUPPORT THESE TWO AMENDMENTS AND THE UNDERLYING LB605. THANK YOU, MR. SPEAKER. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR WILLIAMS. SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB605]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND I RISE IN SUPPORT OF AM1609, AM1530, AND LB605. AND I URGE MY COLLEAGUES TO VOTE GREEN ON BOTH OF THE AMENDMENTS AND THE UNDERLYING BILL. AND I WOULD JUST

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LIKE TO ACKNOWLEDGE AND THANK SENATOR MELLO, SENATOR KRIST, AND SENATOR SEILER FOR THEIR ATTENTION TO THE CONCERNS THAT I WAS RAISING WITH THEM ABOUT THE ISSUES THAT MAY CREATE COSTS TO THE COUNTIES AND I KNOW THERE'S A LOT OF UNCERTAINTY ABOUT WHAT WILL HAPPEN. AND I APPRECIATE THEIR CONFIDENCE THAT IT WILL NOT CREATE THOSE COSTS. AND I APPRECIATE THEIR WILLINGNESS TO SET IN PLACE THE STRUCTURE SO THAT THERE IS THAT ASSURANCE SO THAT WE HAVE A STRUCTURE IN PLACE TO ADDRESS THOSE COSTS, IF THEY OCCUR, AND ALSO A STRUCTURE IN PLACE TO TRACK SOME OF WHAT'S HAPPENING SO THAT THE COUNTIES ARE TRACKING, BUT ALSO WE IN OUR OWN BODY ARE WATCHING AND PAYING ATTENTION TO THOSE COSTS AS WELL. AND SO I'M VERY GRATEFUL FOR THEIR TIME AND ATTENTION TO THOSE ISSUES. AND GRATEFUL THAT WE HAVE THESE TWEAKS TO LB605 AND, ENTHUSIASTICALLY, SUPPORT THE AMENDMENTS AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR CRAWFORD. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB605]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. WOULD SENATOR SEILER RISE FOR A QUESTION? [LB605]

SPEAKER HADLEY: SENATOR SEILER, WILL YOU YIELD? [LB605]

SENATOR SEILER: I WILL YIELD. [LB605]

SENATOR SCHEER: THANK YOU, SENATOR SEILER. I KNOW THAT PREVIOUSLY THE JUDGES IN MY AREA HAD SHOWN SOME CONCERN THE EFFECT THAT THE NEW LEGISLATION MIGHT HAVE ON THEIR DRUG COURTS. AND I'M ASSUMING THAT THOSE WOULD BE UNIVERSAL IN OTHER AREAS THAT ARE ALSO HAVING DRUG COURT. I KNOW YOUR STAFF WAS KIND ENOUGH TO CONTACT THE DISTRICT JUDGE AND TRIED TO WORK THROUGH THINGS. TO YOUR KNOWLEDGE, ARE THOSE ITEMS RESOLVED IN RELATIONSHIP TO THE DRUG COURTS? [LB605]

SENATOR SEILER: NONE OF THE AMENDMENTS THAT WE ARE PROPOSING HAS ANY EFFECT ON THE DRUG COURTS. THEY'RE RUN BY THE COURT THAT SETS THEM UP. AND NOTHING IS INTENDED IN THIS LB605 AND ITS AMENDMENTS TO CHANGE ANYTHING ON THAT. AND TO ADD FURTHER, I PROBABLY COULDN'T GO

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HOME IF IT DID, BECAUSE BOTH MY JUDGES MADE IT VERY CLEAR TO ME THEY WANT TO KEEP THE DRUG COURT JUST LIKE IT IS. [LB605]

SENATOR SCHEER: THANK YOU, SENATOR SEILER. THANK YOU, MR. SPEAKER. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER, AND THANK YOU, SENATOR SEILER. SENATOR COASH, YOU'RE RECOGNIZED. [LB605]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I JUST WANT TO GO ON THE RECORD HERE TO MAKE SURE PEOPLE UNDERSTAND WHAT THESE AMENDMENTS AND LB605 DOES AND WHAT IT DOES NOT DO. AND I'LL ENCOURAGE YOU TO VOTE FOR THE AMENDMENTS. BUT I DON'T WANT YOU TO VOTE FOR THEM AND, ULTIMATELY, VOTE FOR THEIR FINAL PASSAGE AND GO BACK TO YOUR CONSTITUENTS AND SAY WE'VE SOLVED THE PRISON OVERCROWDING PROBLEM. THESE AMENDMENTS DON'T SOLVE THAT PROBLEM. BECAUSE WHEN THIS BILL BECOMES LAW, THERE WILL STILL BE A PRISON SYSTEM THAT IS 170-SOME PERCENT OVER CAPACITY. AND NOTHING IN LB605 IS GOING TO CHANGE THAT IN THE NEAR TERM. IT WON'T PREVENT WHAT HAPPENED THIS WEEKEND, BUT IT IS A FORWARD-LOOKING PIECE OF LEGISLATION. THIS DOES NOT GET US OFF OF THE HOOK, COLLEAGUES, OF A LAWSUIT WHICH WILL COME. AND IF YOU DON'T THINK WHAT HAPPENED THIS LAST WEEKEND IS GOING TO BE LOOKED AT BY SOME ATTORNEYS, I THINK YOU'RE WRONG. IT'S GOING TO BE LOOKED AT BY ATTORNEYS. AND WE'RE GOING TO HAVE TO, AS A STATE, WE'RE GOING TO HAVE TO DEFEND OUR SITUATION, DEFEND OUR ACTIONS. THIS BILL DOES SHOWS A GOOD-FAITH EFFORT. IT IS A COMPROMISE. BUT IT DOESN'T PREVENT JAM OUTS. WE'RE GOING TO STILL HAVE THE JAM OUTS WHEN THIS BILL BECOMES LAW. AND THE WORK HERE IS NOT DONE. AND I THINK THE CORRECTIONS OVERSIGHT COMMITTEE IS GOING TO HAVE TO TAKE A HARD LOOK AT WHAT'S GOING ON IN LIGHT OF WHAT JUST HAPPENED. AND I AM ASKING THE CORRECTIONS OVERSIGHT COMMITTEE, ON THE RECORD, TO MAKE SURE THAT THIS IS PART OF THEIR WORK. THERE ARE TOO MANY CORRECTIONS OFFICERS OUT THERE THAT PUT THEIRSELVES IN HARM'S WAY DAILY AND ARE ASKED TO DO VERY DIFFICULT THINGS THAT DESERVE THIS BRANCH OF GOVERNMENT'S ATTENTION. AND I HOPE WE GIVE THAT TO THEM. A LOT OF PEOPLE CAME TO THE TABLE OVER AND OVER AND OVER AGAIN TO GET TO WHERE WE ARE HERE. AND I REMAIN CONCERNED ABOUT THE PROCESS THAT GOT US HERE. IT SEEMED LIKE THERE WAS NEVER ENOUGH FROM ONE SIDE, TOO MUCH FROM ANOTHER. BUT I HAVE TO HAND IT TO SENATOR WILLIAMS AND SENATOR SEILER. SENATOR WILLIAMS DID

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SOMETHING I DIDN'T THINK COULD HAVE HAPPENED AND HE GOT PEOPLE TO AGREE THAT THIS IS WHERE WE NEEDED TO BE. AND THIS IS WHERE PEOPLE COULD GET SO THAT WE COULD GET SOMETHING DONE. BECAUSE WHEN WE LEFT LB605 ON GENERAL FILE, I WASN'T SURE ANYTHING WOULD GET DONE. BUT HERE WE ARE, AND I ENCOURAGE YOU TO VOTE FOR THESE AMENDMENTS. BUT DON'T TAKE YOUR EYES OFF OF THE BALL AND DON'T GO HOME TO YOUR CONSTITUENTS AND SAY THE PRISON PROBLEM IS SOLVED, WE PASSED LB605. IT'S NOT OVER. THANK YOU, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR COASH. SENATOR McCOY, YOU ARE RECOGNIZED. [LB605]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN SUPPORT OF LB605. AND AS SENATOR COASH JUST SAID, THERE WAS A TIME ON GENERAL FILE WHERE I WASN'T SURE THAT WAS GOING TO BE ABLE TO BE THE CASE. I WAS PART OF A FAIRLY LONG MEETING TO DISCUSS HOW TO ADHERE TO THE TENETS OF THE COUNCIL OF STATE GOVERNMENT'S RECOMMENDATIONS IN LB605, THAT THAT WAS NECESSARY IN ORDER TO...IN ORDER FOR THE CSG JUSTICE CENTER TO BE ABLE TO MEASURE WHAT'S BEING DONE HERE IN NEBRASKA AND FOR THEM TO BE ABLE TO CONTINUE TO PARTNER WITH US, IN THE GREAT STATE OF NEBRASKA GOING FORWARD IN THIS CONTINUING PRISON REFORM EFFORT. I'M PLEASED THAT WHAT COMES BEFORE US TODAY ON SELECT FILE, ONCE AGAIN, DOES ADHERE TO THE CSG RECOMMENDATIONS. I THINK THAT'S WISE AND PRUDENT. I THINK THAT IS A GOOD STRATEGY BY THE LEGISLATURE AND ONE THAT I CAN SUPPORT. YOU KNOW, A NUMBER OF STATES, OVER 20 NOW, AS WAS TALKED ABOUT ON GENERAL FILE, HAVE ASKED THE CSG JUSTICE CENTER AT ONE TIME OR ANOTHER TO HELP THEM IN THIS EFFORT. AND IT USUALLY REVOLVES AROUND HOW TO REDUCE THE RECIDIVISM RATE AND HOW TO REDUCE THE NUMBERS OF INMATES IN A PRISON-OVERCROWDING SITUATION. IT ALSO USUALLY REVOLVES AROUND HOW DO WE REDUCE THE COST OF THE PRISON AND CORRECTIONS SITUATION IN INDIVIDUAL STATES. ALL OF THOSE STATES HAVE BENEFITED FROM THE GUIDANCE, THE COUNSEL, AND THE EXPERTISE FROM THE JUSTICE CENTER. WE'RE VERY FORTUNATE, IN MY MIND, TO HAVE HAD THEM HERE AT THIS TIME. AND THAT, IT...I THINK IT'S IMPORTANT THAT WE RESPECT THEM BEING HERE BY ADHERING TO THE RECOMMENDATIONS THAT THEY'VE...THAT WE'VE ASKED THEM TO PROVIDE FOR US; WHICH THEY HAVE. AND THEY WILL CONTINUE TO DO THAT. THIS IS, AS HAS BEEN TALKED ABOUT, USUALLY A THREE-TO-FIVE-YEAR PROCESS THAT WILL OUTLIVE MY TIME IN THE LEGISLATURE AND SENATOR MELLO'S TIME IN THE LEGISLATURE, AND MANY OF US HERE IN THE BODY. BUT THIS EFFORT IS

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IMPORTANT, NOT JUST BECAUSE OF WHAT HAPPENED OVER THE WEEKEND, BUT BECAUSE WE DON'T WANT TO END UP IN A SITUATION LIKE THE STATE OF CALIFORNIA. AND I THINK MOST OF US WOULD PROBABLY REALIZE WE ARE NOT VERY MUCH LIKE THE STATE OF CALIFORNIA IN VERY MANY THINGS. BUT THEY, TOO, FOUND THEMSELVES IN A SITUATION IN WHICH THE COURTS MANDATED THAT THEY CHANGE THEIR PRISON POPULATION AND IT'S BEEN VERY DIFFICULT FROM A BUDGETARY STANDPOINT FOR THEIR STATE. THIS IS AN IMPORTANT EFFORT. IT'S AN EFFORT THAT I CAN SUPPORT BECAUSE WE'RE ADHERING TO THE RECOMMENDATIONS OF THE CSG JUSTICE CENTER AND THEIR EXPERTISE. THANK YOU, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB605]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB605 AND THE TWO UNDERLYING AMENDMENTS. I THINK GREAT WORK HAS BEEN DONE IN THE PAST COUPLE OF YEARS, INCLUDING WORK THAT WAS DONE THIS YEAR AS WELL. I WANT TO REEMPHASIZE WHAT SENATOR COASH HAS SAID THAT THIS DOES NOT SOLVE THE OVERCROWDING ISSUES. IT DOES NOT SOLVE OUR JAMMING-OUT PROBLEMS. WE STILL HAVE A LOT OF WORK TO DO. SENATOR McCOY MENTIONED THE MEETING WHERE WE HAD A BIG COMPROMISE. AND I THINK THAT THAT WAS AN IMPORTANT MEETING. WE TOOK OUT SOME OF THE WORK ON THE ONE-THIRD RULE WHICH ACTUALLY DID COME OUT OF THE COMMITTEE 8-0, AND ALSO WAS ORIGINALLY AN AMENDMENT THAT WAS ADDED TO THE ORIGINAL AMENDMENT WHICH WAS ALSO ADDED IN AN 8-0 VOTE BY THE JUDICIARY COMMITTEE. AGAIN, THERE WERE DISCUSSIONS THAT THIS IS COMPLETELY FOLLOWING CSG RECOMMENDATIONS. AND I WANT TO MAKE CLEAR FOR THE RECORD THAT THIS DOES NOT COMPLETELY FOLLOW 100 PERCENT OF THE CSG RECOMMENDATIONS. IT RESULTS IN A COMPROMISE. AND I THINK A REALLY GOOD COMPROMISE. IT CHANGED BECAUSE IT HAS INCREASED SOME OF THE PENALTIES DUE TO THE RECOMMENDATIONS AND REQUESTS OF THE COUNTY ATTORNEYS. IT ALSO CREATED THE FUND FOR THE COUNTIES. SO IT IS NOT CORRECT TO SAY THAT THIS IS A 100 PERCENT OF THE CSG'S RECOMMENDATIONS. AND I THINK THAT THAT'S SOMETHING WE NEED TO REMEMBER AS WE GO FORWARD LOOKING AT REPORTS. WE HAVE A NEBRASKA WAY. AND THAT IS TO TAKE RECOMMENDATIONS, TO TAKE STUDIES, AND TO WORK IT AND KNEAD IT UNTIL IT FITS OUR NEBRASKA WAY OF DOING THINGS. IT'S IMPORTANT TO HAVE THAT PERSPECTIVE THAT THIS IS NOT A 100 PERCENT CSG REPORT AND BILL. THAT BEING SAID, THE COMPROMISES THAT WERE MADE ARE VALID, THEY ARE GOOD, AND I HOPE THAT EVERYONE WILL KNOW THAT

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SOME OF THE NEXT THINGS WE NEED TO WORK ON ARE PROGRAMMING; MAKING SURE THAT WE ARE MAKING OUR COMMUNITIES MUCH SAFER BY RELEASING SAFER INMATES AND PRISONERS. WE NEED TO MAKE SURE THAT PROGRAMMING IS IN PLACE AND THAT THE INMATES HAVE THE CHANCE TO TAKE THE PROGRAMMING SO WE AREN'T JAMMING PEOPLE OUT WITH ADDICTIONS, SO WE AREN'T RELEASING PEOPLE IMMEDIATELY BACK INTO OUR SOCIETY WHO STILL HAVE ANGER MANAGEMENT ISSUES, SO THAT WE ARE NOT RELEASING PEOPLE WHO HAVE NO IDEA ABOUT HOW TO GET A JOB AND BECOME EMPLOYED. WE NEED TO WORK TO MAKE OUR COMMUNITY SAFER. AND THAT IS NOT WHAT THIS IS TO DO. WE HAVE WORK AHEAD, AND I HOPE THAT WE CAN ALL WORK TOGETHER ON THOSE ISSUES FOR OUR COMMUNITIES TO MAKE THEM MUCH SAFER. AND WITH THAT, I WILL GIVE THE REST OF MY TIME TO SENATOR MELLO WITH THE HOPE THAT YOU WILL VOTE FOR BOTH LB605 AND THE UNDERLYING AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE YIELDED 1 MINUTE AND 35 SECONDS. [LB605]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AND THANK YOU, SENATOR PANSING BROOKS. I'D BE REMISS NOT TO THANK SENATOR PANSING BROOKS IN REGARDS TO BEING WILLING TO FIND COMPROMISE IN REGARDS TO LB605 AND SOME OTHER ISSUES THAT WERE BROUGHT FORWARD THROUGH THE JUDICIARY COMMITTEE. AS WE'VE DISCUSSED THROUGH THIS PROCESS, WE'RE TRYING TO LAY THE GROUNDWORK FOR A PROCESS THAT'S GOING TO LAST FOR FIVE YEARS. AND SIMPLY, LB605 LAYS THAT FOUNDATIONAL GROUNDWORK WITH THE COUNCIL OF STATE GOVERNMENT'S JUSTICE CENTER RECOMMENDATIONS. BUT WE KNOW THERE WILL BE OTHER CHANGES THAT COME ALONG THE WAY THAT'S PART OF THAT JUSTICE REINVESTMENT OVERSIGHT COMMITTEE... [LB605]

SPEAKER HADLEY: ONE MINUTE. [LB605]

SENATOR MELLO: ...THAT WE TALKED ABOUT ON AM1609, AS WELL AS SENATOR SEILER'S AM1530. WITH THAT SAID, MR. PRESIDENT, I APPRECIATE...SENATOR McCOY SOMETIMES DOESN'T GET, I THINK, THE ACCOLADES THAT HE SHOULD GET IN RESPECTS TO BEING THE SOON-TO-BE NATIONAL CSG CHAIRMAN AND ORGANIZATION THAT OUR BRANCH OF GOVERNMENT PARTICIPATES IN WITH OUR JUDICIAL AND EXECUTIVE BRANCHES AND THE ABILITY OF HAVING THE

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COUNCIL OF STATE GOVERNMENTS BE ACTIVE PARTNERS WITH OUR STATE THROUGH THIS PROCESS IS NONETHELESS SPEAK VOLUMES IN REGARD TO SENATOR McCOY'S NATIONAL INVOLVEMENT IN THE ORGANIZATION AND HIS ABILITY TO CONTINUALLY BRING THEM TO THE TABLE AS WE MOVE FORWARD THROUGH OUR PRISON REFORM EFFORTS. AND I JUST WANTED TO THANK HIM PERSONALLY FOR HIS LONGSTANDING HARD WORK ON BEHALF OF OUR BRANCH OF GOVERNMENT AS A MEMBER OF THE NATIONAL LEADERSHIP OF THE COUNCIL OF STATE GOVERNMENTS KNOWING THE BENEFITS THAT WE WILL CONTINUE TO SEE OVER THE NEXT 18 MONTHS AS HE BECOMES THE NATIONAL CHAIR. THANK YOU, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. THANK YOU, SENATOR PANSING BROOKS. (VISITORS INTRODUCED.) SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB605]

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER; GOOD MORNING, MEMBERS. I RISE IN SUPPORT OF LB605 AND THE AMENDMENTS. I SHOULD MENTION THAT IT INCLUDES MY BILL, LB354, WHICH IS A CRIME VICTIMS' REPARATION ACT. AND I WAS GRATEFUL TO SENATOR SEILER TO INCLUDE THAT BILL IN LB605 EARLIER IN THE SESSION. IT ALSO INCLUDES A PRIVACY SECTION WITH REGARD TO VICTIMS, VERY GRATEFUL TO SENATOR SEILER. I ALSO WOULD LIKE TO THANK SENATOR BOLZ FOR GIVING ME THE ORIGINAL IDEA FOR LB354, AND ALSO WOULD LIKE TO THANK SENATORS WILLIAMS AND PANSING BROOKS FOR THEIR IMPORTANT WORK ON THE COMMITTEE. THIS CRIME VICTIMS ISSUE, AND ALSO THE PROBLEM IN OUR PRISONS WAS CERTAINLY A CAMPAIGN ISSUE FOR ME IN THE FALL ELECTION. AND I THINK WE'VE DONE A CREDIBLE JOB IN DEALING WITH THE ISSUE AND MOVING FORWARD. IT'S NOT TO SAY THAT WE WON'T HAVE SOME CHANGES TO MAKE DOWN THE ROAD, BUT THIS IS A GOOD FIRST START AND I'M GRATEFUL TO THE HARD WORK OF EVERYBODY INVOLVED. THANK YOU, MR. PRESIDENT. [LB354 LB605]

SPEAKER HADLEY: THANK YOU, SENATOR McCOLLISTER. SEEING NO ONE IN THE QUEUE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON AM1609. [LB605]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. ONCE AGAIN, AM1609 IS SOME CLARIFICATION LANGUAGE TO THE UNDERLYING AM1530 THAT CLARIFIES THE INTENT OF THE COUNTY JUSTICE REINVESTMENT GRANT PROGRAM; HOW THE MONEY IS TO BE SPENT, AS WELL AS PROVIDING AN ADDITIONAL DUTIES TO THE JUSTICE REINVESTMENT

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OVERSIGHT COMMITTEE AND RESPECTS TO STUDYING THE IMPACTS LB605 HAS IN RESPECTS TO CUSTODIAL SANCTIONS AND AFFECTING COUNTY JAIL POPULATION. WITH THAT I'D URGE THE BODY TO ADOPT AM1609 AND THE UNDERLYING AMENDMENT, AM1530. THANK YOU, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF AM1609. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB605]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB605]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. MR. CLERK. [LB605]

CLERK: SENATOR SEILER WOULD MOVE TO AMEND WITH AM1610. (LEGISLATIVE JOURNAL PAGE 1518.) [LB605]

SPEAKER HADLEY: SENATOR SEILER, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB605]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE UNICAMERAL, THIS AMENDMENT IS A LAST-SECOND CORRECTION ON BEHALF OF THE GOVERNOR'S OFFICE. THEY ASKED US TO CLARIFY THE PENALTIES CHANGES IN LB605 AND TO CLARIFY THE RETROACTIVITY OF THE AMENDMENT AND MAKING SURE THAT IT WAS NOT RETROACTIVE. THAT'S WHAT THIS LANGUAGE, BASICALLY, DOES. AND IT ALSO...THEY REQUESTED TWO SMALL CHANGES IN THE SENTENCING PROVISION IN 60 AND 61. THOSE CHANGES WERE RECOMMENDED...STAY CONSISTENT WITH THE RECOMMENDATION OF THE COUNCIL OF STATE GOVERNMENT'S REPORT. AND, THEREFORE, I AM ASKING THAT THIS BODY ADOPT THIS AM. I WOULD LIKE TO THANK ALSO AND STATE THE SAME CREDIT FOR SENATOR McCOY FOR LEADING THE COUNCIL OF STATE GOVERNMENT. THEY HAVE JUST BEEN OUTSTANDING. AND IT WAS INTERESTING TO WORK WITH THIS COMMITTEE SINCE IT'S MADE UP OF THREE DIFFERENT BRANCHES OF THE GOVERNMENT. AND MARC PELKA DID A GREAT JOB OF BRINGING THE INFORMATION TO US AND WORKING WITH US ON THESE STATUTES. THANK YOU. AND I ASK FOR A GREEN VOTE ON THIS AMENDMENT. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. SENATOR KRIST, YOU'RE RECOGNIZED. [LB605]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND AGAIN, GOOD MORNING COLLEAGUE; GOOD MORNING, NEBRASKA. I HAVE TO RISE TO SAY SOMETHING FOR THE LEGISLATIVE RECORD. AM1610 IN ITS...IN THE FIRST CONCEPT THAT WAS ASKED FOR BY THE GOVERNOR'S OFFICE IS NOT A REQUIREMENT. IT'S A REDUNDANCY. THOSE SENTENCES AND WHAT IS BEING ASKED FOR IS ALREADY PART OF LAW. IT'S A FEEL-GOOD AMENDMENT IN SOME PARTS BECAUSE IT REITERATES WHAT'S ALREADY THERE. AND I, HAVING BEEN INVOLVED WITH THE CSG PROCESS AND THE (LR)424 PROCESS AND OTHERS, I'M AMAZED AT THE NUMBER OF TIMES THAT WE HAVE TO SAY, ONCE AGAIN, WHAT THE STATUTES ALREADY SAY VERY CLEARLY. I'LL VOTE FOR AM1610, ONLY TO SAY THAT PART OF IT IS ALREADY IN LAW, IT'S UNNECESSARY, BUT THAT'S WHAT IT TAKES TO GET LB605 ACROSS THE FINISH LINE, THAT'S WHAT WE NEED TO DO. THE SECOND PART I WOULD SAY FOR THE RECORD IS THAT WE HAVE STARTED THE PARTNERSHIP WITH CSG. AND WHAT'S GOING TO HAPPEN NOW IS AT SOME POINT HERE IN THE NEXT YEAR, WE'RE GOING TO GO INTO PHASE TWO OF THIS CORRECTIONS REINVESTMENT PROCESS. AND THIS LOYALTY TO, OR THIS DESIRE TO STAY IN LINE WITH WHAT CSG HAS ASKED AND HAS SUPPORTED, BOTH BY ITS STATISTICS AND METRICS, IS IMPORTANT FOR US TO STAY CONSISTENT AS WE GO INTO PHASE TWO AS WELL. I SUPPORT AM1610 TO AM1530 AND THEN THE UNDERLYING LB605. THANK YOU, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB605]

SENATOR SEILER: THANK YOU, MR. PRESIDENT. I'LL WAIVE. [LB605]

SPEAKER HADLEY: QUESTION FOR THE BODY IS THE ADOPTION OF AM1610. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB605]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SEILER'S AMENDMENT. [LB605]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. (VISITORS INTRODUCED.) SEEING NO ONE IN THE QUEUE, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR SEILER WAIVES. THE

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QUESTION FOR THE BODY IS THE ADOPTION OF AM1530. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB605]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SEILER'S AMENDMENT. [LB605]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB605]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB605]

SPEAKER HADLEY: NO ONE IN THE QUEUE. SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON...SENATOR HANSEN FOR A MOTION. [LB605]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB605 TO E&R FOR ENGROSSING. [LB605]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE MOTION IS ADOPTED. ITEMS FOR THE RECORD. [LB605]

CLERK: THANK YOU, MR. PRESIDENT. NEW RESOLUTION, LR253 BY SENATOR KOLTERMAN. THAT WILL BE LAID OVER; LR254, SENATOR COASH, CALLING FOR AN INTERIM STUDY, THAT WILL BE REFERRED TO THE EXECUTIVE BOARD. REFERENCE REPORT REFERRING CERTAIN GUBERNATORIAL APPOINTEES. NEW A BILL, LB525A BY SENATOR SULLIVAN, (READ TITLE FOR FIRST TIME.) AND YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS HAVE EXAMINED AND ENGROSSED LB360, LB360A, LB554, LB657, LB658, LB659, LB660, LB661, LB662, LB663, AND LB663A, ALL REPORTED CORRECTLY ENGROSSED. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1518-1521.) [LR253 LR254 LB525A LB360 LB360A LB554 LB657 LB658 LB659 LB660 LB661 LB662 LB663 LB663A]

SPEAKER HADLEY: MR. CLERK, WE WILL PROCEED TO SELECT FILE, LB598. [LB598]

CLERK: SENATOR HANSEN, WITH RESPECT TO LB598, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER83, LEGISLATIVE JOURNAL PAGE 1214.) [LB598]

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SPEAKER HADLEY: SENATOR HANSEN. [LB598]

SENATOR HANSEN: I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB598.  
[LB598]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS  
TO LB598. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED, NAY. THE  
AMENDMENTS ARE ADOPTED. [LB598]

CLERK: MR. PRESIDENT, SENATOR SCHUMACHER HAD PRINTED AM1407. I HAVE A  
NOTE HE WISHES TO WITHDRAW. MR. PRESIDENT, SENATOR SEILER WOULD  
MOVE TO AMEND WITH AM1587. (LEGISLATIVE JOURNAL PAGES 1521-1524.)  
[LB598]

SPEAKER HADLEY: SENATOR SEILER, YOU'RE RECOGNIZED TO OPEN ON YOUR  
AMENDMENT. [LB598]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, LB598  
ADVANCED FROM GENERAL FILE WITH 32 VOTES AFTER ADOPTION OF THE  
JUDICIARY COMMITTEE AMENDMENTS. BASICALLY THE FIRST PART OF AM1587  
ADOPTS SENATOR SCHUMACHER'S AM1407 WHICH BASICALLY CHANGES THE  
DEFINITION OF SOLITARY CONFINEMENT AND ALL THOSE OTHER  
ADMINISTRATIVE CONFINEMENT AND ALL THOSE DIFFERENT TERMS THAT HAVE  
BEEN USED OVER THE YEARS INTO ONE DEFINITION AND THAT'S RESTRICTIVE  
HOUSING. I BELIEVE THAT THE USE OF RESTRICTIVE HOUSING SETS A BETTER  
PATTERN FOR THE UNDERSTANDING OF ALL THE STATUTES AND IT IS  
CONSISTENT ALL THE WAY THROUGH OUR WORKS NOW WITH THE USE OF THAT  
LANGUAGE. THE...THERE WERE SOME AMEND...THIS AMENDMENT WAS ALSO  
ASKED BY THE DEPARTMENT OF CORRECTIONS. THERE WAS SOME CONCERN  
THAT THEIR SECURITY MANUALS MAY BE SUBJECT TO PUBLIC SCRUTINY, AND  
THIS AMENDMENT CLARIFIES THAT. THE LAST AND THE BIGGEST, PROBABLY,  
PART OF THIS AMENDMENT IS TO MAKE THE PAROLE BOARD AND THE PAROLE  
ADMINISTRATION INDEPENDENT AND OUT FROM UNDER THE DEPARTMENT OF  
CORRECTIONS. THIS GIVES THEM A BETTER PROGRAM. LET ME REFER BACK TO  
THE LR424 COMMITTEE HEARINGS. IF YOU REMEMBER, ESTHER CASMER  
TESTIFIED. SHE WAS PRESIDENT OF THE PAROLE BOARD AT THAT TIME. SHE  
TESTIFIED HOW THE ADMINISTRATION HAD BROWBEATEN HER AND HER  
COMMITTEE INTO PUTTING PEOPLE OUT ON PAROLE THAT SHE DIDN'T THINK  
WAS NECESSARY READY FOR PAROLE. AND THIS WOULD GIVE A BETTER

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ALIGNMENT OF THE PAROLE BOARD HAVING CONTROL OVER THE PAROLE ADMINISTRATION. THAT'S THE MAJOR CONCERN WITH THIS AND IT ALSO ADDRESSES THE ISSUE REGARDING MENTAL ILLNESS IN PRISON, WHICH IS GOING TO BE AN ONGOING SUMMER STUDY UNDER AN LR AND SHOULD BRING BACK A LOT OF GOOD INFORMATION AND A PROCESS THAT WE DON'T HAVE WHERE WE HAVE 31 PERCENT OF OUR PRISONERS HAVE MENTAL ILLNESS AND SUBSTANCE ABUSE. I ASK YOU TO VOTE GREEN ON AM1587. THANK YOU. [LB598]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB598]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. I STAND IN SUPPORT OF AM1587 AND LB598, AND I ASK THAT YOU VOTE IN FAVOR OF IT AS WELL. I'D LIKE TO ALSO NOTE THAT NEBRASKA IS ONE OF THE HIGHEST USERS OF SOLITARY CONFINEMENT. AND AS A MEMBER OF THE JUDICIARY COMMITTEE AND PARTICULARLY AS A MEMBER THAT'S BEEN ASSIGNED TO THAT TOPIC, I BELIEVE THAT LB598 IS AN IMPORTANT STEP IN THE RIGHT DIRECTION. AND WHILE THIS LEGISLATION IN MY OPINION ISN'T PERFECT, IT IS GOOD AND IT MERITS PASSAGE. THE DEPARTMENT OF CORRECTIONS SHOULD LIMIT THE USE OF SOLITARY CONFINEMENT FOR ALL INMATES ACCORDING TO THE LEAST RESTRICTIVE ALTERNATIVES SET FORTH. AND ALSO THE DEPARTMENT OF CORRECTIONS SHOULD ALSO ADOPT CLEAR RULES AND REGULATIONS ENSURING NARROWLY DEFINED VULNERABLE POPULATIONS SUCH AS THOSE 18 YEARS AND YOUNGER, PREGNANT WOMEN, DEVELOPMENTALLY DISABLED, AND MENTALLY ILL HAVE PARTICULARLY MORE STRINGENT REQUIREMENTS BEFORE BEING PUT INTO SOLITARY CONFINEMENT. THANK YOU, MR. PRESIDENT. [LB598]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB598]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I JUST WANTED TO RISE BRIEFLY AND SPEAK TO THE POINT ABOUT PAROLE BOARD INDEPENDENCE. THE INDEPENDENCE OF THE PAROLE BOARD WILL ALLOW FOR THE CULTURE CHANGE THAT I THINK WE SAW A NEED FOR IN THE NIKKO JENKINS SPECIAL COMMITTEE OVER THE SUMMER. AND I THINK THAT CULTURE CHANGE WILL COME WITH THE APPROPRIATE STAFF AND STRUCTURE TO RESEARCH BEST PRACTICES, TO UNDERSTAND ASSESSMENTS OF RISK, AND MAKE SURE THAT WE ARE BUILDING OUR DECISION-MAKING PROCESS BASED ON ANALYSIS DATA AND

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SMART THINKING. I ALSO WANTED TO RAISE JUST A SMALL TECHNICALITY IN CONVERSATIONS WITH THE GOVERNOR'S OFFICE AND WITH DIRECTOR FRAKES'S OFFICE. IT IS MY UNDERSTANDING AND VISION AND BELIEF THAT THE PIECES ABOUT THE SALARY ADJUSTMENTS WILL BE IMPLEMENTED AT THE SAME TIME AS THE PAROLE BOARD INDEPENDENCE. THERE IS SOME WORK THAT IS BEING DONE IN THE APPROPRIATIONS COMMITTEE TO TRY TO ANALYZE WHAT THE APPROPRIATE SALARY LEVELS SHOULD BE. AND JUST IN TERMS OF MECHANICS, WE NEED SOME TIME TO DO THAT ANALYSIS AND WE'LL NEED SOME DISCUSSION IN THE APPROPRIATIONS COMMITTEE TO ADJUST THEIR APPROPRIATIONS TO MAKE SURE THAT THEY CAN PAY APPROPRIATE SALARY LEVELS AS THOSE PIECES MOVE OVER TO INDEPENDENCE. SO FOR THE SAKE OF CREATING A RECORD, I WANTED TO PUT THAT ON THE MIKE. I THANK DIRECTOR FRAKES AND I THANK ROSALYN COTTON FOR ALL OF THE WORK IN PUTTING TOGETHER SOME VERY THOUGHTFUL THINKING ABOUT THE CREATION OF AN INDEPENDENT PAROLE BOARD THAT CAN MAKE DECISIONS THAT IS IN THE BEST INTEREST OF THE PUBLIC SAFETY. AND THAT IS AT THE HEART OF ALL THESE ISSUES. THANK YOU, MR. PRESIDENT. [LB598]

SPEAKER HADLEY: THANK YOU, SENATOR BOLZ. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB598]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I WANT TO REITERATE SOME OF WHAT SENATOR MORFELD SAID, THAT WE NEED TO SET UP STANDARDS FOR VULNERABLE POPULATIONS, INCLUDING MENTALLY ILL, DEVELOPMENTALLY DISABLED, PREGNANT WOMEN, AND THOSE 18 YEARS AND YOUNGER. THESE STANDARDS ARE IN ACCORDANCE WITH THE BEST PRACTICES SUPPORTED BY MANY GROUPS ACROSS THE COUNTRY AND, IN ESSENCE, ACTS AS LITIGATION INSURANCE AS IF...IF NEBRASKA WERE EVER TO BE SUED IN THIS AREA. ACROSS THE COUNTRY, IT'S CLEAR THAT STATES ARE WAKING UP TO THE OVERRELIANCE ON SOLITARY CONFINEMENT THAT WE'VE HAD IN THE PAST. LONG-TERM ISOLATION COSTS A LOT OF MONEY. IT HAS BEEN PROVEN TO DO NOTHING TO REHABILITATE PRISONERS. AND, IN FACT, IT ACCELERATES AND ENHANCES MENTAL ILLNESS. IT'S CLEAR THAT USING PUBLIC RESOURCES ON THESE KINDS OF POLICIES ARE NOT BENEFICIAL. AND, AGAIN, AS I MENTIONED BEFORE UNDER LB605, WHAT WE DO NEED TO BE SPENDING MONEY ON IS PROGRAMMING, PROGRAMMING TO RELEASE SAFER PRISONERS BACK INTO OUR COMMUNITIES; PROGRAMMINGS THAT ARE PROVEN TO REDUCE RECIDIVISM, THAT ARE CLEARLY HELPFUL IN STOPPING DRUG AND ALCOHOL ADDICTION; THAT HELP ANGER MANAGEMENT ISSUES. AND MERELY TOSSING AN INMATE INTO SOLITARY CONFINEMENT DOES NOTHING AS WE'VE PROVEN WITH NIKKO

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JENKINS' CASE. MORE STATES HAVE PASSED SOLITARY CONFINEMENT REFORMS THIS YEAR THAN IN THE PAST 16 YEARS. AND IN 2014, ONE OF THE MOST CONTROVERSIAL PRACTICES IN CRIMINAL JUSTICE HISTORY...IN CRIMINAL JUSTICE FACED UNPRECEDENTED CHALLENGES AND THAT WAS SOLITARY CONFINEMENT. A STUDY FROM NAMI SHOWED THAT THE STATE EXPLAINED THAT THE AMERICAN BAR ASSOCIATION STANDARDS FOR CRIMINAL JUSTICE ON THE TREATMENT OF PRISONERS WHICH WAS UPDATED IN 2010 CONTAINS SPECIFIC GUIDANCE ON THE USE OF PROLONGED ISOLATION AND APPLIED IT TO ALL OF THE PRISONERS IN ADULT CORRECTIONAL FACILITIES, INCLUDING JAILS. THE CORE IDEAL OF THAT STANDARD WAS THAT, QUOTE, SEGREGATED HOUSING SHOULD BE FOR THE BRIEFEST TERM AND UNDER THE LEAST RESTRICTIVE CONDITIONS PRACTICABLE AND CONSISTENT WITH THE RATIONALE FOR PLACEMENT AND WITH THE PROGRESS ACHIEVED BY THE PRISONER. AGAIN, USING IT FOR PUNISHMENT AND NOT REHABILITATION IS NOT A GOOD IDEA. WE HAVE GOT TO FOCUS ON PROGRAMMING AND HOW WE'RE GOING TO SAVE DOLLARS, MAKE OUR COMMUNITIES STRONGER THROUGH THAT PROGRAMMING AND NOT JUST TOSSING SOMEBODY INTO A ROOM AND THEN EXPECTING THEM TO BE RELEASED AT SOME POINT BECAUSE, OF COURSE, WAY OVER 90 PERCENT OF OUR PRISONERS ARE RELEASED BACK INTO THE COMMUNITY SOMEDAY. WE NEED TO BE RESPONSIBLE FOR SAFER INMATES BEING RELEASED. THANK YOU, MR. PRESIDENT. [LB598 LB605]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB598]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND AGAIN, GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. VERY QUICKLY, I WANT TO ADD IN TERMS OF A LEGISLATIVE RECORD WHAT WE SAW IN THE NIKKO JENKINS LR424 COMMITTEE IS DIRECTLY REFLECTED IN THIS BILL AND THIS AMENDMENT, AND I WOULD ASK FOR YOUR GREEN VOTE ON AM1587 AND THE UNDERLYING LB598. BUT I WOULD BE REMISS AT THIS POINT NOT TO MENTION TO ALL OF YOU I HAVE RECEIVED SEVERAL, ALMOST A DOZEN, SPECIFIC LETTERS JUST IN THE LAST FEW DAYS FROM INMATES AT TECUMSEH. YOU KNOW WHAT THEY'RE ASKING FOR? THEY'RE ASKING FOR THE PROGRAMS THAT THEY NEED TO COMPETE WELL WHEN THEY GO SEE THE PAROLE BOARD. THEY'RE ASKING FOR PROGRAMS TO HELP THEM BECOME CITIZENS AGAIN UPON RELEASE FROM THOSE...THAT INSTITUTION. AND IN EACH CASE THEY HAVE DOCUMENTED, AT LEAST IN THEIR LETTER TO ME, THEIR CONTINUED REQUEST TO RECEIVE THOSE PROGRAMS AND DENIAL OR THE NONAVAILABILITY OF THOSE PROGRAMS IN OUR CORRECTIONS FACILITIES. WE

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NEED TO BUILD A LEGISLATIVE RECORD OF THOSE CONTINUED REQUESTS AND DENIES OR THE ATTEMPT TO GET THOSE SERVICES AND THE DENIAL OF THOSE SERVICES. AND I WOULD INVITE YOU IF YOU'RE RECEIVING THOSE LETTERS TO WRITE BACK TO THOSE INMATES BUT MORE IMPORTANTLY--TO ACKNOWLEDGE THAT THEY HAVE SENT YOU SOMETHING--BUT MORE IMPORTANTLY, I WOULD ADVISE YOU TO FORWARD THOSE LETTERS TO JAMES DAVIS AND JERALL MORELAND IN OUR OWN OMBUDSMAN'S OFFICE. THEY ARE OUR RESIDENT EXPERTS IN THE LEGISLATIVE BRANCH ABOUT THE CONDITIONS THAT EXIST IN THOSE FACILITIES. BOTH JAMES AND JERALL ARE ON THEIR WAY DOWN TOMORROW TO TECUMSEH TO WALK AMONGST THE FOLKS IN THE PENITENTIARY, AMONGST THOSE THAT ARE INCARCERATED AND FIND OUT WHAT'S REALLY GOING ON, AND THEY HAVE DONE THIS FOR YEARS. THEY ARE OUR RESIDENT EXPERTS. WE NEED TO BUILD THAT LEGISLATIVE INTENT BECAUSE THOSE LETTERS NEED TO BE FORWARDED TO THE RIGHT PEOPLE TO GET THOSE SERVICES IN PLACE. ONE LAST THING: EVEN THE MOST CRITICAL, CRITICAL PUBLIC DEFENDERS AND COUNTY ATTORNEYS TO ANYTHING THAT WE HAVE DONE OR ANYTHING THAT WE PROPOSE, BUT PARTICULARLY ONE COUNTY ATTORNEY WHO OPPOSED MOVING TOO FAST AND BECOMING SOFT ON CRIME, EVEN HE WAS SPECIFICALLY VOCAL DURING MOST OF OUR MEETINGS, SEVERAL MEETINGS, THAT THE PROBLEM IS LACK OF PROGRAMS AND SERVICES WITHIN THE SYSTEM. I WOULD ADD THAT ON THE FRONT END, IN THE MIDDLE, AND ON THE BACK END WE HAVE TO MAKE SOME SUBSTANTIAL CHANGES. THANK YOU, MR. PRESIDENT. [LB598]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB598]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE LEGISLATURE. I'M GOING TO SPEAK BRIEFLY WITH RESPECT TO THE RESTRICTED HOUSING PROVISIONS THAT ARE INCORPORATED IN THE LEGISLATION BEFORE US, PARTICULARLY WITH THOSE IN THE NATURE OF THE VULNERABLE POPULATION, WHICH INCLUDES UNDER 18, PREGNANT, AND MENTALLY ILL. THE APPROACH TAKEN BY LB598 WITH REGARD TO RESTRICTIVE HOUSING WAS NOT TO MICROMANAGE AND TO GIVE THE NEW ADMINISTRATION THE BENEFIT OF THE DOUBT THAT IT WOULD BE WILLING TO OPENLY ENGAGE IN FOLLOWING THE ADMINISTRATIVE PROCEDURES ACT, AND PROMULGATING CLEAR AND OPEN REGULATIONS AND RULES WITH REGARD TO WHEN RESTRICTIVE HOUSING WOULD BE USED. AND THAT IS INCLUSIVE OF ESPECIALLY ADDRESSING THE NEEDS OF THE VULNERABLE POPULATION. WE HAVE SEVERAL HUNDRED PEOPLE THAT ARE IN WHAT WILL BE CALLED RESTRICTIVE HOUSING

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NOW. THERE WAS A NUMBER OF DIFFERENT WORDS AND LABELS FOR IT PRIOR TO NOW. AND IT SEEMED THAT THOSE RULES AND THOSE SENTENCES TO THE RESTRICTIVE HOUSING AREA WERE MUCH LESS THAN CLEAR AND FAIRLY ARBITRARY IN THE PAST. AND THAT APPEARED TO BE PART OF THE PROBLEM THAT WE SAW NOT ONLY WITH THE NIKKO JENKINS CASE, BUT WITH MANY, MANY OTHERS WHO ARE PUT IN THAT TYPE OF CONFINEMENT. I WISH ALSO TO ECHO THE COMMENTS OF SENATOR PANSING BROOKS AND SENATOR COASH AND SENATOR KRIST THAT WE NEED TO LOOK AT PROGRAMMING SO THAT PEOPLE BEFORE THEY ARE RELEASED FROM THE PENITENTIARY HAVE AN OPPORTUNITY TO HAVE THE BEST POSSIBLE CHANCE OF REINTEGRATING INTO SOCIETY AND ALSO POINT OUT THE FACT THAT IN MANY RESPECTS WHAT WE'RE DOING IN THIS LEGISLATION HERE, IN LB605, AND OTHER PROPOSALS IS THE EASY AND INEXPENSIVE PART. THE BIG THING THAT WE WILL NEED TO ADDRESS NEXT YEAR AND IT WILL BE A CONTINUING ISSUE THAT WE NEED TO ADDRESS, IS THE LOCAL MENTAL HEALTH COMPONENTS OF THIS. WE GOT RID OF THE REGIONAL CENTERS. WE NEVER IMPLEMENTED THE ALTERNATIVE TO THE REGIONAL CENTERS TO ANY DEGREE, AND THAT LEAVES A BIG, BIG GAP IN THE SYSTEM. AND IT'S GOING TO BE AN EXPENSIVE GAP THAT IS GOING TO NEED TO BE FIXED. BUT HOPEFULLY THESE BILLS BEFORE US TODAY ARE A SOLID STEP IN THE RIGHT DIRECTION AND HOPEFULLY WE'LL BE ABLE TO, IN THE LONG TERM, REDUCE OUR PRISON POPULATION AND ADDRESS THE MENTAL HEALTH NEEDS OF THE PEOPLE. THANK YOU. [LB598 LB605]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SEEING NO ONE IN THE QUEUE, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB598]

SENATOR SEILER: THANK YOU, MR. PRESIDENT. I WANT TO TAKE JUST A SHORT SECOND TO PUT SOME NUMBERS TO SENATOR KRIST'S PROGRAM. RIGHT NOW WE HAVE PAROLE ELIGIBLE 1,342 PEOPLE; 1,342 PEOPLE OUT OF THE 5,213 PEOPLE BEHIND BARS. IF WE COULD JUST MAGICALLY POP THOSE OUT, OUR PERCENTAGE OF POPULATION, OVERCROWDED, WOULD DROP FROM 159.18 TO...OR DROP TO 1.18 IF WE WOULD JUST POP THOSE OUT. AND THE REASON THEY CAN'T POP THEM OUT IS BECAUSE THEY DON'T HAVE THE PROGRAMS TO MEET THE QUALIFICATIONS TO GET OUT. SO, THERE'S REAL DOLLAR SIGNS THERE. WHEN YOU'RE TALKING ABOUT DROPPING OUR POPULATION DOWN TO THAT LEVEL, YOU CAN SAVE ABOUT \$300 MILLION IN A NEW PRISON. SO THANK YOU, MR. PRESIDENT, AND THAT'S MY CLOSING. [LB598]

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SPEAKER HADLEY: THE QUESTION IS, SHALL THE AMENDMENT TO LB598 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED? RECORD, MR. CLERK. [LB598]

CLERK: 41 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SEILER'S AMENDMENT. [LB598]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB598]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB598]

SPEAKER HADLEY: SENATOR HANSEN. [LB598]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB598 TO E&R FOR ENGROSSING. [LB598]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB598 IS ADOPTED...IS ADVANCED. MR. CLERK. [LB598]

CLERK: MR. PRESIDENT, LB173 IS THE NEXT BILL. SENATOR, I HAVE E&R AMENDMENTS FIRST OF ALL. (ER82, LEGISLATIVE JOURNAL PAGE 1214.) [LB173]

SPEAKER HADLEY: SENATOR HANSEN. [LB173]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB173. [LB173]

SPEAKER HADLEY: YOU HAVE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED NAY. THEY ARE ADOPTED. [LB173]

CLERK: SENATOR COASH WOULD MOVE TO AMEND WITH AM1607. (LEGISLATIVE JOURNAL PAGES 1524-1526.) [LB173]

SPEAKER HADLEY: SENATOR COASH, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB173]

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SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, AM1607 IS AN AMENDMENT THAT I WORKED ON WITH JUDICIARY COMMITTEE COUNSEL AND SENATOR CHAMBERS, OF COURSE, AS THIS IS HIS BILL. THE CHANGES THAT ARE MARCHING DOWN THE TRACK AND ARE LIKELY TO BE AS PART OF THE FINAL LB605 PACKAGE DO IMPACT LB173. AND SO TAKING A LOOK AT HOW THOSE TWO MATCH, I OFFER THIS AMENDMENT. LET ME GO THROUGH IT, EXPLAIN WHAT IT DOES, AND THEN SENATOR CHAMBERS CAN ALSO CHIME IN ON THIS AS WELL. CURRENTLY, IF YOU RECALL, LB173 IS A BILL THAT APPLIES TO HABITUAL CRIMINALS AND MINIMUM SENTENCING. THE PROVISIONS THAT ARE CHANGED IN AM1607 HAVE TO DO WITH HABITUAL CRIMINAL ENHANCEMENT FOR VIOLENT OFFENSES. CURRENTLY LB173 SAYS NO HABITUAL CRIMINAL ENHANCEMENT WILL BE ENACTED FOR VIOLENT OFFENSES. BUT IT DEFINES VIOLENT OFFENSES IN A VERY NARROW WAY AND WOULD ONLY APPLY TO NINE OFFENSES. THIS AMENDMENT WOULD SAY THAT HABITUAL CRIMINAL ENHANCEMENT CAN STILL BE USED FOR ANY FELONY OTHER THAN A CLASS III OR CLASS IV FELONY. WITH THE CHANGES IN LB605, CLASS III AND CLASS IV FELONIES ARE NOW NONVIOLENT OFFENSES. IN THE CURRENT CLASS IV FELONIES THAT INVOLVE NONVIOLENT OFFENSES OR A SEX OFFENSE ARE CHANGED TO CLASS IIIA FELONIES IN LB605. THE CURRENT CLASS III FELONIES THAT INVOLVE VIOLENCE OR A SEX OFFENSE ARE CHANGED TO A NEW CLASS IIA FELONY IN LB605 AS WELL. THE AMENDMENT MAKES NO OTHER CHANGES TO LB173. LB173 STILL DOES ELIMINATE MANDATORY MINIMUMS. SO THAT'S KIND OF A TECHNICAL EXPLANATION. LET ME TRY TO PUT IN IT WORDS THAT HAD TO BE PUT TO ME TO HELP UNDERSTAND THIS. WHEN IN LB605 WE RECATEGORIZED SOME OFFENSES AND WE SAID SOME OFFENSES ARE VIOLENT, SOME OFFENSES ARE NOT AND WE MOVED THOSE AROUND, THAT BECAME A SITUATION WHERE WE NEEDED TO TAKE A LOOK AT LB173. AND WHAT WE'RE DOING WITH MY AMENDMENT IS SAYING THAT IF THE OFFENSE IS VIOLENT IN NATURE PER NEW OR PROPOSED TO BE NEW VIA LB605, VIOLENT IN NATURE CRIMES, YOU CAN STILL HAVE A HABITUAL CRIMINAL ENHANCEMENT PLACED ON YOU IF THE OFFENSES ARE VIOLENT. NOW IF THE OFFENSES ARE DRUG RELATED, LB173 DOES NOT ADDRESS THEM. SO WHEN I LISTENED TO THE GENERAL FILE ON LB173 AND LISTENING TO THE NEWS MEDIA AND A LOT OF PEOPLE TALKING ABOUT THE KIND OF OFFENSES THAT WE'RE APPLYING HERE, WE FOCUSED ON THOSE VIOLENT OFFENSES. AND WHAT IS A JUDGE GOING TO DO WHEN HE'S GOT A THREE-TIME VIOLENT OFFENDER SITTING IN FRONT OF THE JUDGE AND WHAT ARE WE GOING TO DO WITH THAT OFFENDER? AND THE COUNTY ATTORNEYS, OF COURSE, LIKE TO HAVE HABITUAL CRIMINALS BECAUSE THEY CAN GO TO THE DEFENDANT AND THEY CAN SAY TO THE DEFENSE COUNSEL AND TO THE JUDGE, JUDGE, THIS IS THE THIRD TIME YOU

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HAVE SEEN THIS OFFENDER. WHAT ARE WE GOING TO DO WITH HIM? HE IS A HABITUAL OFFENDER OF VIOLENT CRIME. AND AM1607 RESTORES THAT ABILITY TO SAY YOU ARE A VIOLENT OFFENDER, A THREE-TIME OFFENDER, AND YOU'RE GOING TO GET AN ENHANCED PENALTY AS A HABITUAL CRIMINAL AS A RESULT OF THAT, AND AM1607 RESTORES THAT FOR THOSE VIOLENT OFFENSES. IT DOES NOT RESTORE IT FOR WHAT ARE NOW CLASSIFIED AS NONVIOLENT OFFENDERS THROUGH LB605 WHICH WE JUST ADOPTED, WHICH ARE DRUG OFFENSES AND NONVIOLENT CRIMES. AND SO I HOPE YOU WILL ADOPT AM1607. AND WITH ANY TIME THAT I HAVE, I WILL YIELD IT TO SENATOR CHAMBERS SO THAT HE CAN SPEAK TO THIS AS WELL. [LB173 LB605]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE YIELDED 5:45 AND YOU'RE NEXT IN THE QUEUE. [LB173]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN I TOOK THIS BILL LOOKING AS THE HABITUAL CRIMINAL STATUTE AS IT EXISTS NOW, ANY THREE FELONIES CAN GET THAT HABITUAL LABEL ATTACHED. ALL OF THEM COULD BE NONVIOLENT. ALL OF THEM COULD BE FRAUD, BAD CHECKS, OR MISUSING A FINANCIAL INSTRUMENT AND THAT WOULD GET YOU 5 TO 60 YEARS; 10 MAYBE MANDATORY, WHATEVER IT IS, BUT I DON'T WANT TO GO INTO THE NUMBER OF YEARS AT THIS TIME BECAUSE I WANT TO KEEP CLEAR WHAT THESE CONCEPTS ARE. THE BILL THAT I OFFERED WOULD HAVE SAID THE ONLY TIME THAT THE HABITUAL CRIMINAL STATUTE COULD COME INTO PLAY WOULD BE IF ALL THREE CRIMES ARE FELONIES. NOW LET ME BACK UP. UNDER THE EXISTING LAW, IF YOU'VE COMMITTED TWO FELONIES, WHATEVER THEY ARE, AND YOU COMMIT A THIRD FELONY, WHATEVER IT IS, THOSE TWO PRIOR FELONIES MAKE IT POSSIBLE TO ENHANCE THE PENALTY FOR IN EFFECT THAT THIRD ONE. THAT THIRD ONE MAY NOT CARRY AS HEAVY A PENALTY AS EITHER OF THE TWO PREVIOUS ONES. BUT IT'S THE ACCUMULATION OF THE THREE. SO IF YOU ARE GOING TO MAKE THAT BIG ENHANCEMENT ON THAT THIRD FELONY, MY BELIEF IS THAT ALL THREE SHOULD HAVE BEEN FELONIES BECAUSE YOU ARE CREATING A SEPARATE CATEGORY BUT THE FELONIES WOULD ALL BE VIOLENT. THE COUNTY ATTORNEYS TALKED TO SOME PEOPLE AND FRIGHTENED THEM. THEY SAID THAT I DON'T WANT PEOPLE TO GO...CHAMBERS DOESN'T WANT PEOPLE TO GO TO PRISON AND ALL THE KIND OF THINGS THAT THEY USUALLY SAY. WHAT SENATOR COASH'S AMENDMENT SAYS IS THAT YOU ALLOW TWO FELONIES OF ANY KIND TO LEAD TO THE ENHANCEMENT WHEN A THIRD FELONY IS COMMITTED, BUT THAT THIRD FELONY MUST BE VIOLENT. THE FIRST TWO CAN BE NONVIOLENT. I THOUGHT ALL OF THEM SINCE YOU'RE GOING TO ENHANCE IT AND THE MAXIMUM

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BECOMES 60 YEARS. NO ONE OF THE PREVIOUS FELONIES WOULD HAVE HAD THAT KIND OF A PUNISHMENT. WITH SENATOR COASH'S AMENDMENT, LB173 IS CHANGED CONSIDERABLY. NO MORE NEED ALL THREE BE FELONIES. AS SENATOR COASH POINTED OUT, YOU'VE ADVANCED LB605. THAT DEALS WITH THE CATEGORIZATION OF FELONIES BY NUMBER--II, IIA, IIIA, III. SO WITH HIS AMENDMENT, THIS BILL WILL ADOPT THE SENTENCING STRUCTURE IN LB605 AS FAR AS THE CLASSIFICATION OF FELONIES. UNDER LB173, ONLY CERTAIN NAMED VIOLENT FELONIES COULD QUALIFY FOR THE ENHANCEMENT. UNDER HIS AMENDMENT, ANY FELONY THAT FALLS WITHIN WHATEVER THAT CATEGORY IS, IIIA, I BELIEVE IT WILL BE UNDER LB605, WOULD BE AVAILABLE FOR ENHANCEMENT. THE OTHER TWO CATEGORIES ARE NONVIOLENT OFFENSES. SO FOR THE THIRD FELONY THAT WOULD STILL ALLOW THE ENHANCEMENT, IT WOULD HAVE TO BE VIOLENT. IF THE THIRD FELONY IS ONE OF THOSE NONVIOLENT PROPERTY CRIMES OR A DRUG OFFENSE, IT CANNOT BE USED TO BUMP THAT PENALTY UP TO 60 YEARS. SO NOW I'M GOING TO TRY TO SUMMARIZE IT IF I CAN. UNDER THE ORIGINAL...UNDER THE LAW RIGHT NOW, ANY THREE FELONIES CAN GET YOU THE HABITUAL LABEL. THEY CAN ALL BE NONVIOLENT, ALL BE DRUG RELATED. LB173 ERASED ALL OF THAT AND SAID ALL THREE MUST BE VIOLENT. SENATOR COASH'S FALLS IN BETWEEN. THE FIRST TWO CAN BE NONVIOLENT, BUT THE THIRD ONE THAT WOULD ALLOW THAT ENHANCEMENT UP TO 60 YEARS WOULD HAVE TO BE VIOLENT. IF ANYTHING I'VE SAID HAS CONFUSED YOU, I WANT TO ANSWER THOSE QUESTIONS. SINCE I'VE WORKED WITH OTHER PEOPLE ON THIS BILL, I HAD SAID ON GENERAL FILE I WOULD MAKE CHANGES. I FEEL LIKE I'VE CAPITULATED. MY BELIEF IS THAT THIS NOTION OF THE HABITUAL CRIMINAL OR THREE STRIKES CAME DURING THE '90s WHEN EVERYBODY POLITICALLY, ESPECIALLY AT THE FEDERAL LEVEL, HAD TO GET AN ISSUE TO RUN ON SO THEY WERE GOING TO GET TOUGH ON CRIME. [LB173 LB605]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE ON YOUR OWN TIME NOW. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. RATHER THAN CREATING A LOT OF NEW CRIMES THAT WOULD CARRY HEAVY PUNISHMENTS, THEY SAY, WELL, LET'S JUST TAKE WHAT IS ALREADY THERE. AND IF SOMEBODY DOES IT THREE TIMES, THEN THROW THE BOOK AT THEM. AND THAT IS WHERE THAT CAME FROM, THE THREE STRIKES, NOT BASED ON A PENOLOGICAL STUDY, NOT ON ANY CONSIDERATION OF WHETHER OR NOT THAT THIRD OFFENSE OR THE TWO PRECEDING ONES REALLY MADE A PERSON DANGEROUS TO SOCIETY. SO YOU WIND UP WITH THE CURRENT LAW IN NEBRASKA WHERE ANY THREE

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FELONIES CAN MAKE YOU AN HABITUAL CRIMINAL. THIS AMENDMENT THAT SENATOR COASH IS OFFERING SAYS THAT THAT HABITUAL CRIMINAL LABEL IS STILL AVAILABLE AND THE TWO PRECEDING FELONIES THAT WOULD ALLOW THE THIRD ONE TO GET YOU THAT LABEL CAN BE NONVIOLENT, ANY KIND. THEY CAN BE BAD CHECKS. BUT IF YOU COMMIT THAT THIRD ONE IN ORDER FOR IT TO MAKE YOU A HABITUAL CRIMINAL, IT HAS TO BE VIOLENT. IN OTHER WORDS, THREE BAD CHECK FELONIES WILL NOT QUALIFY YOU AS A HABITUAL CRIMINAL. THREE PROPERTY CRIMES WILL NOT QUALIFY YOU. BUT IF THE FIRST TWO ARE NONVIOLENT AND THE THIRD ONE IS VIOLENT, THAT CAN GET YOU THAT LABEL. AND THIS HAS GENERALLY BEEN USED BY PROSECUTORS, AS SENATOR COASH TOUCHED ON--I'M GOING INTO ANOTHER ASPECT OF IT NOW-- TO COERCE GUILTY PLEAS. IT HAPPENS AT THE FEDERAL LEVEL. IT HAPPENS AT THE STATE LEVEL. AT THE FEDERAL LEVEL, JUDGES HAVE FOUND OUT THAT THIS TYPE OF COERCIVE ACTION BY FEDERAL PROSECUTORS HAS RESULTED IN PEOPLE PLEADING GUILTY TO CRIMES THEY DIDN'T COMMIT. THEIR LAWYER KNEW THEY WERE PLEADING TO A CRIME THEY DID NOT COMMIT. BUT THEY WOULD TELL THE PERSON BECAUSE OF WHO YOU ARE, AND THE FACT THAT YOU HAVE COMMITTED OFFENSES BEFORE, YOU'RE GOING TO LOSE IF YOU GO TO TRIAL. SO I KNOW YOU DIDN'T COMMIT THE CRIME, BUT I THINK YOU BETTER TAKE THE PLEA, AND THEN THEY WON'T CHARGE YOU AS A HABITUAL CRIMINAL. THERE ARE ACTUAL CASES THAT WERE FOUND IN THE FEDERAL SYSTEM WHERE THAT HAPPENED. SO STUDIES ARE BEING UNDERTAKEN OF THOSE KIND OF CASES. IN NEW YORK THE SAME THING WAS BEING DONE. THEY FOUND OUT THAT A LOT OF THOSE PEOPLE PLEADED GUILTY HAD NOT COMMITTED THE CRIME, KNEW NOTHING ABOUT THE CRIME. IN NEBRASKA, THE THREAT OF THE DEATH PENALTY LED FIVE PEOPLE IN BEATRICE TO PLEAD GUILTY TO A MURDER THAT THEY ALL KNEW NOTHING ABOUT. ONE WOMAN SERVED 19 YEARS FOR A CRIME SHE KNEW NOTHING ABOUT, THAT SHE HAD NOT PARTICIPATED IN, AND SHE HAD BEEN BADGERED AND HOUNDED BY THE COUNTY ATTORNEY, BY THE SHERIFF, AND BY THE DEPUTIES. AND THIS HOUNDING TOOK PLACE AFTER THE PERSON WAS ARRESTED AND CHARGED, BUT BEFORE A TRIAL. SO THIS PERSON WAS IN JAIL AND WAS SUBJECTED TO THIS HOUNDING AND FIVE OF THEM PLEADED GUILTY. THE STATE WOUND UP HAVING TO PAY OVER \$2 MILLION TOTAL TO THOSE PEOPLE WHO HAD THOSE YEARS TAKEN AWAY FROM THEM DUE TO THE MISCONDUCT OF PROSECUTORS AND LAW ENFORCEMENT PEOPLE. THIS IDEA OF HABITUAL CRIMINALS HAS NOTHING TO DO WITH... [LB173]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB173]

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SENATOR CHAMBERS: ...DANGER TO SOCIETY, NOTHING TO DO WITH LETTING PEOPLE OUT OF JAIL WHO SHOULDN'T BE THERE. IT BRINGS A DEGREE OF HONESTY TO THE PROSECUTORIAL FUNCTION. THEY CANNOT WAIVE THAT HABITUAL CRIMINAL POSSIBILITY AND MAKE YOU PLEAD GUILTY TO AN OFFENSE THAT MIGHT CARRY THREE YEARS IF YOU'RE CONVICTED. WITHOUT THE HABITUAL CRIMINAL LABEL HANGING OVER YOUR HEAD, THE ONLY PUNISHMENT YOU WOULD SUFFER OR FACE FOR THAT THIRD OFFENSE IS WHAT THE STATUTE ALLOWED. AND IF YOU DID NOT COMMIT THE CRIME, YOU WOULD NOT TAKE A PLEA TO IT. YOU WOULD GO TO TRIAL. BUT BECAUSE THEY COULD TELL YOU IF YOU LOSE AT TRIAL, 60 YEARS. AND THE PERSON WOULD NOT WANT TO ROLL THE DICE. SO IF YOU ADOPT SENATOR COASH'S AMENDMENT... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB173]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM1607 AND UNDERLYING BILL, LB173. I JUST WANTED TO POINT OUT HOW IMPORTANT IT IS TO ADD THAT IT BE...THAT THIS HABITUAL CRIMINAL STATUTE BE APPLIED TO VIOLENT CRIMES. AGAIN, AS IT IS NOW, SOMEBODY CAN RECEIVE 10, A MINIMUM, MANDATORY MINIMUM OF 10 YEARS TO 60 YEARS FOR THEFT BY RECEIVING. OR RIGHT NOW BEFORE WE ADD LB605 IT HAS BEEN \$500. SO IF SOMEBODY STEALS AN iPhone FROM SOMEBODY, SOON IT WILL BE A LAPTOP BECAUSE IT WILL BE \$1,500--I'M HOPING THAT WE WILL PASS LB605 OUT OF THIS LEGISLATURE THIS YEAR--BUT ANYWAY, IF SOMEBODY STEALS SOON TO BE A LAPTOP, THEY COULD BE GIVEN TEN YEARS. AGAIN, WE HAVE OVERCROWDING ISSUES. ARE WE WANTING TO ADDRESS THESE OVERCROWDING ISSUES WITH NONVIOLENT CRIMES? WHAT IS IT THAT WE USE PRISONS FOR? MY BELIEF IS THAT WE NEED TO BE USING THEM TO GET THE DANGEROUS PEOPLE OFF OF THE STREETS. YES, WE NEED TO DEAL ALSO WITH PEOPLE WHO ARE STEALING FROM US AND WE HAVE TO DEAL WITH ALL SORTS OF ISSUES IN THAT. BUT TO PUT THEM AWAY FOR TEN YEARS, THAT'S A SIGNIFICANT AMOUNT OF TIME. IT IS NOT A REASONABLE USE OF OUR PRISONS WHICH WE ALREADY KNOW ARE OVERCROWDING. AND SO AGAIN, I WOULD ASK

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THAT YOU SUPPORT AM1607 AND THE UNDERLYING BILL, LB173. AND I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. [LB173 LB605]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE YIELDED 3:12. [LB173]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THERE IS AN ASPECT OF THE BILL, EVEN WITH SENATOR COASH'S AMENDMENT, THAT I DID NOT TOUCH ON. LB172 WAS AMENDED INTO LB173. LB172 DEALT WITH MANDATORY MINIMUMS. IN CLASS IC FELONIES, THERE WAS A MANDATORY MINIMUM OF FIVE YEARS; CLASS ID FELONY, A MANDATORY MINIMUM OF THREE YEARS. WHAT HAD HAPPENED WITH THESE MANDATORY...OH, THE MAXIMUM FOR THE CLASS IC WOULD REMAIN 50 YEARS AND FOR THE ID WOULD REMAIN 50 YEARS. THE CRITICAL NOTION HERE IS NOT THE MINIMUM BECAUSE THE JUDGE CAN GIVE A SENTENCE UP TO 50 YEARS UNDER THE WAY THE LAW IS NOW. WHEN YOU PUT THAT MANDATORY MINIMUM, YOU DO NOT ALLOW THE ACCUMULATING OF GOOD TIME. YOU CANNOT ACCUMULATE IT DURING THAT PERIOD, WHATEVER IT IS. THE JUDGES ARE AMONG THOSE WHO WANTED THIS ELEMENT OF LB173 BECAUSE WITH THE MANDATORY MINIMUMS THEY LOST ALL DISCRETION. AND ON SOME OF THE OFFENSES THAT WERE LABELED IC OR ID FELONIES, THERE WERE JUDGES WHO FELT THAT PROBATION WAS IN ORDER--PROBATION--NO MINIMUM AT ALL. BUT WITH THE MANDATORY MINIMUM, THE JUDGE COULD NOT SENTENCE A PERSON TO PROBATION. SO THEY WERE PUNISHING MORE HARSHLY THAN THEY FELT THEY SHOULD. [LB173 LB172]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: SO THE MINIMUM REMAINS THREE YEARS FOR ONE CATEGORY; IT REMAINS FIVE YEARS FOR THE OTHER CATEGORY, BUT NEITHER OF THOSE MINIMUMS IS MANDATORY. SO IN ONE CASE IT WOULD BE A RANGE OF 3 TO 50 YEARS. IN THE OTHER CATEGORY, IT WOULD BE 5 TO 50 YEARS. AND ANYWHERE WITHIN THAT RANGE A JUDGE COULD SENTENCE, BUT THE JUDGE ALSO COULD SENTENCE TO PROBATION IF THE JUDGE THOUGHT THAT WERE APPROPRIATE. SO THAT IS AN ELEMENT OF THE BILL ALSO. THE MANDATORY MINIMUMS WERE WHAT SKEWED THE WAY GOOD TIME WAS CALCULATED TO GET TO THE MANDATORY RELEASE DATE OF SOME OF THESE INDIVIDUALS. THEY WERE GIVEN CREDIT FOR GOOD TIME DURING THAT MANDATORY MINIMUM PERIOD WHEN THEY WERE NOT SUPPOSED TO. [LB173]

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SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: SO THEY WERE RELEASED SOONER THAN THEY SHOULD HAVE BEEN. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS AND SENATOR CHAMBERS. SENATOR SCHEER, YOU ARE RECOGNIZED. [LB173]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. WOULD SENATOR COASH YIELD TO A QUESTION, PLEASE? [LB173]

SPEAKER HADLEY: SENATOR COASH, WILL YOU YIELD? [LB173]

SENATOR COASH: YES, I WILL. [LB173]

SENATOR SCHEER: SENATOR COASH, WITH YOUR AMENDMENT--AND FIRST I WANT TO PREFACE I'M NOT AN ATTORNEY SO I AM NOT VERY ARTICULATE IN THIS AREA--I JUST WANT TO MAKE SURE THAT I'VE GOT SOME KNOWLEDGE. AND NOR AM I ON, OBVIOUSLY, THE JUDICIARY COMMITTEE. IS BURGLARY STILL CONSIDERED A VIOLENT CRIME UNDER THE REVAMPING? [LB173]

SENATOR COASH: YEAH. BURGLARY IS NOW A IIA VIA LB605 WHICH WE JUST MOVED. SO A PERSON CONVICTED OF BURGLARY COULD HAVE A HABITUAL CRIMINAL ENHANCED PENALTY PUT ON THEM. [LB173 LB605]

SENATOR SCHEER: OKAY. AND WHAT ABOUT THAT OF A DRUG DEALER? ARE THOSE ALSO CONSIDERED VIOLENT CRIMES? [LB173]

SENATOR COASH: YES. DRUG DEALING WENT FROM III TO A IIA, WHICH IS ALREADY COVERED UNDER THE HABITUAL...OR HABITUAL ENHANCEMENT AS WELL. SO SOMEBODY COULD BE...COULD HAVE THEIR SENTENCE ENHANCED AS A HABITUAL CRIMINAL FOR DEALING DRUGS. [LB173]

SENATOR SCHEER: OKAY. THANK YOU VERY MUCH, SENATOR COASH. THANK YOU, MR. SPEAKER. [LB173]

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SPEAKER HADLEY: THANK YOU, SENATOR SCHEER AND SENATOR COASH.  
(VISITORS INTRODUCED.) SENATOR McCOY, YOU ARE RECOGNIZED. [LB173]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE AS I DID ON GENERAL FILE TO STRONGLY OPPOSE LB173. I OFFERED A LITTLE BIT OF BACKGROUND AND I WANT TO CONTINUE WITH THAT EFFORT HERE ON SELECT FILE ON THE HISTORY OF THIS ISSUE IN MY TIME IN THE LEGISLATURE. BECAUSE WHAT SENATOR CHAMBERS SAID EARLIER IS ABSOLUTELY INCORRECT. HE TALKED ABOUT NEBRASKA PASSING THIS IN THE 1990s AND THIS SO-CALLED THREE STRIKES LAW AND THAT NOW WE FIND OURSELVES IN THE SITUATION WE'RE IN. THAT'S INCORRECT, PATENTLY. THREE STRIKES LAWS WERE POPULARIZED AROUND THE COUNTRY IN THE 1990s, BUT NOT HERE IN NEBRASKA. WHAT WE HAVE BEFORE US WITH MANDATORY MINIMUMS AND GETTING TOUGH ON CRIME HAPPENED IN MY FIRST YEAR IN THE LEGISLATURE, 2009, WHICH COINCIDENTALLY ENOUGH ALIGNED ITSELF WITH THE FIRST YEAR THAT SENATOR CHAMBERS WAS NOT IN THE LEGISLATURE. THE LEGISLATURE ON A 44-0 VOTE, MEMBERS; A 44-0 VOTE, GOT TOUGH ON CRIME AND SAID IF YOU'RE GOING TO DO A GUN CRIME, YOU'RE GOING TO DO THE TIME--44-0. MEMBERS, WE'RE GOING BACKWARDS WITH THIS BILL, BACKWARDS. HARDENED CRIMINALS, CHILD PORNOGRAPHERS WIN UNDER THIS BILL. THAT'S WHY THE WORLD-HERALD HAS EDITORIALIZED AGAINST THIS BILL. THAT'S WHY SENATOR, FORMER SENATOR, NOW CONGRESSMAN BRAD ASHFORD IS AGAINST THIS BILL. HE CHAIRED THE JUDICIARY COMMITTEE THROUGH A GOOD CHUNK OF MY YEARS HERE IN THE LEGISLATURE. HE IS VERY MUCH OPPOSED TO WHAT THIS BILL DOES. THE LEGISLATURE MADE A CONSCIOUS DECISION NOT IN THE 1990s, IN 2009, LB63. LOOK IT UP. LATER, WITH LB97, SENATOR LAUTENBAUGH'S BILL, THAT ADDED TO THE MANDATORY MINIMUMS. WE MADE A CONSCIOUS DECISION HERE IN THE LEGISLATURE, MEMBERS, TO SAY, JUDGES, YES, YOU HAVE LATITUDE, BUT ON THIS YOU DO NOT HAVE LATITUDE AND GOOD TIME DOES NOT ACCRUE. YOU JUST HEARD SENATOR CHAMBERS MENTION THAT. YOU GO ASK THE AVERAGE NEBRASKAN, HOW DO YOU THINK THE LEGISLATURE SHOULD HANDLE A NIKKO JENKINS SITUATION, HOPEFULLY PREVENT THAT FROM EVER HAPPENING AGAIN? THEY'RE NOT GOING TO TELL YOU, LET'S EASE UP ON GOOD TIME. THEY'RE GOING TO SAY BE TOUGH AND SMART ON CRIME. DON'T BE SOFT ON CRIME. SENATOR CHAMBERS HANDED OUT AN ARTICLE THIS MORNING THAT SAID TEXAS GOT SOFT ON CRIME. TEXAS DIDN'T GET SOFT ON CRIME WHEN THEY IMPLEMENTED THE JUSTICE...CSG JUSTICE CENTER RECOMMENDATIONS. I KNOW JERRY MADDEN IN TEXAS. I HAVE BEEN AROUND HIM. THERE ISN'T ANY MORE BOOT WEARING, TOUGH TALKING LEGISLATURE THAN JERRY...LEGISLATOR, I SHOULD SAY. THEY GOT SMART ON CRIME IN THE

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STATE OF TEXAS. WE CAN DO THE SAME THING. THAT IS WHY I SUPPORT LB605. WE JUST PASSED IT. I DON'T SUPPORT LB173/LB172. WE CAN DIFFERENTIATE BETWEEN BEING SMART ON CRIME AND LETTING PEOPLE WALK THAT HAVE NO BUSINESS WALKING. WE HAVE PRISONS TO KEEP THESE KIND OF HABITUAL CRIMINALS BEHIND BARS TO PROTECT NEBRASKANS. [LB173 LB605 LB172]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR McCOY: WE BETTER THINK LONG AND HARD ABOUT THIS VOTE, MEMBERS. THIS BILL SHOULD HAVE NEVER WENT BEYOND GENERAL FILE IN MY VIEW. I SHUDDER TO THINK WHAT PAST MEMBERS OF THE LEGISLATURE WOULD THINK--I KNOW BECAUSE I'VE GOTTEN THE CALLS--ABOUT WHAT WE'RE DOING WITH THIS BILL. IT'S NOT NECESSARY. THIS IS THE WRONG DIRECTION TO GO. IT'S NOT WHAT PREVIOUS LEGISLATURES HAVE ASKED US TO DO AND WE DON'T NEED TO DO IT. THIS IS NOT PART OF THE CSG REPORT. YOU HEARD ME ASK SENATOR SEILER THAT QUESTION ON GENERAL FILE. THIS BILL NEEDS TO STOP RIGHT HERE. [LB173]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY. MR. CLERK. [LB173]

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON RETIREMENT SYSTEMS REPORTS LB448 TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. I ALSO HAVE, MR. PRESIDENT, RESOLUTIONS: LR255 AND LR256; SENATOR SULLIVAN, LR255; SENATOR MELLO, LR256, BOTH STUDY RESOLUTIONS. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1526-1527.) [LB448 LR255 LR256]

SPEAKER HADLEY: WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR226. WE WILL NOW STAND AT EASE UNTIL 12:20. PLEASE BE BACK IN THE CHAMBER AT 12:20. [LR226]

EASE

SPEAKER HADLEY: MR. SPEAKER. MR. CLERK. (LAUGHTER)

CLERK: MR. PRESIDENT, LB656, SENATOR MELLO WOULD MOVE TO RETURN THE BILL FROM E&R ENGROSSMENT TO SELECT FILE FOR A SPECIFIC AMENDMENT. (AM1597, LEGISLATIVE JOURNAL PAGE 1528.) [LB656]

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SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT OR THE RETURN. [LB656]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. THE MOTION TO RETURN TO SELECT FILE, COLLEAGUES, IS DUE TO SOME...TWO SMALL OVERSIGHTS IN THE APPROPRIATIONS COMMITTEE'S RECOMMENDATIONS THROUGH LB656. THE FIRST IS A LAPSING OF EXCESS FUNDS IN THE PUBLIC ASSISTANCE PROGRAM THE FISCAL YEAR 2014-15 GENERAL FUND APPROPRIATION TO PROGRAM 347, PUBLIC ASSISTANCE IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WAS REDUCED BY \$9 MILLION PER THE COMMITTEE'S RECOMMENDATION. THE \$9 MILLION REDUCTION TO PROGRAM 347 WAS NOT INCLUDED OR CURRENTLY IS NOT INCLUDED IN LB656. THE IMPACT OF THIS REDUCTION IS BUILT INTO OUR BUDGET REPORT AND THE FINANCIAL STATUS WHICH WAS NOT INCLUDED IN THE UNDERLYING BILL. THE SECOND CHANGE THAT IS NEEDED IS THE COMMITTEE'S RECOMMENDATION ALSO INCLUDES A \$6,121,000 FISCAL YEAR 2014-15 GENERAL FUND REDUCTION DUE TO LOWER COSTS IN THE HOMESTEAD EXEMPTION PROGRAM 108 IN THE DEPARTMENT OF REVENUE. THE GENERAL FUND REDUCTION CONTAINED IN THE ORIGINAL AMENDMENT TO LB656 FOR PROGRAM 108 REPRESENTS ONLY A \$1,500,000 REDUCTION TO THE GENERAL FUND APPROPRIATION FOR THE PROGRAM. THIS IS \$4,621,000 LESS THAN WHAT THE COMMITTEE'S INTENT WAS INCLUDED IN OUR CURRENT FINANCIAL STATUS. THE APPROPRIATIONS REDUCTIONS INCLUDED IN THE AMENDMENTS TO LB656 ARE ROUGHLY \$13,621,000 LESS THAN STATED IN THE APPROPRIATIONS COMMITTEE REPORT AND IN OUR CURRENT GREEN SHEET FINANCIAL FUND...GENERAL FUND FINANCIAL STATUS. AS I MENTIONED EARLIER, THESE AMENDMENTS ARE PURELY TO CORRECT OMISSIONS DURING THE BILL DRAFTING PROCESS. I URGE THE BODY TO RETURN LB656 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB656]

PRESIDENT HADLEY: SEEING NO ONE IN THE QUEUE, YOU'RE...SENATOR MELLO WAIVES CLOSING ON THE RETURN TO SELECT FILE MOTION. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. THERE HAS A REQUEST FOR A CALL. WE'RE ON FINAL READING, SENATOR, SO WE WILL CONTINUE WITH THE VOTE. RECORD, MR. CLERK. [LB656]

ASSISTANT CLERK: 26 AYES, 0 NAYS ON THE MOTION TO RETURN, MR. PRESIDENT. [LB656]

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SPEAKER HADLEY: THE MOTION TO RETURN TO SELECT FILE IS ADOPTED.  
SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB656]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AM1597 IS A CLEANUP AMENDMENT, AS I MENTIONED IN MY OPENING, TO RETURN THE BILL TO SELECT FILE, SIMPLY ACCOMPLISHING WHAT THE APPROPRIATIONS COMMITTEE RECOMMENDATIONS WERE, WHICH WAS REDUCING PUBLIC ASSISTANCE AID IN THE CURRENT DEFICIT YEAR AS WELL AS REDUCING THE HOMESTEAD EXEMPTION AID, THE CURRENT DEFICIT YEAR DUE TO REDUCTIONS IN LOWER UTILIZATION OF BOTH PROGRAMS. WITH THAT, I URGE THE BODY TO ADOPT AM1597. THANK YOU, MR. PRESIDENT. [LB656]

SPEAKER HADLEY: THE MOTION BEFORE US IS THE ADOPTION OF AM1597. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB656]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE SELECT FILE AMENDMENT. [LB656]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB656]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB656 TO E&R FOR ENGROSSING. [LB656]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. IT IS ADVANCED TO E&R FOR ENGROSSING. WE WILL NOW RETURN TO LB173. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB656 LB173]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM1607 AND LB173. SENATOR McCOY TALKED ABOUT BEING TOUGH AND SMART ON CRIME AND I WOULD TOTALLY AGREE WITH HIM. WE DO NEED TO BE TOUGH AND SMART ON CRIME. HE MENTIONED THAT IF WE ASKED CITIZENS WHAT TO DO, NO ONE WOULD WANT NIKKO JENKINS RELEASED AND THAT'S CLEAR. AND THIS HAS NOTHING TO DO WITH RELEASING NIKKO JENKINS. AND I THINK WHAT THIS AMENDMENT DOES, AND I THINK THAT...I GUESS I'M AS A NEWBIE CONFUSED BECAUSE I THOUGHT WE TALK ABOUT THE AMENDMENT FIRST AND

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THEN THE LB173 UNDERNEATH. BUT ANYWAY, THIS WOULD KEEP VIOLENT, HABITUAL CRIMINALS IN PRISON. THAT'S OUR GOAL. THAT'S THE WHOLE INTENT OF AM1607. BUT OUR GOAL SHOULD NOT BE TO DO EXACTLY WHAT PREVIOUS LEGISLATURES HAVE DONE. CLEARLY, THE PREVIOUS LEGISLATURES AND LEGISLATORS HAVE HELPED TO GET US INTO THIS MESS OF OVERCROWDING. IF WE JUST DO WHAT EVERYBODY DID BEFORE, WE WILL CONTINUE ON THE PATH OF OVERCROWDING, OF RELEASING DANGEROUS CRIMINALS. WE NEED TO THINK INDEPENDENTLY. WE NEED TO THINK WISELY AND SMARTLY ABOUT CRIME AND FIGURE OUT WHAT IT IS THAT WE NEED TO DO. AND I WILL SPEAK MORE ON THE IDEA OF MANDATORY MINIMUMS, WHICH I'VE HAD NUMEROUS JUDGES SPEAK TO ME ABOUT BECAUSE THEY WANT TO BE ABLE TO DETERMINE HOW TO BEST SENTENCE THE CRIMINALS BEFORE THEM. BUT THIS AGAIN, THE AMENDMENT BY SENATOR COASH IS AN IMPORTANT AMENDMENT THAT HELPS US TO DEAL WITH THE VIOLENT CRIMINALS. AND THOSE ARE THE PEOPLE THAT WE WANT TO KEEP IN PRISON AND TO HELP US TO KEEP SOCIETY SAFE. PUTTING AWAY PEOPLE FOR REVOCATION OF LICENSES OR COMMON THEFT OF A COMPUTER OR THINGS LIKE THAT, THOSE HYPOTHETICALS ARE NOT WHAT OUR GOAL IS IN PRISON REFORM. OUR GOAL IS TO KEEP THE MOST DANGEROUS PEOPLE AWAY FROM OUR SOCIETY. AND I BELIEVE THAT SENATOR COASH'S AMENDMENT, AM1607, ADDED ON TO LB173 WILL DO THAT. THANK YOU, AND I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 2:13. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. I ALSO SUPPORT SENATOR COASH'S AMENDMENT. I HAD SAID ON GENERAL FILE THAT I WOULD WORK WITH PEOPLE, AND SENATOR COASH IS ONE OF THOSE PERSONS. MEMBERS OF THE LEGISLATURE, I HATE THAT SENATOR McCOY WALKED OUT. BUT ON GENERAL FILE, SEE, HE HAS A PROBLEM WITH ANYTHING THAT HAS MY NAME ON IT. ON GENERAL FILE, I POINTED OUT THAT THESE ENHANCEMENTS STARTED IN THE 1990s. AND I SAID, NEBRASKA DID IT SOON AS I LEFT THE LEGISLATURE. I MADE IT CLEAR, THEY COULDN'T GET THAT DONE WHILE I WAS IN THE LEGISLATURE, SO THEY DID IT AFTER I LEFT THE LEGISLATURE. THAT'S WHAT I SAID ON GENERAL FILE. SENATOR McCOY COMPLETELY MISSTATED WHAT I SAID. I KNOW WHAT I SAID. AND TODAY WHEN I WAS TALKING, I SAID THAT THESE IDEAS STARTED IN THE 1990s, THEN NEBRASKA WOUND UP FOLLOWING THE SAME THING. [LB173]

SENATOR WATERMEIER PRESIDING

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SENATOR WATERMEIER: ONE MINUTE. [LB173]

SENATOR CHAMBERS: THEY COULDN'T GET IT DONE WHILE I WAS HERE. BUT I'M GOING TO TELL YOU ALL THIS. HE MENTIONED A JERRY MADDEN IN TEXAS WHO IS TOUGH TALKING. IN 2011, JERRY MADDEN GOT A BILL PASSED IN THE TEXAS LEGISLATURE HB3384, THAT DID AWAY WITH THE THREE STRIKES LAW. HE DID AWAY WITH IT, THE ONE THAT SENATOR McCOY SAID IS SO TOUGH TALKING AND WHY TEXAS WOULDN'T DO THIS. TEXAS DID IT IN 2011. THEY GOT RID OF THE WHOLE CONCEPT OF THESE ENHANCEMENTS. THREE STRIKES IS GONE FROM TEXAS. THANK YOU, MR. PRESIDENT. [LB173]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS, SENATOR PANSING BROOKS. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR KRIST, SENATOR BLOOMFIELD, AND OTHERS. SENATOR KRIST, YOU ARE RECOGNIZED. [LB173]

SENATOR KRIST: WELL, THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. GOOD AFTERNOON, NEBRASKA. I THINK THERE IS A FEW THINGS THAT JUST NEED TO BE PUT ON THE RECORD THIS AFTERNOON AGAIN, AND PARTICULARLY AT THIS POINT FOR SOME OF THE COMMENTS THAT HAVE BEEN MADE THIS MORNING. THERE ARE ESSENTIALLY THREE DIFFERENT THINGS MOVING HERE WITHIN OUR CORRECTIONS REFORM. ONE GROUP OF THESE THINGS COMES FROM THE LR424, WHICH IS THE STUDY OF NIKKO JENKINS, NOT OF THE MAN IN TERMS OF HOW GOOD OR BAD HE IS, BUT THE CASE STUDY OF HOW WE AVOID DOING WHAT WE DID AGAIN OR WHAT WE COULD DO BETTER IN THAT PARTICULAR CASE STUDY. THIS AND LB598 WERE SOME OF THOSE THINGS THAT CAME OUT OF THE LR424 INVESTIGATIVE COMMITTEE, NOT CSG. SO TO SAY THAT THIS IS NOT CONSISTENT WITH CSG IS DISINGENUOUS BECAUSE WE HAVE THREE MOVING PARTS HERE: LR424, CSG, AND AS A RESULT OF LR424 AND CSG, WHAT WE HAVE IS A COMPLETELY BROKEN CORRECTIONS SYSTEM, NOT JUST THE DEPARTMENT OF CORRECTIONS, THE CORRECTIONS PROCESS--HOW WE PUT PEOPLE INTO PRISON, THE INTAKE; HOW WE TREAT THEM WHEN THEY'RE THERE, PROVIDING SERVICES AND PAROLE; AND HOW WE REINJECT THEM INTO SOCIETY OR THEY REINJECT THEMSELVES. NOW WHAT WAS SAID THIS MORNING REALLY NEEDS TO BE TAKEN INTO ACCOUNT KNOWING THAT WE'RE LOOKING AT THE TOTAL PROCESS AND THE INFORMATION THAT WE GATHERED FROM THOSE STUDIES OVER THE LAST YEAR AND A HALF IN LIGHT OF WHAT'S HAPPENING RIGHT NOW IN TECUMSEH AND OTHER PLACES. WE NEED TO LOOK AT AND MAKE SURE THAT WE DON'T MIX THESE SUBJECT MATTERS FOR THE PURPOSE OF SELLING OUR POINT ON THIS FLOOR. NIKKO JENKINS WOULD NOT HAVE BEEN AFFECTED AND SHOULD NOT ENTER INTO THE EQUATION ON LB173. HE

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JAMMED OUT, FOLKS. THIS, WHETHER IT STAYS IN ITS ORIGINAL FORM, WHETHER IT GOES TO LB173 MODIFIED, OR WHETHER IT'S MODIFIED AGAIN BY AM1607 WOULD HAVE NOTHING TO DO WITH THE ABILITY OF MR. JENKINS TO JAM OUT. THAT WAS THE ONE THIRD RULE THAT WE DISCOUNTED FROM LB605 BECAUSE WE DIDN'T HAVE A CONSENSUS. THAT WE WILL HEAR NEXT YEAR IN SENATOR PANSING BROOKS'S BILL. THAT WOULD HAVE PREVENTED NIKKO JENKINS FROM WALKING OUT THE DOOR AND KILLING PEOPLE, FOUR PEOPLE, FOUR PEOPLE THAT WERE KILLED BECAUSE HE HAD NO SUPERVISION AND HE JAMMED OUT. THE OTHER THING THAT WOULD HAVE PREVENTED IT WOULD HAVE BEEN AS SENATOR SEILER AND I HAVE TALKED ABOUT FOR THE LAST TWO YEARS, THE CIVIL COMMITMENT THAT SHOULD HAVE HAPPENED HAD IT NOT BEEN A COUNTY ATTORNEY WHO WAS INTERFERED WITH IN TERMS OF A CIVIL COMMITMENT IN JOHNSON COUNTY. IF THAT PROCESS WOULD HAVE WENT ON, NIKKO JENKINS WOULD NOT HAVE JAMMED OUT. SO LET'S NOT CONFUSE THE BROADER PICTURE HERE. WE'RE LOOKING FOR TOTAL CORRECTIONS PROCESS REFORM THAT COMES FROM WHAT WE LEARNED FROM LR424, WHICH WAS NIKKO JENKINS, AND THEN MORE APPROPRIATELY, THE BROADER MACRO LEVEL, WHICH WAS THE CORRECTIONS SYSTEM ITSELF AND HOW WE FAILED JENKINS AND JENKINS IN SOME CASES FAILED HIMSELF. WE HAVE THESE KINDS OF ISSUES THAT ARE DEALING WITH THE KIND OF SENTENCING THAT GOES ON AND THOSE ARE FRONT END. AND THEN WE HAVE THE BACK END REENTRY PROCESS: PAROLE, PROBATION, ETCETERA. LET'S NOT MIX APPLES AND ORANGES AND STAY ON TRACK. [LB173 LB598 LB605]

SENATOR WATERMEIER: ONE MINUTE. [LB173]

SENATOR KRIST: I DON'T KNOW IF MANY OF YOU COULD HAVE SUPPORTED LB173 IN ITS ORIGINAL FORM, BUT YOU CERTAINLY SHOULD BE ABLE TO SUPPORT WITH THE AM1607 CHANGES TO LB173. THANK YOU, MR. PRESIDENT. [LB173]

SENATOR WATERMEIER: THANK YOU, SENATOR KRIST. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB173]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WONDER IF SENATOR CHAMBERS WOULD YIELD TO A QUESTION. [LB173]

SENATOR WATERMEIER: SENATOR CHAMBERS, YIELD FOR A QUESTION? [LB173]

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SENATOR CHAMBERS: YES. [LB173]

SENATOR BLOOMFIELD: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU AND I HAVE DISCUSSED THIS BRIEFLY OFF THE MIKE, BUT I WANT TO GET SOME THINGS ON THE RECORD HERE. I HAD AN INDIVIDUAL FROM WAYNE CALL ME THIS MORNING. HE IS GOING TO BE SENTENCED JUNE 10 FOR CHILD PORNOGRAPHY ISSUES. IS THERE ANYTHING IN THIS BILL THAT WOULD PREVENT HIM FROM GETTING THE MANDATORY SENTENCE AS IT STANDS NOW? [LB173]

SENATOR CHAMBERS: NO. WHAT THE LEGISLATURE CANNOT DO IS ENACT A BILL THAT WOULD CHANGE A SENTENCE THAT HAS ALREADY BEEN FINALIZED. THE ONLY ONE THAT CAN DO THAT IS THE PARDONS BOARD. SO IF THIS BILL IS PASSED AND THE GOVERNOR SIGNS IT, IT DOESN'T TAKE EFFECT UNTIL 90 DAYS AFTER THE SESSION ENDS. SO 90 DAYS AFTER JUNE 5, THIS BILL WOULD TAKE EFFECT. AND ONLY AFTER THAT POINT WOULD ANYBODY'S SENTENCE BE AFFECTED. ANYBODY WHO HAD BEEN SENTENCED PRIOR TO THAT WOULD NOT HAVE ANY...THIS BILL WOULD NOT AFFECT THEM BECAUSE WE CANNOT MAKE A BILL LIKE THIS RETROACTIVE. IT CANNOT GO BACK AND AFFECT ANYTHING THAT TOOK PLACE PRIOR TO THE BILL ITSELF TAKING EFFECT. [LB173]

SENATOR BLOOMFIELD: THANK YOU, SENATOR CHAMBERS, FOR GETTING THAT CLEARLY ON THE RECORD. AND, MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB173]

SENATOR WATERMEIER: SENATOR CHAMBERS, 3:20. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. MEMBERS OF THE LEGISLATURE, I'M GLAD THAT SENATOR KRIST DID CLARIFY WHAT WE'RE DOING HERE. THIS HAS NOTHING TO DO WHATSOEVER WITH NIKKO JENKINS. THAT IS THE TACTIC THAT WAS USED WHEN THEY WANTED TO GET THE THREE STRIKES LAWS AND SO-CALLED TOUGH ON CRIME. THEY RAISED FEAR IN THE MINDS OF THE PUBLIC. WE WHO SERVED ON THAT LR424 COMMITTEE SAW ALL OF THE WRONGFUL THINGS AND WRONG THINGS THAT THE DEPARTMENT OF CORRECTIONS DID IN THE CASE OF NIKKO JENKINS. THERE WAS GOOD TIME THEY COULD HAVE TAKEN FROM HIM THAT WOULD HAVE KEPT HIM THERE LONGER THAN HE WAS THERE. BUT HE WAS GOING TO JAM OUT ANYWAY WITHOUT ANY SUPERVISION WHATSOEVER. AND I'M GOING TO PRESUME THAT SENATOR McCOY DID NOT KNOW WHAT HE WAS

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TALKING ABOUT RATHER THAN KNOW THOSE THINGS AND DELIBERATELY MISLEAD. BUT THE ISSUE AND THE OUTCOME REMAINS THE SAME. THIS BILL HAS NO IMPACT ON A CASE LIKE NIKKO JENKINS WHATSOEVER. THIS HAS TO DO WITH THE FRONT END WHERE YOU TALK ABOUT THIS ENHANCEMENT. THAT IS WHAT THE THREE STRIKES LAW IS ABOUT. THE THIRD OFFENSE HAS THE PENALTY ENHANCED. THAT'S WHAT'S ENHANCED. THEY CANNOT PUNISH YOU FOR WHAT YOU DID ON THE OTHER TWO OFFENSES BECAUSE YOU HAD ALREADY SERVED YOUR TIME AND YOU CAN'T BE TWICE PUNISHED FOR THE SAME ACT. SO WE'RE LOOKING STRICTLY AT THE THIRD OFFENSE. THAT IS WHERE THE ENHANCEMENT TAKES PLACE. UNDER CURRENT LAW, THAT THIRD OFFENSE CAN BE NONVIOLENT. IT CAN BE A PROPERTY OFFENSE. IT CAN BE FRAUD. IT CAN BE THEFT. IT CAN BE MISUSE OF, AS I POINTED OUT, A FINANCIAL INSTRUMENT, SOMEBODY'S CREDIT CARD OR WHATEVER. WHAT SENATOR COASH'S AMENDMENT DOES IS TO CHANGE THE ORIGINAL LB173. [LB173]

SENATOR WATERMEIER: ONE MINUTE. [LB173]

SENATOR CHAMBERS: IN ITS ORIGINAL FORM, ALL THREE OF THE CRIMES WOULD HAVE TO BE FELONIES BEFORE THERE COULD BE ENHANCEMENT ON THE THIRD ONE AND THAT WOULD HAVE TO BE A FELONY. SENATOR COASH'S WIPES OUT THE REQUIREMENT THAT THE FIRST TWO BE VIOLENT. IT SAYS ANY TWO FELONIES, BUT THE THIRD ONE MUST BE A FELONY TO HAVE THE ENHANCEMENT. THAT WOULD BE ALLOWED. AND I SUPPORT SENATOR COASH'S AMENDMENT EVEN THOUGH, AS I POINTED OUT WHEN I FIRST STARTED, I'M VIRTUALLY CAPITULATING. I HAD SAID I WOULD WORK WITH OTHERS ON THIS BILL. THAT'S WHAT SENATOR COASH'S AMENDMENT AMOUNTS TO. I HOPE THAT YOU WILL VOTE TO ADOPT IT. THANK YOU. MR. PRESIDENT, WAS THAT MY THIRD TIME ON THIS? [LB173]

SENATOR WATERMEIER: YOU WERE YIELDED THE TIME FROM SENATOR BLOOMFIELD. BUT YOU ARE NEXT IN THE QUEUE AND THAT WILL BE YOUR THIRD TIME. [LB173]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, I DON'T PLAY FAST AND LOOSE ON THIS FLOOR WITH YOU ALL WHEN I'M DEALING WITH LEGISLATION. IF I HAVE A DISAGREEMENT WITH SENATOR McCOY, I MAKE IT CLEAR. BUT I'VE NEVER TRIED TO MISREPRESENT ANY LEGISLATION THAT HE BROUGHT. I DON'T AUTOMATICALLY OPPOSE EVERYTHING HE SAYS. YOU ALL HAVE BEEN HERE LONG ENOUGH NOW TO SEE THAT ANYTHING WITH MY NAME

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ON IT, HE IS GOING TO OPPOSE. THE OTHER NIGHT WHEN NEWS CAME OUT ABOUT THAT MOUNTAIN LION HAVING BEEN KILLED, I WASN'T UP HERE BUT SOMEBODY SAID SENATOR McCOY MADE SOME COMMENTS ABOUT ME WITH REFERENCE TO THAT AND TRIED TO TALK ABOUT MY BILL THAT WOULD PROHIBIT A HUNTING SEASON ON MOUNTAIN LIONS. HE BROUGHT THAT UP TO TAKE A SHOT AT ME WHEN I WAS NOT HERE. BUT ON SERIOUS MATTERS LIKE THIS, I HOPE YOU WILL NOT ALLOW YOURSELVES TO BE SIDETRACKED OR DISTRACTED. I THINK WE SHOULD ACCEPT SENATOR COASH'S AMENDMENT. IT MODIFIES THE BILL CONSIDERABLY. A CERTAIN CATEGORY OR CATEGORIES OF PERSONS WHO WOULD NOT HAVE BEEN SUBJECT TO THE HABITUAL CRIMINAL ENHANCEMENT UNDER THE ORIGINAL LB173 ARE NO LONGER EXEMPTED. THIS OPENS A WAY TO BRING IN ALL OF THOSE PEOPLE WHO WOULD NOT BE IN IF THEIR FIRST TWO FELONIES HAD NOT BEEN VIOLENT. THIS SAYS ANY TWO FELONIES WILL PROVIDE THE BASIS FOR ENHANCEMENT IF A THIRD FELONY IS COMMITTED AND IT'S VIOLENT. ISN'T THE VIOLENT OFFENDER THE ONE THAT EVERYBODY SAYS THEY'RE CONCERNED ABOUT? THAT'S WHAT SENATOR COASH'S AMENDMENT FOCUSES ON. THE BILL WILL NOT AUTOMATICALLY MOVE WHEN THAT IS DONE. THERE WILL BE A DISCUSSION OF THE MANDATORY MINIMUMS WHICH ARE REMOVED THAT HAVE NOTHING TO DO WITH THE HABITUAL CRIMINAL ASPECT THAT WE'RE TALKING ABOUT NOW. THERE ARE TWO CATEGORIES OF FELONIES THAT WOULD BE AFFECTED. AND EVEN IN THOSE CATEGORIES, IF THERE ARE OFFENSES THAT WOULD FALL WITHIN THOSE CATEGORIES, BUT THEY'RE IN SEPARATE STATUTES WHICH HAVE A HIGHER OR A MANDATORY, THOSE STATUTES WOULD NOT BE REPEALED. THAT MANDATORY WOULD STILL BE THERE: CERTAIN SEX OFFENSES, CERTAIN OFFENSES AGAINST CHILDREN, AND SO FORTH. ANY STATUTE THAT WOULD HAVE ITS OWN MANDATORY MINIMUM WOULD REMAIN IN EFFECT. THE MANDATORY MINIMUMS THAT WOULD BE AFFECTED BY THE OTHER ASPECT OF THIS BILL WOULD BE THOSE TWO CATEGORIES OF IC AND ID FELONY WHICH WOULD BE DISCUSSED. AND THAT'S WHEN SENATOR PANSING BROOKS WILL TALK ABOUT SOME OF HER DISCUSSIONS WITH JUDGES, AND I'LL MENTION SOME OF THOSE THINGS THAT WERE TALKED TO ME BY JUDGES ABOUT THAT ASPECT OF SENTENCING WHICH WILL NOT ALLOW THEM TO TAILOR A SENTENCE TO THE INDIVIDUAL, WHICH IS WHAT THE CRIMINAL LAW IS SUPPOSED TO BE ABOUT. BUT REMEMBER, THIS BILL WOULD HAVE NO IMPACT ON SOMEBODY WHO DID WHAT NIKKO JENKINS SAID. HE DIDN'T GO TO PRISON AS A HABITUAL CRIMINAL. AND SOME OF THE ADDITIONAL TIME HE GOT ATTACHED TO HIS SENTENCE... [LB173]

SENATOR WATERMEIER: ONE MINUTE. [LB173]

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SENATOR CHAMBERS: ...OCCURRED BECAUSE OF OFFENSES COMMITTED WHILE HE WAS IN PRISON. THAT LENGTHENED HIS SENTENCE. THERE WAS GOOD TIME THAT COULD HAVE BEEN TAKEN FROM HIM THAT WAS NOT. THAT'S BECAUSE OF THE WAY THE PRISON SYSTEM WAS ADMINISTERED UNDER FORMER GOVERNOR HEINEMAN'S ADMINISTRATION. WHATEVER LAW WE PUT IN PLACE IS GOING TO HAVE AS MUCH IMPACT AS THOSE WHO ADMINISTER IT WILL ALLOW IT TO HAVE. THE GOVERNOR'S DIRECTOR OF CORRECTIONS AND THOSE UNDER THAT PERSON DETERMINED NOT TO TAKE FROM NIKKO JENKINS ALL OF THE GOOD TIME THAT COULD BE TAKEN. SO TO PUT THAT IN TO THIS DISCUSSION ON THIS BILL IS TOTALLY OUT IN LEFT FIELD. THANK YOU, MR. PRESIDENT. [LB173]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS. SENATOR GROENE, YOU ARE RECOGNIZED. [LB173]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I GO BACK TO WHY THIS ALL STARTED AND THAT WAS OVERCROWDING IN OUR PRISONS. SO I LOOK AT THE FACTS: 5,213 TOTAL INMATES RIGHT NOW, 185 ARE IN THERE FOR HABITUAL, THAT'S HABITUAL CRIMINAL SENTENCING. ACCORDING TO THE ANALYSIS OF LB605 WHICH WE PASSED, WE VOTED ON EARLIER THAT IS MOVING ALONG, ONLY 136 OF THOSE 185 WOULD BE RIGHT NOW, WOULD HAVE BEEN HABITUAL CRIMINALS UNDER THE SENTENCING GUIDELINES; 49 OF THEM WOULDN'T EXIST. SO BECAUSE WE PASSED LB605--SOMEBODY CAN TELL ME I'M WRONG THAT'S BEEN MORE INVOLVED IN THIS PROCESS--BY ATTRITION, WE'RE AUTOMATICALLY GOING TO MAKE LESS CRIMINALS AVAILABLE TO THE HABITUAL CRIMINAL SENTENCING. SO THAT WILL GRADUALLY DROP. I CALLED A FRIEND OF MINE WHO IS A JUDGE NOW AND HE WAS A COUNTY ATTORNEY PRIOR TO THAT AND I RESPECT HIS OPINION. HE SAID, MIKE, THE THING YOU GOT TO UNDERSTAND IS HE SAID, COUNTY ATTORNEYS ONLY USE HABITUAL CRIMINAL...THEY ONLY ATTEMPT TO ENHANCE SENTENCING WHEN YOU GOT A REALLY BAD PERSON, A REALLY BAD INDIVIDUAL. THE FACT THAT THEY HAVE THE ABILITY TO PLEA BARGAIN IS A GOOD THING BECAUSE THEY KNOW THE CRIME, THEY KNOW THE HISTORY OF THE INDIVIDUAL. THEY KNOW WHO THE REALLY BAD INDIVIDUAL IS. AND THAT'S THE ONLY TIME THEY USE...GO FOR THE HABITUAL CRIMINAL SENTENCING. WE'RE TALKING 185 OF THEM IN THE PRISON RIGHT NOW. THESE INDIVIDUALS HAVE HAD TO SERVE AT LEAST TWO PRIOR ONE-YEAR SENTENCES IN THE STATE PEN. THEY'RE BAD PEOPLE. LIKE A COUNTY ATTORNEY TOLD ME ONCE WHEN I SOLVE A CRIME WITH A HABITUAL CRIMINAL, I PROBABLY SOLVED TEN OF THEM. HE FINALLY GOT CAUGHT FOR ONE AND SENTENCED FOR ONE. THESE ARE CAREER CRIMINALS. THEY MIGHT HAVE BEEN SENTENCED THREE TIMES, BUT ODDS ARE, THERE WAS OTHER

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CRIMES OUT THERE THEY NEVER GOT CAUGHT OR PERSECUTED (SIC) FOR. I CAN'T STAND IN SUPPORT OF LB173. THE WAY I SEE IT, IT MIGHT EMPTY TEN CELLS AT THE STATE PEN. I'VE HEARD ON THIS FLOOR SOMEBODY ARGUE, WELL, VIOLENT CRIME IS DOWN. AS MY GRANDDAUGHTER SAYS, DUH. VIOLENT CRIME IS DOWN BECAUSE WE PUT HABITUAL CRIMINALS IN JAIL AND WE KEEP THEM THERE. IT'S NOT TEN PEOPLE DOING ONE CRIME...DOING A DIFFERENT CRIME. IT'S ONE INDIVIDUAL DOING TEN CRIMES AND GETTING CAUGHT ONCE IN A WHILE. WE NEED TO KEEP THESE PEOPLE IN JAIL. I SUPPORTED LB605 BECAUSE WE'RE TRYING TO INTERCEDE SO WE DON'T HAVE CAREER CRIMINALS, THAT WE GIVE THEM HELP WITH THEIR ADDICTIONS AND PUT THEM ON THE RIGHT PATH. WHEN THEY REACH THIS POINT WHERE A COUNTY ATTORNEY SITS IN HIS OFFICE AND SAYS, THIS GUY IS BAD, THIS PERSON IS BAD, I GOT TO PUT HIM AWAY. REMEMBER, IT IS THE JUDGE WHO HAS NO CHOICE BUT TO FOLLOW THE GUIDELINES. WE HAVE A CHECKS AND BALANCES WITH OUR ELECTED COUNTY ATTORNEYS WHO DECIDE, DO I GO FOR THE ENHANCEMENT OF A CAREER CRIMINAL, HABITUAL CRIMINAL? I WILL STAND BEHIND THE COUNTY ATTORNEYS BECAUSE I VOTE FOR THEM, THEY'RE GOOD PEOPLE, AND THEY'LL DO THE RIGHT THING. SO I STAND IN OPPOSITION TO LB173 AND I WOULD HOPE ALL THOSE WHO BELIEVE IN LAW AND THE ORDER OF LAW VOTE WITH ME. THANK YOU. [LB173 LB605]

SENATOR WATERMEIER: THANK YOU, SENATOR GROENE. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR McCOY, SENATOR McCOLLISTER, SENATOR SCHUMACHER, AND OTHERS. SENATOR McCOY, YOU ARE RECOGNIZED. [LB173]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I MENTIONED LB97 FROM 2009 BEFORE THE NOONHOUR WHEN I TALKED. THIS WAS SENATOR LAUTENBAUGH'S BILL THAT THEN SPEAKER MIKE FLOOD MADE A PRIORITY BILL. AND IT ADDED MANDATORY MINIMUMS FOR CRIMES LIKE TRAFFICKING, METH, COCAINE, HEROIN, MANUFACTURING THE SAME WHEN IT COMES TO METH. THESE ARE THE KIND OF CRIMES THAT WE HAVE MANDATORY MINIMUMS FOR. THESE ARE THE KIND OF CRIMINALS THAT DESERVE TO BE BEHIND BARS. YOU JUST HEARD SENATOR GROENE SAY THAT WE HAVE 184 OUT OF OVER 5,000 INMATES CURRENTLY SERVING HABITUAL CRIMINAL SENTENCES. THESE ARE THE WORST OF THE WORST. AND IF YOU LOOK AT STATISTICS AND YOU TALK TO INDIVIDUAL PROSECUTORS IN THIS AREA WILL FIND OUR CRIME RATES FOR THESE CRIMES HAVE GONE DOWN SINCE WE ENACTED THESE LAWS. BUT YET OUT OF THAT 184 HABITUAL CRIMINALS WE HAVE SERVING IN PRISON, EXACTLY 6 OF THEM WOULD STILL BE IN PRISON IF THIS BILL WERE IN PLACE--6 OUT OF 184. EXPLAIN TO ME HOW THAT'S NOT BEING SOFT ON CRIME. I THINK WHEN WE

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HAVE A PROCESS IN PLACE WHEREBY PROSECUTORS HAVE TO HAVE...THERE IS A SPECIAL ENHANCEMENT HEARING AND YOU HAVE TO JUST...YOU HAVE TO PROVE...AND BY THE WAY, SENATOR PANSING BROOKS MENTIONED EARLIER, I WANT TO GIVE HER THE OPPORTUNITY IF SHE WOULD LIKE TO CLARIFY THIS, BUT I HEARD, MAYBE I HEARD WRONG...HER PURPORT THAT SOMEHOW THIS IS SOMETHING THAT HAS TO HAPPEN. THAT'S NOT THE CASE. PROSECUTORS DON'T HAVE TO PRESS FOR A HABITUAL CRIMINAL CONVICTION. NOW PERHAPS I MISHEARD WHAT SHE SAID. I'LL GIVE HER THE OPPORTUNITY TO EITHER OFF THE MIKE OR ON THE MIKE CLARIFY THAT TO ME IF I HEARD INCORRECTLY. WE HAVE MADE A CONSCIOUS DECISION SINCE I GOT HERE IN THE LEGISLATURE TO SAY FOR CERTAIN PENALTIES, HERE IS THE MANDATORY MINIMUM. AND IF YOU ARE A HABITUAL CRIMINAL, YOU ARE GOING TO SERVE THE TIME. SENATOR CHAMBERS TALKS ABOUT, WELL, YOU KNOW, WHETHER IT'S A FINANCIAL CRIME OR WHATNOT. LET'S TALK ABOUT THAT FOR A MINUTE...ON EVEN NONVIOLENT FELONIES. LET'S TALK ABOUT THAT SO WE'RE CLEAR. I'M SURE MANY OF YOU ARE AWARE OF THE PONZI SCHEMES AND NONPROFIT ORGANIZATIONS, CHURCHES, AND OTHERS. THERE'S BEEN A NUMBER OF FAIRLY HIGH-PROFILE CRIMES IN THE OMAHA AREA AND OTHER PARTS OF THE STATE, PARTICULARLY THE OMAHA AREA, IN THE LAST FOUR OR FIVE YEARS OF REPEAT OFFENDERS--THOSE WHO HAVE STOLEN HUGE AMOUNTS OF MONEY, BILKED HUGE AMOUNTS OF MONEY FROM HARDWORKING NEBRASKANS, THE ELDERLY IN PARTICULAR. ARE WE SAYING THAT SUCH A PERSON WHO REPEATEDLY DOES SUCH AN OFFENSE, COMMITS SUCH A CRIME, THAT THERE SHOULDN'T BE AN ENHANCEMENT ON A THIRD TIME, THAT THEY SHOULDN'T SERVE MORE TIME IN PRISON? I SURE DON'T THINK SO. MEMBERS, THAT'S WHY WE HAVE THESE STATUTES IN PLACE. [LB173]

SENATOR WATERMEIER: ONE MINUTE. [LB173]

SENATOR McCOY: AND I WILL TELL YOU THAT IF YOU GO OUT AND TALK TO THEM, THE COUNTY ATTORNEYS ACROSS THE STATE AND THE ATTORNEY GENERAL'S OFFICE, ARE NO MORE IN FAVOR OF THIS LEGISLATION WITH AM1507 THAN THEY WERE BEFORE. THIS BILL IS A PROBLEM. THE STATUTES THAT WE HAVE IN PLACE SHOULD STAY IN PLACE. THANK YOU. [LB173]

SENATOR WATERMEIER: THANK YOU, SENATOR McCOY. SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB173]

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SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I SUPPORT LB173 AND AM1607. I ACTUALLY KNOW JERRY MADDEN FROM TEXAS, THE LEGISLATOR THAT ENACTED OR AT LEAST INITIATED THE PRISON REFORM IN THAT STATE. AND LB173, AM1607, LB605, THEY ARE NOT...IT IS NOT RADICAL LEGISLATION. IT'S WORKED IN TEXAS AND IT COULD WORK HERE. SO TO THINK THIS IS SOMETHING CRAZY AND OUT OF THE NORM, IT IS NOT. I THINK THIS EXPERIENCE IN TEXAS CLEARLY DISCREDITS THREE STRIKES AND YOU'RE OUT. ACTUALLY, IT'S THREE STRIKES AND YOU'RE IN FOR THE REST OF YOUR LIFE, AND THAT'S NO WAY TO CONDUCT JUSTICE. WHEN I RAN FOR ELECTION, THE GOALS THAT I SAW FOR CRIMINAL JUSTICE IS IMPROVE PUBLIC SAFETY, IMPROVE PUBLIC SAFETY. AND I THINK WE'VE INSTITUTED PROCEDURES NOW WITH LB605 THAT WILL, IN EFFECT, INCREASE PUBLIC SAFETY. SECONDLY, REDUCE COST. THERE'S ABSOLUTELY NO REASON THAT WE SHOULD SPEND \$300 MILLION TO BUILD A PRISON WHEN THERE'S ALTERNATIVES FOR US TO ENACT BETTER PUBLIC POLICY. AND LASTLY, GIVE RATIONALITY TO SENTENCING. GIVE JUDGES SOME DISCRETIONARY AUTHORITY THAT ENABLES THEM TO DO THE JOB RIGHT. SO PLEASE VOTE GREEN, BOTH ON LB173 AND AM1607. THANK YOU, MR. PRESIDENT. [LB173 LB605]

SENATOR WATERMEIER: THANK YOU, SENATOR McCOLLISTER. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB173]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I STAND IN SUPPORT OF BOTH AM1607 AND LB173. AM1607 ADDRESSES THE ISSUE OF INCLUDING OTHER VIOLENT CRIMES IN THE ELIGIBILITY FOR THE HABITUAL CRIMINAL PROCESS, AND THAT CORRECTS A PROBLEM THAT A LOT OF PEOPLE HAD WITH IT. AS IT IS AMENDED BY AM1607, LB173 DOES A COUPLE THINGS. IT TAKES OUT THE MANDATORY MINIMUM LANGUAGE FOR A CLASS IC AND ID FELONY. THAT GIVES THE JUDGES DISCRETION NOT TO IMPOSE THOSE PENALTIES IN THE CASE WHERE THEY FEEL IT IS NOT RIGHT, WHERE THEY FEEL THAT THAT PENALTY WOULD NOT BE PRODUCTIVE FOR THE INDIVIDUAL OR FOR SOCIETY. IT IS A BIT INCONSISTENT TO SAY THAT WE SHOULD NOT TAKE OUT THAT MANDATORY MINIMUM WHEN THE EXACT OPPOSITE ARGUMENT WAS MADE FOR REMOVING FROM, I BELIEVE IT WAS LB605, THE PROVISIONS THAT A MINIMUM SENTENCE COULD NOT BE MORE THAN A THIRD OF THE MAXIMUM. THERE THE ARGUMENT WAS MADE THAT, GEE, THE JUDGES SHOULD HAVE DISCRETION. I BELIEVE GIVING THE JUDGES DISCRETION INSOFAR AS MANDATORY MINIMUMS IS GOOD LEGISLATION. WITH SENATOR COASH'S PROPOSED SUGGESTION TO THE HABITUAL CRIMINAL PART OF AM1607, WHAT IS REMOVED IS THE ELIGIBILITY FOR THE EXTRAORDINARILY HARSH SENTENCE

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THAT IS CONSECUTIVE WITH THE NORMAL SENTENCE OF 10 TO 60 YEARS IN THE PENITENTIARY FOR NONVIOLENT OFFENSES. BASICALLY THOSE ARE THEFTS. BASICALLY THOSE ARE THE KIND OF THINGS WHERE A JUDGE CAN PACK SOMEBODY AWAY FOR MANY YEARS WITHOUT HAVING TO IMPOSE THE CONSECUTIVE HABITUAL CRIMINAL PROVISIONS. NOW THAT'S NOT TO SAY THAT THE HABITUAL CRIMINAL PROVISIONS ARE NOT VERY USEFUL FOR PROSECUTORS, BECAUSE AS A PROSECUTOR, YOU CAN REALLY, REALLY, REALLY SQUEEZE A GUILTY PLEA OUT OF SOMEBODY QUICKLY IF YOU JUST SABRE RATTLE A BIT ABOUT THE HABITUAL CRIMINAL BEING A POSSIBILITY OF BEING ADDED TO THE CHARGES AGAINST THEM. AND TO THAT EXTENT, IT'S AN EFFECTIVE TOOL FOR PROSECUTORS BECAUSE YOU CAN SABER RATTLE. AND AS SUCH, PEOPLE ROLL OVER AND PLEAD. NOW, THAT MIGHT NOT SHOW UP IN THE STATISTIC OF ONLY 170 PEOPLE BEING ACTUALLY CONVICTED OF HABITUAL CRIMINAL, BUT IT DOES SHOW UP IN THE STATISTICS OF HOW MANY PEOPLE ROLL OVER AND PLEAD IN ORDER TO AVOID THE EXTREMELY ONEROUS SENTENCE OF AN HABITUAL CRIMINAL SENTENCE. MOST OF THE TIME IN THE LOWER GRADE OFFENSES AT LEAST, THEY DON'T WRITE JUST ONE BAD CHECK. THEY WRITE SEVERAL BAD CHECKS. SO IF A PROSECUTOR REALLY DECIDES THAT HE WANTS TO STACK IT ON, HE CAN CHARGE TWO OR THREE BAD CHECKS AND THE JUDGE HAS GOT THE DISCRETION, IF THE JUDGE IN THE CHECK AND BALANCE SYSTEM THAT WE HAVE BETWEEN THE EXECUTIVE AND JUDICIAL BRANCH OF GOVERNMENT, IF THE JUDGE BELIEVES THAT HE DESERVES IT HE CAN STACK ON THREE SENTENCES ON TOP OF EACH OTHER AND MAKE HIM SERVE CONSECUTIVELY. THERE'S PLENTY OF ROOM IN THE SYSTEM FOR HARSH PENALTIES FOR THE NONVIOLENT KIND OF OFFENSES. [LB173 LB605]

SENATOR WATERMEIER: ONE MINUTE. [LB173]

SENATOR SCHUMACHER: I THINK THAT AFTER THE LR424 COMMITTEE HEARINGS WHICH I SERVED ON AND THE EXPERIENCE THAT I'VE HAD WITH THE CRIMINAL SYSTEM, THE LEGISLATURE SHOULD ADOPT SENATOR COASH'S PROPOSED AMENDMENT AND ADOPT SENATOR CHAMBERS' LB173 AS ONE MORE STEP IN GIVING OUR JUDGES THE KIND OF DISCRETION THEY NEED AND REINFORCING THE CHECKS AND BALANCES BETWEEN THE EXECUTIVE BRANCH AND THE JUDICIAL BRANCH AS FAR AS EXTREMELY HEAVY SENTENCES FOR WHICH WE REALLY DON'T WANT TO PACK PEOPLE AWAY FOREVER AND EVER IN THE PENITENTIARY AND PAY FOR IT. THANK YOU. [LB173]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB173]

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SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I DON'T KNOW IF I RISE TO SUPPORT OR OPPOSE AM1607. WHAT I DO HAVE CONCERN WITH IS JUST THE THEORY OF DOING AWAY WITH THE HABITUAL CRIMINAL ON NONVIOLENT CRIMES. HABITUAL CRIMINAL, AS FAR AS I KNOW, IS A CRIMINAL THAT'S BEEN CONVICTED OF THE CRIME BEFORE. THIS IS EITHER THE SECOND OR THIRD TIME AND, YOU KNOW, MAYBE EMBEZZLEMENT. SOMEBODY STUPID ENOUGH TO HIRE THE PERSON AFTER A SECOND OR THIRD CONVICTION, HE'S STILL DEFRAUDING SOMEBODY. MAY NOT HAVE SHOT THEM, MAY HAVE NOT CUT THEM, MAY HAVE NOT KILLED THEM, BUT IT WAS A CRIME AGAINST SOCIETY NEVERTHELESS. AND I DON'T KNOW WHY WE ARE DISTINGUISHING BECAUSE SOMEONE WAS ACTUALLY INJURED. I GUESS I DON'T KNOW EXACTLY THE POINT. I'M NOT AN ATTORNEY BUT, YOU KNOW, DOES SOMEBODY HAVE TO BE HURT, PHYSICALLY HURT BEFORE YOU HAVE THE HABITUAL CRIMINAL COME INTO PLAY? TO ME HABITUAL CRIMINAL IS HABITUAL CRIMINAL AND WE'RE SORT OF TRYING TO CUT IT DOWN THE MIDDLE, AND I'M NOT SURE THAT THERE'S A MIDDLE TO BE CUT. YOU KNOW, YOU HAVE PEOPLE THAT COMMIT CRIMES. THEY MAY DO A LOT OF ARMED ROBBERY OR THEY MAY DO A LOT OF OTHER THINGS, BUT ONE DOESN'T COUNT AND ONE DOES. AND I'M NOT SURE THAT AS FAR AS SOCIETY THAT MAKES A DIFFERENCE, YOU KNOW, IT'S STILL A CRIME. IF IT WASN'T A CRIME, IT WOULDN'T BE ON THE BOOKS. THEY WOULDN'T BE ARRESTED AND THEY WOULDN'T BE CONVICTED. IT CONCERNS ME WHEN WE START TO TRY TO MINIMIZE SOME CRIMES WHILE WE MAXIMIZE OTHERS. I THINK WE DO HAVE AN OVERPOPULATION PROBLEM. IS IT A PROBLEM OF NOT HAVING ENOUGH ROOMS? I DON'T KNOW. IS IT A PROBLEM WITH NOT LETTING PEOPLE OUT ON A QUICK ENOUGH BASIS ONCE THEY'VE ACHIEVED REHABILITATION, WHICH I THINK FROM WHAT I'VE HEARD WE DON'T DO A LOT OF? SO FROM THE VANTAGE POINT OF WHAT I'M LOOKING AT AS I'M TRYING TO DETERMINE THAT IF EXCLUDING NONVIOLENT CRIMES IS REALLY IN THE BEST INTEREST OF SOCIETY BECAUSE EVEN THOUGH IT'S A NONVIOLENT CRIME, IT STILL IS A CRIME. IT'S A CRIME EITHER AGAINST SOCIETY OR INDIVIDUALS REGARDLESS IF IT'S A COMPANY OR A BANK OR AN INSTITUTION, THERE'S STILL A CRIME. AND IT SEEMS THAT WE'VE EXCLUDED SOME OF THE PUNISHMENT THAT PERHAPS MAY GO ALONG WITH THAT SIMPLY BECAUSE THEY DIDN'T PHYSICALLY ENDANGER SOMEONE. THANK YOU, MR. PRESIDENT. [LB173]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHEER. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. AND THIS IS YOUR THIRD TIME. [LB173]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I THINK WE HAVE SOME CONFUSION HERE ON A NUMBER OF DIFFERENT ISSUES, WHICH IS, OF

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COURSE, PART OF THE PROBLEM WHEN WE'RE DEALING WITH ALL SORTS OF COMPLICATED BILLS LIKE THIS. BUT I WOULD JUST LIKE TO FIRST OFF POINT OUT WHAT SENATOR KRIST SAID WHICH IS WHERE HE DIFFERENTIATED AMONG THE THREE THINGS THAT ARE HAPPENING THAT WE'RE TRYING TO DO. LR424 WAS TO AVOID JAMMING OUT. THIS DID NOT COME OUT OF THE CSG COMMITTEE. THEN THERE'S THE CSG AND LB605 WHICH DEALT WITH OVERCROWDING IN PRISONS AND LIMITED POSTRELEASE AND SUPERVISORY RELEASE. AND THEN WE'VE GOT THE BROKEN CORRECTION SYSTEM THAT HAS ISSUES THAT WE NEED TO DEAL WITH ON INTAKE SERVICES AND PAROLE AND RELEASE AND REENTRY INTO SOCIETY. SO, AGAIN, SENATOR McCOY ASKED ME SORT OF ON THE MIKE WHETHER I FELT THAT IT WAS MANDATORY THAT THE PROSECUTORS CHARGE HABITUAL CRIMINAL. THAT'S NOT WHAT I SAID. WHAT I SAID WAS IF SOMEBODY IS CHARGED WITH THE HABITUAL CRIMINAL STATUTE THEN THERE'S A MANDATORY MINIMUM, AND THAT'S WHAT I THINK IS DIFFICULT. WE HAVE A CASE IN NEBRASKA WHERE A WOMAN WAS CHARGED WITH FORGERY AS THE THIRD OFFENSE AND PUT AWAY FOR TEN YEARS. IT'S STATE OF NEBRASKA. V. KAYLA T. WAGNER. SO, YES, FORGERY IS A TERRIBLE THING, BUT IS IT A DANGER TO OUR SOCIETY? WHAT ARE THE CRIMES WITH WHICH WE WANT TO FILL AND THEN OVERCROWD OUR PRISONS? DOES FORGERY RISE TO THE LEVEL OF NEED FOR US IN THE LEGISLATURE TO DETERMINE WE ARE GOING TO STUFF OUR PRISONS AND RISK HAVING TO BUILD A NEW PRISON BECAUSE THOSE ARE THE DECISIONS WE'RE MAKING RIGHT NOW? FORGERY, REALLY, THIS IS WHAT WE WANT TO PUT AWAY A WOMAN FOR TEN YEARS, THE THIRD OFFENSE? THIS HAPPENED, STATE OF NEBRASKA V. KAYLA WAGNER. SO SHE WAS PUT AWAY FOR A PERIOD OF NOT LESS THAN TEN YEARS NOR MORE THAN TEN YEARS. THAT'S THE OTHER THING WE'VE BEEN TALKING ABOUT IS SENTENCES THAT DON'T HAVE A MINIMUM SO THAT THEY CAN'T HAVE ANY KIND OF PROBATIONARY PERIOD AND THAT'S WHAT JAMS PEOPLE OUT. BUT, OF COURSE, SHE'S JUST A FORGER SO I GUESS SHE'S NOT GOING TO HOPEFULLY COME OUT AND DO THE KIND OF DAMAGE THAT WE'VE HAD DONE TO US BY SOME OF OUR OTHER INMATES. SO, AGAIN, WE HAVE GOT TO LOOK AT THIS TRYING TO KEEP CLEAR WHAT WE'RE TALKING ABOUT. LB605 DEALT WITH A NUMBER OF OUR ISSUES ON OVERCROWDING. SENATOR GROENE ROSE AND SAID, OH, WELL, HE VOTED FOR LB605 BECAUSE IT DEALT WITH PROGRAMMING. LB605 DID NOT DEAL WITH PROGRAMMING. PLEASE DO NOT BE CONFUSED ABOUT THIS. THOSE ARE ISSUES THAT SENATOR KRIST SAID AND SENATOR SCHUMACHER SAID THAT WE HAVE GOT TO DEAL WITH AT SOME POINT IN THE FUTURE. WE HAVE NOT DEALT WITH THE PROGRAMMING ISSUES IN LB605. SO, AGAIN, IF WE ALL THINK THAT THIS IS GREAT, THIS IS WHAT WE'RE DOING, AND SINCE THIS IS MY LAST TIME I GUESS I NEED TO SPEAK TO THE MANDATORY MINIMUMS. I'VE HAD FEDERAL JUDGES

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TALKING ABOUT THE NEED FOR DISCRETION, FOR JUDICIAL DISCRETION, NOT LEGISLATIVE DISCRETION TO DETERMINE, OH, THIS IS ABSOLUTELY WHOM WE WANT TO GET RID OF AND PUT AWAY FOREVER AND SEAL THE DOORS UNTIL THEY'RE READY TO JUST JAM OUT WITHOUT ANY KIND OF PROGRAMMING, WITHOUT ANGER MANAGEMENT, WITHOUT DRUG AND ALCOHOL REHABILITATION. [LB173 LB605]

SENATOR WATERMEIER: ONE MINUTE. [LB173]

SENATOR PANSING BROOKS: WE WANT TO JUST...WE HAVE MUCH MORE KNOWLEDGE NOT DEALING WITH THE PERSON RIGHT IN FRONT OF US AS A JUDGE WOULD THAT WE SHOULD JUST THROW THESE PEOPLE AWAY AND SLAM AND LOCK THE DOOR AND THEN LET THEM BE RELEASED IMMEDIATELY WITHOUT ANY AID INTO OUR SOCIETY. I WOULD ARGUE THAT THE JUDGES WHO DEAL WITH THE SPECIFIC DEFENDANT HAVE A MUCH BETTER IDEA OF HOW TO DEAL WITH EACH DEFENDANT AS THEY COME BEFORE THE SPECIFIC JUDGE, AS DOES THE PAROLE BOARD, AS DOES THE CORRECTIONS AND PRISON SYSTEM. AGAIN, WE NEED TO BELIEVE IN OUR JUDGES. WE NEED TO BELIEVE IN OUR PAROLE BOARD OFFICERS. AND WE HAVE TO BELIEVE IN OUR CORRECTIONAL OFFICERS. IF WE DON'T, WE CAN HAMSTRING EVERYBODY AND JUST PUT EVERYBODY AWAY, BUILD MORE PRISONS, THROW AWAY THE KEY, LET THEM JAM OUT AND JUST SAY, WELL, WE DID WHAT WE COULD. WE WERE AS TOUGH AS WE COULD BE. [LB173]

SENATOR WATERMEIER: TIME, SENATOR. [LB173]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH, MR. PRESIDENT. [LB173]

SENATOR WATERMEIER: THANK YOU, SENATOR PANSING BROOKS. SENATOR SEILER, YOU ARE RECOGNIZED. [LB173]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS WAS MY PRIORITY BILL, AND THE REASON I MADE IT MY PRIORITY BILL SO IT WOULD COME TO THE FLOOR AT THE SAME TIME AS THE OTHER BILLS ON CRIME AND BE A DISCUSSION LIKE WE'RE HAVING. ONE OF THE REASONS I AM AGAINST THE HAMMER, AS SOME PEOPLE HAVE REFERRED TO IT, IS BECAUSE IT COMES BEFORE THE PERSON IS FOUND GUILTY. THE USE, AS YOU'VE HEARD AROUND THE FLOOR, IS THAT IT COMES AT THE TIME OF THE PLEA. IF YOU PLEAD INNOCENT, THE HAMMER WILL COME AFTER...GET YOU TO CONVICTION. BUT

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HE'S GOT THE HAMMER THERE BEFORE THE CONVICTION. THE LAST I LOOKED, THE SCALE OF JUSTICE WAS EVEN AT THAT POINT, NOT ONE-SIDED. WE HAVE CLEARLY GIVEN THE PROSECUTORS THE HAMMER IN PAST WITH THE LB. I HAVE BEEN REPRESENTING CLIENTS THAT HAVE FELT THAT HAMMER. THEY HAD TO MAKE A CHOICE--PLEAD GUILTY OR RUN THE RISK OF THE HAMMER. I DON'T THINK THAT'S THE WAY JUSTICE WAS EVER INTENDED. I THINK THAT'S A MISTAKEN VIEW OF WHAT WE BELIEVE THE JUSTICE SYSTEM IN THE UNITED STATES TO BE. I BELIEVE THAT THE HAMMER'S THERE AFTER YOU'RE FOUND GUILTY BECAUSE THE SENTENCING THAT THE JUDGES HAVE CAN REACH OUT AND PUT A PERSON IN PRISON FOR 50 YEARS. SOMEBODY WILL ARGUE, WELL, THAT'S ONLY 25. TWENTY-FIVE YEARS IN PRISON ISN'T A SEVERE PENALTY? THINK ABOUT THAT. BUT LET'S LEAVE IT WHERE IT BELONGS, AFTER THE CONVICTION WITH THE JUDGE NOT COMING FORWARD. HOW MANY MILLIONS OF DOLLARS HAVE WE ACTUALLY PAID OUT ON PEOPLE THAT HAVE PLED GUILTY AND FOUND TO BE INNOCENT LATER? WE'VE PAID OUT THAT MONEY. WE DID IT JUST A LITTLE BIT AGO. WE DID IT LAST YEAR. I REMEMBER SENATOR LATHROP INTRODUCING THOSE BILLS, AND THEY WEREN'T TALKING A THOUSAND HERE, A HUNDRED THOUSAND THERE. THEY WERE TALKING MILLIONS. SO LET'S PUT THE RESPONSIBILITY WHERE IT BELONGS AND HAVE FAITH IN THE COURTS AND THE JUDGES AND NOT WORRY ABOUT GIVING THE PROSECUTOR A HAMMER BEFORE THE PERSON IS CONVICTED. THANK YOU. [LB173]

SENATOR WATERMEIER: THANK YOU, SENATOR SEILER. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB173]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I HAVE BEEN LEANING TOWARDS SUPPORTING AM1607, BUT AFTER LISTENING HERE FOR A WHILE THIS MORNING I THINK THAT'S CHANGING. WE TALK ABOUT NONVIOLENT CRIMES LIKE EMBEZZLEMENT AND FORGERY. HOW MANY TIMES DO WE ALLOW THAT TO HAPPEN BEFORE WE PUT THESE PEOPLE IN A POSITION WHERE THEY CAN'T DO IT? EMBEZZLEMENT OR FORGERY CAN PUT A SMALL BUSINESS OUT OF BUSINESS. IF THAT HAPPENS, FOUR OR FIVE, SIX PEOPLE MAY END UP ON THE STREET. OUT OF A JOB, WHICH WOULD IN TURN POSSIBLY PUT THEM ON THE STREET AND POSSIBLY ATTEMPT THEM TO DO A CRIME THAT ISN'T NECESSARILY NONVIOLENT. YOU KNOW, WITH SUCH A SMALL MINORITY OF THE NUMBERS THAT ARE IN OUR PRISONS BEING THREE-STRIKE PEOPLE, I DON'T BELIEVE THIS IS NECESSARILY A BAD LAW. I THINK MAYBE WE OUGHT TO KEEP IT IN PLACE. THANK YOU, MR. PRESIDENT. [LB173]

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SENATOR WATERMEIER: THANK YOU, SENATOR BLOOMFIELD. SENATOR KRIST, YOU ARE RECOGNIZED. [LB173]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON AGAIN, COLLEAGUES AND NEBRASKA. THIS REALLY, I MEAN, I'VE SAID I THINK ALL I NEED TO SAY ON AM1607, I THINK IT'S A GREAT COMPROMISE TO STILL ALLOWING THE TOOL TO BE IN THE TOOL BAG FOR THE PROSECUTORS, AS WELL AS RESTORING SOME FAITH IN THE JUDGES THAT THEY WILL DO THE RIGHT THING, AND IF THERE'S EVER SOMEONE YOU SHOULD LISTEN TO ON THE SUBJECT IT WOULD BE SENATOR LES SEILER. FIFTY-PLUS YEARS OF PRACTICING LAW ON BOTH ENDS OF THE SPECTRUM HAS BEEN A PERSON WHO'S BEEN CHARGED ON BOTH SIDES OF THE FENCE WITH BOTH PROSECUTING AND DEFENDING AND A FORMER ATTORNEY GENERAL, DEPUTY ATTORNEY GENERAL. DID YOU HEAR WHAT HE SAID? HE SAID THE SCALES OF JUSTICE SHOULD BE EVEN AND THAT AT SOME POINT WHEN A PERSON IS CONVICTED, THE SENTENCE PROCESS CAN BE USED TO PUT PEOPLE AWAY FOR THE APPROPRIATE AMOUNT OF TIME. IF THERE WAS EVER A BETTER ANALOGY TO BE GIVEN ON WHY YOU SHOULD TRUST AM1607 AND LB173, IT'S WHAT YOU JUST HEARD FROM SENATOR SEILER. I WILL SAY ONE OTHER THING. I'VE BEEN DISAPPOINTED IN MY LAST YEAR AND A HALF SITTING IN A ROOM FULL OF LEARNED LEGAL MINDS WHO WHEN I ASK THE QUESTION, IF NOT THIS, THEN WHAT? IF NOT THIS TO KEEP PEOPLE FROM JAMMING OUT, THEN WHAT? IF NOT THIS IN TERMS OF LB605 PROCESS, THEN WHAT? AND THEY LOOK AT ME AND SAY, ME, A PILOT, AND SAY, YOU'RE THE ONE THAT MAKES POLICY. YOU MAKE THE LAW. THAT TELLS ME THAT THEY'RE LOOKING TO US TO MAKE SOME DECISIONS ABOUT WHAT...HOW THIS LEGISLATURE WANTS TO GO FORWARD. AND IN MY EDUCATED VIEWPOINT HAVING HEARD WHAT I HAVE HEARD FROM THESE GREAT LEGAL MINDS, THERE'S A BALANCE BETWEEN GIVING THE PROSECUTORS THE TOOLS THEY NEED AND DEFENDING THE INNOCENT IN THIS STATE. I WOULD ASK YOU TO VOTE GREEN ON AM1607. HEED SENATOR SEILER'S WORDS, MAKE JUSTICE EVEN, AT THE POINT UNTIL WE GET TO ACTUALLY CONVICTING SOMEONE OF A CRIME, AND VOTE GREEN ON LB173. THANK YOU. [LB173 LB605]

SENATOR WATERMEIER: THANK YOU, SENATOR KRIST. SENATOR SCHEER, YOU ARE RECOGNIZED, AND THIS IS YOUR THIRD TIME ON THE AMENDMENT. [LB173]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I DIDN'T PLAN ON RISING AGAIN, BUT SENATOR PANSING BROOKS'S COMMENTS DID HIT A RAW NERVE WITH ME. YES, EMBEZZLEMENT. ABSOLUTELY, EMBEZZLEMENT. THAT IS NOT A

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VICTIMLESS CRIME. I'VE KNOWN TOO MANY PEOPLE THAT HAVE HAD VERY SUCCESSFUL BUSINESSES, ENTRUSTED THEIR FINANCIAL DEALINGS TO AN INDIVIDUAL AS A BOOKKEEPER, AS AN ACCOUNTANT AND, YES, INDEED THEY WERE EMBEZZLED FROM. THEY NOT ONLY LOST THEIR BUSINESS, THEY LOST THEIR LIVELIHOOD, THEY LOST THEIR LIFE SAVINGS. TO ME, THAT IS NOT A VICTIMLESS CRIME. THERE WAS A VICTIM. THEY MAY HAVE EMBEZZLED FROM COMPANY A, B, C, BUT IN THIS CASE AN INDIVIDUAL OWNED A, B, C, AND THEY LITERALLY LOST THEIR LIFE. SO I THINK WE HAVE TO REMEMBER THAT...IN FACT, I CAN'T THINK REALLY OF A CRIME THAT DOESN'T HAVE A VICTIM. THEY ALL DO. THEY WOULDN'T BE CALLED A CRIME IF THEY DIDN'T. HAVING SAID THAT, I'LL PROBABLY SUPPORT AM1607 SIMPLY BECAUSE IT MAKES LB173 BETTER. IF LB173 IS ADOPTED, I SURE DON'T WANT IT IN ITS PRESENT FORM. AS WE'VE ALL HEARD SEVERAL TIMES, SOMETIMES YOU HAVE TO TAKE SOMETHING BAD TO MAKE SOMETHING BAD BETTER. THIS MIGHT BE THE BEST SHOT THAT WE HAVE. I DON'T KNOW THAT I'LL SUPPORT LB173, BUT I'M GOING TO SUPPORT AM1607 BECAUSE IT DOES MAKES LB173 BETTER. AND IF LB173 PASSES, I'D FEEL A WHOLE LOT MORE COMFORTABLE WITH THAT AMENDMENT THAN I WOULD WITH IT JUST BEING ADVANCED WITHOUT THIS AMENDMENT. I WANT YOU TO THINK ABOUT THAT. BECAUSE I DON'T KNOW THAT SENATOR CHAMBERS HAS 25 VOTES OR HE HAS 30 VOTES OR HE HAS 33 AND I DON'T KNOW WHERE THIS IS GOING. I'M NOT TRYING TO FILIBUSTER THIS. IT JUST...IT IS A CONCERN OF MINE. BUT IF WE'RE GOING TO PASS A BILL, I THINK WE ALL HAVE AN OBLIGATION TO MAKE THE BILL AS GOOD AS IT POSSIBLY CAN REGARDLESS IF YOU MIGHT THINK IT'S A BAD BILL. IF IT'S A BAD BILL, FINE, YOU CAN ALWAYS TRY TO IMPROVE IT. YOU MAY NOT VOTE FOR ULTIMATELY THE BILL, BUT I THINK WE HAVE AN OBLIGATION TO MAKE THE BILL AS GOOD AS POSSIBLE IN CASE IT DOES GET PASSED EVEN WITHOUT YOUR SUPPORT. THANK YOU, MR. PRESIDENT. [LB173]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHEER. SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LB173]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I WANT TO THANK SENATOR COASH FOR BRINGING AMENDMENT AM1607. AND I LOOKED IT OVER AND WHILE I DO THINK IT HAS SOME MERIT, UNFORTUNATELY, I CAN'T SUPPORT IT. AND I GUESS THE REASON I'LL GIVE IS AL CAPONE. I DON'T KNOW IF ANYONE HERE REMEMBERS AL CAPONE. HE WAS AN OLD MAFIA GUY, KILLED A LOT OF PEOPLE, DID A LOT OF BOOTLEGGING. AND YOU KNOW HOW THEY GOT AL CAPONE? THEY DIDN'T GET HIM FOR ANY OF THAT STUFF. THEY GOT HIM FOR TAX EVASION. WELL, SOMETIMES THAT'S HOW THE HABITUAL

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CRIMINAL WORKS, IS YOU HAVE A PERSON YOU KNOW WHO'S OUT THERE DOING A LOT OF BAD STUFF, AND THE ONLY WAY TO GET HIM IS YOU MIGHT BE ABLE TO GET HIM ON A FORGERY OR YOU MIGHT BE ABLE TO GET HIM ON A THEFT OF A VEHICLE OR YOU KNOW FOR A FACT THAT YOU HAVE HIM NAILED DEAD TO RIGHT ON THAT. THE OTHER CASE, IT'S A LITTLE HAIRIER. NOW SOME MIGHT SAY, WELL, TRY THE CASE, SEE WHAT YOU CAN DO. BUT THERE ARE PEOPLE OUT THERE AND THERE AREN'T MANY, WHO MAKE THEIR LIFE AS CRIMINALS. AND NO MATTER WHAT WE DO OR WHAT WE SAY, THAT'S HOW THEY'RE GOING TO MAKE THEIR LIVING. A VAST, VAST, VAST MAJORITY OF INDIVIDUALS WHO GET CAUGHT ESPECIALLY WITH THREES AND FOURS, THAT'S THEIR BOTTOMING OUT POINT. THEY'VE REALIZED THAT THEY NEED TO CHANGE THE WAY THEY'RE DOING THEIR LIFE. BUT THERE ARE OTHER PEOPLE OUT THERE THAT LIVE OFF OF THAT WHO HAVE MADE A CONSCIOUS DECISION TO LIVE THEIR LIFE THAT WAY, AND THEY CONTINUE TO DO THAT. THEY GO TO PRISON. WELL, USUALLY THEY GO TO JAIL FIRST, THEN THEY GO TO PRISON, AND THEY CONTINUE AT LEAST TWO PRIOR TRIPS TO PRISON, SO IT'S NOT AS THOUGH THESE PEOPLE WOKE UP ONE DAY AND ALL OF A SUDDEN ARE HABITUAL ON THE THREES AND FOURS. YOU HAVE AWAILED YOURSELF TO THE SYSTEM. AT LEAST TWICE, YOU'VE BEEN CONVICTED OF FELONIES AND TWICE YOU'VE BEEN SENT TO PRISON FOR A YEAR OR MORE. AND IF YOU'RE STILL INVOLVED IN THAT LIFESTYLE AND STILL COLLECTING FELONIES LIKE SOME PEOPLE COLLECT BASEBALL CARDS, MAYBE YOU DO DESERVE TO SIT SOME TIME OUT ON THE SIDELINES, THEN REALLY THINK ABOUT WHAT YOU'RE DOING. AND SO WHILE I APPRECIATE WHAT SENATOR COASH IS TRYING TO DO HERE, I JUST DON'T THINK I CAN SUPPORT AM1607. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR COASH, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB173]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, THANK YOU FOR THE DISCUSSION ON MY AMENDMENT. I JUST WANT TO REVIEW QUICKLY WHAT LB173 DOES AND DOESN'T DO. EXCUSE ME, WHAT AM1607 DOES AND DOESN'T DO AS IT RELATES TO LB173. IT LIMITS THE ABILITY TO HANG A HABITUAL CRIMINAL ENHANCEMENT ON A DEFENDANT, BUT IT DOES NOT ELIMINATE IT. I WANT TO MAKE SURE THAT IT'S CLEAR, I DIDN'T WORK WITH THE ATTORNEY GENERAL, I DIDN'T WORK WITH COUNTY ATTORNEYS ON THIS AMENDMENT. NOBODY APPROVED IT. I DON'T NEED THEIR APPROVAL. I WORKED WITH SENATOR CHAMBERS AND THE JUDICIARY COMMITTEE COUNSEL ON THIS, AND

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THAT'S WHERE IT CAME FROM. I WANT TO...HERE'S SOME NUMBERS. AND I'VE HAD A COUPLE OF COLLEAGUES ASK ME, WELL, HOW WOULD LB173 AND YOUR AMENDMENT AFFECT...HOW WOULD IT HAVE AFFECTED CRIMINALS HAD THIS BEEN IN EFFECT BEFORE? OKAY. SO I WANT TO MAKE SURE I GET THIS ON THE RECORD. RIGHT NOW, THERE'S NOT A WHOLE LOT OF PEOPLE IN PRISON UNDER HABITUAL CRIMINAL ENHANCED SENTENCE. IT'S ABOUT 185. THAT'S HOW MANY PEOPLE ARE CURRENTLY SERVING TIME AND PART OF THEIR TIME IS BECAUSE THEY WERE CONVICTED UNDER A HABITUAL CRIMINAL PROVISION. LB173 WITHOUT AMENDMENT, WITHOUT MY AMENDMENT, LOWERS THAT NUMBER DOWN TO 49. LB173 WITH MY AMENDMENT RAISES THAT TO 136. OKAY. SO IF YOU ADOPT MY AMENDMENT AND IF IT HAD BEEN ADOPTED PRIOR TO THESE 185 COMING IN, THIS IS WHAT YOU WOULD FIND OUT: 136 OF THE 185 CURRENTLY SERVING WOULD HAVE BEEN CONVICTED UNDER A HABITUAL CRIMINAL PENALTY ENHANCEMENT. THAT IS UP FROM THE SELECT FILE LB173 UNAMENDED AS IT STANDS HERE TODAY. SO THAT'S THE NUMBERS. THAT'S WHERE WE'D END UP WITH ADOPTING MY AMENDMENT. COLLEAGUES, YOU, OF COURSE, MAKE YOUR OWN DECISION ON THE UNDERLYING BILL, BUT I WOULD ASK THAT YOU LOOK AT AM1607 AS A REASONABLE EFFORT TO MAKE SURE THAT IT ALIGNS MORE CLOSELY WITH LB605, THAT IT MAKES SURE THAT VIOLENT OFFENDERS WHO GO IN FRONT OF A JUDGE OVER AND OVER CAN HAVE THIS ENHANCEMENT PLACED ON THEM. AND FOR THE OTHER...AND I'LL JUST TAKE THE REMAINDER OF MY TIME TO JUST TALK ABOUT LB173 AS IT STANDS REGARDLESS OF MY AMENDMENT. AND SENATOR SEILER DID A NICE JOB OF ILLUSTRATING HOW I'VE COME TO LOOK AT THIS, AND I DIDN'T COME TO THIS EASILY. AND I'VE SPENT SEVEN YEARS ON JUDICIARY HEARING ABOUT THIS FROM ALL SIDES. THERE ARE LINES OF DECISIONS ALL ALONG THE CRIMINAL JUSTICE CONTINUUM. A PROSECUTOR HAS DECISIONS AS TO WHAT HE OR SHE WILL CHARGE WITH. A JUDGE THEN HAS A DECISION AS TO WHAT THE PERSON WILL BE FOUND GUILTY OR NOT GUILTY OF. AND ALL WE'RE DOING WITH MESSING AROUND WITH A BUNCH OF THESE BILLS IS WE'RE JUST SHIFTING THE DECISION MAKING FROM ONE ENTITY TO ANOTHER. AND I WILL TELL YOU THAT WHEN I HAVE A DECISION AS TO WHERE I WANT THAT DECISION POINT PLACED... [LB173 LB605]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR COASH: THANK YOU, MR. PRESIDENT. ...I WILL PUT IT IN THE JUDGE'S HANDS. WE JUST GAVE THEM A 3 PERCENT, 2.5 PERCENT RAISE. WE PAY OUR JUDGES WELL, AS WE SHOULD. WE PAY THEM TO MAKE THESE DECISIONS. AND TO THE EXTENT THAT WE CAN GIVE THEM THE ABILITY TO LOOK AT EACH CASE

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ON ITS OWN MERITS, LOOK AT THE PAST, LOOK AT WHAT THEIR PRESENT IS AND MAKE A DECISION BASED ON THAT, I'M GOING TO CHOOSE TO PUT THAT DISCRETION WHENEVER I CAN DO THAT. I HOPE YOU'LL VOTE FOR AM1607 AND I WOULD ASK FOR A CALL OF THE HOUSE, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR THE CALL OF THE HOUSE. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB173]

CLERK: 42 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB173]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR BURKE HARR, SENATOR LARSON. SENATOR LARSON, THE HOUSE IS UNDER CALL. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK. [LB173]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1529.) 36 AYES, 6 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB173]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. THE CALL IS RAISED. SENATOR HARR, YOU'RE RECOGNIZED. [LB173]

CLERK: MR. PRESIDENT, SENATOR HARR WOULD MOVE TO AMEND THE BILL WITH AM1573. IT'LL BE A MOMENT, IT'LL BE IN YOUR SYSTEMS. (LEGISLATIVE JOURNAL PAGE 1530.) [LB173]

SPEAKER HADLEY: SENATOR HARR, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB173]

SENATOR HARR: THANK YOU, MR. SPEAKER, AND I APOLOGIZE FOR BRINGING THIS SO LATE. FOLKS, I SAW THE VOTE. I ALSO WAS ABLE TO LISTEN TO A VERY SMALL SNIPPET OF THE DEBATE. AND WHAT I HEARD WAS SENATOR KRIST SAYING YOU NEED TO LISTEN TO SENATOR SEILER, HE PROSECUTED, HE WAS A DEFENSE ATTORNEY, AND I GET THAT. BUT A LOT HAS CHANGED AND AM1573, WHAT IT DOES IS IT SAYS YOU KEEP THE HABITUAL CRIMINAL THE WAY IT IS.

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OKAY. NOTHING MORE, NOTHING LESS. I UNDERSTAND WHAT SENATOR CHAMBERS IS TRYING TO DO. I DON'T DISAGREE ON MANDATORY MINIMUMS THAT WE CAN TRUST OUR JUDGES. OUR JUDGES HAVE BEEN SCREENED THOROUGHLY. FOR THE MOST PART, I'M PRETTY HAPPY WITH OUR JUDGES. I THINK THEY DO A GOOD JOB. BUT THERE ARE BAD PEOPLE IN THIS WORLD, PERIOD. AND THERE ARE PEOPLE THAT JUST DON'T GET IT, AND I DON'T KNOW WHERE...I CAME IN LATE TO THE GAME, I DON'T KNOW WHERE PEOPLE ARE ON LB173. BUT I HAVE A REAL...THAT LAST VOTE IF THAT'S ANY INDICATION, FOLKS, WE GOT A REAL PROBLEM HERE BECAUSE WE NEED TO MAKE SURE THAT THOSE PEOPLE THAT DESERVE PUNISHMENT GET THE PUNISHMENT THEY DESERVE. AND, YOU KNOW, YOU MAY HAVE SOMEONE WHO HAD AN ATTEMPTED IIA OR A II THAT NOW CAN'T BE USED FOR THE HABITUAL BECAUSE IT BECOMES A III, IT BECOMES A IV. SO YOU'LL HAVE, AND I'M A LITTLE RUSTY, BUT I THINK YOU HAVE ATTEMPTED ROBBERY WOULD LOWER THAT DOWN TO WHERE WE COULDN'T USE IT FOR THE HABITUAL. WHAT WE'RE DEALING WITH IS VERY SERIOUS. THESE ARE HEADLINE-GRABBING ISSUES, AND WE NEED TO BE VERY CAREFUL AND CONSCIOUS OF WHAT WE'RE DOING. LOOKING OVER THE AMENDMENT THAT WE PASSED WE WENT FROM MANDATORY MINIMUM TO MINIMUM. IF ANYONE KNOWS WHAT THAT MEANS, LET ME KNOW, BUT I THINK THAT MEANS WE WENT FROM A MANDATORY MINIMUM OF FIVE YEARS HARD TO A MINIMUM WHICH IS TWO AND A HALF. IT LOOKS LIKE YOU ALSO GOT RID OF THE SUPER, WE CALL IT THE SUPER HABITUAL. AND YOU KNOW WHAT THAT IS, FOLKS? THAT'S SOMEONE WHO COMMITS A SEXUAL ASSAULT, SERVES THEIR TIME, GETS OUT AND COMMITS A SECOND SEXUAL ASSAULT. NOW YOU DON'T QUALIFY FOR THE SUPER HABITUAL CRIMINAL. THINK ABOUT THAT. THINK ABOUT YOUR MOTHERS. THINK ABOUT YOUR WIVES, YOUR SISTERS, YOUR AUNTS, NOW ALSO THINK ABOUT ALL OF YOUR CHILDREN. THINK ABOUT WHO IS SEXUALLY ASSAULTED. IT'S NOT JUST WOMEN. AND I DON'T MEAN TO BE PLAYING THE FEAR CARD UP, BUT WHAT I DO WANT TO DO IS TO MAKE SURE YOU UNDERSTAND WHAT WE ARE DOING AND THE SERIOUSNESS AND THE RAMIFICATIONS OF THE AMENDMENT WE JUST PASSED. SO, AGAIN, HABITUAL CRIMINAL IS NOT FOR YOUR CASUAL LOW-GRADE FELONY. THIS IS FOR THE WORST OF THE WORST. THESE ARE THE INDIVIDUALS WHO AWAILED THEMSELVES TO THE SYSTEM REPEATEDLY AND HAVE NOT LEARNED OR HAVE PURPOSELY CHOSEN TO CONTINUE A LIFESTYLE THAT IS CONTRARY TO THE BEST INTERESTS OF THE STATE. AND SO WE GOT TO HAVE THEM SIT OUT MAYBE TEN YEARS, MAYBE LONGER, BUT THERE'S A REASON WE HAVE THIS LAW. I'VE PROSECUTED. I'VE DONE CRIMINAL DEFENSE. I'VE DONE BOTH SIDES. I'VE SEEN WHO THESE INDIVIDUALS ARE. NOW, I CAN ONLY SPEAK FOR DOUGLAS COUNTY. I CAN'T SPEAK FOR GREATER NEBRASKA, BUT I CAN TELL YOU WHO ARE THE

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INDIVIDUALS THAT WE CHOOSE TO GO AFTER. AND SO THIS IS A REAL COMPROMISE BECAUSE WE'RE STILL SEPARATING THE WHEAT FROM THE CHAFF. WE'RE STILL SAYING, OKAY, YOU FIRST-TIME FELONS CHARGED AND/OR CONVICTED, YOU'RE NOT GOING TO GO AWAY FOR TEN HARD YEARS. BUT WE ARE SAYING THOSE PEOPLE WHO HAVE, AGAIN, AVAILED THEMSELVES, THAT HAVE DETERMINED THAT THIS IS THE LIFESTYLE THEY CHOOSE TO LEAD THAT THERE IS A RAMIFICATION. WE DID LB165 EARLIER TODAY, AND THAT'S A GREAT BILL. WHAT WE'VE DONE IS LOWER THE SENTENCES. AND THAT'S A GOOD THING. IT FREES UP PRISON BEDS AND THERE'S GOING TO BE AN EMPHASIS ON TREATMENT OVER PUNISHMENT, AND THAT'S GOOD. BUT IF YOU DON'T HAVE THAT HAMMER HANGING OVER THE HEAD THAT SAYS, HEY, YOU CONTINUE TO LEAD...GO DOWN THIS PATH, DOWN THIS ROAD, THERE WILL BE CONSEQUENCES FOR YOUR ACTIONS. WELL, IT'S NO DIFFERENT THAN A THREE-YEAR-OLD CHILD. THEY'RE GOING TO FIGURE THAT OUT AND THEN WE'RE GOING TO RUN INTO PROBLEMS THAT OTHER STATES HAVE WHERE WE HAVE A WHOLE BUNCH OF PROPERTY CRIME. AND, YOU KNOW, THERE'S A LOT TO BE SAID ABOUT PROPERTY CRIME. IT'S NOT AS BAD AS PEOPLE CRIME, BUT IT'S STILL VERY PERSONAL. YOU KNOW, YOU HAVE YOUR HOUSE BROKEN INTO AND THEY TAKE YOUR WORLDLY POSSESSIONS. SOME ARE OF NO VALUE TO THAT PERSON BUT HAVE STRONG SENTIMENTAL VALUE TO YOURSELF. IT'S GONE FOREVER. YOU'LL PROBABLY NEVER SEE IT AGAIN. IF YOU'RE LUCKY, THEY PAWN IT. AND THEN GUESS WHAT? YOU GET TO GO GET IT FROM A PAWNSHOP AND YOU PAY TO GET IT OUT OF THE PAWNSHOP. THOSE ARE THE LUCKY ONES. SO I'M WILLING TO COMPROMISE WITH SENATOR CHAMBERS. I THINK THIS IS A FAIRER COMPROMISE. I THINK IT DOES A BETTER JOB OF SEPARATING THE WHEAT FROM THE CHAFF, AND SO I WOULD ASK FOR YOUR SUPPORT ON AM1573. THANK YOU. [LB173 LB165]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB173]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, THE FIRST THING I WOULD LIKE TO DO IS SEE IF SENATOR HARR WOULD YIELD TO A QUESTION. [LB173]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD? [LB173]

SENATOR HARR: OF COURSE. [LB173]

SENATOR CHAMBERS: SENATOR HARR, HOW IS THIS A COMPROMISE? [LB173]

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SENATOR HARR: BECAUSE IT ALLOWS FOR THE ELIMINATION OF MANDATORY MINIMUMS, EXEMPT FOR HABITUAL CRIMINALS. THAT WAS THE UNDERLYING BILL. [LB173]

SENATOR CHAMBERS: NOW, SENATOR HARR, YOU PLAYED WHAT I CONSIDER THAT FEAR CARD LIKE A LOT OF UNETHICAL PEOPLE HAVE DONE IN OTHER STATES. LET ME GIVE AN EXAMPLE. YOU SAID RAPING SOMEBODY'S MOTHER. IS THAT THE ONLY KIND OF CRIME THAT WILL BE AFFECTED BY YOUR AMENDMENT? IT DOESN'T HAVE TO BE RAPING SOMEBODY'S MOTHER, DOES IT? [LB173]

SENATOR HARR: NO, BUT IT'S SEXUAL ASSAULT. [LB173]

SENATOR CHAMBERS: AND IT COULD BE ANY OTHER KIND OF FELONY. LET'S TAKE YOUR AMENDMENT. [LB173]

SENATOR HARR: NO, I WAS... [LB173]

SENATOR CHAMBERS: CAN THE THIRD FELONY BE NONVIOLENT AND STILL BE...THE PERSON BE CHARGED AS A HABITUAL CRIMINAL? [LB173]

SENATOR HARR: YES. [LB173]

SENATOR CHAMBERS: AND THAT DOESN'T INVOLVE RAPE, DOES IT? [LB173]

SENATOR HARR: NO. [LB173]

SENATOR CHAMBERS: OKAY. THAT'S ALL I'LL ASK YOU. MEMBERS OF THE LEGISLATURE...OH, I'M NOT THROUGH YET. SENATOR HARR, YOU SAID YOU PROSECUTED, AND I TAKE YOUR WORD FOR IT. WERE THERE ANY TIMES WHEN YOU THREATENED TO USE THE HABITUAL CRIMINAL STATUTE IF A PERSON DIDN'T PLEA? DID YOU EVER DO THAT? [LB173]

SENATOR HARR: I DON'T KNOW IF I'D USE THE WORD THREATEN. [LB173]

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SENATOR CHAMBERS: DID YOU HANG THAT OVER A PERSON'S HEAD AS A POSSIBILITY AND IF THEY WOULD PLEAD, THEN YOU WOULD NOT INVOKE IT? [LB173]

SENATOR HARR: I WOULD SAY I OFFERED THAT AS A PLEA OR AS AN INCENTIVE FOR THEM TO PLEA NO DIFFERENT THAN I MIGHT TAKE A CASE FROM A CLASS III TO A CLASS IV IN RETURN FOR A PLEA. [LB173]

SENATOR CHAMBERS: BUT HERE'S WHAT I'M GETTING AT. IF THE PERSON WOULD PLEAD, THEN YOU WOULD NOT CHARGE THE HABITUAL CRIMINAL, ISN'T THAT TRUE? [LB173]

SENATOR HARR: THERE WERE SITUATIONS, YES, BECAUSE I THOUGHT IT WAS IN THE BEST INTEREST. [LB173]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, THERE ARE PEOPLE WHO QUALIFIED FOR THAT CHARGE AND THEY DON'T BRING IT IF THEY CAN FORCE A PLEA. IF THEY'RE INTERESTED IN PUBLIC SAFETY, WHY WILL THEY OFFER A PLEA? WHY WILL THEY TAKE THIS PERSON WHO IS A BAD ACTOR AS THEY SAY AND SAY BUT IF YOU PLEAD GUILTY, I WILL NOT TREAT YOU LIKE A BAD ACTOR, I WON'T INVOKE THE HABITUAL CRIMINAL LAW, AND I'LL LET YOU DEAL WITH THE PUNISHMENT THAT WILL GO FOR THE PARTICULAR OFFENSE THAT YOU COMMITTED. AND THE PUNISHMENT IS NOT NEARLY AS ROUGH AS THE HABITUAL CRIMINAL LAW WOULD MAKE IT. SO THEY'RE TALKING OUT OF BOTH SIDES OF THEIR MOUTH. THEY TALK ABOUT PUBLIC SAFETY. THEY TALK ABOUT GETTING THE BAD PEOPLE OFF THE STREET, BUT IF THEY WOULD PLEAD THEN THEY'RE NOT GOING TO BE CHARGED AS A HABITUAL CRIMINAL AND THEY WILL GET OUT ON THE STREET. I'M TRYING TO BRING HONESTY INTO THE SYSTEM. THEY USE IT AS A CLUB, AND THEY WILL USE IT TO LET PEOPLE OUT WHO UNDER THE HABITUAL CRIMINAL STATUTE COULD BE CHARGED AND GIVEN 10-YEAR MINIMUM AND A MAXIMUM OF 60 YEARS. BUT THEY SAY AS PROSECUTORS WE WANT TO CONTROL THE CRIMINAL JUSTICE SYSTEM. WE WANT TO DETERMINE WHAT SOMEBODY IS CHARGED WITH. WE WANT TO DETERMINE WHO GOES TO JAIL A LONG TIME AND WHO DOESN'T. I WANT TO GET THIS CASE SETTLED WITHOUT A TRIAL. SO IF YOU DON'T PLEAD, THEN I'M GOING TO CHARGE YOU AS A HABITUAL CRIMINAL. WELL, EITHER THE PERSON'S A BAD ACTOR OR HE ISN'T OR SHE. IF HE OR SHE IS A BAD ACTOR, DON'T ALLOW A PLEA. BUT THE FACT THAT YOU HAVE SO FEW

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PEOPLE SERVING TIME FOR HAVING BEEN CONVICTED OF BEING HABITUAL CRIMINALS... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: ...LETS YOU KNOW HOW MANY OTHERS WERE NOT CONVICTED OF THAT BECAUSE THEY TOOK A PLEA. THEY'RE NOT TALKING. WHEN I SAY THEY, PEOPLE LIKE SENATOR HARR WHO ARE TRYING TO KEEP THE HABITUAL STATUTE AS IT IS. THEY COULDN'T CARE LESS ABOUT WHAT KIND OF PEOPLE GET OUT BECAUSE THEY WILL LET PEOPLE OUT IF THEY'LL COOPERATE WITH THE PROSECUTOR AND SNITCH. IT'S A RACE TO THE PROSECUTOR, AND THE PERSON WHO PULLS THE TRIGGER IN A CRIME, IF HE GETS TO THE PROSECUTOR FIRST AND THREATENS AND PROMISES TO TURN STATE'S EVIDENCE, HE WILL NOT GET AS MUCH TIME AS THE ONE WHO IS AN ACCOMPLICE BUT DIDN'T PULL THE TRIGGER AND SENATOR HARR KNOWS THAT. AND THERE HAVE BEEN CASES WHERE PEOPLE WERE EXECUTED WHO WERE ACCOMPLICES BECAUSE THEY DIDN'T PULL THE TRIGGER BUT THE TRIGGERMAN WON THE RACE TO THE PROSECUTOR AND TURNED STATE'S EVIDENCE. AND IN EXCHANGE FOR DOING THAT... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: ...THE DEATH PENALTY WAS TAKEN OFF THE TABLE AND THE ONE WHO DID NOT PULL THE TRIGGER WAS CONVICTED AND... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: OH, I'M SORRY, MR. PRESIDENT. THANK YOU. [LB173]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR KRIST, YOU'RE RECOGNIZED. [LB173]

SENATOR KRIST: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. WE ALL COME INTO THE GAME LATE SOMETIMES. THIS IS RIGHT AFTER THE WHISTLE HAS BLOWN ON THE FOURTH QUARTER, SENATOR HARR, BUT I GUESS WE GET THE OVERTIME, SO WE'LL TALK ABOUT IT. I, LIKE SENATOR CHAMBERS, DO NOT BELIEVE THAT THIS IS A COMPROMISE OF ANY KIND. I THINK A COMPROMISE IS BASED UPON SPENDING A YEAR OR SO STUDYING THE

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SYSTEM, GETTING THE INFORMATION THAT WE NEED, TALKING TO PROSECUTORS WHO HAVE ONE SIDE OF THIS ISSUE, TALKING TO DEFENSE ATTORNEYS WHO HAVE THE OTHER SIDE, AND WHAT I HAVE LEARNED FROM THIS WHOLE THING AND WHICH IS INDICATED...CAN I HAVE A GAVEL, PLEASE? THANK YOU. WHAT I THINK IS INDICATED HERE IS A LACK OF TRUST IN THE JUDGE'S ABILITY TO SENTENCE. IF WE HAVE TO TELL THE JUDGE HOW BAD THIS PERSON IS, THAT JUDGE DOES NOT NEED TO BE ON THE BENCH. I WONDER IF SENATOR SCHUMACHER WOULD YIELD TO A QUESTION? [LB173]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB173]

SENATOR SCHUMACHER: YES, I WILL. [LB173]

SENATOR KRIST: SENATOR, YOU'VE BEEN INVOLVED WITH MOST OF THE CONVERSATIONS THAT I'VE BEEN INVOLVED WITH OVER THE LAST YEAR AND A HALF OR SO AND YOU WERE A COUNTY ATTORNEY AT ONE POINT. IS THAT NOT CORRECT? [LB173]

SENATOR SCHUMACHER: THAT'S CORRECT. [LB173]

SENATOR KRIST: SO IF I HAD TO USE SENATOR HARR'S EXAMPLE OF A SEX OFFENDER WHO ACTUALLY WENT TO JAIL, DID THEIR TIME AND WAS NOW ON THE REGISTRY, AND THAT SEX OFFENDER CAME OUT AND BASICALLY HAD TWO DWIs OF ONE KIND OR ANOTHER BACK TO BACK, THE WAY THAT THE CURRENT LAW IS WRITTEN, WOULD YOU USE OR COULD YOU USE THE HABITUAL CRIMINAL? AND LET'S USE A GENERIC, NOT YOU, SIR, BUT COULD A COUNTY ATTORNEY USE HABITUAL CRIMINAL LAWS TO ENHANCE FOR THAT SECOND TIME EVEN THOUGH WE'RE TALKING DWIs AS OPPOSED TO SEX OFFENDERS? [LB173]

SENATOR SCHUMACHER: AS I UNDERSTAND YOUR QUESTION, THERE WAS A CONVICTION FOR A SEX OFFENSE, PERSON RELEASED, AND THEN RIGHT NOW PENDING TWO NEW DWIs. [LB173]

SENATOR KRIST: THAT'S CORRECT. [LB173]

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SENATOR SCHUMACHER: I THINK YOU HAD TO BE CONVICTED OF TWO FELONIES AND SENTENCED TO AT LEAST A YEAR, AND THEN THE THIRD GO-AROUND YOU WOULD BE ABLE TO... [LB173]

SENATOR KRIST: OKAY, GOOD EXAMPLE THEN. SO WHAT IF THAT SECOND OFFENSE AND CONVICTION WAS FOR A MINOR FELONY AND THEN THE DWI WOULD FOLLOW? IN THAT PARTICULAR CASE, COULD THE COUNTY ATTORNEY THROW THE HABITUAL UP THERE IN ORDER TO PLEA BARGAIN TO DO SOMETHING DIFFERENT? [LB173]

SENATOR SCHUMACHER: IF IT WAS A FELONY DWI, THAT WOULD BE NUMBER THREE, I THINK. I'M BEING TOLD NO. IT'S BEEN 30 YEARS, BUT YOU HAVE TO BE CONVICTED AND SENTENCED TO A PENITENTIARY FOR AT LEAST A YEAR, I BELIEVE FOR TWO OF THEM AND THEN THE THIRD TIME. I'D HAVE TO CHECK. SENATOR HARR'S INDICATING I'M WRONG ON THAT, BUT. [LB173]

SENATOR KRIST: OKAY. WOULD SENATOR HARR YIELD TO A QUESTION? [LB173]

SENATOR HARR: I WILL. [LB173]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD? [LB173]

SENATOR KRIST: YOU HEARD THE QUESTION. [LB173]

SENATOR HARR: YEP. SO DUI IS A MISDEMEANOR, IT'S A CLASS W. AND LET'S SAY IT'S A DUI III OR MORE, LET'S SAY IT'S .15 OR MORE, STILL CAN'T USE IT BECAUSE IT'S AN ENHANCED PENALTY. SO YOU CAN'T USE AN ENHANCED PENALTY TO ENHANCE FURTHER WITH THE HABITUAL CRIMINAL. [LB173]

SENATOR KRIST: OKAY. SO YOU THREW THE SEX OFFENDER OUT THERE. SO WE DO SEX OFFENSE TWICE AND THEN WE GET INTO WHAT OTHER KIND OF ISSUE THAT WOULD... [LB173]

SENATOR HARR: SO CURRENTLY HOW IT READS IS IF YOU HAVE A SEX OFFENSE, SERVE YOUR TIME, PICK UP A SECOND SEX OFFENSE, THERE'S SOMETHING CALLED A SUPER HABITUAL. THERE'S ANOTHER TERM FOR IT COLLOQUIALLY, BUT WHAT IT IS, IS 25 YEARS HARD TIME, AS OPPOSED TO A REGULAR HABITUAL

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WHICH IS TEN YEARS HARD TIME, ALTHOUGH YOU CAN GET MORE ON TOP OF THAT. [LB173]

SENATOR KRIST: AND SO YOU AS A PROSECUTOR THEN WOULD GO TO THE JUDGE AND SAY HE'S JUST... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR KRIST: ...SAID HE'S GOING TO DO THIS AND THAT'S WHAT WE'RE RECOMMENDING. COULD THE JUDGE NOT SENTENCE HIM FOR THE 25 YEARS HARD TIME... [LB173]

SENATOR HARR: NO. [LB173]

SENATOR KRIST: ...GIVEN THE THINGS THAT WE KNOW ABOUT THIS CRIMINAL? [LB173]

SENATOR HARR: NOPE. IF THEY ARE CHARGED WITH A SUPER HABITUAL AND THEY ARE CONVICTED OF THAT AND THEY FOUND THAT THE PRIOR CONVICTION IS VALID, THEN A JUDGE HAS NO CHOICE BUT TO GIVE A MANDATORY MINIMUM OF 25 HARD YEARS. [LB173]

SENATOR KRIST: NO, YOU'RE MISSING THE QUESTION. THE QUESTION IS, COULDN'T HE GIVE HIM HARD TIME OF 20 TO 25 YEARS GIVING IT WITHOUT THE SUPER? [LB173]

SENATOR HARR: YES, BUT... [LB173]

SENATOR KRIST: AND HEREIN LIES MY QUESTION. WHY DON'T WE TRUST THE JUDGES DO THE RIGHT THING? [LB173]

SENATOR HARR: BECAUSE 20 TO 25 WOULD BE 10 TO 12.5 AND NOT 25 HARD. [LB173]

SENATOR KRIST: UNDER THE CURRENT LAW, COULDN'T HE GIVE HIM A BEGINNING AND END DATE SAME? [LB173]

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SENATOR HARR: FIFTY TO FIFTY? WELL, NOT AFTER LB605. [LB173 LB605]

SENATOR KRIST: HE COULD NOT GIVE MORE THAN, WHAT, 25 YEARS AND THEN IT WOULD GO 12.5? [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR KRIST: I'LL CONTINUE. [LB173]

SPEAKER HADLEY: SENATOR HARR, YOU'RE RECOGNIZED. [LB173]

SENATOR HARR: THANK YOU. YOU KNOW, I'M TRYING TO HAVE A SERIOUS DEBATE HERE, FOLKS, AND THERE ARE A LOT OF PERSONAL ATTACKS THROWN. AND, YOU KNOW, THAT'S FINE. I CAN HANDLE THAT. BUT WE'RE TALKING ABOUT SOMETHING VERY SERIOUS HERE. THESE, AGAIN, ARE NOT YOUR GARDEN VARIETY CRIMINALS. THESE ARE THE WORST OF THE WORST, AND THE ANSWER IS, YEAH, IT CAN BE A FORGERY. NOW IS IT USED ON FORGERIES? VERY, VERY SELDOM. I'D BE INTERESTED TO SEE HOW MANY OF THEM ARE AND WHAT THE FACTS ARE OF THE ONES WHO WERE AND WHAT THEIR PRIOR FELONIES WERE AND WHAT THE SITUATION WAS. BUT IF ALL YOU ARE IS A FELONIOUS FORGER AND YOU DO THREE CHECKS, FIRST OF ALL, THE PRIOR TWO PROBABLY WON'T GET YOU A YEAR AND YOU'RE NOT GOING TO GO AWAY FOR TEN YEARS. AGAIN, YOU HAVE TO LOOK AT THE DISCRETION. AT ONE POINT WE SAY DISCRETION IS GOOD AND WE LIKE IT. AND THEN THE NEXT LINE WE SAY, DISCRETION IS BAD, PROSECUTORS SHOULDN'T USE IT. SO YOU HAVE TO BE VERY CAREFUL. DO PROSECUTORS USE THE HABITUAL EVERY TIME SOMEONE IS ELIGIBLE? NO, THEY DO NOT. ARE THEY REQUIRED TO USE IT? NO, THEY ARE NOT. IT NEEDS TO BE RESERVED FOR THE WORST OF THE WORST. SO THE ANSWER IS, WERE THERE INDIVIDUALS THAT WERE ELIGIBLE FOR THE HABITUAL, AND I SAID IF YOU PLEAD, I WILL NOT CHARGE IT. AND THE ANSWER IS, YES, I HAVE DONE THAT. I CAN THINK OF ONE TIME, AND I THINK PROBABLY ABOUT ONE TIME ONLY, AND THAT PERSON ENDED UP BEING CONVICTED OF CLASS IIIs, WHICH WAS 20 TO 20 WHICH WILL BE CHANGED UNDER LB165. BUT AS THE LAW IS TODAY, THAT'S 20 TO 20 WHICH WITH GOOD TIME IS 10 TO 10, WHICH IS THE SAME AS THE HABITUAL. AND SO WHAT IT DID WAS IT GAVE SOME INCENTIVE FOR THAT INDIVIDUAL TO BEHAVE THEMSELVES WHILE THEY WERE IN PRISON. THERE WAS ANOTHER CASE I HAD, A SUPER HABITUAL THAT WE JUST ELIMINATED. IT WAS A SEXUAL ASSAULT, PERSON GOT OUT, AND COMMITTED ANOTHER CRIME, SEXUALLY ASSAULTED SOMEONE. I DIDN'T OFFER ANYTHING. WE WENT TO

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TRIAL. SO THERE ARE PEOPLE THAT DESERVE THIS, BUT THERE IS A DIFFERENCE BETWEEN A HABITUAL CRIMINAL AND A SUPER HABITUAL CRIMINAL, FIRST OF ALL, AND THERE ARE DIFFERENCES BETWEEN, YOU KNOW, YOU HAVE TO LOOK AT IT CASE BY CASE, BUT YOU HAVE TO HAVE THE TOOLS AVAILABLE TO THOSE PROSECUTORS. NOW ARE THERE SOME WHO MAYBE IN YOUR EYES OR IN SOME PEOPLE'S EYES VIOLATE THAT TRUST OR VIOLATE THAT DISCRETION? YOU KNOW, I THINK WHAT I THINK IS FAIR IS DIFFERENT THAN WHAT YOU THINK IS FAIR IS DIFFERENT THAN WHAT SENATOR CHAMBERS THINKS IS FAIR. WE ALL HAVE OUR SENSE OF FAIRNESS, BUT AT THE END OF THE DAY WE HAVE THE LAW AND WE HAVE INDIVIDUALS WHO HAVE CHOSEN NOT TO FOLLOW THE LAW. AND, LOOK, IF I REALLY WERE AGAINST THIS BILL, I'D JUST LET IT RIDE AND I'D SAY, LET'S SEE WHAT HAPPENS. BUT I DO BELIEVE IN THE DISCRETION OF LETTING THE JUDGES DECIDE, AND SO I'M OKAY WITH THE ELIMINATION OF HALF OF THE BILL. BUT THE PART THAT DEALS WITH HABITUAL CRIMINALS I HAVE A REAL ISSUE WITH. AND, LOOK, MY VIEW IS PROBABLY CONTRARY TO WHAT THE COUNTY ATTORNEYS OR THE AG'S OFFICE WANTS. I'M ONLY ONE MAN, ONE VOTE. BUT I LIKE PART OF THE BILL. I DON'T HAVE A PROBLEM WITH PART OF THE BILL. BUT WHERE I DO HAVE A PROBLEM IS, AGAIN, WITH THE HABITUAL CRIMINAL. THESE ARE INDIVIDUALS WHO ARE JUST THAT, HABITUAL. THIS ISN'T THREE STRIKES, YOU'RE OUT. THIS ISN'T SOMEONE WHO STOLE A CANDY BAR... [LB173 LB165]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR HARR: ...AND IS GOING AWAY FOR LIFE. BECAUSE STEALING A CANDY BAR IS SHOPLIFTING. IT'S A MISDEMEANOR. IT'S NOT "ENHANCEABLE." IT CAN BE ENHANCED TO A FELONY, BUT IT CAN'T BE ENHANCED TO HABITUAL. SO THEY AREN'T GOING TO DO TEN YEARS. SO WE CAN JUST TAKE THAT OFF THE TABLE RIGHT NOW. DUI CAN'T BE ENHANCED. DUI MANSLAUGHTER CAN'T BE ENHANCED. SO WE'VE ALREADY ARE VERY CAREFUL AND JUDICIOUS IN WHAT CRIMES WE ALLOW TO BE USED FOR THE HABITUAL. AND SO, YOU KNOW, I DIDN'T STUDY THIS FOR A YEAR. I LIVED IT FOR SIX, DAY IN, DAY OUT. AND SO I HAVE A PRETTY GOOD IDEA AND I PRACTICE IN THAT AREA OF THE LAW. NOW YOU MAY ACCUSE ME OF COMING IN AT THE 11th HOUR OR OVERTIME, AND THAT'S FAIR. WE ALL HAVE REASONS FOR COMING LATE. WE ALL HAVE REASONS FOR WHY WE ACT THE WAY WE DO. FOR THAT, I APOLOGIZE TO THE BODY FOR BEING LATE. AND I WON'T GO INTO THE REASON. [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

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SENATOR HARR: THANK YOU. [LB173]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB173]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I JUST WANTED TO ASK SENATOR HARR A QUESTION. YOU... [LB173]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD? [LB173]

SENATOR HARR: OF COURSE. [LB173]

SENATOR PANSING BROOKS: SENATOR HARR, YOU TALKED ABOUT GETTING RID OF THE SUPER HABITUAL, BUT DO YOU KNOW WHAT THE MAXIMUM UNDER THIS BILL IS? [LB173]

SENATOR HARR: UNDER WHICH? [LB173]

SENATOR PANSING BROOKS: UNDER LB173? WHAT'S THE MAXIMUM WITH THE SUPER HABITUAL GONE? [LB173]

SENATOR HARR: MAXIMUM FOR WHAT? [LB173]

SENATOR PANSING BROOKS: MAXIMUM THAT CAN BE... THAT A JUDGE COULD SENTENCE TO SOMEBODY? [LB173]

SENATOR HARR: LIFE. [LB173]

SENATOR PANSING BROOKS: UNDER THIS BILL, UNDER THE MANDATORY MINIMUMS WHEN WE GET RID OF THE MANDATORY MINIMUMS, DO YOU KNOW WHAT THE... [LB173]

SENATOR HARR: WELL, THE MANDATORY MINIMUM WOULD BE LIFE UNDER THIS BILL. [LB173]

SENATOR PANSING BROOKS: OKAY. THANK YOU, SENATOR. THE MAXIMUM IS UP TO 60 IS STILL THE SENTENCE IN THIS BILL, AND YOU CAN STILL BE SENTENCED

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FOR THE UNDERLYING OFFENSE. SO THE AMOUNT OF TIME IS 60 YEARS PLUS THE UNDERLYING OFFENSE. THE COUNTY ATTORNEYS HAVE A SIGNIFICANT HAMMER TO BE ABLE TO IMPOSE UPON WHATEVER DEFENDANT THEY WANT TO PUSH INTO MAKING WHATEVER PLEA BARGAIN THAT THEY WANT. WHAT HAS HAPPENED, SENATOR HARR SAID THAT HE DIDN'T UNDERSTAND THE MINIMUM OF TEN. THE GOAL OF THIS BILL IS TO GET RID OF THE MANDATORY MINIMUMS, WHICH I HAVE HEARD FROM MANY JUDGES TIES THEIR HANDS. THEY CANNOT FASHION A SENTENCE ACCORDING TO THE DEFENDANT THAT THEY HAVE BEFORE THEM. AND TO SAY THAT WE DON'T UNDERSTAND A MINIMUM OF TEN YEARS, WHAT THAT MEANS IS, YES, A DEFENDANT COULD GET FIVE YEARS WITH GOOD TIME. THERE WERE INSTANCES WHERE PEOPLE HAD BEEN SENTENCED TO A MANDATORY MINIMUM OF TEN YEARS, AND JUDGES WANTED TO DETERMINE THAT THIS PERSON WHO'D NEVER BEEN CONVICTED BEFORE, THIS DOESN'T HAVE ANYTHING TO DO WITH THE HABITUAL CRIMINAL. THESE ARE TWO DIFFERENT ACTIONS. EVERYONE IS CONFUSED AND THINK, OH, THE MANDATORY MINIMUMS MEANS THE HABITUAL CRIMINAL. I HOPE EVERYBODY HAS GOT THOSE DISTINGUISHED BECAUSE I THINK WE'VE GOT SOME CONFUSION THERE TOO. SO, ANYWAY, WHAT I'M TALKING ABOUT IS THAT THERE ARE MANDATORY MINIMUMS WHERE THE JUDGE WANTS TO LOOK AT IT AND SAY, THIS PERSON HAS NEVER BEEN CONVICTED BEFORE. THIS PERSON HAS HAD A PRETTY GOOD LIFE. THE FIRST OFFENSE IS SOMETHING THAT FITS UNDER THE MANDATORY MINIMUM. THAT JUDGE DOES NOT WANT TO IMPOSE THE MANDATORY MINIMUM OF TEN YEARS WITH NO ALLOWANCE FOR GOOD TIME. I DON'T THINK THAT WE ARE SET TO MAKE THAT DECISION HERE. WE HAVE PRISON OVERCROWDING PROBLEMS. MAYBE THE JUDGE WILL DECIDE 20 YEARS IS THE MINIMUM, BUT I DON'T WANT TO LIMIT THAT EITHER. I WANT THE JUDGE TO BE ABLE TO DETERMINE WHAT SENTENCE HE OR SHE CHOOSES TO IMPOSE. IT'S NOT OUR DECISION RIGHT HERE. AND RIGHT NOW, WE HAVE BEEN SO TOUGH ON CRIME THAT WE'RE SITTING AT 167 PERCENT OF CAPACITY. WHAT IF THERE'S ONE PERSON, EVEN IF IT'S ONLY ONE? SENATOR McCOY IS GIVING...ON GENERAL GAVE US SOME NUMBER OF NINE. I'D LIKE SENATOR McCOY TO PLEASE GIVE ME THOSE NUMBERS AGAIN FROM GENERAL. BUT, ANYWAY, EVEN IF IT'S ONE PERSON THAT A JUDGE DETERMINES SHOULD NOT HAVE THAT MANDATORY MINIMUM BUT SHOULD BE SENTENCED TO A MINIMUM OF TEN YEARS WHICH WOULD ALLOW THEM TO GET OUT IN FIVE, WHAT'S WRONG WITH THAT? ARE WE SO BRILLIANT ON THE FACTS BEFORE EACH JUDGE RIGHT NOW THAT WE HAVE NO IDEA WHAT THEY ARE THAT WE CAN SAY, OH, THE JUDGE DOESN'T HAVE THE ABILITY TO DETERMINE THIS. WE WANT OUR PRISONS FILLED TO CAPACITY AND THROW AWAY THE KEY. FORGERY IS THE MOST HEINOUS OF ALL CRIMES.

[LB173]

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SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR PANSING BROOKS: WE NEED TO SENTENCE THEM TO TEN YEARS SO THAT THEY NEVER DO THAT AGAIN. WE NEED TO KEEP THOSE PEOPLE UP AND OFF OF OUR...OUT OF OUR COMMUNITY. I DON'T THINK THOSE ARE GOOD POLICY DECISIONS, AND I THINK WE NEED TO WORK HARD HERE TO KEEP SEPARATE THE HABITUAL CRIMINAL ISSUE WHICH WE'VE ALREADY VOTED ON, BY THE WAY, AND THE ISSUE OF THE MANDATORY MINIMUM. SO I GIVE...THANK YOU, MR. PRESIDENT. I THINK I'M UNDER A MINUTE. [LB173]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB173]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'D LIKE TO ASK SENATOR HARR A QUESTION. [LB173]

SPEAKER HADLEY: SENATOR HARR, YIELD? [LB173]

SENATOR HARR: OF COURSE. [LB173]

SENATOR CHAMBERS: FIRST OF ALL, SENATOR HARR, I DON'T MIND YOU BEING LATE, I MIND YOU BEING WRONG. ARE YOU AWARE THAT IN 2011, HOUSE BILL 3384 BY JERRY MADDEN WAS ADOPTED AND DID AWAY WITH THREE STRIKES ALTOGETHER IN TEXAS? IT'S GONE. [LB173]

SENATOR HARR: IN CALIFORNIA OR WHERE? [LB173]

SENATOR CHAMBERS: TEXAS. [LB173]

SENATOR HARR: TEXAS. OKAY. [LB173]

SENATOR CHAMBERS: WERE YOU AWARE OF THAT? [LB173]

SENATOR HARR: NO. I AM NOW. I AM NOW. [LB173]

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SENATOR CHAMBERS: THEY HAVEN'T HAD TO BUILD NEW PRISONS AND THEY'VE DONE OTHER THINGS TOO. THEY'VE DECIDED THAT THEY HAVE TO TAKE A LONG-RANGE VIEW... [LB173]

SENATOR HARR: DID THAT BILL PASS? [LB173]

SENATOR CHAMBERS: YES. [LB173]

SENATOR HARR: OKAY. [LB173]

SENATOR CHAMBERS: YES, IT PASSED IN 2011. THAT'S WHEN THEY DID AWAY WITH THE THREE STRIKES. IT'S ALL GONE. SO, AND NOW I'M NOT QUESTIONING YOU, BUT I HOPE YOU...IF YOU CAN STAY AROUND, LISTEN, AND IF THERE'S SOMETHING YOU DISAGREE WITH, THEN YOU WOULD ENGAGE ME. WE, WHO RUN THAT LR424 COMMITTEE HAD AN OPPORTUNITY TO TAKE A PANORAMIC VIEW OF THE CORRECTIONS DEPARTMENT, THE CORRECTIONAL SYSTEM, THE CRIMINAL JUSTICE SYSTEM. AND WE SAW HOW MANY MOVING PARTS THERE ARE TO THIS ENTIRE COMPLEX AND HOW MANY OF THEM CAN GO WRONG AND HOW MANY, IN FACT, DID GO WRONG. AND CORRECTIVE ACTION THAT COULD HAVE BEEN TAKEN WAS NOT. I'D LIKE TO ASK SENATOR HARR A QUESTION. [LB173]

SPEAKER HADLEY: WOULD SENATOR HARR YIELD? [LB173]

SENATOR HARR: YES. [LB173]

SENATOR CHAMBERS: SENATOR HARR, WHILE YOU WERE PRACTICING AS A PROSECUTOR IN DOUGLAS COUNTY, DID YOU SEE ANY EXAMPLES OF RACIAL DISCRIMINATION IN THE CHARGING...IN THE FILING OF CHARGES AND IN THE SENTENCING AFTER A PERSON WAS CONVICTED? IN OTHER WORDS, DID YOU SEE BLACK PEOPLE TREATED MORE HARSHLY THAN WHITE PEOPLE WHO WERE SIMILARLY SITUATED? [LB173]

SENATOR HARR: I WOULD LIKE TO THINK NO, BUT I DON'T HAVE ANY DEFINITIVE PROOF ONE WAY OR THE OTHER. [LB173]

SENATOR CHAMBERS: SO YOU DIDN'T OBSERVE ANYTHING YOURSELF? [LB173]

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SENATOR HARR: I DIDN'T OBSERVE ANY BLATANT RACISM. [LB173]

SENATOR CHAMBERS: THANK YOU. I WON'T ASK YOU ANYTHING ELSE. MEMBERS OF THE LEGISLATURE, THERE ARE WHITE PEOPLE WHO PRACTICE IN THE COURTS OF DOUGLAS COUNTY WHO HAVE DETECTED HOW IF A KID FROM WEST OMAHA COMES IN WITH A CRIME AND A BLACK PERSON FROM NORTH OMAHA AND THEY'RE SUBSTANTIALLY THE SAME, THEY CAN'T BE EXACTLY THE SAME BECAUSE THEY WEREN'T COMMITTED AGAINST THE SAME INDIVIDUAL, THE WHITE KID GOT THE BREAK AND THE BLACK KID GOT BROKEN. AND I KNOW OF PEOPLE THIS HAS HAPPENED TO, AND I'VE SAT IN DOUGLAS COUNTY COURTHOUSES AND WATCHED THE ATTITUDE OF JUDGES CHANGE WHEN A BLACK PERSON CAME BEFORE THAT JUDGE. SO WHEN I'M IN A SITUATION WHERE WHITE PEOPLE WHO ARE THERE TO OBSERVE WOULD SAY, WELL, NO, IT'S NOT HAPPENING, THEN THERE'S NO WAY I CAN EXPECT THERE TO BE A CORRECTION OF A PROBLEM BECAUSE THEY DON'T SEE A PROBLEM AS EXISTING. THESE KIND OF LAWS SKEW THE SYSTEM AND THEY TAINT THE CONCEPT OF EQUAL JUSTICE AND EQUALITY BEFORE THE LAW. SENATOR HARR DOESN'T HAVE TO WORRY ABOUT THAT BECAUSE HE'S THE RIGHT COMPLEXION AND HE CAN JUST LOOK THE OTHER WAY, AND IF IT HAPPENS TO SOMEBODY, HE DOESN'T GET THE CALL. BUT I GET THE CALLS. I'VE TALKED TO DONALD...WELL, NO, IT'S BEFORE HIS TIME, BUT WHO WAS A PROSECUTOR. I BELIEVE THAT DON KLEINE WOULD ACKNOWLEDGE THAT WHAT I'M TALKING ABOUT DOES HAPPEN. HE WON'T SAY HE DOES IT, BUT ASK HIM IF HE DETECTS IT IN THE WAY JUDGES BEHAVE. [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: WHEN YOU HAVE A HAMMER LIKE THIS AND YOU WIELD IT, MAYBE SENATOR HARR NEVER DID, AND YOU ALLOW A PERSON TO PLEAD WHO COULD BE CHARGED AS A HABITUAL CRIMINAL, YOU OBVIOUSLY ARE NOT CONCERNED ABOUT PUBLIC SAFETY BECAUSE THAT PERSON IS NOT GOING TO GET THE 10 TO 60 YEARS BUT THE PUNISHMENT THAT GOES WITH THAT THIRD OFFENSE AND WILL GET OUT. SO THESE PROSECUTORS ARE NOT RIGHTEOUS, SANCTIMONIOUS PEOPLE. THEY WANT TO WIN AS MANY CASES AS THEY CAN, AND WELL OVER 90 PERCENT OF THE CASE, CRIMINAL CASES, IN THIS COUNTRY ARE SETTLED BY WAY OF A PLEA BARGAIN. ARE YOU AWARE OF THAT, SENATOR HARR? [LB173]

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SENATOR HARR: I WOULD ARGUE IT'S MORE THAN THAT, BUT YOU'RE RIGHT.  
[LB173]

SENATOR CHAMBERS: ALL RIGHT. AND PEOPLE PLEAD BECAUSE OF THE THREAT OF SOMETHING HAPPENING TO THEM WORSE IF THEY DON'T PLEAD. ARE YOU AWARE THAT THEY'RE PEOPLE WHO PLEADED GUILTY TO CRIMES THEY DID NOT COMMIT? [LB173]

SENATOR HARR: THE BEATRICE SIX WOULD BE AN EXAMPLE. [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: I KNEW MY TIME WAS RUNNING, SO I THOUGHT I'D JUST LET IT RUN. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE RECOGNIZED. [LB173]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I CAME INTO THIS SESSION WITH A BONE TO PICK WITH HABITUAL CRIMINALS. MY NEIGHBOR GOT BROKEN INTO THE EVE BEFORE THANKSGIVING. AS IT TURNS OUT, I HAD BEEN OUTSIDE, HAD SEEN THIS INDIVIDUAL AND QUESTIONED THEM AND DID ALL THE APPROPRIATE NEIGHBORHOOD WATCH THINGS EXCEPT CALL THE POLICE BECAUSE I DIDN'T THINK THEY WERE PROBABLY, ESPECIALLY HAVING BEEN ACCOSTED, GOING TO HANG AROUND. THEY TOOK OFF AND I WATCHED TO MAKE SURE THAT THEY TOOK OFF, BUT THEY TOOK OFF FOR ABOUT FOUR OR FIVE HOURS AND THEN CAME BACK, KICKED IN THE BACK DOOR OF HER HOUSE AND BROKE IN. AND WAS ABLE TO GIVE ENOUGH OF A PRESCRIPTION...DESCRIPTION OF THE INDIVIDUALS THAT THE POLICE KNEW EXACTLY WHO I WAS TALKING ABOUT. AND THIS INDIVIDUAL'S NAME HAS SHOWN UP IN THE POLICE REPORT TWICE SINCE THAT PERIOD OF TIME. AND THE COMMENT WHEN I VISITED WITH THE CHIEF OF POLICE HAS BEEN, YEP, WE KNOW HIM AND WE GET HIM IN AND THEY GET WHAT THEY CONSIDER TO BE A SLAP ON THE HAND. THEY'RE BACK AGAIN. THEY BREAK IN ABOUT SIX MONTHS LATER SOMEPLACE ELSE. DRUG-RELATED PRIMARILY. AND SO I'M THINKING WE NEED TO GET THESE PEOPLE OFF THE STREETS. HOWEVER, THEN WE GET INTO THIS DEBATE AND I GET, AND I'M GOING TO READ THIS STORY FROM A YOUNG ATTORNEY WHO I KNOW WHO SAID HE REPRESENTED AN INDIVIDUAL WHO WAS CONVICTED IN LANCASTER COUNTY AS A HABITUAL CRIMINAL. AND THIS SPEAKS A LITTLE BIT TO SENATOR HARR'S CONCERNS ABOUT THE WORST OF THE WORST. HE WAS CONVICTED IN

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LANCASTER COUNTY AS HABITUAL CRIMINAL. HIS PRIOR OFFENSES WERE ALL THEFT RELATED, LIKE THE INDIVIDUAL I WAS TALKING ABOUT. THE OFFENSE AT ISSUE WAS SELLING AN AUTOMOBILE WITHOUT A PROPER LICENSE, A CLASS IV FELONY. DESPITE THE NONVIOLENT NATURE AND THE RELATIVE MINOR NATURE OF THIS CRIME AND THE CRIMES PRIOR TO THAT WHICH WOULD HAVE BEEN PUNISHABLE UP TO FIVE YEARS, TWO AND A HALF YEARS WITH GOOD TIME, THE STATE, NEVERTHELESS, CHARGED HIM AS A HABITUAL CRIMINAL AND HE WAS CONVICTED. THE ATTORNEY WAS ABLE TO GET THE SENTENCE REVERSED ON APPEAL AND SUBSEQUENTLY WORKED OUT A PLEA AGREEMENT THAT REMOVED THE HABITUAL CRIMINAL CHARGE. HAD HE BEEN UNSUCCESSFUL ON APPEAL, THAT INDIVIDUAL WOULD HAVE SERVED APPROXIMATELY 13 YEARS-- SELLING A MOTOR VEHICLE WITHOUT A PROPER LICENSE. THIS ISN'T THE WORST OF THE WORST. AND AS AGGRAVATED AS I AM AT THE GUY WHO KICKED IN MY NEIGHBOR'S DOOR, I ALSO DON'T THINK THEY DESERVE TO BE CLASSIFIED AS HABITUAL CRIMINAL AND SENTENCED TO YEAR AFTER YEAR AFTER YEAR AFTER YEAR. WE LACK A COMPONENT OF THIS LEGISLATIVE REVIEW OF SERVICES--BEHAVIORAL HEALTH SERVICES, DRUG SERVICES, REHAB SERVICES. THAT'S GOING TO ULTIMATELY BE AN IMPORTANT PART OF THE SUCCESS OF THIS. BUT I AM CONCERNED THAT PROSECUTORS, AS HAS BEEN SAID HERE BEFORE, BECOME THE JUDGES AND USE THE HABITUAL CRIMINAL CHARGE AS A WAY TO BE THE JUDGE. THE JUDGES TO ME SEEM TO HAVE THE ABILITY TO MAKE THESE DECISIONS, AND IT MAY BE AGGRAVATING TO US THAT AT TIMES THEY AREN'T AS HARSH ON THE CRIMINALS AS THEY WANT TO BE, BUT I DON'T LIKE THE HABITUAL CRIMINAL CHARGE. I DON'T LIKE WHAT I'M HEARING ABOUT IT. WHEN I HAVE A STORY LIKE THIS FROM A REPUTABLE ATTORNEY I KNOW WHO IS AGGRESSIVE ENOUGH TO FIGHT THIS, HAD THAT NOT BEEN THE CASE, THE INDIVIDUAL WE'RE TALKING ABOUT WOULD HAVE FILLED ONE OF THOSE CELLS, ONE OF THOSE BEDS THAT WE ALREADY HAVE THAT ARE OVERCROWDED. AND SO I CONTINUE TO LISTEN TO THE DEBATE. [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. BUT I CAME IN, IN SUPPORT OF THE HABITUAL CRIMINAL CHARGE, AND AS I'VE LISTENED AND AS I'VE READ INFORMATION THAT'S COME TO ME AND GONE THROUGH MY FILES, I HAVE TO TELL YOU I THINK LB173 AS DRAFTED IS PROBABLY THE RIGHT WAY FOR US TO GO. THANK YOU. [LB173]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB173]

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SENATOR GROENE: THANK YOU, MR. PRESIDENT. I'M A LAYPERSON INVOLVED IN ALL OF THIS. I'M TAKING ADVICE OF CITIZENS AND, AS I SAID EARLIER, MY FRIEND WHO WAS A JUDGE AND USED TO BE A COUNTY ATTORNEY. I'D LIKE TO REMIND YOU THERE'S 5,213 CRIMINALS IN OUR STATE PRISON SYSTEM AND 185 ARE THERE BECAUSE OF THE HABITUAL CRIMINAL LAW. YOU KNOW, AS A FISCAL CONSERVATIVE, WE TALK ABOUT PLEA BARGAINS, BUT, FOLKS, PLEA BARGAINS SAVE US A LOT OF MONEY AT THE COUNTY LEVEL BECAUSE WE ARE NOT GOING THROUGH A PROLONGED COURT CASE. I HAPPEN TO BELIEVE THAT THEY PLEA BECAUSE THEY ARE GUILTY, AND THEY PLEA WHICH SAVES US A LOT OF COURT COSTS TO PROSECUTE. NOW YOU SAY, WELL, IN AN IDEAL WORLD EVERYBODY SHOULD HAVE THEIR DAY IN FRONT OF THE JUDGE AND A FULL TRIAL. YOU PAY FOR IT. I DON'T WANT TO. THEY'VE ADMITTED THEIR GUILT. THEY HAVE BEEN GIVEN A LIGHTER SENTENCE BECAUSE OF THEIR ADMITTANCE OF THEIR GUILT. SOUNDS FAIR TO ME. FACT: FELONY CRIMES, VIOLENT CRIMES, ARE DOWN ACROSS THE NATION IN THOSE STATES WHO HAVE ENACTED HABITUAL CRIMINAL LAWS. THEY WORK. THEY KEEP PROFESSIONAL CRIMINALS OFF THE STREETS. THESE ARE THE ONES WHO HAVE BEEN IN JAIL FOR AT LEAST A YEAR AND THE STATE PEN TWICE. THEY'VE BEEN TO GRADUATE SCHOOL, AND THEY STILL PURSUE THEIR CAREER OF CRIME. WE ARE TAKING THEM OFF THEIR OCCUPATION AND WE'RE MAKING THEM UNEMPLOYED AT A COST. YOU KNOW, YOU GO BACK, THERE'S A REASON WE HAVE HABITUAL CRIMINAL LAWS. JUST DIDN'T POP INTO SOMEBODY'S HEAD BACK IN THE '90s AND THE 2000s OR, AS SENATOR McCOY SAID, AS RECENTLY AS 2009. WE CAN HONOR ALL THE JUDGES BUT THERE WERE SOME JUDGES WHO WERE SOFT ON CRIME, VERY SOFT ON CRIME. NOT THE ONES TALKING TO ME. THOSE JUDGES ARE JUST FINE WITH THE HABITUAL CRIMINAL LAW. THEY USE THE SYSTEM. THE COUNTY ATTORNEY DOES THE RESEARCH, CHOOSES AND LOOKS INTO IT AND SAYS, THIS GUY, THIS INDIVIDUAL IS DANGEROUS. HE'S A HABITUAL CRIMINAL AND WE NEED TO PUT HIM AWAY FOR A MINIMUM OF 10 YEARS OR 15 OR WHATEVER THE MINIMUM SENTENCE IS. THERE'S A REASON WE'VE DONE IT. THINGS HAVEN'T CHANGED. THEY'RE STILL THE SOFTHEARTED JUDGE WHO THINKS HE'S GOING TO LET THE PERSON GO BECAUSE HE SEES WHAT'S IN FRONT OF HIM. WE'RE ALL HUMAN BEINGS AND THAT INCLUDES A JUDGE. THERE'S A REASON WE HAVE HABITUAL CRIMINAL LAWS. I'M GOING TO LISTEN TO MY FRIEND WHO'S A JUDGE AND WAS FACE TO FACE WITH THESE HABITUAL CRIMINALS. I'M GOING TO LISTEN TO SENATOR HARR WHO'S SEEN IT HIMSELF AND KNOWS THERE'S A REASON FOR IT. WE'RE TALKING ABOUT 185 INDIVIDUALS. THIS ISN'T GOING TO OPEN MANY CELLS AS WE'VE TALKED ABOUT. IF WE ELIMINATE THE HABITUAL CRIMINAL LAW, IT'S GOING TO INCREASE COST TO OUR LOCAL COUNTIES TO PROSECUTE MORE, MORE CRIMES, TO PAY FOR MORE PUBLIC DEFENDERS, BECAUSE WE DID

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TAKE THE HAMMER AWAY. CALL IT WHAT YOU WANT, BUT IT IS A GOOD TOOL. NOT GOING TO BE ASHAMED OF IT OR SAY SOMEBODY WAS DENIED THEIR RIGHTS. THEY MADE A CHOICE. IF THEY WERE INNOCENT AND THEY HAVE A PUBLIC DEFENDER, THEY CAN GO THROUGH THE COURT. THEY CAN SIT THERE IN FRONT OF A JURY. [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR GROENE: THAT HAS NOT BEEN TAKEN AWAY FROM THEM. BUT THERE IS A REASON THESE LAWS WERE PASSED BY PAST LEGISLATURES. THEY WORK. CRIME IS DOWN. FELONY CRIMES ARE DOWN. WE'RE TALKING ABOUT 185 INDIVIDUALS. WE'RE TALKING ABOUT COUNTY ATTORNEYS WHO KNOW THEIR GAME, WHO WE ELECTED WHO MAKE THESE DECISIONS TO PURSUE. AND HERE'S THE LAST THING, FOLKS, IF THE GUY SAYS I'M NOT GOING TO PLEA DOWN AND HE GOES TO COURT, THAT DOESN'T MEAN THE COUNTY ATTORNEY IS GOING TO PURSUE HABITUAL CRIMINAL CHARGES. MORE THAN LIKELY HE WON'T. IT'S NOT EITHER OR; IT'S A MAYBE. SO THANK YOU FOR YOUR TIME. [LB173]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB173]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I HAVE NOT BEEN A PROSECUTOR, SENATOR GROENE, BUT I READ LITERATURE. I READ DOCUMENTS WRITTEN BY FEDERAL JUDGES AND JUDGES AT THE STATE LEVEL, AND THEY TALK ABOUT THE NUMBERS OF PEOPLE WHO WERE INNOCENT WHO PLEADED GUILTY. THEY HAVE PUT OUT A REPORT ABOUT FORENSIC EVIDENCE HAVING BEEN MISREAD BY THE FBI AND, AS A RESULT, HUNDREDS, IN SOME CASES, THOUSANDS OF CASES ARE BEING REVIEWED BECAUSE THE ONES WHO WERE GIVING THIS TESTIMONY WENT BEYOND WHAT THAT TEST...THEIR FINDINGS JUSTIFIED. THAT'S WITH THE FBI LAB. SENATOR HARR MAY NOT READ THOSE KIND OF THINGS. SO SENATOR GROENE TALKS TO ONE PERSON WHO'S A JUDGE. ALL THIS OTHER LITERATURE ON THE SUBJECT IS DISREGARDED. THAT'S WHAT MAKES OUR JOB DIFFICULT HERE. WE HAVE TO DEAL WITH PEOPLE WHO DON'T KNOW WHAT THEY'RE TALKING ABOUT, SO THEY TAKE ONE PERSON'S WORD. SOME OF US HAVE AT LEAST SERVED ON COMMITTEES WHERE WE'VE SUBPOENAED PEOPLE, WE SUBPOENAED DOCUMENTS, AND WE STUDIED THE ISSUE. SOME OF US HAVE BEEN HERE YEARS AND WATCHED HOW THE SYSTEM DEVELOPED AND HOW IT HAS MISCARRIED. BUT THAT MEANS NOTHING. SENATOR GROENE MIGHT BE ONE OF THOSE PEOPLE WHO WILL SAY I RESPECT

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THE COMMITTEE SYSTEM, AND THE COMMITTEE DID THE RESEARCH. THEY CAME UP WITH A CONCLUSION. THIS BILL CAME OUT OF THE JUDICIARY COMMITTEE ON AN 8 TO 0 VOTE. SENATOR SEILER PRIORITIZED THE BILL. THE COUNTY ATTORNEYS CAME AT THE LAST MINUTE AND DRAGGED PEOPLE OFF THIS FLOOR AND TOLD THEM, DON'T SUPPORT THOSE BILLS. THEY DIDN'T FIGHT THE BILLS WHEN THEY WERE IN COMMITTEE. THEY WAITED UNTIL THE LAST MINUTE BECAUSE THEY KNOW THERE ARE PEOPLE HERE WHO DON'T KNOW AND DON'T UNDERSTAND AND WILL RESPECT, AS SENATOR GROENE DID, A BADGE AND A TITLE--A GUY WHO'S A PROSECUTOR AND A GUY WHO IS A JUDGE. BUT THERE ARE OTHER JUDGES WHO ASKED THAT THESE MANDATORY MINIMUMS BE TAKEN AWAY AND THEY'VE SEEN A MISUSE OF THE HABITUAL CRIMINAL STATUTE USED TO COERCE PLEAS OF GUILT FROM PEOPLE WHO MAY OR MAY NOT HAVE COMMITTED THE CRIME. BUT WITHOUT THAT THREAT OF HABITUAL CRIMINAL, THEY WOULD HAVE GONE TO COURT BECAUSE IF THEY LOST, THE ONLY PUNISHMENT THAT WOULD BE AVAILABLE WAS THE PUNISHMENT FOR THAT OFFENSE. AND IF THEY DIDN'T COMMIT THE CRIME, THEY DON'T GAIN ANYTHING BY PLEADING GUILTY. BUT IF YOU CAN THREATEN THEM WITH 60 YEARS, THEY'LL SAY, YEAH, I'M ROLLING THE DICE IF I GO TO TRIAL SO I'LL PLEAD GUILTY. SENATOR GROENE IS SUPPOSED TO BE SMART. HOW IN THE WORLD ARE PROSECUTORS GOING TO GET MORE THAN 95 PERCENT OF THEIR CASES THROUGHOUT THE COUNTRY, FEDERAL AND STATE, SETTLE BY VIRTUE OF A PLEA? ALL THESE PEOPLE ARE NOT GUILTY. SENATOR GROENE SAYS THEY PLEAD GUILTY BECAUSE THEY DID IT. THAT IS ONE OF THE MOST NAIVE, OUT-OF-TOUCH STATEMENTS THAT CAN BE MADE IN VIEW OF THE LITERATURE THAT'S OUT THERE. IT'S NOT ME SAYING IT. BUT IF HE WON'T READ, I CAN'T CONVINCHE HIM, AND HE'S NOT THE PERSON I'M TALKING TO. I'M TALKING TO SOME OF YOU ALL WHO READ NEWSPAPERS, WHO WATCH THE NEWS, WHO MAY READ OTHER PUBLICATIONS WHERE YOU CAN SEE HOW PROSECUTORS HAVE DONE THINGS THAT RESULTED IN MISCARRIAGES OF JUSTICE. THERE IS ONE WHO WORKS FOR THE LANCASTER COUNTY ATTORNEY WHO MISLED THE JURY. AND THE JUDGE AT THE APPELLATE LEVEL, SENATOR HARR AND SENATOR GROENE, FOUND THAT THIS PROSECUTOR, ASSISTANT PROSECUTOR, HAD ENGAGED IN PROSECUTORIAL MISCONDUCT. THE COURT SAID HE ENGAGED IN MISCONDUCT, BUT SENATOR GROENE WOULD SAY, WELL, NO HE DIDN'T. THE JURY SHOULD HAVE KNOWN. THAT'S WHAT I HAVE TO CONTEND WITH HERE. BUT HE'S ONE PERSON, SENATOR HARR IS ONE PERSON, SENATOR GLOOR IS ONE PERSON. BUT SENATOR GLOOR GAVE A CONCRETE EXAMPLE OF HOW THAT HABITUAL STATUTE IS MISUSED AND HOW A VERY MINOR OFFENSE BY ANYBODY'S RECKONING WAS USED TO INVOKE THAT HORRENDOUS LAW. THOSE OF US WHO HAVE BEEN HERE A LONG TIME, AND

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WILL BE HERE, ARE INTERESTED IN TRYING TO MAKE THE JUSTICE SYSTEM MEAN WHAT IT IS PURPORTED TO MEAN, NOT THIS NONSENSE OF SOME JUDGE SAYING, WELL, EVERYBODY WHO PLEADS GUILTY PLEADED GUILTY BECAUSE HE'S GUILTY, THEREFORE... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: ...TAKE IT THAT WAY. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED. [LB173]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I'D LIKE TO CLARIFY, THANKS TO SENATOR SCHILZ, HE GOT SOME OF US SENATORS TOGETHER IN THE DISTRICT, I CAN'T REMEMBER WHAT DISTRICT WE'RE IN, WITH THE JUDGES HERE A WHILE BACK BEFORE WE TOOK OFFICE. ALL OF THE JUDGES AGREED THEY WANTED TO GET RID OF THE MINIMUM SENTENCE, THE 1 TO 20 FOR FELONIES. THEY WANTED 0 TO 20 BECAUSE THEY COULD DO BETTER AND UNDERSTAND THE INDIVIDUAL CRIME. I AGREE WITH THAT, I VOTED FOR LB605 ON A LOT OF THAT. BUT LB173 IS DIFFERENT, TOTALLY DIFFERENT. I'M GOING TO ASK SENATOR HARR, AS A FRIENDLY WITNESS, IF HE'D TAKE A QUESTION. [LB173 LB605]

SPEAKER HADLEY: SENATOR HARR, WILL YOU YIELD TO A QUESTION? [LB173]

SENATOR HARR: YES. [LB173]

SENATOR GROENE: SENATOR HARR, IF SOMEBODY WAS CONVICTED OF A HABITUAL CRIMINAL CRIME, AND THEN EVIDENCE CAME UP LATER THAT A DISTRICT ATTORNEY WAS CORRUPT, MISUSED EVIDENCE, WOULD THAT PERSON BE ABLE TO GO THROUGH THE COURT SYSTEM AND HAVE HIS SENTENCE REVERSED? [LB173]

SENATOR HARR: IT'S NO DIFFERENT IF YOU'RE HABITUAL VERSUS A NONHABITUAL AS FAR AS HOW THE COURTS WOULD TREAT THAT INDIVIDUAL. [LB173]

SENATOR GROENE: THANK YOU. SO IF JUSTICE IS NOT DONE, WHICH WE'RE ALL HUMAN BEINGS AND IT CAN HAPPEN, THAT PERSON STILL HAS A COURSE OF

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ACTION THROUGH THE COURTS IF HE'S SITTING IN THE STATE PEN WITH HABITUAL CRIMINAL CONVICTION TO HAVE IT OVERTURNED. THAT DOESN'T CHANGE. WE'RE NOT THROWING THE KEY AWAY AND WELDING THE DOOR SHUT, AS I TOLD ONE INDIVIDUAL. WE'RE TALKING ABOUT HABITUAL CRIMINALS THAT CAUSE A LOT OF GRIEF TO INNOCENT PEOPLE IN OUR SOCIETY. THIS IS NOT GOING TO FIX THE JAIL OVERCROWDING PROBLEM. WE HAVE A REASON FOR HABITUAL CRIMINAL LAWS. LET'S NOT CONFUSE MINIMUM SENTENCES WITH HABITUAL CRIMINAL LAW. THE WAY I UNDERSTAND IT, HABITUAL CRIMINAL LAW SAYS IF IT'S A 10 TO 20, YOU SERVE 10. YOU DON'T SERVE FIVE WITH GOOD TIME. I SEE NO REASON WHY THIS IS A BAD LAW. WE'RE TALKING ABOUT CAREER CRIMINALS HERE. WE'RE TALKING ABOUT PEOPLE SO BAD THAT THE COUNTY ATTORNEY WILL GO THROUGH THE COURT SYSTEM AND GO THROUGH THE TRIAL TO MAKE SURE THAT PERSON IS TAKEN AWAY SO HE DOES NOT HURT INNOCENT INDIVIDUALS IN THE FUTURE. TALKING ABOUT 185 INDIVIDUALS RIGHT NOW. THAT IS NOT THAT MANY, SO I AM BELIEVING THAT STATEWIDE COUNTY ATTORNEYS ARE USING GOOD DISCRETION TO DO THE RIGHT WHEN WE'RE TALKING ABOUT HABITUAL CRIMINAL LAW. THANK YOU. [LB173]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR HARR, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB173]

SENATOR HARR: THANK YOU, MR. SPEAKER. HOW LONG DO I HAVE? [LB173]

SPEAKER HADLEY: FIVE MINUTES. [LB173]

SENATOR HARR: FIVE MINUTES. OKAY. FOLKS, OUR JUDICIAL SYSTEM IS BASED ON PLEA BARGAINS. WE ARE NOT EQUIPPED TO TAKE EVERY CRIMINAL CASE TO TRIAL. THAT IS JUST A FACT. SENATOR CHAMBERS SAID 90 PERCENT PLEA. I DISAGREE WITH THAT. I THINK IT'S CLOSER TO 99 PERCENT PLEA. YOU HAVE TO HAVE PLEA BARGAINS. PLEA BARGAINS ARE NOT BAD. YOU KNOW, IT'S FUNNY, I NEVER HEARD ANYONE COMPLAIN BEING CHARGED WITH A III BEING OFFERED A IV. YOU DON'T HEAR THAT. BUT, WHOA, WHOA, WHOA, WHOA, IF SOMEONE IS ELIGIBLE FOR THE HABITUAL, CHARGED WITH A III, AND YOU OFFER AN ENHANCEMENT, WELL, THEN THEY GOT A REAL PROBLEM. SENATOR KRIST GAVE AN EXAMPLE OF DUIs. I NEVER HEAR HIM COMPLAIN WHEN SOMEONE IS CHARGED WITH THEIR FOURTH DUI OF AN ENHANCEMENT. THIS IS AN ENHANCEMENT. THIS IS SOMETHING THAT IS EARNED BY THE DEFENDANT. DO WE WANT TO TREAT EVERY DUI AS A FIRST EVEN IF IT'S THEY'RE 20th? NOW THERE'S PROSECUTORIAL DISCRETION, YES. FULLY CONCEDE THAT. IT'S CALLED

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JUSTICE. IT'S TAKING THE FACTS AND APPLYING IT AND LOOKING AT WHAT IS FAIR FOR THAT INDIVIDUAL. IT HAPPENS ALL THE TIME. IT'S PART OF THE PLEA BARGAIN AGREEMENT. I DIDN'T SIT ON LR424. SHAME ON ME. WELL, GUESS WHAT? I ASKED TO BE ON THERE. I DIDN'T GET ON THERE. BUT NOW I CAN'T HAVE A VOICE BECAUSE I DIDN'T SIT ON IT. HOOEY, IS WHAT I SAY TO THAT. PLEA BARGAINS ARE VERY IMPORTANT. OUR JUSTICE SYSTEM, OUR WHOLE SYSTEM IS BASED ON PLEA BARGAINS. IT'S WHEN A PROSECUTOR AND A DEFENSE ATTORNEY SIT DOWN AND THEY WHITTLE AN AGREEMENT. SOMETIMES IT'S FOR THE GUILT PORTION OF THE SENTENCE OR OF THE CRIMINAL ACTION, AND SOMETIMES IT'S FOR THE GUILT AND THE SENTENCING. IT VARIES FROM CASE TO CASE. YOU KNOW, I HAVEN'T HEARD ANYONE COMPLAIN THAT WE SHOULD MAYBE NOT ALLOW PROSECUTORS TO EVEN SAY THEY CAN'T MAKE A RECOMMENDATION IN SENTENCING. ISN'T THAT WHAT HABITUAL IS? MAKING A RECOMMENDATION, FOLLOWED UP BY LAW THAT SAYS THE JUDGE HAS TO DO THIS? WE HAVE TO HAVE INCENTIVES FOR PEOPLE TO DO WHAT IS RIGHT. AND IF THEY HAVE AT LEAST TWICE AVAILED THEMSELVES AND AT LEAST TWICE BEEN SENTENCED TO OVER A YEAR AND CONTINUE IN THEIR FELONIOUS BEHAVIOR, THEY AREN'T GETTING THE MESSAGE, FOLKS. AND SO, AGAIN, MY DEAN OF DISCIPLINE AT MY HIGH SCHOOL SAID, THERE'S ONLY ONE KIND OF DISCIPLINE, SELF-DISCIPLINE, BUT WE HAVE WAYS OF ENCOURAGING IT. WELL, THAT'S WHAT THIS IS. IT'S A WAY OF ENCOURAGING SELF-DISCIPLINE. THIS IS ABOUT HABITUALS. IT'S NOT ABOUT MANDATORY MINIMUMS. I DON'T TOUCH...THIS AMENDMENT DOES NOT TOUCH THAT PORTION OF THE BILL. I'M OKAY WITH THAT. I'M DEALING WITH THE HABITUAL. YOU KNOW, IF I WERE INSINCERE, I'D PROBABLY SAY KILL THE WHOLE BILL. THAT'S NOT WHAT I'M TRYING TO DO HERE. I'M TRYING TO FIND A TRUE COMPROMISE. ONE THAT ALLOWS FOR SOME DISCRETION TO BE FOR, AS SENATOR PANSING BROOKS SAID, YOUR FIRST-TIME FELONS. THIS BILL, MY AMENDMENT, EXCUSE ME, DOES NOT ADDRESS FIRST TIME. THESE ARE... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR HARR: ONE MINUTE, DID YOU SAY? [LB173]

SPEAKER HADLEY: YES. [LB173]

SENATOR HARR: THANK YOU, MR. SPEAKER. THESE ARE THE WORST. THESE ARE GUYS WHO COME BACK AGAIN AND AGAIN. A LOT OF PEOPLE AGE OUT AT 30 OR AROUND IN THEIR EARLY 30s. THESE ARE PEOPLE THAT HAVE CONTINUED. SOME

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ARE IN THEIR EARLY 30s, SOME ARE ELIGIBLE FOR THE HABITUAL IN THEIR 20s. BUT THE FACT OF THE MATTER IS, THESE ARE PEOPLE WHO HAVE COMMITTED FELONIES, CRIMES. WE DECIDE FELONIES ARE WORSE THAN MISDEMEANORS. AND IF WE'RE GOING TO SAY THAT, WE BETTER HAVE SOMETHING TO BACK IT UP FOR THOSE INDIVIDUALS WHO CONTINUE DOWN THAT ROAD. I WOULD ASK FOR YOUR SUPPORT ON AM1573. THANK YOU, MR. SPEAKER. [LB173]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE AMENDMENT TO LB173 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB173]

CLERK: 10 AYES, 14 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB173]

SPEAKER HADLEY: THE AMENDMENT FAILS. [LB173]

CLERK: I HAVE NOTHING FURTHER ON THE BILL AT THIS TIME, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR WATERMEIER, YOU ARE RECOGNIZED. [LB173]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I JUST KIND OF SAT BACK AND WATCHED IN THE LAST DEBATE ON ALL THESE BILLS THAT WE'VE HAD IT SEEMS LIKE ON PRISON REFORM, SENTENCING, AND DIFFERENT THINGS. AND LAST YEAR, IT WAS APPARENT TO ME THAT WE WERE GOING TO HAVE TO HAVE A LOT OF CHANGES IN OUR PRISON. NO DOUBT ABOUT IT. BUT THE WHOLE PROCESS THAT WE'VE GONE THROUGH THIS YEAR ALMOST SEEMS AS THOUGH WE'RE PILING ON THE ONE ISSUE. WE'VE HAD THE SHACKLING BILL. WE'VE HAD LB605. WE'VE COMBINED LB172, LB173 TOGETHER. AND I CAN'T CLAIM TO KNOW ALL THE DETAILS ABOUT THE SENTENCING, BUT I JUST THINK THAT WE'VE TAKEN IT A STEP BEYOND WHAT IS PRACTICAL. I WANTED TO SPEND MONEY AND I WANTED TO SPEND TIME ON PROGRAMMING FOR THESE INDIVIDUALS. AND IT JUST APPEARS TO ME THAT WE'VE GONE PAST THAT INTENT. I'M OPPOSED TO LB173. I THOUGHT MAYBE THE LAST AMENDMENT WOULD BE A LITTLE BIT BETTER INDICATOR THAN IT WAS AND I APPRECIATE SENATOR HARR BRINGING THAT, BUT I AM CERTAINLY OPPOSED TO LB173. THANK YOU, MR. PRESIDENT. [LB173 LB605 LB172]

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SPEAKER HADLEY: THANK YOU, SENATOR WATERMEIER. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB173]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AFTER YOU'VE BEEN HERE A WHILE AND PAID ATTENTION, YOU UNDERSTAND THE PROCESS. I OFFERED LB172 AND OFFERED LB173. I COULD HAVE PUT ALL...I COULD HAVE PUT THEM BOTH IN ONE BILL. WHAT WE WERE TRYING TO DO, THE MEMBERS OF THE JUDICIARY COMMITTEE AND SENATOR MELLO WHO'S NOT A MEMBER OF THE JUDICIARY COMMITTEE, IS TO TAKE COMPONENTS OF THESE VARIOUS ELEMENTS THAT NEEDED TO BE DEALT WITH TO ADDRESS THE SYSTEM. WE COULDN'T DEAL WITH ONE ITEM, SO IN ORDER TO HAVE A HEARING ON THE MANDATORY MINIMUMS, I BROUGHT LB172. IN ORDER TO HAVE A SEPARATE HEARING ON THE HABITUAL CRIMINAL, I BROUGHT LB173. I COULD HAVE PUT THEM BOTH INTO ONE BILL, BUT WE WERE NOT TRYING TO DO ANYTHING UNDERCOVER, AND THEN WHEN WE TRIED TO DO IT IN MANAGEABLE PARTS, SOME OF MY COLLEAGUES SAY, WELL, YOU'RE OVERSTEPPING. YOU'RE DOING THIS, THIS, THIS, AND THIS. WE DID IT IN MANAGEABLE PARTS BECAUSE WE DO UNDERSTAND. WE DID SPEND THE DAYS, THE HOURS, THE WEEKS, THE MONTHS STUDYING IT, NOT SITTING OUT SOMEWHERE AND THEN COMING BEFORE THE LEGISLATURE NOT KNOWING WHAT WE'RE TALKING ABOUT AND SAYING, I'M AGAINST IT BECAUSE YOU'RE DOING TOO MANY THINGS AT THE SAME TIME. WE BROKE IT INTO MANAGEABLE PARTS. WE WANTED TO GIVE PEOPLE THE OPPORTUNITY TO LOOK AT EACH OF THE MAIN COMPONENTS WITHOUT HAVING TO TALK ABOUT ALL OF THEM AT THE SAME TIME IN ONE BILL. WE COULD HAVE BROUGHT WHAT'S CALLED AN OMNIBUS BILL AS WE DID SEVERAL DECADES AGO WHEN WE REWROTE THE CRIMINAL CODE. WE PUT IT ALL IN ONE BILL, AND PEOPLE HAD TO GO THROUGH AND SELECT THOSE PORTIONS THEY WERE CONCERNED ABOUT AND DEAL WITH THEM, BUT THEY HAD TO DEAL WITH IT IN THE CONTEXT OF ONE PIECE OF LEGISLATION. AND IF THERE WAS SOMETHING YOU DIDN'T LIKE BUT IT STAYED IN THE BILL, YOUR ONLY ALTERNATIVE WAS TO VOTE AGAINST THE WHOLE THING, BUT YOU WEREN'T AGAINST THE WHOLE THING. SO THIS IS A PART OF THE LEGISLATIVE PROCESS WHICH AFTER YOU'VE BEEN HERE A WHILE YOU'LL CATCH ONTO AND YOU ARE OFFENDED WHEN I TALK TO YOU ABOUT WHAT I KNOW, BUT I SHOULD HAVE LEARNED SOMETHING IN 40 YEARS. SHOULD NOT I HAVE LEARNED? SHOULD NOT I BE WILLING TO SHARE THAT KNOWLEDGE AND THEN IT BECOMES A BASIS FOR RESENTMENT. I ALSO HAVE TO ACKNOWLEDGE SOMETHING. I FOUND OUT HOW UNUSUAL IT IS FOR PEOPLE TO GET USED TO THE IDEA THAT A BLACK PERSON CAN KNOW SOMETHING. I WAS IN A FILM CALLED, A TIME FOR BURNING. I WAS MUCH YOUNGER, AND LIFE MAGAZINE

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DID AN EDITORIAL. THEY TALKED ABOUT HOW THE COMMERCIAL NETWORKS MISSED THE BOAT BECAUSE THEY WOULDN'T SHOW IT, SO IT WAS SHOWN ON PUBLIC TELEVISION AND IT WAS ADVOCATED THAT IT BE SHOWN AGAIN. BUT HERE'S WHAT I'M GETTING TO. THEY REFERRED TO ME AS AN ASTONISHINGLY ARTICULATE YOUNG, BLACK FIREBRAND. WHAT I SAID WAS NOT ASTONISHING, BUT YOU KNOW WHY IT WAS... [LB173 LB172]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: ...ASTONISHING? BECAUSE OF THE BLACK. A BLACK YOUNG MAN WAS NOT SUPPOSED TO BE ABLE TO PUT TEN SENTENCES TOGETHER AND MAKE SENSE, SO THEY WERE ASTONISHED AT WHAT I SAID. AND ALL I SAID WAS WHAT I BELIEVED AND SAID WHAT I KNEW. AND I COME UP AGAINST THAT EVEN HERE. IF I WERE WHITE, THINGS THAT I SAY COULD BE ACCEPTED. AND I HEAR SOMETIMES MY COLLEAGUES SAY, SIMILAR THINGS TO WHAT I'VE SAID AND THERE'S A DIFFERENT REACTION TO IT WHEN IT COMES OUT OF A WHITE MOUTH. AND YOU KNOW WHY I HAVE TO BRING THIS UP PERIODICALLY? BECAUSE I LIVE HERE WITH YOU ALL EVERY DAY. I'M CONSCIOUS OF IT EVERY MINUTE OF EVERY DAY, AND I WATCH AND I PAY ATTENTION, AND YOU ALL DON'T HAVE TO BECAUSE YOU'RE ALL WHITE. YOU UNDERSTAND EACH OTHER. AND IF ONE OF YOU DOESN'T SAY IT RIGHT, YOU ATTRIBUTE THE MEANING THAT THE PERSON HAD IN MIND AND HE OR SHE DOESN'T HAVE TO SAY IT RIGHT. I'M NOT A FOOL... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: I'M NOT UNEDUCATED. THANK YOU, AND I'M GOING TO CONTINUE WHEN I'M RECOGNIZED. [LB173]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LB173]

SENATOR HARR: THANK YOU, MR. SPEAKER. YOU KNOW, FOLKS, I'VE SAID IT BEFORE AND I'LL SAY IT AGAIN. I WASN'T A PART OF LR424. I DON'T SIT ON JUDICIARY. SHAME ON ME. PERHAPS I SHOULDN'T BE PART OF THIS DEBATE. AND THAT'S WHAT I KEEP HEARING. SOMEONE COMING LATE TO THE GAME, YOU SHOULDN'T BE PART OF THIS DEBATE. YOU DIDN'T SIT ON IT. WELL, THE BEAUTY OF THIS AGE WE LIVE IN, WE'LL CALL THE TECHNOLOGY AGE, IS WE HAVE SOMETHING CALLED GADGETS AND THE INTERNET. THANK YOU, SENATOR

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GLOOR...GORE. I WATCHED THE HEARINGS. I THOUGHT THEY WERE DONE WELL AND I THOUGHT IT EXPOSED A LOT OF PROBLEMS IN OUR SYSTEM, AND THERE ARE PROBLEMS. I THINK WHAT HAPPENED LAST WEEKEND PROVES THERE ARE STILL PROBLEMS, BUT I DON'T KNOW HOW THIS BILL GOES ABOUT FIXING THOSE PROBLEMS. ALL I HEARD IS PROSECUTORS CAN'T USE PLEA BARGAINS, THAT IF THEY PLEA BARGAIN THEY'RE HORRIBLE IF THEY GO UPWARD. THEY GO DOWNWARD, THEY'RE GOOD PEOPLE. WELL, FOLKS, NO ONE FORCES YOU TO TAKE A PLEA. THERE IS NOTHING IN THIS COUNTRY, AND I'VE LOOKED IT UP, CALLED A TRIAL TAX. THERE IS, HOWEVER, AN INCENTIVE FOR TAKING RESPONSIBILITY FOR YOUR ACTIONS. AND IF YOU DID SOMETHING AND YOU TAKE RESPONSIBILITY FOR IT, SOMETIMES A JUDGE, SOMETIMES A PROSECUTOR WILL TREAT YOU BETTER. HERE WE ARE ON SELECT FILE, AND WE HAVE A BILL AND WE'RE DEBATING IT FOR THE FIRST TIME. ON GENERAL, IT WAS SAID IT WOULD BE MADE PART OF A DEBATE THAT WAS HELD BY INDIVIDUALS. IT WASN'T PART OF THAT. DIDN'T NEED TO BE. BUT I FIND THAT THE FACT THAT JUSTICE ISN'T ALWAYS HOW YOU WANT A CASE TO TURN OUT, DOESN'T MEAN IT'S INJUSTICE. THE SYSTEM IS NOT PERFECT. WE ALL KNOW THAT. WE'VE ALL HEARD I'D RATHER HAVE TEN PEOPLE GO FREE THAN ONE GUILTY MAN SIT IN PRISON, AND I WHOLEHEARTEDLY AGREE WITH THAT. YOU HEARD ABOUT PEOPLE WHO WERE FORCED TO TAKE A PLEAS. WELL, IT KIND OF GOES BACK TO MY SELF-DISCIPLINE STATEMENT. YOU KNOW, YOU CAN'T FORCE SOMEONE TO TAKE A PLEA. YOU CAN FORCE A HORSE TO WATER, BUT YOU CAN'T FORCE HIM TO DRINK. NOW THAT PERSON MAY NOT HAVE HAD FAITH IN THEIR PUBLIC DEFENDER. THEY MAY HAVE NOT HAD FAITH IN THEIR DEFENSE ATTORNEY, IN THE JUDICIAL SYSTEM. I DON'T KNOW WHY OR MAYBE THEY THINK THEY DID IT. I CAN'T TELL YOU WHY PEOPLE DO THAT, BUT THE FACT OF THE MATTER IS, THERE ARE A WHOLE HECK OF A LOT OF PEOPLE OUT THERE THAT THIS PLEA BARGAIN SYSTEM WORKS WELL FOR. AND IF WE TAKE AWAY THIS HAMMER, THERE ARE GOING TO BE FEWER AND FEWER PLEA BARGAINS. AND WITH FEWER PLEA BARGAINS MEAN MORE TRIALS. WITH MORE TRIALS MEAN MORE PROSECUTORS, MORE JUDGES, DELAYED JUSTICE IN A CIVIL SIDE. YOU MAY HAVE SITUATIONS WHERE PEOPLE GO AWAY FOR A LONGER PERIOD OF TIME WHEN THEY ARE SENTENCED BECAUSE THEY HAVE NOT ACCEPTED RESPONSIBILITY FOR THEIR ACTIONS. I REALIZE WE HAVE A PRISON PROBLEM, AND WE HAVE AN OVERCROWDING ISSUE. I'M NOT SURE IF THIS WILL FIX THAT. I HAVEN'T HEARD ANY DATA THAT SAYS ELIMINATION OF MANDATORY MINIMUMS... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

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SENATOR HARR: ...LOWERS THAT. I'M NOT SURE IF OUR SOCIETY IS ANY SAFER BY LETTING CAREER CRIMINALS OUT EARLIER. I WILL STAND, CONTINUE OPPOSITION TO LB173, WITH ALL DUE RESPECT TO SENATOR CHAMBERS. I THINK HE'S DONE A LOT OF WORK ON THIS, BUT SO HAVE OTHER PEOPLE AND THERE ARE TWO SIDES TO A COIN. AND SO I WOULD ASK WHEN WE DO A VOTE ON E&R THAT YOU VOTE AGAINST LB173. THANK YOU. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB173]

SENATOR CHAMBERS: THANK YOU. AND THIS IS THE LAST TIME I WILL SPEAK. HERE'S WHAT I WAS GETTING TO. WHEN I GRADUATED FROM GRADE SCHOOL, WHICH WAS LOTHROP, ALL OF MY BROTHERS AND SISTERS BEFORE ME HAD GONE TO CENTRAL HIGH SCHOOL BECAUSE IT WAS THE GOOD SCHOOL. IT WAS WHERE ALL OF THE SMART PEOPLE WENT. TECH HIGH WAS WHERE THE DUMB PEOPLE WENT. IT WAS WHERE WHEN YOU WENT THERE AS A FRESHMAN, THEY PUT YOU IN A TRASH CAN. THEY CANNED YOU. THAT'S WHAT IT WAS CALLED. SO YOU KNOW WHERE I WENT TO HIGH SCHOOL? I WENT TO TECH HIGH. TECH MEANS TECHNICAL. THEY TAUGHT YOU PRINT SHOP. THEY TAUGHT YOU HOW TO WORK WITH WOOD, AND DO ALL KIND OF THINGS WITH YOUR HANDS. SO I WENT TO THE DUMB SCHOOL AND GUESS WHAT HAPPENED? I TOOK AN ENTRANCE EXAMINATION AT CREIGHTON UNIVERSITY WHICH HAD A HIGH REPUTATION FOR ACADEMICS. I SHOULDN'T HAVE EVEN BEEN TAKING THE TEST. I CAME FROM TECH HIGH. AND YOU KNOW HOW I GRADUATED? I DIDN'T HAVE ENOUGH CREDITS EXCEPT THEY GAVE ME A HALF CREDIT FOR HAVING PLAYED FOOTBALL, OTHERWISE I'D HAVE BEEN SHORT. AND YOU KNOW WHAT KIND OF CLASSES I TOOK AT TECH WHERE THEY DIDN'T CARE ABOUT US? THERE WERE A FEW OF US. I HAD GYM, I HAD STUDY HALL, I HAD LUNCHROOM, I HAD ART, AND VERY FEW ACADEMIC SUBJECTS. BUT HERE'S WHAT HAPPENED WHEN I TOOK THE ENTRANCE EXAM AT CREIGHTON. I SCORED SO HIGH I WAS PUT IN WHAT THEY CALL HONORS ENGLISH. I DIDN'T KNOW THAT 18 HOURS A SEMESTER WAS A HEAVY LOAD. BECAUSE IF YOU TAKE...IF YOU GO TO SCHOOL THREE, FIVE DAYS A WEEK AND YOU TAKE A CLASS THREE HOURS, IT DIDN'T TAKE YOU LONG TO GET 18 HOURS FOR A SEMESTER. YOU GO THREE DAYS A WEEK. THAT'S THREE HOURS. SO IF YOU HAD SIX CLASSES, THREE HOURS, THAT'S 18 HOURS. SIX CLASSES. I HAD SIX CLASSES WHEN I WAS AT TECH AND I WENT EVERY DAY. BUT, ANYWAY, WHEN I GRADUATED, TIME CAME TO GRADUATE FROM CREIGHTON, IT'S THE ONLY SCHOOL I'M AWARE OF LOCALLY WHERE YOU HAVE TO TAKE WHAT THEY CALL ORAL EXAMS IN ORDER TO GRADUATE. THEY'RE COMPREHENSIVE OVER ALL THE STUFF YOU STUDIED AND I TOOK HISTORY AND I JUST FELL INTO THAT BECAUSE I HAD ENOUGH SUBJECTS IN THAT TO CALL IT

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MY MAJOR. I HAD PHILOSOPHY FOR A MINOR AND SPANISH AS AN UNRELATED MINOR OR WHATEVER IT WAS. BUT I HAD SO MANY CREDITS AS I GOT TOWARD THE END OF MY TERM THERE, I STARTED CUTTING CLASSES UNTIL I STARTED GETTING WHAT THEY CALL ABSENCE FAILURES. WHEN THEY DROP YOU FROM A CLASS FOR ABSENCES, THAT WAS AN ABSENCE FAILURE. BUT I STILL GRADUATED ON TIME AND I WORKED WHILE I WAS GOING TO SCHOOL TOO. SO THEN I WENT INTO THEIR LAW SCHOOL, AND I SCORED HIGH ON THAT NATIONAL LAWYER. I MEAN, IF YOU WANT TO GO TO LAW SCHOOL THERE'S SOME TESTS THAT'S NATIONAL AND IT'S GIVEN, AND I GOT IN CREIGHTON. THEIR SUBJECTS WERE NOT DIFFICULT FOR ME AND I CAN READ AND UNDERSTAND WHAT I READ, SO I READ THE TEXTBOOK AND I DIDN'T NEED TO GO TO CLASS AND NOBODY BOTHERED ME BECAUSE I WAS THE ONLY BLACK PERSON IN THAT SCHOOL AND I WAS WORKING AT THE POST OFFICE. SOMETIMES I'D WORK ALL NIGHT, COME RIGHT TO CREIGHTON. I WORE KHAKIS. I'D WEAR MY ARMY BOOTS AND A T-SHIRT, AND I'D GO DOWN IN THE LOUNGE AND GO TO SLEEP BECAUSE I WAS TIRED. AND I DIDN'T GO TO CLASS. SO THE WHITE KIDS WERE SURE THAT I'M GOING TO FLUNK OUT, I DIDN'T BELONG THERE ANYWAY. I DIDN'T EVEN KNOW HOW TO DRESS, THEY SAID. BUT THEN WHEN THE TESTS WERE GIVEN AND I CAME OUT NUMBER FOUR ON THE DEAN'S LIST, THEY ASKED ME HOW DID I DO IT. I SAID, MAYBE IF YOU'D HAVE PAID MORE ATTENTION TO YOUR CLASSROOM AND NOT HOW I DRESS, YOU'D HAVE MADE THE DEAN'S LIST TOO. CLASS WAS SO EASY FOR ME I STOPPED GOING ALMOST ALTOGETHER. NEVER FLUNKED AN EXAM. NEVER FLUNKED A COURSE. SO THEY COULDN'T FLUNK ME OUT, BUT THE WHITE KIDS GOT UPSET. SO YOU KNOW WHAT CREIGHTON DID? THEY REFUSED TO LET ME REGISTER WHEN I CAME BACK. NOT BECAUSE I FLUNKED OUT. [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: YEARS PASSED. JUDGES, PREACHERS, OTHER PEOPLE TALKED TO THEM AT CREIGHTON AND SAID THEY SHOULD LET ME BACK IN, AND THEY WOULDN'T. CREIGHTON WANTED THEIR LAW SCHOOL TO UNDERTAKE A BUILDING FUND DRIVE. I MAY HAVE TO SPEAK AGAIN. IS THIS MY THIRD TIME? TO FINISH THIS STORY, I MIGHT HAVE TO BREAK MY WORD AND SPEAK ONE MORE TIME. BUT AFTER MANY YEARS, I WAS ALLOWED TO COME BACK TO CREIGHTON BECAUSE THEY HAD A DEAN WHO CAME FROM YALE. HIS NAME WAS FRANKINO. THAT WAS HIS LAST NAME. STEVEN FRANKINO. HE WENT THROUGH MY FILE AND HE SAID HE SAW NO REASON WHY I SHOULDN'T BE ALLOWED TO GO TO LAW SCHOOL. I GUESS THEY WERE USED TO THINGS LIKE

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THAT OUT WHERE THEY GO TO THESE, WHAT DO THEY CALL THEM, IVY LEAGUE SCHOOLS. THEY HAVE SMART PEOPLE. [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB173]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. THE FUNDAMENTAL AND PROBABLY THEORETICAL REASON WHY THE IDEA OF MANDATORY MINIMUMS IN THE HABITUAL CRIMINAL PROVISIONS ARE A BAD IDEA IS THAT THEY'RE AN ABERRATION ON OUR CRIMINAL JUSTICE SYSTEM'S PROCEDURES. WE HAVE ROLES IN THE SYSTEM. YOU HAVE THE POLICE. THEY GO OUT AND THEY INVESTIGATE A CRIME SCENE AND THEY MAKE REPORTS TO THE PROSECUTOR. WE HAVE A PROSECUTOR WHO, IN EACH COUNTY, IS AN EXTREMELY POWERFUL INDIVIDUAL. THEY SELECT THE CHARGES WHETHER THEY CHARGE A LESSER OFFENSE OR A GREATER OFFENSE OR ONE OFFENSE OR TWO OFFENSES OR THREE OFFENSES. GREAT CHARGING DISCRETION. AND IT'S THEIR JOB TO PROVE THOSE CHARGES WHEN THEY GO TO TRIAL. AND IN THAT PROCESS, THERE'S PLEA BARGAINING THAT WE'VE HEARD ABOUT. PROSECUTOR WILL OFTEN SAY, LOOK, IF I CHARGE THIS WAY, YOU'RE APT TO GET A HIGHER SENTENCE THAN IF I REDUCE IT BY CHARGING IT NOT AS A BURGLARY BUT AS AN ATTEMPTED BURGLARY, OR IF I ONLY FILE ONE OF THE BAD CHECKS INSTEAD OF FOUR OF THE BAD CHECKS, OR ONE OF THE BURGLARIES INSTEAD OF FOUR OF THE BURGLARIES, TREMENDOUS BARGAINING POWER CALLED THE PLEA BARGAINING SYSTEM. BUT IN THE END, THE PERSON, WHEN CONVICTED IF THEY PLEAD GUILTY OR FOUND GUILTY, THEY THEN GO TO A JUDGE FOR SENTENCING. AND THE JUDGE'S ROLE IS VERY SIMPLE. IT'S TO MAKE SURE THAT IF THERE IS A CONTESTED TRIAL, IT'S A FAIR ONE AND TO SENTENCE THE PERSON WITHIN THE SENTENCING RANGE THAT'S PRESCRIBED BY THE LEGISLATURE. NOW WHAT THE MANDATORY MINIMUM AND THE HABITUAL CRIMINAL DOES IS TAKE THAT DISCRETION AWAY FROM THE JUDGE AND GIVE IT TO THE PROSECUTOR. AND THE PROSECUTOR SAYS, I WILL CHARGE YOU WITH A CRIME THAT CARRIES A MANDATORY MINIMUM, THEREFORE, I BECOME THE SENTENCING AGENCY AS WELL AS THE PROSECUTING AGENCY. AND THAT'S AN ABERRATION THAT WE GENERALLY TRY TO GET AWAY FROM. SAME THING WITH THE HABITUAL CRIMINAL. THE JUDGE DOESN'T KNOW WHAT HE'S DOING. I WILL NOT ONLY CHARGE YOU, I WILL SENTENCE YOU BECAUSE WHEN THE JUDGE

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FINDS THAT THIS IS THE THIRD TIME, YOU'RE GOING DOWN FOR A MINIMUM OF 10 YEARS OR 25 YEARS, WHATEVER THE STATUTORY SITUATION IS. THE PROSECUTOR TAKES ON THE ROLE AS A SENTENCER, AND THAT'S ONE OF THE FUNDAMENTAL THINGS THAT WE NEED TO DECIDE HERE. SHOULD THE PROSECUTOR ALSO BE THE SENTENCING JUDGE? BECAUSE IF WE TAKE OUT THE MANDATORY MINIMUM AND THE HABITUAL CRIMINAL STATUTES, THEN THE JUDGE CAN LOOK AT THE RANGE THAT THE LEGISLATURE SAYS IS PROPER AND, IN THAT CASE, DO WHAT JUDGES ARE PAID A VERY GOOD AMOUNT OF MONEY FOR AND GIVEN NICE BLACK ROBES FOR, AND THAT IS TO SENTENCE THEM WITHIN THAT RANGE. AND THAT'S THE WAY THE SYSTEM SHOULD WORK. THERE'S PLENTY OF ROOM FOR PLEA BARGAINING BECAUSE ALMOST EVERY OFFENSE HAS MANY OTHER OFFENSES THAT COULD BE CHARGED, PARTICULARLY WHEN YOU GET DOWN INTO SOME OF THE MULTIPLE CRIMES WHERE PEOPLE DO A NUMBER OF THEM. JUDGES HAVE GREAT DEAL OF DISCRETION THAT CAN BE USED UNDER THAT. THE COUNTY ATTORNEY OFTEN AGREES TO STAND SILENT AT SENTENCING. IN OTHER WORDS, NOT ASK FOR MUCH OF A SENTENCE OR THREATENS TO ASK FOR THE MAX. ALL THOSE ARE THINGS THAT REMAIN INTACT. WHAT LB173 DOES IS SAYS, LOOK, JUDGES SENTENCE; PROSECUTORS PROSECUTE; AND YOU SHOULDN'T MIX THE TWO IN THE INTEREST OF JUSTICE. YOU SHOULD BE ABLE TO HAVE THE JUDGE MAKE THAT FINAL DECISION AS TO WHETHER OR NOT SOMEBODY GOES AWAY FOR A LONG TIME AND THE TAXPAYERS PAY THE BILL FOR A LONG TIME. THAT'S A JUDGE FUNCTION. AND VERY SIMPLY... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR SCHUMACHER: ...LB173 LETS SENTENCING TO THE JUDGES RATHER THAN IMPOSING THE HAND OF THE COUNTY ATTORNEY WHO HAS NOT ONLY THE JOB OF EVALUATING THE EVIDENCE AND MAKING THE CHARGES BUT NOW GIVING THEM THE ADDITIONAL PUNCH OF INFLICTING A SENTENCE IN THE EVENT THE PERSON DOESN'T ROLL OVER. THAT'S WHY IT'S CALLED THE HAMMER. WE'LL HAMMER YOU UNTIL YOU PLEAD AND THEN OUR WORK IS FINISHED AND EASIER. COUNTY ATTORNEYS GOT PLENTY OF HAMMERS WITHOUT THE HAMMER. THANK YOU. [LB173]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB173]

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SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. SENATOR HARR TALKED ABOUT HOW MANDATORY MINIMUMS THAT JUDGES THAT HE'S TALKED TO HAVEN'T REALLY...HAVE SUPPORTED IT. I HAVE AN ARTICLE HERE FROM JUDGE MARK BENNETT WHO'S A FEDERAL DISTRICT JUDGE IN IOWA IN A CONSERVATIVE DISTRICT. AND HE TALKED ABOUT THE FACT THAT HE HAS SENT 1,092 OF HIS FELLOW CITIZENS TO FEDERAL PRISON FOR MANDATORY MINIMUM SENTENCES RANGING FROM 60 MONTHS TO LIFE WITHOUT THE POSSIBILITY OF RELEASE. MAJORITY WERE WOMEN, MEN, AND YOUNG ADULTS, AND THEY ARE WITH NONVIOLENT DRUG ADDICTION. AND HE WENT ON TO TALK ABOUT WERE THERE DRUG PINS, OH, YES, HE'D SENTENCED THEM, TOO, BUT HE COULD COUNT THEM ON ONE HAND. HE SAID, WHILE I'M EXTREMELY PROUD OF HIS DAD'S SERVICE IN WORLD WAR II, HE'S CONFLICTED ABOUT HIS ROLE IN THE WAR OF DRUGS. HE WENT ON TO TALK ABOUT THE FACT, AND SOME OF THIS WE TALKED ABOUT THE LAST TIME, BUT HE TALKED ABOUT THE FACT THAT MANDATORY MINIMUMS ARE GENERALLY...WHEN HE TALKS TO HIS JURORS AFTER A DRUG CASE HE SAID, MOST OF THE TIME I'VE ASKED JURORS ABOUT A DRUG CONVICTION AND WHAT THEY THINK IS A FAIR SENTENCE WOULD BE. HE SAID, NEVER ONCE HAS ONE GIVEN A FIGURE EVEN CLOSE TO THE MANDATORY MINIMUM. IT IS ALWAYS LOWER. HE SAID THAT MANY PEOPLE ACROSS THE POLITICAL SPECTRUM HAVE SPOKEN OUT AGAINST THE INSANITY OF MANDATORY MINIMUMS. THESE INCLUDE OUR PAST THREE PRESIDENTS AS WELL AS SUPREME COURT JUSTICES WILLIAM REHNQUIST, WHOM NOBODY WOULD DISMISS AS SOFT ON CRIME, AND ANTHONY KENNEDY, WHO TOLD THE AMERICAN BAR ASSOCIATION IN 2003, QUOTE, I CAN ACCEPT NEITHER THE NECESSITY NOR THE WISDOM OF FEDERAL MANDATORY MINIMUM SENTENCES. IN 2005, FOUR FORMER ATTORNEYS GENERAL, A FORMER FBI DIRECTOR, AND DOZENS OF FORMER FEDERAL PROSECUTORS, JUDGES, AND JUSTICE DEPARTMENT OFFICIALS FILED AN AMICUS BRIEF TO THE SUPREME COURT OPPOSING THE USE OF MANDATORY MINIMUMS IN A CASE INVOLVING A MARIJUANA DEFENDANT FACING A 55-YEAR SENTENCE IN 2008. AGAIN, THE CHRISTIAN SCIENCE MONITOR HAS REPORTED THAT 60 PERCENT OF AMERICANS OPPOSE MANDATORY MINIMUMS FOR NONVIOLENT OFFENDERS. AND IN A 2010 STUDY, THE FEDERAL DISTRICT COURTS JUDGES, 62 PERCENT SAID THAT MANDATORY MINIMUMS WERE TOO HARSH. AMERICA INCARCERATES A HIGHER PERCENTAGE OF ITS POPULATION THAN ANY NATION IN THE WORLD. WHAT IN THE WORLD ARE WE DOING? WE DO NOT HAVE THE MONEY TO PAY FOR THESE PRISONS. WE DON'T HAVE THE MONEY TO PUT THE NONVIOLENT PEOPLE AWAY FOREVER. AND, AGAIN, IN CSG AND LB605 DIDN'T DEAL WITH EXTENDED SENTENCES, BUT THAT'S WHAT THE MANDATORY MINIMUM AND HABITUAL CRIMINAL BILL IS DOING. DEALING WITH THESE EXTENDED SENTENCES WHERE

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PEOPLE ARE PLACED IN PRISON, TAKING BEDS, AND THIS IS A GOOD IDEA. WE DON'T NEED TO BE FILLING THE PRISONS WITH LONG-TERM, EXTENDED CARE, NONVIOLENT CRIMINALS. YES, THE WORST OF THE WORST, DEFINITELY. RAPIST OF OUR GRANDMOTHERS, AS SENATOR HARR SUGGESTED, DEFINITELY. BUT TO BE PUTTING AWAY FOREVER PEOPLE FOR A THIRD OFFENSE ON FORGERY? THAT'S A TERRIBLE THING, YES. I'VE HAD SOME PEOPLE CHEAT ME OUT OF SOME SIGNIFICANT DOLLARS IN MY LIFE, BUT DO I EXPECT THE STATE TO... [LB173 LB605]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR PANSING BROOKS: ...PUT THEM AWAY FOREVER BECAUSE I'M SO MAD THAT I LOST THAT MONEY? NO. I DON'T EXPECT THE STATE TO PUT THEM AWAY FOREVER AND PAY FOR THAT THEMSELVES, OURSELVES, THROUGH OUR TAX DOLLARS. I'LL GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. THANK YOU. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, 40 SECONDS. [LB173]

SENATOR CHAMBERS: I'LL SAY LIKE... [LB173]

SPEAKER HADLEY: YOU'RE NEXT IN THE QUEUE, SO YOU CAN CONTINUE. [LB173]

SENATOR CHAMBERS: OKAY. AND, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M NOT GOING TO TAKE THIS TIME TO ARGUE THE BILL, BUT TO TELL YOU WHY SOMETIMES IT MIGHT SEEM THAT I'M WHAT COULD BE CALLED A PURIST. I LED UP TO GOING INTO LAW SCHOOL TO INDICATE THAT I DIDN'T HAVE TROUBLE WITH THE COURSES WHEN THIS NEW DEAN CAME THERE FROM YALE. HE SENT SOME KIDS DOWN FROM THE LAW SCHOOL TO TELL ME BECAUSE I WAS BARBERING. I WAS NEVER TOO PROUD TO WORK WITH MY HANDS. IT WAS HONEST WORK. THAT'S WHY I DRESS THE WAY I DO NOW. PEOPLE ASK ME WHY YOU DRESS LIKE THAT. I SAID THIS IS THE WAY I DRESSED IN THE BARBERSHOP. IF IT'S GOOD ENOUGH FOR THE PEOPLE WHO GAVE ME A LIVING, IT'S GOOD ENOUGH FOR ANYBODY ANYWHERE. NOBODY IS BETTER THAN THE PEOPLE WHO GIVE ME MY LIVING. BUT AT ANY RATE, THEY CAME DOWN. HE SAID THAT IF I CAME BACK TO CREIGHTON, I WOULDN'T HAVE TO ATTEND CLASSES. I WOULDN'T HAVE TO PAY ANY TUITION. I WOULDN'T HAVE TO PAY FOR ANY TEXTBOOK. I COULD GET AS MANY BOOKS OUT OF THE BOOKSTORE AS I WANTED BECAUSE I'D HAVE HAD A GOOD LAWSUIT AGAINST CREIGHTON IF I

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WANTED TO FILE IT. I SAID I DON'T WANT THAT. ALL I WANT TO DO IS GRADUATE FROM WHERE I STARTED. HE SAID, THEN COME ON BACK. BUT IF YOU DON'T ATTEND CLASSES AND YOU FLUNK. I SAID, THAT'S ON ME. I KNEW THAT BEFORE THEY KEPT ME OUT OF HERE ALL THOSE YEARS AND I GRADUATED. BUT HERE'S THE THING ABOUT IT. ALONG THE WAY, I WAS IN A BARBERSHOP AND THERE WAS A BLACK LAWYER. AND HE CAME AND HE SAID, ERNIE, IF YOU'D FINISH LAW SCHOOL, YOU'D COME TO LOVE THE LAW LIKE A MAN LOVES A WOMAN. I LAUGHED AT HIM. BUT THEN AS HAPPENS WHEN SOMEBODY DEALS WITH A PERSON, THAT PERSON INSINUATES THEIRSELF INTO YOUR MIND AND BEFORE YOU KNOW IT YOU'RE CAUGHT HOOK, LINE, AND SINKER, AND THAT'S WHAT THE LAW DID TO ME. I DEVELOPED AN AFFECTION FOR THE LAW AS AN ABSTRACT CONCEPT BECAUSE OF WHAT IT WAS CAPABLE OF DOING, THE IDEAS THAT IT DEALT WITH, THE DEPTH OF THOUGHT, PHILOSOPHY, PRACTICALITY, PRAGMATISM, REALISM, ALL OF IT ROLLED UP INTO ONE PROFESSION. YOU COULD GO AS HIGH AS YOU WANTED TO, AS DEEP AS YOU WANTED TO, AS BROAD AS YOU WANTED TO. AND THE MAIN PURPOSE OF IT ALL WAS TO SEE THAT PEOPLE GOT JUSTICE. AND THE ONLY THING THAT JUSTICE MEANS IS GIVING A PERSON HIS OR HER DUE. GIVE THEM THAT TO WHICH THEY'RE ENTITLED AND DON'T DEPRIVE THEM BECAUSE THEY'RE POOR, BECAUSE THEY'RE WHAT WE CALL CRIPPLED, BECAUSE THEY'RE CRAZY, BECAUSE THEY'RE UGLY, BECAUSE THEY'RE BLACK, BECAUSE THEY'RE JEWISH, BECAUSE THEY'RE MASONS, WHATEVER THEY ARE. THEY'RE HUMAN BEINGS FIRST. AND THE LAW REALLY IS NOT JUST JUSTICE THE WOMAN, THE LAW IS BLIND WHEN IT COMES TO LOOKING AT THE PERSON WHO IS BEFORE THE BAR OF JUSTICE TRYING TO GET HIS OR HER DUE BASED ON WHAT THE LAW, WHAT THE CONSTITUTION WILL SAY THAT PERSON IS ENTITLED TO. SO WHEN I SEE US AS LEGISLATORS PUTTING THINGS INTO THE LAW THAT CORRUPT THE VERY CONCEPT OF LAW AND JUSTICE WHERE YOU PUT A CLUB IN SOMEBODY'S HAND AND KNOWING THAT THE PERSON WHO'S THE CLUB IS GOING TO BE USED ON CANNOT AFFORD A LAWYER, THAT'S UNFAIR, AND I'VE NEVER BELIEVED IN UNFAIRNESS. THAT'S WHY I SAY DEFENDER OF THE DOWNTRODDEN. YOU FIND SOMEBODY WHO'S OUTNUMBERED BY EVERYBODY BUT THEY'VE GOT A CASE, THAT'S WHERE YOU'LL FINDS ME. THE PEOPLE WHO ARE MARGINALIZED, THE PEOPLE WHO ARE HELD IN CONTEMPT, THE ONES WHO ARE EXCUSED FROM THE HUMAN RACE, THAT'S WHERE I WILL BE. AND THAT'S ONE OF THE THINGS THAT WILL LEAD ME TO BRING THE KIND OF LEGISLATION THAT I BRING. I DON'T BRING EASY BILLS. I KNOW THEY'RE DIFFICULT BECAUSE OF THE KIND OF SUBJECTS THEY DEAL WITH. AND I'M APPRECIATIVE OF THOSE WHO SUPPORTED THIS BILL THUS FAR AND I HOPE YOU'LL SUPPORT IT ACROSS THE FLOOR. AND AS I TOLD SENATOR HARR, I'M NOT UPSET BECAUSE HE CAME LATE. I'M UPSET

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BECAUSE HE'S WRONG BECAUSE HE'S SMARTER THAN THAT, AND HE HASN'T TAKEN MY TUTORING AS HE SHOULD. BUT HE'S GOING TO BE AROUND ME FOR A WHILE LONGER AND I NEVER GIVE UP ON ANYBODY. I ENJOY BEING ENGAGED BY SOMEBODY ON THE OTHER SIDE BECAUSE IRON SHARPENS IRON. BUT ON THIS PARTICULAR ONE, HE IS IN ERROR, IN MY OPINION. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HARR, YOU'RE RECOGNIZED. [LB173]

SENATOR HARR: THANK YOU, AND I TAKE GREAT EXCEPTION TO WHAT SENATOR CHAMBERS SAID. I AM NOT SMARTER THAN THAT. (LAUGHTER) GOING BACK, I'LL GIVE YOU MY CV. I FLUNKED THE PREP ENTRANCE EXAM, SO I PROBABLY SHOULD HAVE GONE TO TECH. I DIDN'T. I TOOK SUMMER SCHOOL. I WENT TO PREP AND I GRADUATED, NOT THE TOP OF MY CLASS. DIDN'T DO WELL REALLY PROBABLY SOME WOULD ARGUE STILL TO THIS DAY. BUT WHAT I DO UNDERSTAND ARE THE FACTS AND I JUST WANT TO CLARIFY A COUPLE THINGS. FIRST OF ALL, ON LB172 AND LB173 JUST TO CLARIFY, THERE WERE COUNTY ATTORNEYS WHO DID TESTIFY AND NOT JUST ANY. ON LB172, IT WAS DON KLEINE WHO'S COUNTY ATTORNEY FOR DOUGLAS COUNTY; JOE KELLY DID LB173. AND WHAT SENATOR PANSING BROOKS WAS TALKING ABOUT WITH THESE MANDATORY MINIMUMS, THAT'S NOT WHAT WE'RE DEALING WITH HERE TODAY, FOLKS. THAT'S FEDERAL LAW. AND IF WE WERE DEBATING FEDERAL LAW AND MANDATORY MINIMUMS AND THE SENTENCING GUIDELINES, IT WOULD BE A LOT DIFFERENT DEBATE BECAUSE I DO THINK WE NEED TO DO SOME CLEANUP ON THAT AND I DO THINK CONGRESS OVERLEGISLATED. WE'RE NOT TALKING ABOUT THAT. WE'RE TALKING ABOUT STATE LAW. WE'RE TALKING ABOUT NEBRASKA LAW. IT IS MUCH LESS ONEROUS. THERE IS MUCH GREATER DISCRETION, ALTHOUGH LB605 TODAY WOULD TAKE...DOES TAKE A LOT OF THAT DISCRETION AWAY FROM JUDGES. I DON'T THINK THAT'S A BAD THING. WE WENT FROM 1 TO 20 FOR CLASS IIIs TO 0 TO 4. SO, YOU KNOW, WE KEEP HEARING HOW WE WANT MORE DISCRETION AND HOW WE SHOULDN'T BE THE ONES DOING THAT AND YET WE ARE. EVERY BILL WE PASS WHEN A CRIMINAL WHEN IT DEALS WITH SENTENCING, WE'RE MAKING POLICY DECISIONS AND WE'RE DETERMINING WHAT DISCRETION TO GIVE PROSECUTORS AND WHAT DISCRETION TO GIVE JUDGES. LB605 DEFINITELY TAKES SOME DISCRETION AWAY FROM JUDGES. LB173 ADDS IT SOME, BUT IT ALSO TAKES DISCRETION AWAY FROM PROSECUTORS, AND MAYBE TO A CERTAIN DEGREE JUDGES. BUT THAT'S WHAT I'M HERE TO TALK ABOUT. IRON MAKES IRON STRONGER, THAT'S RIGHT. AND SO WE HAVE AN ADVERSARIAL SYSTEM AND WHAT WE'RE DOING

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WITH LB173 IS WE'RE DETERMINING THE RULES OF THE GAME FOR THAT ADVERSARIAL SYSTEM BETWEEN PROSECUTORS AND DEFENSE ATTORNEYS. THAT'S WHAT THIS IS. AND SO DO WE WANT TO HAVE A SYSTEM THAT ENCOURAGES PLEA BARGAINS OR DO WE WANT TO HAVE ONE THAT DOES NOT? THAT'S PART OF THE GAME WE'RE PLAYING HERE TODAY, AND GAME MAY NOT BE THE PROPER WORD. THAT'S PART OF THE DEBATE WE'RE HAVING HERE TODAY. SO WITH THAT, I WOULD YIELD THE REST OF MY TIME BACK TO THE SPEAKER. THANK YOU. [LB173 LB172 LB605]

SPEAKER HADLEY: MR. CLERK. OKAY. SENATOR HANSEN FOR A MOTION. [LB173]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB173 TO E&R FOR ENGROSSING. [LB173]

SPEAKER HADLEY: WE'VE HAD A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. THERE'S BEEN A REQUEST FOR A CALL OF THE HOUSE. THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB173]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB173]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR KEN HAAR, SENATOR HOWARD, SENATOR MORFELD, PLEASE CHECK IN. SENATOR HILKEMANN, SENATOR KINTNER, SENATOR SCHILZ, SENATOR DAVIS. SENATOR DAVIS, SENATOR HOWARD. MR. CLERK. [LB173]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1530.) 25 AYES, 16 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT. [LB173]

SPEAKER HADLEY: THE BILL IS ADVANCED. RAISE THE CALL. [LB173]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: ITEMS FOR THE RECORD, MR. CLERK

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CLERK: MR. PRESIDENT, THANK YOU. LR257 BY SENATOR KUEHN CALLING FOR INTERIM STUDY; LR258 BY SENATOR JOHNSON, ALSO AN INTERIM STUDY. THOSE WILL BE REFERRED TO THE EXECUTIVE BOARD. MR. PRESIDENT, ENROLLMENT AND REVIEW REPORTS LB259A TO SELECT FILE. I ALSO HAVE MOTIONS FROM SENATOR SMITH, THAT LB610, LB610A BECOME LAW NOTWITHSTANDING THE OBJECTIONS OF THE GOVERNOR. THAT'S ALL THAT I HAVE, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1531-1532.) [LR257 LR258 LB259A LB610 LB610A]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. PURSUANT TO THE AGENDA, WE'LL NOW MOVE TO FINAL READING. IF THE SENATORS COULD PLEASE RETURN TO THEIR DESKS FOR FINAL READING. THE FIRST BILL IS LB81. MR. CLERK. [LB81]

CLERK: MR. PRESIDENT, LB81 ON FINAL READING. SENATOR COOK WOULD MOVE TO RETURN THE BILL FOR SPECIFIC AMENDMENT, AM1303. (LEGISLATIVE JOURNAL PAGE 1225.) [LB81]

PRESIDENT FOLEY: SENATOR COOK, YOU'RE WELCOME TO OPEN ON YOUR MOTION. [LB81]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I AM INDEED MOVING TO RETURN LB81 TO SELECT FILE FOR A SPECIFIC AMENDMENT. AS YOU MAY RECALL, LB81 CREATES A TRANSITIONAL CHILDCARE PROGRAM FOR WORKING FAMILIES WHO ARE EARNING THEIR WAY OFF OF PUBLIC ASSISTANCE. IMPORTANTLY THEY ARE REQUIRED TO PAY A COST SHARE ACCORDING TO THE SLIDING-FEE SCHEDULE. AS THEIR INCOME RISES, THE CONTRIBUTION FROM THIS PROGRAM...THEIR CONTRIBUTION TO THIS PROGRAM RISES. THE REASON FOR THIS MOTION IS THIS. AS CURRENTLY DRAFTED, LB81 WOULD RESULT IN AN UNINTENDED GAP IN THE TRANSITIONAL CARE PROGRAM. AM1303 CLOSES THIS GAP. ADOPTING THIS AMENDMENT WILL NOT IMPACT THE FISCAL NOTE FOR LB81. THE AMENDMENT CHANGES THE INCOME ELIGIBILITY AMOUNT THAT TRIGGERS THE LB81 TRANSITIONAL CHILDCARE PROGRAM FROM 140 PERCENT OF THE FEDERAL POVERTY LEVEL TO 130 PERCENT OF THE FEDERAL POVERTY LEVEL. I WANT TO THANK HEALTH AND HUMAN SERVICES ECONOMIC ASSISTANCE ADMINISTRATOR, TERI CHASTEN, FOR WORKING WITH ME AND MY OFFICE TO IDENTIFY AND TO FIX THIS GAP. I THINK IT'S A WONDERFUL EXAMPLE OF HOW PROGRAM EXPERTISE FROM THE EXECUTIVE BRANCH WITHIN AN AGENCY CAN WORK COLLABORATIVELY WITH POLICYMAKERS TO MAKE THE BEST OUTCOME FOR OUR CITIZENS. AGAIN, I

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WOULD ASK FOR YOUR SUPPORT FOR AM1303 AND FOR THE BILL ITSELF. THANK YOU, MR. PRESIDENT. [LB81]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. DEBATE IS OPEN ON THE MOTION TO RETURN THE BILL TO SELECT FILE. SEEING NO SENATORS WISHING TO SPEAK, SENATOR COOK, YOU'RE WELCOME TO CLOSE ON YOUR MOTION. SHE WAIVES CLOSING. THE QUESTION IS TO RETURN THE BILL TO SELECT FILE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB81]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE MOTION TO RETURN THE BILL. [LB81]

PRESIDENT FOLEY: THE BILL IS RETURNED. SENATOR COOK, YOU'RE WELCOME TO OPEN ON AM1303. [LB81]

SENATOR COOK: THANK YOU VERY MUCH, MR. PRESIDENT. AGAIN, THIS IS A TECHNICAL AMENDMENT. IT AMOUNTS TO WHAT WOULD BE KIND OF AN E&R AMENDMENT. THE ORIGINAL REDETERMINATION AMOUNT OF 140 PERCENT WAS THOUGHT TO TAKE THE 10 PERCENT INCOME DISREGARD INTO ACCOUNT. THAT ASSUMPTION WAS NOT THE CASE. SO THE LANGUAGE IN AM1303 FIXES THAT ISSUE AND AVOIDS THE GAP THAT I MENTIONED IN MY OPENING FOR THE MOTION. THAT'S ALL. THANK YOU VERY MUCH, MR. PRESIDENT. [LB81]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. DEBATE IS NOW OPEN ON AM1303. SEEING NO SENATORS WISHING TO SPEAK, SENATOR COOK, YOU'RE WELCOME TO CLOSE ON AM1303. AND SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1303. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB81]

CLERK: 42 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE SELECT FILE AMENDMENT. [LB81]

PRESIDENT FOLEY: AM1303 IS ADOPTED. MR. CLERK. SENATOR HANSEN FOR MOTION. [LB81]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB81 TO E&R FOR ENGROSSING. [LB81]

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PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB81 ADVANCES. LB347, MR. CLERK. [LB81 LB347]

CLERK: MR. PRESIDENT, LB347. SENATOR KRIST WOULD MOVE TO RETURN THE BILL FOR SPECIFIC AMENDMENT, AM1490. (LEGISLATIVE JOURNAL PAGE 1377.) [LB347]

PRESIDENT FOLEY: SENATOR KRIST, YOU'RE WELCOME TO OPEN ON YOUR MOTION. [LB347]

SENATOR KRIST: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES AND NEBRASKA. I JUST ASK THAT YOU VOTE YES SO WE CAN RETURN AND I'LL OPEN ON THE AMENDMENT. THIS WAS AT THE REQUEST OF THE CHIEF JUSTICE AND THE SUPREME COURT. [LB347]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON THE MOTION. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE MOTION TO RETURN THE BILL TO SELECT FILE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB347]

CLERK: 43 AYES, 0 NAYS, MR. PRESIDENT, ON THE MOTION TO RETURN THE BILL. [LB347]

PRESIDENT FOLEY: THE BILL IS RETURNED TO SELECT FILE. SENATOR KRIST, YOU'RE WELCOME TO OPEN ON AM1490. [LB347]

SENATOR KRIST: THANK YOU, MR. PRESIDENT, COLLEAGUES. ONCE AGAIN, THIS IS A VERY SIMPLE AMENDMENT. IT WAS ASKED FOR BY THE SUPREME COURT. ON LINE 10 OF THE AMENDMENT ITSELF, THE MATTER IS AT THE REQUEST FOR CONFIDENTIAL RECORD INFORMATION PURSUANT TO SUBSECTION (5) OF SECTION 43-2,108 INVOLVING DEATH OR SERIOUS INJURY. THE OFFICE OF THE INSPECTOR GENERAL MAY SUBMIT A WRITTEN REQUEST TO THE PROBATION ADMINISTRATOR. THE RECORD INFORMATION SHALL BE PROVIDED TO THE OFFICE WITHIN FIVE DAYS AFTER THE APPROVAL OF THE REQUEST BY THE SUPREME COURT. I ASK FOR A GREEN LIGHT ON AM1490 TO THE UNDERLYING LB347. [LB347]

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PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON AM1490. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1490. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB347]

CLERK: 44 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE SELECT FILE AMENDMENT. [LB347]

PRESIDENT FOLEY: AM1490 IS ADOPTED. SENATOR HANSEN FOR MOTION. [LB347]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB347 TO E&R FOR ENGROSSING. [LB347]

PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB347 ADVANCES. [LB347]

CLERK: MR. PRESIDENT, SENATOR KRIST, I UNDERSTAND YOU WISH TO WITHDRAW AM1547. [LB347]

SENATOR KRIST: THAT IS CORRECT. [LB347]

PRESIDENT FOLEY: THE AMENDMENT IS WITHDRAWN. WE MOVE NOW TO GENERAL FILE LB643. MR. CLERK. [LB347 LB643]

CLERK: MR. PRESIDENT, LB643. BILL ORIGINALLY INTRODUCED BY SENATOR GARRETT. IT RELATES TO...ADOPTS THE CANNABIS COMPASSION AND CARE ACT, PROVIDES FOR TAXATION. IT WAS INTRODUCED IN JANUARY, REFERRED TO THE JUDICIARY COMMITTEE. SENATOR GARRETT PRESENTED HIS BILL, MR. PRESIDENT, ON MAY 7. THE COMMITTEE AMENDMENTS WERE PRESENTED AT THAT TIME. THERE WAS ALSO PENDING WHEN THE LEGISLATURE LEFT THE ISSUE THAT DAY AN AMENDMENT BY SENATOR GLOOR TO THE COMMITTEE AMENDMENTS, SPECIFICALLY AM1564. (LEGISLATIVE JOURNAL PAGE 1449.) [LB643]

PRESIDENT FOLEY: SENATOR GARRETT, YOU'RE WELCOME TO OPEN ON LB643. [LB643]

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SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. WHERE WE LEFT OFF ON THURSDAY AFTERNOON, WE WERE DISCUSSING AM1254 WHICH IS THE COMMITTEE AMENDMENT TO LB643. AND JUST A BRIEF SUMMARY, ESSENTIALLY IT CREATES THE MEDICAL CANNABIS BOARD, WHICH IS FIVE MEMBERS SELECTED BY THE GOVERNOR WITH APPROVAL OF THE LEGISLATURE. ONE MEMBER FROM EACH CONGRESSIONAL DISTRICT, ONE LICENSED PHARMACIST AND ONE LICENSED PHYSICIAN. IT LIMITS WHAT MEDICAL MARIJUANA CAN BE PRESCRIBED FOR. PHYSICIANS MUST BE ENROLLED IN THE PROGRAM, THE LIMITED NUMBER OF MANUFACTURERS AND FOUR DISTRIBUTION FACILITIES PER MANUFACTURER. IT DOES NOT ALLOW SMOKING OR WHOLE-LEAF MEDICAL MARIJUANA. IT'S ONLY IN PILL OR OIL FORM. AND WE LAST LEFT OFF WITH SENATOR GLOOR'S AM1564. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB643]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE UNICAMERAL, THIS BILL WAS REALLY ENTIRELY THE WHITE COPY OF THE...BY THE AMENDMENT. AND AS I TOLD SENATOR GARRETT, HE'S GOT THE FULL KNOWLEDGE OF THIS, SO I WAS GOING TO PASS IT BACK TO HIM TO EXPLAIN HIS AMENDMENTS AND WILL DO SO AS SOON AS HE GETS BACK TO HIS CHAIR. I WOULD GIVE SENATOR GARRETT MY TIME AND LET HIM EXPLAIN IT. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. SENATOR GARRETT, 9 MINUTES. [LB643]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. AGAIN, LB643 WHICH WENT BEFORE THE JUDICIARY COMMITTEE WAS SUBSEQUENTLY AMENDED BY US WITH AM680 AND THEN THE COMMITTEE AMENDMENT, AM1254, WHICH BECAME THE BILL. AM1254 IS ESSENTIALLY A NEBRASKA VERSION OF THE MINNESOTA LAW WHICH IS CURRENTLY BEING IMPLEMENTED, WHICH THE HIGHLIGHTS OF THE BILL FROM WHAT WE HAD ORIGINALLY SUBMITTED IS THAT IT DOES NOT ALLOW LEAF TOBACCO OR SMOKING MEDICAL MARIJUANA. IT'S ONLY IN PILL OR OIL FORM. AND IT CREATES THE MEDICAL CANNABIS BOARD WHICH IS FIVE MEMBERS SELECTED BY THE GOVERNOR WITH APPROVAL OF THE LEGISLATURE. ONE MEMBER WOULD BE FROM EACH OF THE CONGRESSIONAL DISTRICTS. IT WOULD INCLUDE ONE LICENSED PHARMACIST

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AND ONE LICENSED PHYSICIAN. IT LIMITS WHAT MEDICAL MARIJUANA CAN BE PRESCRIBED FOR, A VERY SET, DETERMINED NUMBER OF AILMENTS. AND THE PHYSICIANS WHO ARE ALLOWED TO PRESCRIBE MEDICAL MARIJUANA MUST BE ENROLLED IN THE PROGRAM. THE CURRENT BILL ALLOWS LIMITED NUMBER OF MANUFACTURERS, LIMITS IT TO TWO WITH FOUR DISTRIBUTION FACILITIES. AND THERE WILL BE INDEPENDENT LABS THAT WILL BE TESTING THE PRODUCTS. COLLEAGUES, AGAIN A BRIEF HISTORY OF THE BILL. I BROUGHT THIS BILL ON THE LAST DAY THAT WE COULD INTRODUCE NEW LEGISLATION BECAUSE OF THE MOMS, THE MOMS THAT CAME TO OUR OFFICE AND WERE DISTRAUGHT, THE MOMS OF CHILDREN WITH SEIZURE DISORDERS WHO WERE OUT OF OPTIONS. THERE ARE A NUMBER OF FAMILIES OUT THERE THAT HAVE CHILDREN WITH SEIZURE DISORDERS, WERE PRESCRIBED MEDICATIONS THAT ARE NO LONGER WORKING. AND THEIR NEXT OPTION IN THE TREATMENT REGIMEN IS TO HAVE WHAT USED TO BE CALLED THE LOBOTOMY, BRAIN SURGERY. AND I BROUGHT THIS BILL WITH SOME RELUCTANCE AT FIRST, BELIEVING IT TO BE A, QUOTE, UNQUOTE, THIRD-RAIL ISSUE. AND I WAS OVERWHELMED BY THE NUMBER OF PEOPLE FROM ALL OVER NEBRASKA THAT CALLED AND E-MAILED US AND THANKED US FOR BRINGING THIS BILL. PEOPLE WITH ALL MANNER OF AILMENTS THAT PRESCRIPTION MEDICATIONS WEREN'T WORKING FOR THEM. WHEN WE HAD OUR HEARING BEFORE THE JUDICIARY COMMITTEE, WE HAD OVER 100 PROPONENTS SHOW UP, FOLKS FROM ALL OVER NEBRASKA AND NEBRASKANS WHO WERE LIVING OUTSIDE OF NEBRASKA NOW BUT FLEW BACK TO PROVIDE THEIR TESTIMONY. IT WAS FOR...IT WAS HEARTRENDING AND IT WAS COMPELLING TESTIMONY FROM FOLKS THAT ARE OUT OF OPTIONS, FROM FOLKS WHO ARE SELF-MEDICATING. YOU KNOW, WE FELT VERY BAD ABOUT THIS, BUT FOLKS WHO DISCOVERED THAT MEDICAL MARIJUANA ACTUALLY HAD PROVIDED THEM SOME RELIEF AND WERE ACTUALLY GOING OUT AND ACQUIRING MARIJUANA ON THE BLACK MARKET, IF YOU WILL, ILLEGALLY AND SELF-MEDICATING. BUT ALSO THOSE WHO...LAW-ABIDING NEBRASKANS WHO JUST ARE OUT OF OPTIONS, STORIES LIKE SHARI LAWLOR AND HER DAUGHTER, BROOKE, WHO'S NOW 22 YEARS OLD, TAKES \$35,000 WORTH OF MEDICATION, WHICH MEDICAID IS PAYING FOR. AND THOSE MEDICATIONS AREN'T WORKING. THEIR NEXT STEP, LIKE I MENTIONED BEFORE, WAS TO HAVE...IS BRAIN SURGERY. THAT'S NOT AN OPTION I THINK MOST OF US WOULD CARE TO HAVE. I THINK MOST OF YOU IN HERE PROBABLY HAVE CHILDREN, AND I HARKEN BACK TO MY DAYS WHEN WE HAD OUR FIRST CHILD. EVERYONE TELLS YOU HOW IT'S GOING TO CHANGE YOUR LIFE AND YOU GO, YEAH, YEAH, YEAH. PEOPLE KEEP TELLING YOU. BUT UNTIL YOU HOLD YOUR FIRST CHILD IN YOUR ARMS AND YOU REALIZE THE INNOCENCE AND THE VULNERABILITY AND THE COMPLETE RELIANCE OF THAT CHILD ON YOU, IT

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FOREVER CHANGES YOUR LIFE. AND YOU'LL DO ANYTHING FOR YOUR CHILD WHEN YOUR CHILD IS SICK OR AILING. I CAN REMEMBER WHEN OUR CHILDREN WERE SICK, YOU WISHED THAT YOU COULD TAKE THE PAIN FROM THEM. WELL, WHEN YOU HAVE A CHILD WHO'S GOT THIS TERRIBLE SEIZURE DISORDER, EPILEPSY, AND YOU'RE OUT OF OPTIONS, WHY WOULDN'T WE ALLOW MEDICAL MARIJUANA? THERE ARE 24 STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, AND GUAM HAVE ALL PASSED MEDICAL MARIJUANA LAWS. THERE ARE 12 ADDITIONAL STATES LOOKING AT IT RIGHT NOW. MY CASE TO YOU, COLLEAGUES, IS THAT THESE STATES, THEY'RE NOT STUPID. THEY HAVE THE SAME CONCERNS, THESE LEGISLATURES, THE PEOPLE OF THOSE STATES HAVE THE SAME CONCERNS THAT WE HAVE. SOME OF THEM HAVE DONE THEIR PROGRAMS BETTER THAN OTHERS. SOME OF THEM HAVE DONE SOME PRETTY DOGDOM KINDS OF THINGS. AND THAT'S THE BEAUTY OF THIS, IS THAT THOSE HAVE GONE BEFORE WE CAN ADOPT WHAT WAS GOOD ABOUT THEIR LAWS AND WE CAN SEE WHAT WAS BAD AND MAKE SURE WE STAY AWAY FROM THOSE. I BELIEVE THIS TO BE A SOLID, SOLID LAW. IT IS GOING TO PREVENT ABUSE. DOCTORS WILL ONLY PRESCRIBE FOR A SPECIFIC SET OF CIRCUMSTANCES AND DISEASES. AND THIS MEDICAL CANNABIS BOARD IS GOING TO REVIEW THOSE AILMENTS ON A QUARTERLY BASIS. AND IT'S JUST A...WE MADE SURE THAT THIS WAS A ROCK SOLID, TIGHT PROGRAM. THOSE THAT WOULD ARGUE THAT THIS IS A SLIPPERY SLOPE AND IT'S A CAMEL WITH IT'S NOSE UNDER THE TENT, I ADAMANTLY OPPOSE THAT. THIS IS NOT A LAW ENFORCEMENT ISSUE. THIS IS A HEALTHCARE ISSUE. AND NEBRASKANS, WE OUGHT NOT BE MAKING THEM BEG FOR HELP AND BEG FOR TREATMENT. SO, COLLEAGUES, I HIGHLY ENCOURAGE YOU TO VOTE YES. WE'VE TALKED TO SENATOR GLOOR ABOUT HIS AMENDMENT AND WE'RE WILLING TO INCORPORATE EVERYTHING THAT HE'S GOT IN HIS AMENDMENT BETWEEN GENERAL AND SELECT FILE, AND ANY OTHER INPUTS. WE'VE SOLICITED INPUTS FROM THE ATTORNEY GENERAL, THE DEPARTMENT OF HHS. WE'VE TALKED TO THE AMA, THE PHARMACISTS, THE INDUSTRIAL SECURITY FOLKS. WE'VE ASKED FOR INPUT. WE'VE BEGGED FOR INPUT. WE'VE TALKED TO A LOT OF DOCTORS OFFLINE BECAUSE THE AMA WOULDN'T GET ON BOARD, BUT A LOT OF DOCTORS HAVE COME FORWARD. WE TRIED TO INCORPORATE THOSE CONCERNS INTO OUR BILL, AND WE'RE WILLING TO DO SO IN THE FUTURE. SO, COLLEAGUES, FOR THE MOMS, FOR ALL THE SICK AND AILING PEOPLE IN NEBRASKA WHO ARE OUT OF OPTIONS, I BEG FOR YOUR SUPPORT ON THIS BILL. THIS IS NOT ABOUT STONERS GETTING HIGH, THIS IS ABOUT MEDICINE AND HELPING PEOPLE. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB643]

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PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR GLOOR, YOU'RE WELCOME TO SPEAK TO YOUR AMENDMENT. [LB643]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, MEMBERS. AND I APPRECIATE SENATOR GARRETT'S OPENING COMMENTS HERE. AND I ESPECIALLY APPRECIATE HIS OPENING COMMENTS LAST WEEK WHERE HE SAID WE'RE HERE TO MAKE GOOD POLICY. AND SO MY AMENDMENTS I WANT TO MAKE SURE ARE UNDERSTOOD NOT TO BE TO THROW ROADBLOCKS IN FRONT OF THIS BILL BUT TO MAKE IT BETTER POLICY, TO MAKE IT A BETTER BILL. THIS AMENDMENT SPECIFICALLY HAD TO DO WITH THE SECTION OF HIS BILL RELATED TO NONDISCRIMINATORY PRACTICES AGAINST PEOPLE WHO WERE USING MEDICALLY PRESCRIBED CANNABIS AND WERE PICKED UP IN ROUTINE DRUG SCREENINGS BY EMPLOYERS AND WHATNOT. AS I EXPLAINED THEM, IT GETS TO BE PROBLEMATIC WITH PERHAPS SOME DOT REGULATIONS, AIRLINE PILOTS, PEOPLE WHO WORK IN HOSPITALS AND SURGERY. IN EITHER CASE, WE'VE HAD, AS SENATOR GARRETT SAYS, AN OPPORTUNITY TO WORK WITH HE AND HIS STAFF. AND HE HAS WORKED DILIGENTLY ON TRYING TO MAKE ACCOMMODATIONS. I BELIEVE THAT SHOULD THIS BILL ADVANCE, HE WILL BETWEEN GENERAL AND SELECT MAKE THOSE APPROPRIATE ADJUSTMENTS INTO HOWEVER HE AMENDS IT TO ADDRESS THE CONCERNS I HAD IN THIS AMENDMENT AND THE ONE THAT'S TO FOLLOW. AND SO WITH THAT, I WOULD ASK THAT AM1564 BE WITHDRAWN. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. THE AMENDMENT IS WITHDRAWN. [LB643]

CLERK: MR. PRESIDENT, SENATOR GLOOR, AM1576 AS AN AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB643]

SENATOR GLOOR: AND I WOULD ASK THAT BE WITHDRAWN ALSO. [LB643]

PRESIDENT FOLEY: AM1576 IS WITHDRAWN. [LB643]

CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER PENDING TO THE COMMITTEE AMENDMENTS. [LB643]

PRESIDENT FOLEY: SENATOR COASH, YOU'RE RECOGNIZED TO SPEAK TO THE BILL. [LB643]

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SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WANT TO LET YOU KNOW ABOUT A CONVERSATION THAT SEVERAL OF US HAD IN THE SPEAKER'S OFFICE THIS MORNING. AND I ALLUDED TO THIS WHEN WE TALKED ABOUT THIS BILL ON THURSDAY. I'M NOT CONFIDENT I KNOW WHERE EVERYONE IN THIS BODY STANDS ON THIS BILL, BUT I CAN...I THINK I'M A PRETTY GOOD JUDGE ON THE CONVICTION OF ALL OF US. AND WHAT I SEE WITH LB643 IS SENATOR GARRETT COULD PUT ANY AMENDMENT UP THERE, AND THERE ARE CERTAIN MEMBERS IN THIS ROOM WHO WOULD VOTE FOR IT NO MATTER WHAT HE PUT UP THERE. AND THOSE SAME AMENDMENTS WHICH WOULDN'T MATTER WHAT HE PUT UP THAT WOULD GET ALL THAT SUPPORT WOULDN'T CHANGE ANYBODY'S OPPOSITION, EITHER. IN OTHER WORDS, PEOPLE ARE WHERE THEY ARE WITH THE CONCEPT OF LB643. AND IF IT'S GOING TO MOVE, IT'S GOT TO HAVE SOME INPUT. IT'S GOT TO HAVE A LITTLE BIT OF WORK PUT ON IT. AND I KNOW SENATOR GARRETT HAS PLEDGED HIS SUPPORT TO DO THAT. BUT I DON'T SEE A LOT OF VALUE IN TRYING TO DO THAT RIGHT NOW IF THERE AREN'T SUFFICIENT...IF THERE ISN'T SUFFICIENT SUPPORT TO EVEN MOVE THIS TO THE NEXT LEVEL. AND I THINK SENATOR GARRETT HAS WORKED HARD ENOUGH TO THIS POINT TO DESERVE HIS VOTE ON THAT. AND WHAT I AM GOING TO ASK ALL OF US TO DO IS TO NOT LOOK AT THE TECHNICAL ASPECTS, SO TO SPEAK, OF LB643, BUT JUST TAKE A STEP BACK AND ASK YOURSELF, CAN I SEE MEDICAL MARIJUANA AS PART OF THE HEALTHCARE DELIVERY SYSTEM IN OUR STATE, OR CAN I NOT SEE THAT? AND IF YOUR ANSWER TO THAT IS YES, I'LL ASK YOU TO VOTE TO ADOPT THE COMMITTEE AMENDMENT AND MOVE THE BILL. AND IF THE ANSWER IS NO, TO VOTE NO ON BOTH OF THOSE, AS WELL. AT THE END OF THE DAY WHAT WE'LL HAVE THEN IS AN IDEA OF WHERE THIS BODY SITS ON THIS PARTICULAR ISSUE. AND IF THE MAJORITY OF SENATORS FEEL THAT THIS IS SOMETHING THAT WE WANT TO HAVE MOVING FORWARD, THEN SENATOR GARRETT HAS PLEDGED TO WORK WITH THOSE OF US WHO WOULD LIKE TO SEE THIS BE AT LEAST BEST TECHNICAL POLICY THAT WE CAN MAKE IT MOVING FORWARD BEFORE IT WOULD POTENTIALLY BE PUT INTO LAW. AND SO I WAS ENCOURAGED BY THAT THIS MORNING WHEN WE TALKED ABOUT IT, WANTED TO PUT IT ON THE RECORD AND THANK SENATOR GLOOR. SENATOR GLOOR WANTS GOOD POLICY. HE WANTS THIS TO WORK WITHIN HEALTHCARE. SENATOR CAMPBELL, WHO WORKS CLOSELY WITH HHS WHO IS CHARGED WITH CARRYING OUT THE PROVISIONS IN THIS, KNOWS WHAT IT'S GOING TO TAKE TO MAKE IT WORKABLE FROM THAT ASPECT. SO THEY PLEDGED THEIR INPUT. THEY PLEDGED THEIR SUPPORT. I HOPE THAT WITH THAT, WE CAN END UP WITH A BILL THAT IS WORKABLE FOR OUR STATE. BUT AT THE END OF THE DAY WE'VE GOT TO KNOW IF THIS IS EVEN PALATABLE FOR US HERE IN THE BODY, AND I WOULD ASK YOU

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TO CONSIDER THAT AS YOU MAKE A VOTE HERE SOON. AND WITH THAT, MR. PRESIDENT, I WOULD YIELD THE BALANCE OF MY TIME TO SPEAKER HADLEY. [LB643]

PRESIDENT FOLEY: SPEAKER HADLEY, 1 MINUTE, 40 SECONDS. [LB643]

SPEAKER HADLEY: YES, MR. PRESIDENT, I JUST WANTED TO ECHO WHAT SENATOR COASH SAID. WE HAD A MEETING IN MY OFFICE THIS MORNING WHERE WE HAD FOUR OR FIVE PEOPLE THERE, AND IT WAS DECIDED THAT THIS IS ONE OF THOSE VOTES THAT A PERSON IS EITHER FOR IT OR AGAINST IT. AND I DO APPRECIATE THE WILLINGNESS OF SENATOR GARRETT AND THE PEOPLE THERE JUST BASICALLY TO SAY THE AMENDMENT IS BASICALLY THE BILL. SO IF YOU FAVOR THE CONCEPT, YOU VOTE YES. IF YOU DON'T FAVOR THE CONCEPT, YOU VOTE NO. AND WE'LL SAVE SOME TIME. AS I TOLD YOU THIS MORNING, TIME IS RUNNING OUT. SO WITH THAT, THANK YOU, MR. PRESIDENT. [LB643]

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY, AND THANK YOU, SENATOR COASH. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB643]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT, AND HELLO, COLLEAGUES. I AM ONE OF THE COSIGNERS OF LB643, AND I DO SUPPORT THAT AND THE AMENDMENT. IF YOU'RE CONSIDERING NOT VOTING GREEN FOR THIS, I WOULD JUST LIKE TO ASK YOU WHY. I CAN'T IMAGINE ANY ONE OF US WHO'S CONSIDERING VOTING NO BECAUSE WE BELIEVE THAT LOBOTOMIES ARE THE BEST TREATMENT OPTIONS FOR SEIZURE PATIENTS. I DON'T BELIEVE THAT ANY OF US WOULD WANT TO PROLONG THE SUFFERING OF PEOPLE CRITICALLY ILL WITH CANCER OR CROHN'S DISEASE. I WORRY THAT YOUR THOUGHT OF VOTING NO IS BECAUSE RATHER THAN READING THE AMENDED BILL, YOU'VE INSTEAD BOUGHT INTO THE MEDIA HYPE THAT THIS BILL IS THE FIRST STEP TOWARDS BECOMING ANOTHER COLORADO. LET ME ASSURE YOU THAT I WOULD NEVER, EVER VOTE FOR ANY BILL THAT WOULD COME EVEN CLOSE TO ALLOWING RECREATIONAL MARIJUANA TO BE LEGAL IN NEBRASKA. I WOULD NOT SUPPORT THE LEGALIZATION, COMMERCIALIZATION, OR RETAIL SALE OF RECREATIONAL MARIJUANA IN NEBRASKA. I SIMPLY COULDN'T SUPPORT ANYTHING OF THAT KIND. I WANT TO MAKE THE POINT THAT COMPARING MEDICAL CANNABIS OIL TO THE RECREATIONAL MARIJUANA PEOPLE SMOKE TO GET HIGH IS LIKE COMPARING PROZAC TO METHAMPHETAMINE. THE COMPARISONS IN EACH CASE DON'T EVEN COME CLOSE TO MAKING SENSE. IN EACH CASE, ONE DRUG CAN CHANGE LIVES, WHILE THE OTHER DESTROYS THEM. LB643 NOT ONLY HEAVILY

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REGULATES THE KIND OF MEDICAL CANNABIS THAT CAN BE PRESCRIBED, LB643 ALSO TIGHTLY REGULATES HOW IT WOULD BE PRESCRIBED AND DISPENSED. ONLY A MEDICAL PROFESSIONAL IN GOOD STANDING WITH THE STATE OF NEBRASKA CAN PRESCRIBE CBD. ONCE IT IS DETERMINED A PATIENT QUALIFIES, THE PATIENT MUST BE APPROVED AND ADDED TO A STATEWIDE REGISTRY WHICH WOULD MAKE MANDATORY THAT A PICTURE OF THE PATIENT BE KEPT ON ELECTRONIC FILE. PRESCRIBED CBD WOULD BE REGULATED AND DISPENSED ONLY THROUGH DISPENSARIES ASSOCIATED WITH THE MANUFACTURER. THE PRESCRIPTION COULD ONLY BE PICKED UP AND PAID FOR BY THE PERSON MATCHING THE PICTURE IN THE STATE'S ON-LINE REGISTRY USED BY PHARMACIES--NO MATCH, NO PRESCRIPTION. LB643 WOULD HARMONIZE NEBRASKA PHARMACEUTICAL LAW WITH THOSE OF SO MANY OTHER STATES THAT KNOW THE DIFFERENCE BETWEEN MEDICAL CANNABIS BEING A MEDICAL ISSUE AND NOT A RECREATIONAL DRUG USE ONE. I ASK WITH GREATEST SINCERITY TO THINK ABOUT THE FACTS, THINK ABOUT THE PATIENTS, AND I HOPE YOU'LL VOTE GREEN ON LB643. THANK YOU. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB643]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. THIS AFTERNOON I HAVE PASSED OUT A SHEET OF INFORMATION. IT JUST SO HAPPENS AFTER WE WENT TO...THROUGH OUR RECESS LAST THURSDAY, IN WEST POINT I RAN INTO MY PHYSICIAN AND ASKED HER HER THOUGHTS ON MEDICAL MARIJUANA. SHE SAID, LYDIA, WE HAVE MEDICAL MARIJUANA. AND IT'S CALLED MARINOL. AND SHE SAYS THAT SHE DOES PRESCRIBE IT. IT GOES TO CANCER PATIENTS. THERE'S MANY THINGS IT'S PRESCRIBED FOR. SHE HAS TWO ELDERLY INDIVIDUALS IN A NURSING HOME THAT REFUSE TO EAT AND ATE VERY LITTLE, AND WITH THIS PRESCRIPTION THEY GAINED TEN POUNDS WITHIN TWO WEEKS. SHE SAID THERE'S MANY USES, AND THIS IS FDA APPROVED. IT'S HERE. IT'S FDA APPROVED. AND IT IS GOING...IT'S COMPASSIONATE. IT GOES TO THOSE SUFFERING. THEY USE IT WITH A LOT OF HOSPICE PATIENTS. BUT TO GIVE IT TO CHILDREN WHOSE BRAINS ARE NOT FULLY DEVELOPED YET, OUR BRAINS ARE GROWING WITHIN CHILDREN FOR MULTIPLE YEARS, UP INTO YOUR EARLY 20s. WITH SOMEONE WHO IS OLDER, SOMEONE WHO IS ON HOSPICE, SHE HAD SAID IT IS PROVEN, IT IS WORKING, IT IS FDA APPROVED. ON THE OTHER SIDE OF THE FLYER I GAVE YOU IS THE SECOND PHARMACEUTICAL-APPROVED SIMILAR PRESCRIBED DRUG. WHAT I'M AFRAID OF IS WHAT I HEARD LAST NIGHT WHEN I TURNED ON THE TELEVISION, AND I USUALLY DON'T WATCH LATE NIGHT TALK SHOW HOSTS. BUT THIS HOST

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ANNOUNCED, GUESS WHAT, FOLKS, CALIFORNIA NOW HAS LEGALIZED MARIJUANA. HE SAID BUT, OF COURSE, IT'S MEDICAL MARIJUANA, BUT ANYBODY CAN GET A PRESCRIPTION. AND THEN HE HAD AN INTERVIEW WITH SEVERAL PEOPLE ON THE STREETS IN CALIFORNIA TALKING ABOUT THIS. I UNDERSTAND THERE ARE MANY VERY SERIOUSLY ILL INDIVIDUALS IN PAIN. BUT I DO UNDERSTAND FROM A MEDICAL DOCTOR AND OTHERS, WE HAVE THE TESTIMONIES OF SEVERAL THAT WHAT WE ARE LOOKING AT TODAY IN PASSING HERE HAS NOT BEEN APPROVED. WE DON'T KNOW IF WE'RE TAKING THOSE WHO ARE SUFFERING AND TAKING THEM CLOSER TO THEIR END JUST BY NUMBING OR DOING WHAT TO THEIR BRAINS. AND AGAIN, THESE ARE TWO EXAMPLES OF WHAT IS BEING USED IN NORTHEAST NEBRASKA AT DIFFERENT FACILITIES AND ACROSS THE COUNTRY. AND IF YOU DO A SEARCH, YOU WILL FIND OTHER MULTIPLE PAGES THAT DESCRIBE USES FOR ALMOST ALL OF THE SYMPTOMS THAT YOU'RE TALKING ABOUT IN THIS BILL. YOU GO TO THE SYMPTOM, AND THERE IS SOMETHING THERE. AND, YES, MY HEART BLEEDS FOR THOSE MOTHERS AND CHILDREN IN PAIN, AND I DO BELIEVE THAT MOTHERS AND PARENTS, FATHERS AS WELL, ARE DESPERATE TO HELP THEIR CHILDREN, BUT TO WHAT MEANS? ARE WE IN SUCH A HURRY THAT WE WOULD BYPASS THE MEDICAL-APPROVED MARIJUANA DRUGS OUT THERE TODAY AND DECIDE THAT, YES, WE NEED TO TAKE THE POLITICAL PROCESS AND MIX IT WITH... [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR BRASCH: ...MARIJUANA INDUSTRY? YOU KNOW, IT WAS A JOKE ABOUT CALIFORNIA LAST NIGHT. NEBRASKA IS NOT A JOKE. WHAT WE NEED TO DO IS LOOK CLOSER, LOOK AT ALL THE FACTS, ALL THE OPTIONS. AND UNTIL WE HAVE "ASSURITY" THAT WHAT WE'RE GIVING OUR CHILDREN IS NOT GOING TO HARM THEM, HARM THEIR MENTAL DEVELOPMENT MOVING FORWARD, I ENCOURAGE YOU TO NOT RUSH FORWARD BUT TO TAKE A LOOK AT WHAT WE HAVE HERE, CALL YOUR PHYSICIAN. I SPOKE WITH MINE. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR KEN HAAR. [LB643]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I WANT TO THANK SENATOR GARRETT FOR HIS COMPASSION AND FOR HIS LEADERSHIP ON THIS ISSUE. I DO SEE MEDICAL MARIJUANA AS AN IMPORTANT PART OF HEALTHCARE POLICY IN NEBRASKA. AND THERE WAS AN ARTICLE IN THE KEARNEY HUB BY WILLIAM AVILES WHO IS A PROFESSOR IN THE DEPARTMENT OF POLITICAL

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SCIENCE AT THE UNIVERSITY OF NEBRASKA AT KEARNEY. AND HE SAID SOME THINGS PRETTY WELL, SO I'M GOING TO BE QUOTING A LITTLE BIT FROM THAT ARTICLE THAT APPEARED IN THE KEARNEY HUB. "IN 1937 MARIJUANA WAS NATIONALLY PROHIBITED LARGELY ON THE BASIS OF MISINFORMATION AND HALF-TRUTHS." AND BY THE WAY, IT WAS ALSO...TURNED INTO DEVIL WEED AT ABOUT THE TIME PROHIBITION ENDED AND THE ALCOHOL INDUSTRY INVESTED A LOT OF MONEY IN PAINTING THAT NEW IMAGE FOR MARIJUANA, WHICH WOULD...HAD BEEN USED BY AN AWFULLY LOT OF PEOPLE DURING PROHIBITION. "THE CURRENT DEBATE IN THE UNICAMERAL OVER THE CANNABIS COMPASSION AND CARE ACT HAS FORTUNATELY NOT FALLEN TO THIS LEVEL OF DISINFORMATION, BUT SOME OF THE CLAIMS AND CONCERNS RAISED" ARE MISINFORMED. "FIRST, OPPONENTS CLAIM THAT MARIJUANA IS 'DANGEROUS.'" AND WE'RE NOT TALKING HERE ABOUT RECREATIONAL USE, WE'RE TALKING ABOUT MEDICAL USE. BUT OBVIOUSLY IN THIS COUNTRY A LOT OF PEOPLE USE MARIJUANA ILLEGALLY. AND YET THERE ARE NO REPORTED...RECORDED CASES OF DEATH BY OVERDOSE OF MARIJUANA. COMPARE THIS TO THE SURPRISING NUMBER OF DEATHS FROM THE OVERDOSE OF DRUGS LIKE OXYCODONE AND THOSE KINDS OF THINGS. "THERE IS A GREAT DEAL OF EVIDENCE THAT CANNABIS HAS MEDICAL BENEFITS FROM ITS HISTORICAL USE AS A MEDICINE IN THE UNITED STATES. IN 1999, THE INSTITUTE OF MEDICINE OF THE NATIONAL ACADEMY OF SCIENCES CONCLUDED AFTER A REVIEW OF THE RESEARCH THAT MANY PATIENTS SUFFERING WITH HIV/AIDS, GLAUCOMA, CANCER, EPILEPSY, AND OTHER DEBILITATING SICKNESSES FOUND THAT CANNABIS PROVIDED RELIEF FROM THEIR SYMPTOMS. SINCE 1999 NUMEROUS STUDIES HAVE BUTTRESSED THESE CLAIMS, WITH ONE 2012 REVIEW OF THE RESEARCH IN THE OPEN NEUROLOGY JOURNAL FINDING THAT CANNABIS WAS LIKELY USEFUL IN MANAGING NEUROPATHIC PAIN AND THE SYMPTOMS ASSOCIATED WITH MULTIPLE SCLEROSIS. ONE STUDY IN 2014 IN THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION FOUND A CORRELATION BETWEEN THE EXISTENCE OF MEDICAL MARIJUANA LAWS AND REDUCED RATES OF OPIOID DEATHS BY NEARLY 25 PERCENT." IN OTHER WORDS, IN THOSE STATES WHERE THERE'S THE USE OF MEDICAL MARIJUANA NOW, THE NUMBER OF OPIATE DEATHS BY THOSE KINDS OF DRUGS HAS FALLEN BY NEARLY 25 PERCENT. "FINALLY, SINCE 1996 WHEN CALIFORNIA WAS FIRST TO ENACT A MEDICAL MARIJUANA LAW, WE HAVE BEEN ABLE TO ASSESS THE POTENTIAL CONSEQUENCE TO TEEN USE OF CANNABIS THAT OPPONENTS CLAIM AS A REASON TO STOP LB643. NUMEROUS INVESTIGATIONS HAVE FOUND NO CONNECTION BETWEEN MEDICAL MARIJUANA LAWS AND INCREASED CANNABIS USE BY TEENS." AND THE CHARGE, OF COURSE, THAT DOCTORS WILL JUST PRESCRIBE THIS TO ANYBODY... [LB643]

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PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR HAAR: ...DOESN'T GIVE MUCH FAITH TO DOCTORS, I THINK. SO LB643 REPRESENTS A RELATIVELY TIGHT REGULATORY PROPOSAL THAT'S UNLIKE THE LOOSELY REGULATED SYSTEMS IN STATES LIKE CALIFORNIA AND COLORADO. "PATIENTS AND CAREGIVERS MUST GO THROUGH A THOROUGH PROCESS TO OBTAIN ACCESS TO THIS PLANT AND THOSE WHO WILL BE ALLOWED TO PRODUCE AND DELIVER THE DRUG WILL BE LIMITED TO A SELECT FEW." AND WITH THAT AGAIN, I WOULD LIKE TO THANK SENATOR GARRETT FOR BRINGING THIS BILL TO THE LEGISLATURE. THANK YOU. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB643]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I FEEL ABOUT THIS BILL THE WAY I IMAGINE PEOPLE WOULD FEEL WHO HAVE A HEART. I DON'T HAVE ONE, SO MY EMOTIONS ARE NOT SOMETHING THAT I HAVE. I'VE HEARD ABOUT THEM. I'VE SEEN THEM AT WORK IN PEOPLE. AND SOMETIMES I THINK THEY'RE GOOD, AND SOMETIMES I THINK THEY'RE NOT. BUT THE MODEL I WOULD TAKE IS THAT FELLOW CALLED SPOCK IN STAR WARS...NOT STAR WARS, STAR TREK, WHERE YOU LOOK AT A SITUATION, YOU CAN WEIGH IT AND DETERMINE THAT WHICH IS PROBABLY THE BEST DIRECTION TO GO. SO I ALREADY TOLD SENATOR GARRETT THAT HE'S FOR THE BILL BECAUSE HE HAS A HEART. I'M FOR THE BILL BECAUSE I HAVE NONE. BUT MY BRAIN IS WHAT WORKS WITH ME. NATURE WANTS A SPECIES TO BE PROPAGATED. SO THE ADULTS TAKE CARE OF THE CHILDREN. AND YOU DON'T WANT TO GET BETWEEN A MOTHER AND HER BABIES. SO IF THERE ARE BABIES ALREADY HERE, AND BY BABIES I DON'T JUST MEAN INFANTS AND TODDLERS BUT CHILDREN, AND THEY ARE SUFFERING UNNECESSARILY, MY MIND TELLS ME THAT SOMETHING SHOULD BE DONE ABOUT THAT. I SAW WHERE NOT LONG AGO THAT THE POLIO VIRUS IS USED IN A DRIP TO GET RID OF TUMORS THAT PEOPLE HAVE IN THEIR BRAIN. THEY TAKE AWAY PART OF THE SKULL AND THEY LET THIS DRIP COME RIGHT ON THE AFFECTED PART OF THE BRAIN. AND IT HAS CLEARED UP THESE TUMORS. WHO WOULD HAVE THOUGHT THAT A POLIO VIRUS COULD BE USED IN SUCH A WHOLESOME MANNER? ON THE OTHER HAND, I TURN ON TELEVISION AND I SEE THESE PHARMACEUTICALS ADVERTISED AND THEY'LL SAY THIS COULD CAUSE EXCESSIVE BLEEDING, STROKE, PANCREATITIS, AND IT COULD BE FATAL. BUT YOU CAN BUY IT. AND NOT ONE OF THESE PHARMACEUTICALS THAT'S ADVERTISED ON TELEVISION WAS BY PRESCRIPTION. WILL THEY NOT LIST A GROUP OF SIDE EFFECTS THAT ARE WORSE THAN WHAT YOU'RE

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SUFFERING FROM BECAUSE IN MANY INSTANCES THE MEDICATION CAN KILL YOU, WHEREAS WHAT YOU'RE TAKING IT FOR WILL NOT BE FATAL. I DON'T KNOW HOW MANY PEOPLE HAVE WATCHED LITTLE CHILDREN WHO ARE IN GREAT PAIN, BUT WHAT THEY WILL OFTEN DO WITH THEIR SAD LITTLE PAIN-FILLED EYES IS LOOK TOWARD AN ADULT AS IF TO SAY, YOU'RE SUPPOSED TO BE ABLE TO HELP ME, NOW HELP ME. I'VE SEEN COMMERCIALS FOR THAT SAINT JUDE CHILDREN'S RESEARCH HOSPITAL. THEY HAD THESE LITTLE BITTY BABIES, ALL OF THEM GOT CANCER. AND THIS ONE LITTLE ONE, HIS HAIR WAS GONE. HE WAS AGAINST THE CHEST, I DON'T EVEN KNOW IF IT WAS THE MOTHER OR A FATHER, A MALE OR FEMALE, BUT YOU COULD SEE THE CHILD, THE EYES WERE HALF OPEN. AND WHEN HE CLOSED HIS EYES, THE LIDS CLOSED VERY SLOWLY, OPENED VERY SLOWLY. THEN HE RAISED HIS HEAD TO LOOK UP AND WHOEVER THAT ADULT WAS AS IF TO SAY WHILE I'M HERE, THEN I'M ALL RIGHT. THERE IS COMFORT HERE. AND WE AS LEGISLATORS CAN DO ALL THE TALKING THAT WE WANT TO OF THE KIND THAT SENATOR BRASCH GAVE US, WHICH I THINK IS... [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR CHAMBERS: ...MEANT THE WAY SHE GIVES IT. BUT IF YOU SEE A CHILD HURTING...HERE IS MY FEELING SINCE I ONLY HAVE LESS THAN A MINUTE NOW. IF I KNEW SOMEBODY, ESPECIALLY IF IT WAS SOMEBODY CLOSE TO ME, WHO HAD ONE OF THESE AILMENTS, AND I COULD GET SOME MARIJUANA AND RISK GOING TO JAIL TO GET THAT MARIJUANA, IF IT WAS MY CHILD I WOULD GO TO HELL TEN TIMES, DIE AND GO TO HELL TEN TIMES TO HELP MY CHILD. SO I'M SUPPORTING WHAT SENATOR GARRETT IS DOING BECAUSE NOT ONLY AM I MY BROTHER'S KEEPER, I'M MY CHILDREN'S KEEPER. THOSE ARE OUR LITTLE BROTHERS, OUR LITTLE SISTERS, AND THIS IS SOMETHING THAT WILL HELP THEM LIKE NOTHING ELSE. THEIR BACK IS AGAINST THE WALL. THEY CAN ONLY IMPROVE. THIS OFFERS THAT AND I'M SUPPORTING IT. SO I WILL VOTE FOR IT HERE. I SIGNED ONTO THAT PAPER... [LB643]

PRESIDENT FOLEY: TIME, SENATOR. [LB643]

SENATOR CHAMBERS: ...AND I INTEND TO STICK ALL THE WAY. THANK YOU, MR. PRESIDENT. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB643]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON AGAIN, COLLEAGUES. WE HAVE BEEN ASKED TO CONSIDER RUSHING TO JUDGMENT ON THIS BILL. MAYBE WE SHOULDN'T DEBATE IT AS LONG AS WE MIGHT BECAUSE WE'RE RUNNING OUT OF TIME. COLLEAGUES, THIS IS ONE OF THE MOST IMPORTANT BILLS WE HAD BEFORE US THIS YEAR. WE HAD THE DEATH PENALTY, WHICH IS IMPORTANT; WE HAD THE BUDGET, WHICH IS MANDATORY; PRISON REFORM, WHICH HAD TO BE DONE AND IS IN THE PROCESS OF BEING DONE; AND THIS, AS AN ISSUE. THE IDEA THAT WE SHOULD LIMIT DEBATE ON THIS BECAUSE WE'RE RUNNING OUT OF TIME DOESN'T APPEAL MUCH TO ME. THIS IS TOO IMPORTANT A BILL TO RUSH TO JUDGMENT ON. IF YOU HAVE MADE UP YOUR MIND AND THERE'S NO CHANGING IT, FINE. SO BE IT. BUT IF YOU HAVE EVEN THE FAINT LINGERING DOUBT, IF WE ARE GOING TO RUSH ON THIS, THEN VOTE IN FAVOR OF IT, GET THE REST OF YOUR ANSWERS BETWEEN NOW AND SELECT. DON'T VOTE AUTOMATICALLY NO ON THIS AND REGRET IT DAY AFTER TOMORROW. SENATOR BRASCH BROUGHT UP THE EDUCATION OF PEOPLE, YOUNG FOLKS GOING FORWARD. COLLEAGUES, IF YOUR CHILD IS HAVING A HUNDRED SEIZURES A DAY, YOU'RE NOT WORRIED ABOUT THEIR EDUCATION TEN YEARS FROM NOW. IF THIS IS SOMETHING THAT MAY HELP, WE OWE IT TO EVERYBODY THAT'S AFFLICTED WITH THESE KINDS OF THINGS TO CONSIDER THIS CAREFULLY AND FULLY. AGAIN, DON'T RUSH TO JUDGMENT, DON'T VOTE NO BECAUSE IT SEEMS THE POLITICAL THING TO DO. GIVE THIS SERIOUS THOUGHT. IT IS A SERIOUS ISSUE. I HAVE DECIDED THAT SINCE THIS HAS BEEN TAKEN DOWN TO A PILL FORM OR AN OIL FORM, I AM GOING TO SUPPORT THIS BILL AS AMENDED. WHEN IT FIRST CAME OUT, I WAS NOT ON BOARD. I DIDN'T SEE ANY WAY I COULD GET ON BOARD. BUT IT HAS GOTTEN TO THAT POINT. BUT LET'S NOT SHORTCHANGE THIS DECISION BECAUSE WE'RE IN A HURRY. WE HAVE THE DEATH PENALTY LEFT. THE BUDGET IS PRETTY WELL A DONE THING. WE'VE GOT SOME MORE VOTES ON PRISON REFORM. BUT WE'VE GOT TIME ENOUGH TO GET THIS DONE AND STILL GIVE THIS THE CONSIDERATION, THE PROPER CONSIDERATION WITHOUT A BIG RUSH AND DEPRIVING US OF ALL THE INFORMATION THAT SHOULD BE MADE AVAILABLE TO US. THANK YOU, MR. PRESIDENT. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR KRIST, YOU'RE RECOGNIZED. I DON'T SEE SENATOR KRIST AT THE MOMENT. WE'LL PASS OVER. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB643]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I JUST WANTED TO ADD A COUPLE MORE THINGS. I SUPPORT THE AMENDMENT FROM THE JUDICIARY AND THE UNDERLYING BILL, LB643. SENATOR BRASCH PASSED OUT

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SOME INFORMATION ON A DRUG CALLED MARINOL THAT WE DO...THAT HAS SOME TIES TO THE CHEMICAL COMPOUNDS OF MARIJUANA. AND THAT IS TO EASE NEUROPATHIC PAIN. WHAT I'VE HEARD IS THAT WE HAVE IT BUT WE REALLY DON'T HAVE IT BECAUSE THAT MARINOL DOES NOT HAVE THE CANNABIDIOL OIL THAT IS SUPPOSED TO HELP SOME OF THE PAIN MANAGEMENT THAT IS FOUND WITHIN THE MEDICAL MARIJUANA. SO AGAIN, I THINK SENATOR BRASCH TALKED ABOUT NOT GIVING IT TO KIDS WHOSE BRAINS HAVE NOT FULLY DEVELOPED. BUT WHEN YOU THINK ABOUT IT, WHAT IS HAPPENING TO THOSE KIDS THAT ARE HAVING HUNDREDS OF SEIZURES A DAY? I'M NOT SAYING IT SHOULD GO TO EVERY SINGLE CHILD, OBVIOUSLY NOT. BUT IF A CHILD IS BEING GIVEN THE CHOICE OR A PARENT IS BEING GIVEN THE CHOICE OF BRAIN SURGERY OR CHEMO OR RADIATION, ALL OF WHICH ARE TOXINS THAT GO INTO THE BODY, SHOULDN'T WE ALLOW A DOCTOR TO ALSO HAVE IN THE TOOL CHEST THE CHOICE OF MEDICAL MARIJUANA? THIS SEEMS LIKE SUCH A RIDICULOUS DISCUSSION IN A WAY BECAUSE, OF COURSE, OPIATES ARE COMPLETELY DANGEROUS AND ADDICTIVE. IN FACT, WE PASSED A BILL THIS SESSION TO DEAL WITH THAT. WE HAVE THE GOOD SAMARITAN BILL, AND THAT IS TO DEAL WITH ADDICTION AND OVERDOSE. WE KNOW IT'S HAPPENING, AND IT WAS A GOOD BILL. BUT THE PEOPLE THAT CAME TO ME ON THAT WERE PEOPLE WHOSE FAMILY MEMBERS WERE ADDICTED TO OPIATES BECAUSE OF PAIN MANAGEMENT. AND SO THEY SAID PLEASE PASS THIS BILL SO THAT WE CAN HAVE THIS MEDICATION IN OUR HOMES SO THAT WE COULD POSSIBLY SAVE THEIR LIVES. SO THESE ARE OPIATES WERE PEOPLE ARE ADDICTED TO IT ALL THE TIME. WE'RE TALKING ABOUT SOMETHING THAT HAS PROVEN NEVER TO CAUSE AN OVERDOSE, EVER. AND WE HAVE TESTIFIER AFTER TESTIFIER THAT SAYS NOT ONLY DOES IT HELP, IT HAS SIGNIFICANTLY DECREASED SEIZURES. IT'S SIGNIFICANTLY HELPED IN PAIN MANAGEMENT. AGAIN, MEDICINE IS AS MUCH AN ART AS IT IS A SCIENCE. SO WHY WE WOULD HAVE ANY CONCERN AND BE SITTING HERE ARGUING ABOUT WHETHER OR NOT ONE TOOL SHOULD BE IN A DOCTOR'S TOOL CHEST, I DON'T EVEN GET IT. WE'RE LEGISLATORS. WE ARE PEOPLE HELPING TO FIGURE OUT LAWS. NOBODY ASKED US WHETHER HEROIN IS OKAY OR MORPHINE IS OKAY FOR SOMEBODY WHO IS IN THE LAST MONTHS OF LIFE AND IN SIGNIFICANT PAIN. WE AREN'T SITTING HERE DECIDING THAT SPECIFIC CHEMICAL COMPOUND. BUT, OH, MY GOSH, BECAUSE IT'S TIED TO A NATURAL PLANT THAT PEOPLE ABUSE RECREATIONALLY, NO DOCTOR SHOULD HAVE THIS IN THE TOOL CHEST. WHAT ABOUT ALL THE OTHER THINGS? LET'S START GETTING RID OF EVERYTHING THAT PEOPLE ABUSE, METHAMPHETAMINE, OPIATES. WE HAVE SO MANY DRUGS THAT PEOPLE ABUSE, SO WE SHOULD GET RID OF THEM RATHER THAN PROVIDING THEM ACCESS TO PHYSICIANS WHO MAY BE ABLE TO USE THEM TO HELP A PATIENT

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SIGNIFICANTLY. I APPRECIATE THE FACT THAT THE SPEAKER AND OTHERS HAVE GOTTEN TOGETHER TO LET US GO FORWARD ON THIS AND GIVE A VOTE. I HOPE THAT EVERYBODY WILL SAY... [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR PANSING BROOKS: ...YES, THIS IS SOMETHING THAT'S POSITIVE. I GIVE THE REST OF THE TIME TO THE SPEAKER IF HE'D LIKE IT TO EXPLAIN AGAIN WHAT THAT DECISION WAS ABOUT. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. MR. SPEAKER, ONE MINUTE. [LB643]

SPEAKER HADLEY: YES, JUST REAL QUICKLY. THANK YOU, MR. PRESIDENT. WE JUST...THE AMENDMENT IS THE BILL. AND AS SENATOR COASH SAID, I THINK PEOPLE HAVE VERY STRONG OPINIONS. AND JUST A SIGNAL OF WHETHER SENATOR GARRETT SHOULD PUT THE TIME AND EFFORT TO MAKE SURE THAT WE HAVE THE CORRECT BILL WHEN WE MOVE FORWARD, OR THAT IF THE WILL OF THE BODY IS IT'S NOT, THEN THAT WILL BE WHAT THE BODY CARES ABOUT. THANK YOU, MR. PRESIDENT. [LB643]

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB643]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I'M A LITTLE SURPRISED AT MYSELF STANDING UP HERE TODAY BECAUSE WHEN I FIRST SAW THIS BILL I THOUGHT NO WAY AM I EVER GOING TO SUPPORT THE POSSIBILITY OF MEDICAL MARIJUANA BEING AUTHORIZED IN THE STATE OF NEBRASKA. BUT A LITTLE BIT LIKE SENATOR GARRETT SAID, OVER THE LAST WEEKS AND MONTHS WE HAVE ALL MET WITH THE PEOPLE WHO FEEL THAT THEY WOULD BE...THAT THEIR LIFE WOULD BE IMPROVED IF THEY HAD THE AVAILABILITY OF THE MEDICAL MARIJUANA. AND SO I'VE HAD A CHANGE OF HEART ALSO, SENATOR GARRETT, IN THAT I THINK THAT WE SHOULD CONSIDER THIS. IF YOU WANT ALL OF THE DATA HAVING BEEN A MEDICAL PRACTITIONER, I CAN SHOW YOU ALL THE DATA AS TO WHY WE SHOULD NOT DO THIS. THE DEA HAS A POSITION PAPER ON THE MARIJUANA WHICH TELLS US THERE'S A LOT OF THINGS THAT WE HAVEN'T PROVEN, AND THE SCIENCE ISN'T THERE. AND THEN WE'VE GOT...I'VE GOT...I'VE DOWNLOADED THINGS FROM THE CANCER ASSOCIATION AND FROM THE OPHTHALMOLOGISTS FOR GLAUCOMA AND SO FORTH. I HAVE VISITED WITH

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PHYSICIANS WHO HAVE PRACTICED IN COLORADO, AND WE DO NOT WANT A COLORADO HERE. I CAN GUARANTEE YOU THAT. BUT I'VE COME TO THE CONCLUSION THAT I'VE GOT SOME QUESTIONS THAT NEED TO BE ANSWERED, SENATOR GARRETT. AND IF WE CAN GET GOOD ANSWERS TO THEM, I'M GOING TO IMPLORE THIS BODY TO CONSIDER THAT WE MIGHT WANT TO START THIS ROUTE. AND, SENATOR GARRETT, I'M WONDERING IF YOU WOULD ANSWER A COUPLE QUESTIONS FOR ME. [LB643]

PRESIDENT FOLEY: SENATOR GARRETT, WOULD YOU YIELD, PLEASE? [LB643]

SENATOR GARRETT: YES, I WILL. [LB643]

SENATOR HILKEMANN: THE VERY FIRST QUESTION IS, WHY HAVE WE NOW SETTLED ON THE MINNESOTA MODEL, BECAUSE THIS IS THE ONE MODEL THAT'S NOT BEEN TESTED YET. THEY HAVEN'T EVEN IMPLEMENTED IT YET IN MINNESOTA. [LB643]

SENATOR GARRETT: THE JUDICIARY COMMITTEE LOOKED AT THE BILL AND THEY FELT THAT THAT ONE GAVE THEM THE BEST OPTION. QUITE FRANKLY, MY PERSONAL OPINION IS BECAUSE IT DIDN'T ALLOW SMOKING. THERE ARE ONLY TWO STATE LAWS, MEDICAL MARIJUANA LAWS THAT DON'T ALLOW SMOKING, NEW YORK AND THE MINNESOTA LAW THAT'S IN THE PROCESS OF BEING IMPLEMENTED. AND NEW YORK'S LAW IS NOT VERY GOOD. [LB643]

SENATOR HILKEMANN: OKAY. NUMBER TWO, SENATOR, ONE OF THE THINGS WHEN YOU GAVE YOUR SPLENDID INTRODUCTION OF THIS BILL, YOU SAID CHRONIC PAIN HAD BEEN REMOVED AS ONE OF THE CRITERIA. WHY WAS CHRONIC PAIN REMOVED FROM THIS BILL? [LB643]

SENATOR GARRETT: THERE'S ALWAYS BEEN CONCERN ABOUT PAIN AND HOW YOU QUANTIFY PAIN. AND AGAIN, WE WANTED TO KEEP THIS A VERY LIMITED NUMBER OF AILMENTS AND DISEASES. I PERSONALLY BELIEVE THAT CHRONIC PAIN SHOULD BE INCLUDED, BUT WE'LL LET THE CANNABIS MEDICAL BOARD REVIEW AND MAKE THE DETERMINATION ABOUT WHICH AILMENTS AND DISEASES SHOULD BE ADDED. [LB643]

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SENATOR HILKEMANN: ANOTHER QUESTION, SENATOR, HOW MANY DOCTORS DO YOU THINK WOULD BE...THAT WILL EVENTUALLY BE PRESCRIBING THIS MEDICATION? [LB643]

SENATOR GARRETT: WE ARE NOT GOING TO FORCE THIS ON A PHYSICIAN. A PHYSICIAN WOULD HAVE TO AGREE TO WANT TO BE ABLE TO PRESCRIBE MEDICAL MARIJUANA AND AGREE TO ABIDE BY THE RULES OF THIS. SO IT'S HARD TO QUANTIFY IT, BUT MY OWN PERSONAL EXPERIENCE WITH MY FATHER-IN-LAW AND JUST TALKING TO SOME OF OUR COLLEAGUES HERE ON THE FLOOR, DOCTOR, I THINK A GOODLY NUMBER OF DOCTORS WOULD AGREE TO PARTICIPATE IN THIS. [LB643]

SENATOR HILKEMANN: WILL THESE DOCTORS HAVE TO TAKE SPECIAL... [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR HILKEMANN: ...TRAINING FOR THIS PURPOSE? [LB643]

SENATOR GARRETT: NOT SPECIAL TRAINING, BUT THEY WOULD HAVE TO REVIEW WHAT THE RULES ARE AND THE VERY SPECIFIC AILMENTS AND DISEASES THEY CAN PRESCRIBE THIS FOR, AND AGREE TO ABIDE BY THOSE RULES. [LB643]

SENATOR HILKEMANN: AND WILL THOSE DOCTORS HAVE TO MAKE APPLICATION TO OUR HEALTH DEPARTMENT TO BE A PART OF THIS PROGRAM? [LB643]

SENATOR GARRETT: YES, AND THEY WILL BE PART OF A REVIEW TO SEE WHAT THEY'RE PRESCRIBING FOR AND THE NUMBER OF PATIENTS. [LB643]

SENATOR HILKEMANN: AND, SENATOR, WHO IS GOING...HOW MANY PHARMACIES OR HOW MANY DISTRIBUTION CENTERS MIGHT THERE BE ACROSS THIS STATE? [LB643]

SENATOR GARRETT: CURRENTLY THE BILL CALLS FOR TWO MANUFACTURERS TO BE SELECTED COMPETITIVELY, AND EACH MANUFACTURER IS ALLOWED TO HAVE FOUR DISPENSARIES. WE CAN ADJUST THOSE NUMBERS HOWEVER WE LIKE. BUT AS CURRENTLY ENVISIONED, THERE WOULD ONLY BE EIGHT DISPENSARIES STATEWIDE. [LB643]

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SENATOR HILKEMANN: EIGHT DISPENSARIES STATEWIDE... [LB643]

PRESIDENT FOLEY: TIME, SENATORS. [LB643]

SENATOR HILKEMANN: ...AND THEY HAVE TO HAVE A PRESCRIPTION. THANK YOU, MR. SPEAKER. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN AND SENATOR GARRETT. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB643]

SENATOR RIEPE: MR. PRESIDENT, SENATORS, AND VIEWING PUBLIC, IT'S A DANGEROUS POSITION FOR A LEGISLATURE TO PRACTICE MEDICINE. I'VE SPOKEN WITH A NUMBER OF PHYSICIANS WHOM I HAVE WORKED WITH AND TRUST OVER MANY YEARS. I'VE ALSO SPOKEN TO A NUMBER OF PHARMACISTS. I AM CONCERNED WITH LB643 AND THE PENDING AMENDMENTS. I AM CONCERNED WITH FDA HAS NOT APPROVED MARIJUANA FOR MEDICAL USE. THE FDA HAS NOT FOUND ANY SUCH PRODUCT TO BE SAFE OR EFFECTIVE FOR THE TREATMENT OF ANY DISEASE OR CONDITION. THE USE OF UNTESTED DRUGS CAN HAVE UNPREDICTABLE AND UNINTENDED CONSEQUENCES, AND THE FDA-APPROVED DRUGS HAVE BEEN CAREFULLY EVALUATED FOR SAFETY, EFFICIENCY, EFFICACY, AND QUALITY AND ARE MONITORED BY THE FDA ONCE THEY ARE ON THE MARKET. IT IS IMPORTANT TO CONDUCT MEDICAL RESEARCH INTO THE SAFETY AND THE EFFECTIVENESS OF MARIJUANA PRODUCTS THROUGH ADEQUATE AND WELL-CONTROLLED CLINICAL TRIALS. THE FDA HAS RECEIVED REPORTS OF ADVERSE EVENTS IN PATIENTS USING MARIJUANA TO TREAT MEDICAL CONDITIONS. I WOULD REMIND MY FELLOW SENATORS THAT THE FDA IS NOT INTERESTED IN RESTRICTING ANY REASONABLE DRUG TO PATIENTS. THEY ARE NOT TRYING TO COMPROMISE THESE PATIENTS BUT RATHER TO SERVE THE INTEREST AND WELL-BEING OF THESE PATIENTS. I FEEL THAT WE'RE CAUGHT UP IN THE WAVE OF WHAT IS GOING ON AND THE EMOTIONAL PIECE. I, TOO, HAVE MET WITH A NUMBER OF FAMILIES, BUT YOU CANNOT MAKE POLICY ON LIMITED NUMBER OF FOLKS. I ADD TO THAT, THAT MY LATE WIFE AS MANY OF YOU KNOW HAD MULTIPLE SCLEROSIS FOR 17 YEARS. AND THERE WAS NOT A TIME IN THAT 17 YEARS THAT SHE OR HER PHYSICIANS FELT THAT ANYTHING LIKE MEDICAL MARIJUANA WAS THE ANSWER FOR THEM. THANK YOU. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. (VISITORS INTRODUCED.) SENATOR GARRETT, YOU'RE RECOGNIZED. [LB643]

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SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. COLLEAGUES, I GET IT. SENATOR RIEPE, SENATOR BRASCH, SENATOR McCOY, SENATOR WILLIAMS, I GET IT. I, TOO, AM CONCERNED ABOUT THE HEALTH AND WELFARE OF NEBRASKANS. I HAVE NEVER SMOKED MARIJUANA, NEVER USED DRUGS. I DON'T DRINK ALCOHOL. I GET THE CONCERNS, BUT I GOT TO TELL YOU, YOU KNOW, SENATOR BRASCH MENTIONED MARINOL, WHICH IS A SYNTHETIC FORM OF MARIJUANA. BUT IF YOU LOOK AT THE LIST OF SIDE EFFECTS FOR MARINOL: CHANGES IN MOOD, DELUSIONS, SEIZURES, POUNDING HEART BEAT, RESTLESSNESS, NAUSEA, VOMITING, GASTROINTESTINAL ABDOMINAL PAIN, HEART PALPITATIONS, FATIGUE, MUSCLE PAIN. YOU CANNOT WATCH TELEVISION WITHOUT EVERY OTHER COMMERCIAL IS FOR PHARMACEUTICAL THAT HAS A LONGER LIST OF POTENTIAL SIDE EFFECTS THAN WHAT IT'S CURING. AND AS FAR AS THE FDA APPROVAL GOES, I HAVE A LIST HERE OF 35 FDA-APPROVED PRESCRIPTION DRUGS THAT WERE LATER PULLED FROM THE MARKET. SOME OF THEM, LIKE ACCUTANE, ARE ON THE MARKET FOR 27 YEARS. THE FDA DOESN'T ALWAYS GET IT RIGHT. THE FDA CAN'T EVEN TEST MEDICAL MARIJUANA BECAUSE IT'S A SCHEDULE 1 NARCOTIC, AND THE DEA HAS THE HAMMER ON THAT. AGAIN, MEDICAL MARIJUANA WAS PART OF THE U.S. PHARMACOPOEIA UNTIL 1942. AND FOR THOSE OF YOU THAT WERE HERE ON THURSDAY, I TOLD THE STORY OF MY FATHER-IN-LAW, WHO IN 1978 HAD PANCREATIC CANCER, WAS UNDERGOING AGGRESSIVE CHEMOTHERAPY AND WAS SO VIOLENTLY ILL BECAUSE OF THE CHEMOTHERAPY WITH NAUSEA AND LOSS OF APPETITE, AND HIS ONCOLOGIST TOLD HIM AT THE TIME, IN 1978, HEY, IF YOU CAN GET A HOLD OF SOME MARIJUANA, IT WILL REALLY HELP WITH THE SIDE EFFECTS OF CHEMOTHERAPY. AND SO MY SISTER-IN-LAW WENT OUT AND ACQUIRED IT AND IT DID EXACTLY WHAT THE DOCTOR SAID IT WAS GOING TO DO. THAT WAS ALMOST 40 YEARS AGO. COLLEAGUES, 40 YEARS AGO, AN ONCOLOGIST KNEW THAT THEN. ONE OF YOU FELLOW COLLEAGUES OUT HERE, AND I WON'T NAME HIM, BUT WHEN I WAS WALKING AROUND TALKING TO YOU ALL, ONE OF OUR COLLEAGUES HERE WAS TELLING ME THE STORY IN 1971 WHEN HIS GRANDFATHER WAS SICK WITH CANCER IN A VA HOSPITAL AND HIS GRANDMOTHER, KNOWING HE WAS IN COLLEGE ASKED HIM TO GET HIM...PROCURE HIM SOME MARIJUANA. COLLEAGUES, WE'VE KNOWN THIS FOR A LONG TIME. IT DOES HAVE MEDICAL EFFICACY. THIS IS A NATURALLY OCCURRING HERB. AND IT'S NOT THE PANACEA, IT'S NOT GOING TO BE THE CURE-ALL FOR EVERYBODY; NOT EVERY DOCTOR WANTS TO PRESCRIBE IT, AND NOT EVERY PATIENT WANTS TO TRY IT. BUT IF YOU WERE OUT OF OPTIONS, LIKE SO MANY OF OUR FELLOW NEBRASKANS ARE, OUT OF OPTIONS, WHY WOULDN'T WE AVAIL OURSELVES OF THIS OPPORTUNITY? WHY WOULDN'T WE GIVE THEM A CHANCE? YOU KNOW, THIS CHARLOTTE'S WEB CBD OIL THAT THEY'VE DONE IN

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COLORADO; CHARLOTTE FIGI, WHO'S HAVING 300 TO 400 SEIZURES A WEEK, THEY HAD A DO NOT RESUSCITATE ORDER ON HER, ONE DROP OF THIS CBD OIL CUT HER DOWN TO ONE SEIZURE A WEEK. THAT'S PHENOMENAL. THIS ISN'T GOING TO WORK FOR EVERY CHILD, BUT IT CERTAINLY WORKED FOR HER, AND IT CERTAINLY WORKED FOR A LOT OF OTHERS. AND AGAIN, I'M NOT A BIG CONSPIRACY THEORISTS, BUT LADIES AND GENTLEMEN, BIG PHARMA HAS GOT THEIR FINGERPRINTS ALL OVER THIS. YOU KNOW, WHEN SHARI LAWLOR'S DAUGHTER IS GETTING \$35,000 WORTH OF MEDICATIONS EVERY YEAR, AND SHE'S ON MEDICAID, SO WE, THE STATE, ARE PAYING FOR THAT AND THEY'RE NOT WORKING. GOD BLESS THE PHARMACY COMPANIES, THEY CREATE A LOT OF GREAT PHARMACEUTICALS THAT DO A LOT OF GOOD THINGS, BUT THEY'RE NOT ALWAYS EFFECTIVE, AND THEY COME WITH A HEAVY...LOTS OF SIDE EFFECTS. A LOT OF VETERANS HAVE PTSD, THE VA IS PRESCRIBING OPIATES LIKE THEY'RE GOING OUT OF STYLE. [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. THESE GUYS ARE WALKING AROUND LIKE ZOMBIES. MEDICAL MARIJUANA WOULD GIVE US AN ALTERNATIVE TO THOSE OPIATES. I'VE HAD TWO MAJOR ABDOMINAL SURGERIES. I CAN REMEMBER THE EXCRUCIATING PAIN I WAS GOING THROUGH. AND I FORGET WHAT THE PILL WAS, BUT THIS TINY LITTLE PILL THAT I TOOK FOR PAIN I WOULD NEVER TAKE IT AGAIN BECAUSE IT PUT ME IN LA-LA LAND AND I DON'T LIKE BEING OUT OF CONTROL. SO MANY OF THESE PHARMACEUTICALS THEY'VE DEVELOPED HAVE SO MANY TERRIBLE SIDE EFFECTS. MEDICAL MARIJUANA, AGAIN, COLLEAGUES, 24 STATES, THE DISTRICT OF COLUMBIA, GUAM, PUERTO RICO HAVE GONE AHEAD OF US. THEY'VE WEIGHED THE CONDITIONS AND EVERYTHING. THEY'RE NOT STUPID. THEY'VE DONE...THEY HAVE THE SAME COMPASSION AND THE SAME CARE AND CONCERN THAT YOU ALL HAVE AND THEY'VE SEEN FIT TO DO THIS. AND 12 OTHER STATES ARE DOING IT. SO I CAN'T ARGUE WHY IT'S TAKEN THE FDA SO LONG TO DO THIS, OR THE DEA, BUT, COLLEAGUES, NEBRASKANS ARE BEGGING FOR HELP. [LB643]

PRESIDENT FOLEY: TIME, SENATOR. [LB643]

SENATOR GARRETT: LET'S HELP THEM. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. (VISITORS INTRODUCED.)  
SENATOR MELLO, YOU'RE RECOGNIZED. [LB643]

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SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. FIRST OFF, I'D LIKE TO START OFF, I'VE TRIED TO LISTEN TO SOME OF THE DEBATE LAST WEEK, AND CAME UP A LITTLE BIT, THIS MORNING, LATE, WHEN PEOPLE WERE STARTING THE DEBATE ON LB643. AND I UNDERSTAND THAT GOOD PEOPLE CAN DISAGREE IN REGARDS TO SOME OF THE POLICY CONSIDERATIONS THAT ARE WRAPPED UP IN THIS UNDERLYING BILL. BUT I UNDERSTAND THAT WE MAY BE ON THIS FOR A WHILE AND MAYBE CONSIDERED A TEST VOTE. AND I UNDERSTAND THAT THE WORK THE JUDICIARY COMMITTEE DID TO BRING LB643 OUT TO BE DEBATED WAS HONORABLE TO BE ABLE TO ALLOW THIS BODY TO HAVE A CONVERSATION ABOUT THIS POLICY. NOW I KNOW, ONE, AS WE'VE ALWAYS SAID ON THE FLOOR, LOOK, I'M NOT A DOCTOR, SO I CAN'T SPEAK TO A LOT OF THE MEDICAL COMPONENTS THAT I'VE STARTED TO HEAR A LITTLE BIT OF THE DISCUSSION LAST WEEK AND EARLIER TODAY ON, BUT I TRY TO...ANY ISSUE I PROBABLY WRESTLED WITH, IN MY SEVEN YEARS IN THE BODY, THIS IS PROBABLY ONE THAT'S HIT ME PROBABLY MORE CLOSER TO HOME BEING THE SON OF AN EPILEPTIC. AND IT'S SOMETHING THAT I'VE BEEN THINKING ABOUT ALL SESSION IN REGARDS TO BILLS THAT COME IN FRONT OF US THAT HAVE SOMETIMES PROFOUND AND SOMETIMES VERY MUNDANE IMPACTS IN OUR DAY-TO-DAY LIVES. AND THIS IS A BILL THAT, GROWING UP WITH A MOTHER THAT CONTINUES TO HAVE EPILEPSY TODAY, I CAN ONLY EXPRESS TO YOU THE EXPERIENCE THAT I'VE HAD OF SEEING EPILEPSY UP CLOSE AND PERSONAL. AND I CAN'T IMAGINE WHAT IT WOULD BE LIKE TO HAVE A CHILD WITH SOME OF THE EPILEPTIC SEIZURES THAT I'VE HEARD FROM FAMILIES OVER THIS SESSION IN REGARDS TO HOW THEY TRY TO LIVE AND COPE DAY TO DAY. COLLEAGUES, I UNDERSTAND THAT THE JUDICIARY COMMITTEE AMENDMENT, AM1254, MAY NOT BE THE SILVER BULLET THAT SENATOR GARRETT WAS LOOKING FOR. IT MAY NOT BE THE PERFECT POLICY THAT THIS BODY IS CONSIDERING. AND ARGUABLY, PEOPLE MAY OPPOSE THE AMENDMENT AND THE UNDERLYING BILL, AND THAT IS COMPLETELY WITHIN EVERYONE'S REALM. AND I'M NOT GOING TO FAULT ANYONE FOR A POSITION THEY TAKE ON A VERY DIFFICULT ISSUE LIKE THIS. BUT I HAVE TO ASSUME THERE ARE OTHER 35-YEAR-OLD SONS ACROSS NEBRASKA WITH A PARENT WITH EPILEPSY WHO PROBABLY HAVE GROWN UP, VERY SIMILAR TO THE WAY I HAVE, IN REGARDS TO DEALING WITH THAT VERY DIFFICULT MEDICAL CIRCUMSTANCE AND HOW A FAMILY HAS TO COPE; HOW A FAMILY HAS TO CHANGE THEIR DAY-IN AND DAY-OUT LIFESTYLE TO ADDRESS THE MEDICAL NEEDS OF A LOVED ONE. AND I COULD ONLY HOPE THAT WHILE A PASSAGE OF A BILL LIKE THIS MAY NOT EVER PROVIDE THE TREATMENT, IT MAY NOT EVER PROVIDE THE CARE THAT MY MOTHER WOULD EVER NEED, I KNOW THAT THERE ARE CHILDREN OUT THERE WHO NEED THIS CARE; I KNOW THERE ARE FAMILIES

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OUT THERE WHO NEED THIS CARE. AND I THINK SENATOR GARRETT, LAST WEEK, IN A VERY BOLD, VERY STRIKING COMMENT SAID--BY GOD, WE'VE GOT TO DO SOMETHING. AND MY HOPE WOULD BE THAT WE COULD DO SOMETHING, COLLEAGUES. THAT WE'VE HAD PLENTY OF BILLS IN FRONT OF US, IN MY TIME IN THIS BODY, THAT ARE DIFFICULT TO NEGOTIATE, THEY'RE DIFFICULT TO CRAFT, THEY'RE DIFFICULT TO FIND COMMON GROUND, AND I THINK SENATOR GARRETT'S GONE OUT OF HIS WAY TO WORK THIS BILL WITH THE JUDICIARY COMMITTEE THROUGHOUT THE ENTIRE SESSION TO GET SOMETHING FOR US TO AT LEAST DEBATE AND DISCUSS. IF WE PASS THIS BILL FROM GENERAL TO SELECT FILE AND IT'S NOT PERFECT, I'D COMMIT TO SENATOR GARRET, SENATOR COASH, I'LL WORK WITH THEM TO FIND A WAY TO GET THE BILL IN A MORE APPROPRIATE SHAPE, AND I KNOW OTHER SENATORS WOULD AS WELL. BUT I JUST REFUSE TO ACCEPT THE ARGUMENT THAT IT'S TOO DIFFICULT, THERE'S NOT ENOUGH TIME, WE HAVE TOO MUCH WORK TO DO FOR US NOT TO TRY TO TAKE ACTION ON SUCH A CRITICAL ISSUE THAT IMPACTS CHILDREN AND FAMILIES. COLLEAGUES, WE DEAL WITH EMOTIONAL ISSUES EVERY DAY IN THIS BODY. AND, OBVIOUSLY, THE CONCERNS I'VE HEARD FROM SOME MEMBERS IN REGARDS TO THE POTENTIAL IMPACTS THAT A BILL LIKE THIS WOULD HAVE ON THE GREATER GOOD OF SOCIETY, I THINK IS, IT'S THEIR OPINION. IT MAY BE A LITTLE SHORTSIGHTED; IT MAY BE A LITTLE MISGUIDED IN REGARDS TO WHY YOU WOULD OPPOSE OR SUPPORT A BILL. [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR MELLO: BUT I THINK WE CAN ALL AGREE THAT SENATOR GARRETT HAS RAISED AN ISSUE TO THIS LEGISLATURE THAT CAN'T GO UNNOTICED ANY LONGER. THAT THERE ARE TOO MANY CHILDREN AND TOO MANY FAMILIES WHO ARE TRYING TO DEAL WITH UNBELIEVABLE CIRCUMSTANCES AND ARE LOOKING TO US TO PROVIDE SOME OUNCE OF COMPASSION, SOME OUNCE OF CARE TO HELP THEM MAKE IT THROUGH THEIR DAYS. I THANK SENATOR GARRETT FOR BRINGING THIS BILL. I THINK HE'S TRYING TO DO THE RIGHT THING. I THINK HE'S TRYING TO HELP PEOPLE. AND IT SHOULDN'T GO UNNOTICED THAT NO MATTER WHAT HAPPENS ON THIS DEBATE THAT THE ISSUE IS NOT GOING TO GO AWAY; THAT THERE ARE PARENTS, THERE ARE CHILDREN WHO NEED OUR HELP, AND ONE WAY OR ANOTHER WE'VE GOT TO FIND A WAY TO HELP THEM OUT. THANK YOU, MR. PRESIDENT. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB643]

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SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND ONCE AGAIN GOOD AFTERNOON, COLLEAGUES. I DO WANT TO BE ON RECORD TODAY TO VOICE SEVERAL CONCERNS WITH LB643. HOWEVER, I DO NOT WANT TO START WITH MY CONCERNS ON THE TECHNICAL ASPECTS OF THE BILL AS AMENDED BY AM1254, ALTHOUGH I CERTAINLY COULD DO THAT AS I REVIEW THE AMENDMENTS THAT ARE RIDDLED WITH A NUMBER OF RED FLAGS AND QUESTIONS, I BELIEVE THAT THE LEGISLATURE STILL NEEDS ANSWERS FOR. INSTEAD, I WANT TO BEGIN BY ADDRESSING THE CONCERNS OF MEDICINE AND SCIENCE, THE MEDICINE AND SCIENCE OF MEDICAL MARIJUANA. MY CONCERNS AREN'T BECAUSE OF REEFER MADNESS, BUT THE REAL CONCERNS THAT WERE DOCUMENTED FROM REASONABLE INDIVIDUALS FROM OUR MEDICAL-SCIENCE COMMUNITY. I BELIEVE THEY HAVE A LIFELONG VESTED INTEREST AS PHYSICIANS AND DOCTORS IN OUR WELL-BEING. COLLEAGUES, IF YOU TAKE A LOOK AT THE COMMITTEE HEARING REPORT, YOU'LL SEE A NUMBER OF CONCERNS THAT WERE VOICED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE NEBRASKA MEDICAL ASSOCIATION, AND THE NEBRASKA PHARMACISTS ASSOCIATION. IN ADDITION, AS I DID ADDITIONAL RESEARCH ON THE ISSUE, I CAME ACROSS SERIOUS CONCERNS FROM THE ACADEMY...THE AMERICAN ACADEMY FOR PEDIATRICS, THE AMERICAN MEDICAL ASSOCIATION, AND THE AMERICAN PHARMACISTS ASSOCIATION, AND I WANT TO OFFER THE CONCERNS OF THESE ENTITIES. ALL OF THESE ORGANIZATIONS RECOGNIZE THAT THERE IS INSUFFICIENT SCIENTIFIC, OBJECTIVE RESEARCH ON MEDICAL MARIJUANA AND THE NEGATIVE OR POSITIVE MEDICAL EFFECTS THE DRUG MAY HAVE. FOR EXAMPLE, THE AMERICAN PHARMACISTS ASSOCIATION STATED THE FOLLOWING, AND I QUOTE: WHILE A NUMBER OF STUDIES AND PUBLICATIONS EXAMINE MEDICAL MARIJUANA USE, MOST ARE ANTIDOTAL OR A SERIES OF CASE REPORTS. VERY FEW OF THESE RESEARCH STUDIES HAVE USED SCIENTIFICALLY, VIGOROUS, AND VALID METHODS, OR WELL-CONSTRUCTED RESEARCH DESIGNS TO ASSESS THE SAFETY, EFFECTIVENESS, OR LONG-TERM USE OF MARIJUANA. IN ADDITION, THESE STUDIES HAVE NOT BEEN SUBJECTED TO THE REVIEW AND EVALUATION OF THE FDA THAT WOULD GIVE TO RESEARCH FOR DRUG PRODUCTS BEING CONSIDERED FOR MARKET APPROVAL IN THE UNITED STATES. THE STATE LAWS AUTHORIZING MARIJUANA FOR MEDICAL PURPOSES HAVE BEEN PASSED LARGELY AS A RESULT OF PUBLIC OPINION. I WANT TO REPEAT THAT--THEY'RE PASSED BECAUSE OF PUBLIC OPINION RATHER THAN SCIENTIFIC EVIDENCE. WHILE PUBLIC OPINION AND SCIENTIFIC EVIDENCE ARE BOTH IMPORTANT AND RELEVANT, AS A LEGISLATURE AND AS A SOCIETY, WE HAVE NOT TRADITIONALLY ALLOWED FOR THE USE OF DRUG PRODUCTS WITHOUT ADEQUATE SCIENTIFIC EVIDENCE. THE LACK OF THIS SCIENTIFIC AND OBJECTIVE EVIDENCE RAISES ADDITIONAL QUESTIONS REGARDING ISSUES

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SUCH AS EFFICACY, POTENCY, DOSAGE, AND OTHERS. FOR INSTANCE, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TESTIFIED ON THE BILL AND STATED THE FOLLOWING: WHILE TRYING TO ESTABLISH A CORRECT, SAFE DOSAGE, SAFE LENGTH OF TREATMENT, AND THE BEST ROUTES OF ADMINISTRATION, RESEARCHERS AND PRACTITIONERS... [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR BRASCH: ...IN STATES THAT HAVE LEGALIZED MEDICAL MARIJUANA HAVE BEEN SOMEWHAT FRUSTRATED IN THEIR RESEARCH BECAUSE OF THE EVER-CHANGING CHEMICAL COMPOSITION, THE VARIOUS POTENCY OF THE PLANT THROUGH GENETIC MANIPULATION. THERE ARE NUMEROUS REPORTS THAT TALK ABOUT ADVERSE EFFECTS. I'M NOT CONCERNED ABOUT THE BRAIN BECAUSE OF EDUCATION, SENATOR BLOOMFIELD, I'M CONCERNED ABOUT THE BRAIN BECAUSE THAT IS OUR SIGN OF LIFE. WHEN THERE IS A CRITICAL ACCIDENT, WE LOOK TO THE BRAIN FOR LIFE. THOSE CHILDREN NEED LIFE MOVING FORWARD. AND IF WE'RE NOT GOING TO CONSIDER THEIR LIFE, THEN WE HAVE NO RIGHT TO DISCUSS THIS. IT'S THEIR PARENT'S...THEIR PERSONAL PARENT'S DECISION. HOWEVER, WE CANNOT RESORT TO RUSHING INTO THE USE OF WHAT'S CONSIDERED AN ILLEGAL DRUG IN OUR COUNTRY THAT HAS NOT HAD THE SCIENTIFIC AND MEDICAL COMMUNITY. [LB643]

PRESIDENT FOLEY: TIME, SENATOR. [LB643]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR McCOY, YOU'RE RECOGNIZED. [LB643]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, AND MEMBERS. WOULD SENATOR GARRETT YIELD, PLEASE? [LB643]

PRESIDENT FOLEY: SENATOR GARRETT, WOULD YOU YIELD, PLEASE? [LB643]

SENATOR GARRETT: YES, I WILL. [LB643]

SENATOR McCOY: THANK YOU, SENATOR. IN AM1254, THE PHYSICIANS DON'T ACTUALLY PRESCRIBE THE MEDICAL MARIJUANA, CORRECT? [LB643]

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SENATOR GARRETT: IN THE BILL, THE PHYSICIAN WOULD BE REQUIRED TO PRESCRIBE... [LB643]

SENATOR McCOY: NO, IN AM1254. THEY DON'T PRESCRIBE, THEY JUST RECOGNIZE THAT A PATIENT HAS ONE OF THE MEDICAL CONDITIONS. THE PHARMACIST AND THE ACTUAL PATIENT PRESCRIBE THE AMOUNT, THE FREQUENCY, AND THE USAGE OF THE MEDICAL MARIJUANA, CORRECT? [LB643]

SENATOR GARRETT: YEAH, IT'S A RECOMMENDATION, NOT A PRESCRIPTION. [LB643]

SENATOR McCOY: SO HOW WOULD THAT WORK IN PRACTICE? SO WE'RE TALKING ABOUT...WE'RE SAYING MEDICAL MARIJUANA, BUT IN REALITY THE PHYSICIAN IS NOT ACTUALLY INVOLVED. THE PHYSICIAN IS JUST THERE TO RECOGNIZE THAT ONE OF THE SYMPTOMS FOR WHICH THE MEDICAL MARIJUANA, QUOTE, UNQUOTE, COULD BE USED IS PRESENT IN THE PATIENT, BUT THE PHYSICIAN IS NOT ACTUALLY CONNECTED WITH ANY...IT DOESN'T HAVE ANY SORT OF A PHYSICIAN-PATIENT RELATIONSHIP IN THAT RELATIONSHIP GOING FORWARD, AS FAR AS THE ACTUAL PRESCRIBING OF THE DRUG, CORRECT? [LB643]

SENATOR GARRETT: NO, THEY WOULD HAVE TO BE A PART OF THE PROGRAM AND AGREE TO ABIDE BY THE RULES. [LB643]

SENATOR McCOY: HOW'S THAT SO AND WHERE IS THAT IN THE AMENDMENT, SENATOR GARRETT? [LB643]

SENATOR GARRETT: WELL, I...SHORT OF DIGGING THROUGH IT RIGHT HERE, I CAN CERTAINLY GET WITH YOU, I'LL FIND IT AND SHOW YOU THAT. BUT THE MEDICAL CANNABIS BOARD IS WHAT REVIEWS THE VARIOUS SYSTEMS AND AILMENTS AND THE STRENGTH AND COMPOSITION... [LB643]

SENATOR McCOY: BUT, SENATOR, LET ME STOP YOU THERE. BUT I'M TALKING ABOUT SPECIFIC PATIENTS, NOT OVERARCHING, ON A SPECIFIC PATIENT IN THE TYPE OF PATIENT...PHYSICIAN-PATIENT RELATIONSHIP WHICH YOU WOULD HAVE OR I WOULD HAVE, ANY OF US HAVE PROBABLY HAD AT SOME POINT OR ANOTHER, WHEN WE GO TO A PHYSICIAN FOR SOME SORT OF AN AILMENT AND WE ASK FOR RELIEF, A PHYSICIAN PRESCRIBES A DRUG. THAT DOESN'T EXIST IN AM1254, DOES IT, SENATOR? [LB643]

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SENATOR GARRETT: YOU'RE ASKING A VERY SPECIFIC QUESTION. I'D HAVE TO LOOK BACK IN THE BILL, BUT THE INTENT CERTAINLY IS THAT A PHYSICIAN WOULD PRESCRIBE MARIJUANA FOR WHATEVER SYMPTOMS THE PATIENT HAS. [LB643]

SENATOR McCOY: BUT YOU HAD SAID TO AN EARLIER QUESTION, SENATOR GARRETT, THAT YOU WISHED AND WOULD HOPE THAT THE COMPASSION BOARD WOULD INCLUDE CHRONIC PAIN IN THE REGULATIONS GOING FORWARD, CORRECT? [LB643]

SENATOR GARRETT: WELL, AT SOME POINT. IT'S NOT IN THE BILL AS IT STANDS, BUT THE INTENT IS THE MEDICAL CANNABIS BOARD WOULD REVIEW FINDINGS FROM OTHER STATES AND OTHER RESEARCH AND MAKE A DETERMINATION AS TO WHAT AILMENTS, UP TO AND INCLUDING CHRONIC PAIN, MIGHT BE ADDED TO THE (INAUDIBLE). [LB643]

SENATOR McCOY: AND ARE YOU HOPING THAT THE COMPASSION BOARD INCLUDES THE ABILITY TO SMOKE WHOLE LEAF MARIJUANA ALSO? [LB643]

SENATOR GARRETT: YOU KNOW, I'VE SAID FROM DAY ONE, I'M NOT A DOCTOR, DON'T CLAIM TO BE ONE, BUT I WOULD LIKE DOCTORS TO BE ABLE TO DESCRIBE THE MODALITY. THERE ARE ONLY TWO STATES OF THE 24 THAT DON'T ALLOW SMOKING, THOSE ARE NEW YORK AND THE MINNESOTA LAW. SO, OBVIOUSLY, SOME PHYSICIANS HAVE DETERMINED AND, IN FACT, FROM WHAT I'VE READ, THAT SMOKING SOMETIMES IS THE BEST WAY TO DELIVER THE MEDICINE BECAUSE IT GETS IN YOUR BLOOD SYSTEM QUICKER VIA YOUR LUNGS. [LB643]

SENATOR McCOY: SO, YOU'RE HOPING THAT THE...SO THAT UNDER AM1254, THE COMPASSION BOARD WOULD HAVE THE ABILITY TO INCLUDE CHRONIC PAIN AND THE ABILITY TO SMOKE MARIJUANA AS PART OF THE REGULATIONS. [LB643]

SENATOR GARRETT: I'M NOT HOPING FOR ANYTHING, SENATOR McCOY. ALL I'M SAYING IS... [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

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SENATOR McCOY: NO, NO, WHAT I'M ASKING IS, THEY WOULD HAVE THAT ABILITY TO SET UP THOSE REGULATIONS UNDER AM1254? [LB643]

SENATOR GARRETT: THEY WOULD REVIEW WHAT AILMENTS YOU COULD PRESCRIBE IT FOR AND THE DOSAGES AND THE DELIVERY. [LB643]

SENATOR McCOY: SO REALLY, WHAT WE'RE BEING...SO WE REALLY ARE BEING ASKED FOR A TEST VOTE HERE IS WHAT YOU'RE TELLING ME, SENATOR. WE'RE, ESSENTIALLY, SAYING THIS BOARD, WHO WE'RE GOING TO AUTHORIZE THROUGH THIS LEGISLATION, IS GOING TO DECIDE ALL THESE INTRICACIES OF THE IMPLEMENTATION OF THIS POLICY, AND WE IN THE LEGISLATURE, THE DULY ELECTED 49 MEMBERS OF THE LEGISLATURE, REALLY AREN'T GOING TO HAVE THAT ABILITY? [LB643]

SENATOR GARRETT: THAT'S NOT TRUE. [LB643]

SENATOR McCOY: HOW WOULD WE HAVE THAT ABILITY? [LB643]

SENATOR GARRETT: WELL, BECAUSE THE MEMBERS THAT THE GOVERNOR APPOINTS TO THE CANNABIS BOARD HAVE TO BE APPROVED BY THE LEGISLATURE, ONE PERSON FROM EACH CONGRESSIONAL DISTRICT, A PHYSICIAN, AND A PHARMACIST. [LB643]

SENATOR McCOY: BUT THAT BOARD WILL HAVE THE ABILITY TO DETERMINE THE POLICY OF WHETHER OR NOT IT'S CHRONIC PAIN, WHETHER OR NOT IT'S SMOKED, AND ALL OF THAT, CORRECT? [LB643]

PRESIDENT FOLEY: TIME, SENATOR. TIME, SENATOR. [LB643]

SENATOR GARRETT: YES, LEAVE IT TO THE EXPERTS. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATORS McCOY AND GARRETT. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB643]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. IT'S BEEN POINTED OUT TO US THAT A LOT OF US AREN'T DOCTORS, THEREFORE WE PROBABLY SHOULDN'T HAVE AN OPINION ON THIS. COLLEAGUES, I'M NOT AN ACCOUNTANT EITHER,

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BUT I HAD TO VOTE ON THE BUDGET. I'M NOT AN ATTORNEY, BUT I HAD TO VOTE ON PRISON REFORM. COLLEAGUES, WE ARE SENT HERE TO DO WHAT WE BELIEVE TO BE IN THE BEST INTEREST OF THE PEOPLE OF THE STATE OF NEBRASKA. THAT'S WHAT WE'RE CHARGED WITH. WE CANNOT ALL BE AIRPLANE PILOTS SO THAT WE UNDERSTAND EVERYTHING ABOUT AVIATION. THANK GOD WE'RE NOT ALL TRUCK DRIVERS SO WE UNDERSTAND SOME OF THE TRANSPORTATION RULES. BUT WE GATHER UP THE INFORMATION AS BEST WE CAN AND WE MAKE A DECISION. WE'RE REFERRING TO THIS AS MEDICAL MARIJUANA. I WONDER HOW IT WOULD BE RECEIVED IF IT WAS MADE OUT OF CORN OIL AND HAD THE SAME PROPERTIES, OR OUT OF SOY OIL OR OUT OF BEEF TALLOW? YOU SUPPOSE WE COULD GET THE FDA TO STUDY IT THEN? AND MAYBE WE'D GET SOME FINDINGS THAT WE COULD ACTUALLY DEAL WITH INSTEAD OF STRUGGLING WITH WHAT IS ADMITTEDLY ANECDOTAL? COLLEAGUES, WHEN YOU HAVE ENOUGH PEOPLE TELLING YOU THAT SOMETHING HELPS, IT'S TIME TO LOOK AT IT. WHEN YOU HAVE A FEW PEOPLE THAT ARE IN THE PHARMACY BUSINESS TELLING YOU, OH, NO, THAT CAN'T POSSIBLY WORK, WELL, WE HAVEN'T STUDIED IT, BUT IT CAN'T POSSIBLY WORK. THE SCIENTISTS TOLD US FOR YEARS THAT BUMBLE BEES CAN'T FLY. I HAVEN'T SEEN A LOT OF THEM WALKING WHEN THEY TRAVEL WHERE THEY GO. SO, AGAIN, CONSIDER THIS CAREFULLY. KNOW IF WE PASS A LAW IT PROBABLY WON'T BE PERFECT, BUT LET'S SEE IF WE CAN'T GET A STEP IN THE RIGHT DIRECTION. I DO YIELD THE REMAINDER OF MY TIME TO SENATOR GARRETT. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR GARRETT, 2 MINUTES 15 SECONDS. [LB643]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. THANK YOU, SENATOR BLOOMFIELD. AGAIN, COLLEAGUES, THIS IS NOT A PERFECT BILL BY ANY STRETCH OF THE IMAGINATION. WE WORKED TIRELESSLY AND MIGHTILY ON OUR ORIGINAL BILL, AND WE'VE WORKED ON THIS ONE. IT'S NOT A PRETTY BABY. AS A MATTER OF FACT, IT IS AN UGLY BABY, BUT IT IS OUR BABY, AND WE WILL MAKE IT WORK. I'M CONVINCED...I SAID THE FIRST DAY ON MY OPENING STATEMENT, I AM A DEEPLY SKEPTICAL PERSON, IT'S IN MY DNA AND MY PROFESSION HAS TAUGHT ME TO PERFECT THAT SKILL OF BEING SKEPTICAL. BUT I GOT TO TELL YOU, COLLEAGUES, THAT THE RESEARCH IS OUT THERE, AND I'M NOT GOING TO SIT HERE AND TELL YOU ABOUT THE RESEARCH IN TEL AVIV UNIVERSITY. THE FACT OF THE MATTER IS, WE CAN'T RESEARCH IT HERE IN THE UNITED STATES BECAUSE IT'S A SCHEDULE 1 DRUG. AND THE DEA HAS TO TAKE IT FROM BEING A SCHEDULE 1, FEDERALLY, BEFORE WE CAN ACTUALLY

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RESEARCH IT. BUT IT'S INTERESTING THAT THERE ARE THINGS IN THE AMERICAN MEDICAL ASSOCIATION, A 2014 STUDY IN THE JOURNAL OF THE MEDICAL ASSOCIATION FOUND A CORRELATION BETWEEN THE EXISTENCE OF MEDICAL MARIJUANA LAWS AND REDUCED RATES OF OPIOID DEATHS BY NEARLY 25 PERCENT. [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR GARRETT: WE'VE GOT LOTS AND LOTS OF EVIDENCE LIKE THAT. COLLEAGUES, WE ARE NOT COLORADO, WE ARE NOT CALIFORNIA, WE ARE NEBRASKA. WE'RE NOT GOING TO IMPLEMENT A LAW THAT'S GOING TO LET THESE THINGS GET OUT OF CONTROL. THIS IS A SOLID BILL. WE'VE ASKED FOR INPUT FROM ANYBODY AND EVERYBODY TO MAKE IT BETTER. BETWEEN GENERAL AND SELECT FILE, WE WILL INCORPORATE SENATOR GLOOR'S COMMENTS, AND ANYBODY ELSE'S COMMENTS. THE BOTTOM LINE IS, HELP US MAKE THIS AS GREAT A BILL AS WE CAN POSSIBLY MAKE IT AND HELP THE NEBRASKANS WHO ARE OUT OF OPTIONS. THANK YOU, LIEUTENANT GOVERNOR. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB643]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I WANT TO...WE RAN TO THE END OF OUR TIME THE LAST TIME I WAS AT THE MIKE. I WANT TO MAKE IT CLEAR THAT I AM CONSIDERING THIS. I'M NOT SAYING THAT I'M ACTUALLY...THAT WE OUGHT TO GET BEHIND THIS BILL BECAUSE WE JUST IN THE LAST THREE QUESTIONS HERE THE ROOM HAS GOTTEN A LITTLE CLOUDY. AND I APPRECIATE THE QUESTIONS THAT SENATOR McCOY HAS PROVIDED HERE BECAUSE THIS IS EXACTLY THE CONCERNS THAT I'VE HAD ABOUT THIS BILL IS HOW IS IT GOING TO BE REGULATED? WHAT ARE THE QUALIFICATIONS OF THE PEOPLE WHO ARE GOING TO DO IT? THIS COULD GET REAL MESSY REAL SOON. NOW, AS A PHYSICIAN, I'VE VISITED WITH SOME OF MY COLLEAGUES, AND I'VE SENT E-MAILS TO OTHERS, AND MUCH AS SOME OF THE OTHERS WHO SAY...WE'RE...SOME PEOPLE...WE OUGHT TO BE MOVING FORWARD WITH THIS, OTHERS SAYING, WHY IT'S HOGWASH. BUT I DON'T KNOW IF ANY OF YOU HEARD THE STORY OVER THE WEEKEND, AND WE'RE NOT TALKING ABOUT THIS PARTICULAR BILL, BUT I HAD A REAL HEART FOR THE MOTHER WHO HAD HER DAUGHTER REMOVED FROM THE AIRPLANE ON THE FLIGHT FROM...UP TO SEATTLE, THE CHILD WITH AUTISM. AND IF YOU HAVE A CHILD WITH EPILEPSY

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OR ONE OF THESE DISEASES THAT COULD BE HELPED WITH THIS, YOU WOULD WANT TO DO EVERYTHING IN YOUR POWER TO HELP THAT INDIVIDUAL. SO I UNDERSTAND THEIR PASSION TO WANTING TO DO THIS. AND SO IF WE CAN DO THIS WITH CONTROL, I THINK THAT THIS IS SOMETHING THAT WE SHOULD CONSIDER. AND SO AT EITHER RATE, ONE OF THE THINGS THAT, SENATOR BRASCH, THAT I WANT TO SAY, AND YOU MENTIONED THAT THE PEOPLE WERE OPPOSED IN THE HEARINGS OF THIS. UNFORTUNATELY, THE BILL THAT WAS BEING TALKED ABOUT THERE WAS A BILL THAT INVOLVED THE SMOKING OF MARIJUANA. AND THIS ONE DOES NOT INVOLVE THE SMOKING OF IT. AND I THINK THAT THERE'S PROBABLY A DIFFERENCE THERE. HOWEVER, WE'VE JUST HAD THE INTERCHANGE BETWEEN SENATORS McCOY AND GARRETT THAT SAID MAYBE WE CAN HAVE SMOKING. THIS IS WHAT CONCERNS ME ABOUT THIS BILL IS THAT WE NEED TO MAKE CERTAIN THAT WE HAVE GOOD CONTROLS ON IT. AND SO AS WE CONTINUE THIS CONVERSATION, I THINK THAT'S THE KEY, HOW IS THIS GOING TO BE CONTROLLED? THANK YOU. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB643]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WANTED TO TALK A LITTLE BIT ABOUT MY OWN LIFE AND SOME THINGS THAT I OBSERVED WHEN I WAS WITH A SENATOR IN COLORADO LAST YEAR. SO I THINK I'VE SAID THIS BEFORE TO YOU, BUT WHEN I WAS A YOUNG MAN I HAD EPILEPSY. IT WAS NOT SEVERE, IT WAS MANAGED, BUT MY PARENTS, WHEN I WAS DIAGNOSED WITH IT, WE WENT ALL OVER THE PLACE TO TRY TO FIGURE OUT WHAT IN THE WORLD WAS WRONG WITH ME. SO I REALLY GET WHAT'S GOING ON IN THE LOBBY WITH THESE PARENTS WHO HAVE BEEN DOWN THAT ROAD SEVERAL TIMES, HAVE SPENT THOUSANDS OF DOLLARS GOING TO THIS DOCTOR, THIS DOCTOR, THIS DOCTOR, AND THEY END UP PUT PEOPLE BACK ON MORE AND MORE MEDICATION. SO, AND THEN I WANT TO TALK A LITTLE ABOUT SOMETHING THAT'S KNOWN AS H.PYLORI, IF YOU'VE EVER HEARD OF THAT, THAT'S WHAT CAUSES ULCERS IN PEOPLE. AND THERE WAS A DOCTOR WHO FIGURED THAT OUT SOME YEARS AGO AND WHEN HE PUT OUT HIS MEDICAL STUDIES, THE REST OF THE MEDICAL SOCIETY SAID--YOU'VE GOT TO BE CRAZY, NO BACTERIA CAN LIVE IN THE STOMACH, THAT'S JUST ABSOLUTELY IMPOSSIBLE. WELL AS IT TURNED OUT, HE WAS RIGHT, AND IT TOOK HIM ABOUT 15 YEARS TO PROVE THAT H.PYLORI CAUSED ULCERS IN PEOPLE. SO, YOU KNOW, THERE ARE LOTS OF THINGS THAT WE CAN LEARN ABOUT PRODUCTS. SENATOR GARRETT, SENATOR CRAWFORD, AND I WERE IN COLORADO LAST YEAR, AND WE SAW FIRSHTHAND FAMILIES WHO WERE IMPACTED BY CBD, CANNABIDIOL. AND SENATOR

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GARRETT MADE REFERENCE TO CHARLOTTE FIGI A FEW MINUTES AGO. THAT LITTLE GIRL, WHEN WE SAW HER SHE WAS RUNNING AROUND IN A YARD, SHE HAD BROKEN HER ARM PLAYING WITH SOME KIDS ABOUT A MONTH BEFORE THAT, AND PRIOR TO THAT SHE COULDN'T DO ANYTHING. SHE WAS, BASICALLY, A BASKET CASE BECAUSE SHE HAD SO MANY SEIZURES. THERE IS SOME MERIT TO WHAT SENATOR GARRETT'S TRYING TO DO HERE. AND I HAVE BEEN VERY MUCH NOT IN FAVOR OF IT, BUT I'VE DECIDED AT THIS POINT, AND I'M STILL NOT SAYING YES TO IT, BUT I'VE DECIDED AT THIS POINT IT'S TIME FOR THE BODY HERE TO SAY, OKAY, SENATOR GARRETT, WE'RE GOING TO LET YOU DO WHAT YOU WANT TO DO ON SELECT FILE. SO I SUGGEST THAT WE VOTE TO MOVE THE BILL ON AND LET SENATOR GARRETT WORK THE MAGIC THAT HE CAN AND WE CAN HAVE FULL AND FAIR DEBATE AT THAT TIME. THAT'S ALL I NEED TO SAY. AND I'LL YIELD THE REST OF MY TIME TO SENATOR GARRETT. [LB643]

PRESIDENT FOLEY: SENATOR GARRETT, 2 MINUTES AND 45 SECONDS. SENATOR GARRETT WAIVES USE OF THAT TIME. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB643]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. I RISE TODAY TO DISCUSS A LITTLE BIT ABOUT PERCEPTION, BECAUSE PERCEPTION BECOMES REALITY. WE'VE ALL BEEN INUNDATED WITH E-MAILS. I PROBABLY HAVE 50 OR 60, 70 OF THEM THIS MORNING. I READ THE FIRST TEN. EVERY SINGLE ONE OF THEM HAD TO DO WITH SMOKING MARIJUANA. THE GENERAL PUBLIC, AND RIGHTLY SO, BECAUSE THAT'S WHAT THE ORIGINAL BILL TALKED ABOUT, THINKS THIS IS ABOUT SMOKING MARIJUANA; IT'S NOT. IT HAS TO DO WITH OILS; HAS TO DO WITH A PILL. I CAN APPRECIATE SENATOR MELLO'S COMMENTS ABOUT TRYING TO DO SOMETHING FOR CHILDREN AND MOTHERS AND PARENTS THAT HAVE THESE AFFLICTIONS, AND I DON'T DISAGREE. BUT LET'S NOT FORGET THAT THIS ISN'T THE ONLY OPTION THAT WE HAVE THIS YEAR. I'M SPEAKING ON BEHALF OF MYSELF TO THE EXTENT THAT I DID COSPONSOR ANOTHER BILL THAT HAS TO DO WITH THE CANNABIS OIL AND HAVING THIS STUDY DONE WITH THE MEDICAL...UNMC TO FIND OUT EXACTLY IF AND HOW WELL IT WORKS. NOW GRANTED, IT'S ONLY 50 OR 60 PEOPLE, I CAN'T REMEMBER WHAT IT MIGHT BE. PERHAPS IT MIGHT BE...YOU COULD HAVE ADDITIONAL DOLLARS CONTRIBUTED TO IT THAT WOULD ALLOW MORE, BUT THAT'S ESSENTIALLY WHAT SENATOR GARRETT'S BILL IS GOING TO DO. IT TALKS ALL ABOUT THE OIL. IT DOES NOT TALK ABOUT SMOKING; IT DOESN'T TALK ABOUT ANY TYPE OF LEAF PRODUCT. IT IS OIL. WE HAVE ANOTHER OPTION. WE DON'T HAVE TO FEEL LIKE WE'RE DESERTING FAMILY AND YOUNG PEOPLE AND CHILDREN IF WE DON'T SUPPORT THIS BILL. THIS IS A VERY LOOSE, NONCONTROLLED BILL. YOU HAVE ANOTHER

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OPPORTUNITY THAT WILL BE COMING FORWARD THAT HAS VERY TIGHT CONSTRAINTS. IT WILL BE A MEDICALLY-TESTED FORMAT THAT WILL ALLOW US TO SPECIFICALLY AND SCIENTIFICALLY DETERMINE IF INDEED THIS WORKS. I DON'T PROBABLY HAVE A QUESTION THAT IT DOES, BUT I THINK WE SHOULD BE ABLE TO PROVE THAT BEFORE WE START WIDE-USE CONSUMPTION OF SOMETHING. THERE'S BEEN A LOT OF THINGS THAT HAVE GONE ON THE MARKET THAT WERE SUPPOSED TO HELP A MULTITUDE OF DIFFERENT THINGS. AND THE FDA AND SOCIETY AND THE PUBLIC ENDED UP WITH TONS OF LAWSUITS BECAUSE IT RAISED HAVOC WITH BODIES, IT DIDN'T DO WHAT IT WAS SUPPOSED TO DO, AND IT HAD SIDE EFFECTS THAT WERE WORSE THAN THE SOLUTION THAT IT PRESENTED. DON'T FEEL LIKE WE'RE ABANDONING THOSE PEOPLE THAT NEED HELP SIMPLY BECAUSE YOU DO NOT SUPPORT THIS BILL. THERE IS ANOTHER OPPORTUNITY. I BELIEVE IT'S A LEGITIMATE OPPORTUNITY, AND I THINK IT EVEN IS MORE SO. THERE WAS A WIDE DISCREPANCY WHEN SENATOR GARRETT FIRST INTRODUCED HIS BILL. AT THAT POINT IN TIME IT WAS--DO WE WANT TO HAVE FULL-FLEDGE USE OF MARIJUANA, INCLUDING SMOKING AND EVERYTHING ELSE THAT WENT ALONG WITH IT, FOR MEDICAL PURPOSES. THAT'S NOT WHAT THE BILL IS NOW. THE BILL IS STRICTLY THE USE OF OILS. AND I'M ASSUMING, I'VE NOT ASKED SENATOR GARRETT, BUT I'M ASSUMING THE PILLS THEY'RE TALKING ABOUT ARE OIL PILLS. [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR SCHEER: SO BOTH BILLS ARE SIMILAR...THANK YOU, LIEUTENANT GOVERNOR...ONE DOES NOT HAVE THE REQUIREMENT...THE RESTRICTIONS, THE FORMAT IN PLACE TO CONTROL IT. IT'S GOING TO BE A "TRUST ME," "TRUST US," WE'LL DO WHAT YOU THINK WE WANT. I DON'T KNOW THAT I DO TRUST THOSE PEOPLE WITHOUT SOME TYPE OF CONFINEMENT PUT ON THE USE AND AVAILABILITY. WE HAVE ANOTHER OPPORTUNITY AND, AGAIN, THIS IS MY...THIS IS ME COMING FORWARD. THIS WAS NOT AT THE BEHEST OF ANYONE ELSE, BUT I AM A COSPONSOR OF THE OTHER BILL AND I THINK WE DO HAVE A VIABLE ALTERNATIVE TO THIS BILL THAT, ESSENTIALLY, HAS THE SAME PRODUCT AVAILABLE, BUT IT'S GOING TO BE UNDER MEDICAL SUPERVISION AND IT WILL BE A TIGHTLY-CONTROLLED STUDY. I'VE TALKED TO PARENTS. I DID TALK TO THE SAME PEOPLE YOU DID. [LB643]

PRESIDENT FOLEY: TIME, SENATOR. [LB643]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. [LB643]

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PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. SENATOR BRASCH, YOU'RE RECOGNIZED. SENATOR, THIS IS YOUR THIRD OPPORTUNITY. [LB643]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND COLLEAGUES, I JUST WANTED TO FINISH READING WHAT I HAD SAID EARLIER THAT INDIVIDUALS WHO ARE IN THE MEDICAL INDUSTRY, THEY ARE CARING, THEY ARE CONCERNED, THEIR DUTIES ARE SWORN INTO HEALING. AND I'M JUST SURPRISED THAT WE ARE NOT GOING TO TRUST THOSE WHO HAVE DEVOTED THEIR LIFETIME TO HELPING HEAL OTHERS. AND WHEN SENATOR BLOOMFIELD HAD MENTIONED AGAIN ABOUT THINGS WE DO, BUT WE'RE NOT THAT. I WANT TO SEE IF HE CAN JUST GIVE ME A HEAD NOD, BUT YOU'VE DRIVEN TRUCK FOR MANY YEARS, YOU'RE RETIRED, CORRECT? DO YOU THINK THE SENATORS HERE WOULD KNOW MORE ABOUT TRUCK DRIVING THAN YOU DO AND COULD PUT TOGETHER A PACKAGE? HEAD NOD YES OR NO. HE DOESN'T KNOW. OKAY, WELL, THERE ARE PEOPLE WHO WORK IN AN INDUSTRY WHO DEDICATE THEIR LIVES. AND WHAT I'D LIKE TO NOW IS READ TO YOU IS WHAT THE AMERICAN ACADEMY OF PEDIATRICS HAS TO SAY ABOUT THIS, AND THEY'VE RAISED SERIOUS CONCERNS REGARDING THE LACK OF SCIENTIFIC, MEDICAL RESEARCH REGARDING MEDICAL MARIJUANA AND ITS EFFECT ON ADOLESCENCE. AND THEY STATED THE FOLLOWING, AND I QUOTE: THERE ARE NUMEROUS REPORTS IN THE POPULAR MEDIA BY PARENTS REGARDING THE SUCCESSFUL USE OF MEDICAL MARIJUANA BY ADOLESCENTS FOR THE TREATMENT OF A VARIETY OF HEALTH CONDITIONS, INCLUDING ATTENTION DEFICIT, HYPERACTIVITY DISORDER, ANXIETY, DEPRESSION, AND AUTISM, AS WELL AS ANOREXIA, CHRONIC PAIN, AND POSTCHEMOTHERAPY NAUSEA AND VOMITING. HOWEVER, THERE ARE NO DATA CONCERNING RATES OF ADOLESCENT USE OF MEDICAL MARIJUANA THROUGH LICENSED DISPENSARIES. THERE ARE ALSO NO PUBLISHED STUDIES ON THE USE OF MARIJUANA IN THE PEDIATRIC OR ADOLESCENT PATIENT POPULATION WITH THE EXCEPTION OF ONE STUDY EVALUATING THE SOURCE OF MARIJUANA USED BY ADOLESCENTS RECEIVING CARE IN A SUBSTANCE ABUSE TREATMENT FACILITY. SO IN SHORT, THERE ARE NO PUBLISHED STUDIES ON THE USE OF CANNABINOIDS OR MARIJUANA TO TREAT HEALTH CONDITIONS IN CHILDREN OR ADOLESCENTS. CANNABINOIDS MAY BE HELPFUL IN ADULTS FOR CERTAIN MEDICAL CONDITIONS. HOWEVER, FOR PEDIATRICIANS, THE RECOMMENDATION OF MEDICAL MARIJUANA IS PROBLEMATIC FOR THE FOLLOWING REASONS: IT IS NOT REGULATED BY THE FDA. ITS PURITY AND THE THC CONTENT ARE NOT CONSISTENTLY VERIFIED. AND BECAUSE THERE ARE ONLY SMALL CASE STUDIES AVAILABLE THE RISK BENEFIT RELATIONSHIP CANNOT BE DETERMINED. THE POSITION OF THE AMERICAN ACADEMY OF PEDIATRICS IS OFFERING US VERY SERIOUS REASON

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TO BE CAUTIOUS, COLLEAGUES. THERE ARE SOME ASKING WHY WOULD I OPPOSE THIS BILL? I THINK THE CONCERNS RAISED ARE VERY REASONABLE, AND THEY'RE ONES BEING OFFERED BY THE EXPERTS OF THE FIELD. AND THEY'RE BEING OFFERED... [LB643]

PRESIDENT FOLEY: ONE MINUTE. [LB643]

SENATOR BRASCH: ...AND THIS IS WHY THERE SHOULD BE OPPOSITION TO THIS BILL MOVING FORWARD. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB643]

PRESIDENT FOLEY: THANKS, SENATOR BRASCH. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB643]

SENATOR PANSING BROOKS: QUESTION. [LB643]

PRESIDENT FOLEY: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR CEASING DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST FOR A CALL OF THE HOUSE. ALL THOSE IN FAVOR OF PLACING THE HOUSE UNDER CALL VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB643]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB643]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SMITH, WILL YOU CHECK IN, PLEASE. SENATORS HILKEMANN, CHAMBERS, AND BOLZ, PLEASE CHECK IN. SENATORS HILKEMANN AND CHAMBERS, THE HOUSE IS UNDER CALL. SENATOR PANSING BROOKS, WOULD YOU ACCEPT CALL-IN VOTES ON THIS MOTION TO CEASE DEBATE? [LB643]

SENATOR PANSING BROOKS: YES, (INAUDIBLE.) [LB643]

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CLERK: SENATOR MURANTE VOTING YES. SENATOR HOWARD VOTING YES.  
SENATOR KUEHN VOTING YES. [LB643]

PRESIDENT FOLEY: RECORD, MR. CLERK. [LB643]

CLERK: 28 AYES, 1 NAY, MR. PRESIDENT, TO CEASE DEBATE. [LB643]

PRESIDENT FOLEY: DEBATE DOES CEASE. SENATOR SEILER, YOU'RE WELCOME  
TO CLOSE ON THE COMMITTEE AMENDMENTS. [LB643]

SENATOR SEILER: I'LL WAIVE. [LB643]

PRESIDENT FOLEY: SENATOR SEILER WAIVES CLOSING. THE QUESTION IS THE  
ADOPTION OF THE COMMITTEE AMENDMENT, AM1254, TO LB643. ALL THOSE IN  
FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE  
TO? RECORD, PLEASE, MR. CLERK. [LB643]

CLERK: 27 AYES, 10 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE  
AMENDMENTS. [LB643]

PRESIDENT FOLEY: AM1254 IS ADOPTED. [LB643]

CLERK: MR. PRESIDENT... [LB643]

PRESIDENT FOLEY: THE CALL IS RAISED. [LB643]

CLERK: THANK YOU, MR. PRESIDENT. SENATOR GARRETT, I HAVE AM680, BUT I  
UNDERSTAND YOU WISH TO WITHDRAW THAT AMENDMENT. I HAVE NOTHING  
FURTHER ON THE BILL, MR. PRESIDENT. [LB643]

PRESIDENT FOLEY: SENATOR SCHEER, YOU'RE RECOGNIZED TO SPEAK ON THE  
BILL AS AMENDED. SENATOR SCHEER WAIVES. SENATOR BLOOMFIELD, YOUR  
LIGHT IS ON. DO YOU CARE TO SPEAK? [LB643]

SENATOR BLOOMFIELD: YES, MR. PRESIDENT. SENATOR BRASCH ASKED ME ON A  
ONE-WAY CONVERSATION ABOUT WHETHER OR NOT THE BODY COULD PUT  
TOGETHER A PROGRAM UNDER WHICH TRUCKERS COULD OPERATE. WE HAVE.

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TRUCKERS DON'T LIKE IT, BUT IT'S THERE. IT WAS PUT TOGETHER BY THIS BODY, BY THE FEDERAL BODY, AND BY A BUNCH OF BUREAUCRATS. THE VERY LICENSE I CARRY IS AN AFFRONT TO MOST TRUCK DRIVERS. BUT IT'S THERE. IT WAS PUT TOGETHER BY LEGISLATORS AND BUREAUCRATS. SO THE ANSWER, SENATOR BRASCH, IS, YES, WE COULD, WE HAVE, AND WE WILL IN THE FUTURE. THANK YOU, MR. PRESIDENT. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR GARRETT, YOU'RE WELCOME TO CLOSE ON LB643. [LB643]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. COLLEAGUES, AGAIN, I APPRECIATE THE DEBATE AND I APPRECIATE THE CONCERNS OF SENATOR McCOY, SENATOR WILLIAMS, SENATOR BRASCH, SENATOR CRAWFORD. WE CAN, BETWEEN GENERAL AND SELECT FILE, ADDRESS YOUR CONCERNS. AT THE END OF THE DAY, THIS IS GOT TO BE ABOUT TAKING CARE OF SICK AND AILING NEBRASKANS WHO HAVE NO OTHER OPTIONS, NO OTHER CHOICES. IT'S HEARTBREAKING, IT'S HEARTRENDING. COLLEAGUES, THIS IS NOT ABOUT STONERS GETTING HIGH. THERE'S ENOUGH INTOXICANTS OUT THERE ALREADY. WE ARE NOT COLORADO; WE ARE NOT CALIFORNIA. WE HAVE THE OPPORTUNITY HERE. YOU KNOW, AMONGST ALL THE THINGS THAT WE DEBATE ON A DAILY BASIS, YOU KNOW, I THINK BACK TO MY FIRST SESSION LAST YEAR, WE HAD THREE FILIBUSTERS IN A ROW. ONE ON SLOSHING MANURE OUT OF THE BACK OF LIVESTOCK TRUCKS, ONE ON FLASHING AMBER LIGHTS ON CITIZEN-PATROL VEHICLES, ONE ON NOVELTY LIGHTERS. WE DEBATE ALL MANNER OF THINGS HERE. WE DEBATE CIGAR BARS. AND I'M NOT DENIGRATING THE IMPORTANCE OF ANY OF THOSE THINGS, BUT HERE, COLLEAGUES, IS AN OPPORTUNITY FOR US TO AFFECT THE QUALITY OF LIFE FOR SICK AND AILING NEBRASKANS. NOW, I CAN'T TELL YOU WHY THE DEA, AT SOME POINT BACK IN THE 1930s, TOOK THIS TO BE A SCHEDULE 1 DRUG AND THIS CAME OFF OUR ABILITY TO PRESCRIBE. I THINK ITS GOT BIG PHARMA'S FINGERPRINTS WRITTEN ALL OVER IT. BUT AT THE END OF THE DAY, COLLEAGUES, THERE'S LOTS OF MEDICINES OUT THERE. GOD BLESS BIG PHARMA, THEY CREATE A LOT OF GREAT MEDICINES, BUT THEY HAVE A LOT OF SIDE EFFECTS AND THEY'RE NOT ALWAYS EFFECTIVE FOR ALL PEOPLE AND ALL PATIENTS. HERE'S AN OPPORTUNITY FOR US TO AFFECT THE QUALITY OF LIFE OF NEBRASKANS, TO MAKE LIFE BETTER FOR THEM. IF ANY OF YOU HAVE EVER DEALT WITH CHRONIC PAIN OR ANY KIND OF PAIN, YOU KNOW HOW...IMAGINE HAVING THAT CONTINUOUSLY WITH NOTHING ALTERING THAT. IMAGINE BEING SICK WITH CANCER AND CHEMOTHERAPY AND JUST BEING SO VIOLENTLY ILL WITH

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NAUSEA AND NO APPETITE WHICH AFFECTS YOUR ABILITY TO TAKE ADDITIONAL CHEMOTHERAPY. AGAIN, WE HAVE THE ABILITY HERE, COLLEAGUES, TO PASS A BILL. WE'LL MAKE IT AIRTIGHT. UNDERSTAND SENATOR McCOY'S CONCERNS AND SENATOR BRASCH'S CONCERNS, WE CAN ADDRESS ALL THOSE CONCERNS. WE'VE BEEN BEGGING FOR INPUT FROM HEALTH AND HUMAN SERVICES, FROM THE AMA, FROM THE PHARMACISTS, FROM THE INDUSTRIAL SECURITY PEOPLE. WE'VE HAD DOCTORS COME TO US INFORMALLY BECAUSE THE AMA DIDN'T COME OUT IN SUPPORT OF THIS. WE TRIED TO INCORPORATE THOSE CONCERNS IN ONE OF THE EARLIER AMENDMENTS THAT WE SUBSEQUENTLY PULLED, BUT WE CAN MAKE THIS THING AIRTIGHT. IT'S ONLY GOING TO BE ALLOWED IN PILL AND OIL FORM. YOU CAN'T SMOKE IT. YOU CANNOT POSSESS LEAF MARIJUANA. COLLEAGUES, WE NEED TO BE STRONG; WE NEED TO BE BRAVE. WE NEED TO HELP THOSE WHO ARE SICK AND AILING AND ARE OUT OF OPTIONS. COLLEAGUES, HERE'S AN OPPORTUNITY FOR US, IN THIS LEGISLATURE, TO REALLY AFFECT THE QUALITY OF LIFE OF SICK AND AILING AND VULNERABLE NEBRASKANS, AND WE CAN DO THIS. WE CAN DO THIS. WE CAN MAKE A DIFFERENCE IN THE LIFE OF NEBRASKANS. BE BRAVE, BE STRONG, THERE'S OTHERS THAT HAVE GONE BEFORE US THAT HAVE SEEN FIT TO DO THIS AND WE CAN INCORPORATE THE BEST PRACTICES AND WE CAN MAKE THIS BILL WHATEVER WE NEED TO MAKE IT IN ORDER TO KEEP IT UNDER CONTROL. COLLEAGUES, DON'T MAKE NEBRASKANS BEG FOR THE HELP THAT WE SHOULD BE ABLE TO PROVIDE FOR THEM. PLEASE, I BEG YOU, GIVE US A GREEN VOTE ON LB643. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB643]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. THE QUESTION IS THE ADVANCEMENT OF LB643 TO E&R INITIAL. ALL THOSE IN FAVOR...THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK. [LB643]

CLERK: (ROLL CALL VOTE TAKEN.) 27 AYES, 12 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB643]

PRESIDENT FOLEY: LB643 ADVANCES. MR. CLERK, OTHER ITEMS FOR THE RECORD. [LB643]

CLERK: THERE ARE, MR. PRESIDENT. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB656 AS CORRECTLY ENGROSSED. RESOLUTIONS: LR259, SENATOR MELLO; LR260, SENATOR MELLO; LR261, SENATOR MELLO; LR262, SENATOR BOLZ; LR263, SENATOR BURKE HARR; SENATOR HUGHES, LR264; SENATOR DAVIS, LR265; ALL CALLING FOR INTERIM STUDIES WITH THE

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EXCEPTION OF LR264; AN AMENDMENT TO BE PRINTED TO LB390, SENATOR CRAWFORD. AND I HAVE A HEARING NOTICE FROM THE NATURAL RESOURCES COMMITTEE, MR. PRESIDENT. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1534-1539.) [LB656 LR259 LR260 LR261 LR262 LR263 LR264 LR265 LB390]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE MOVE NOW TO GENERAL FILE, LB382. MR. CLERK. [LB382]

CLERK: MR. PRESIDENT, LB382 IS A BILL INTRODUCED BY SENATOR COOK. (READ TITLE.) INTRODUCED ON JANUARY 16, REFERRED TO THE EDUCATION COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM728, LEGISLATIVE JOURNAL PAGE 796.) [LB382]

PRESIDENT FOLEY: SENATOR COOK, YOU'RE RECOGNIZED TO OPEN ON LB382. [LB382]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. LB382, THE DIPLOMA OF HIGH SCHOOL EQUIVALENCY ASSISTANCE ACT, THE INTENT OF THIS BILL IS TO RECOGNIZE THE CHALLENGE IN PREPARING AN ADULT WORK FORCE IN WHICH ALL INDIVIDUALS POSSESS ADEQUATE, BASIC SKILL LEVELS IN READING, WRITING, MATHEMATICS, AND COMPUTER SKILLS. LB382 WILL CREATE THE HIGH SCHOOL EQUIVALENCY GRANT FUND WHICH WILL HELP SUPPORT THE CRITICAL GED TRAINING BEING PERFORMED BY ALL INSTITUTIONS IN THE STATE. AND FINALLY, LB382 PROPOSES A TRANSFER OF FUNDS FROM THE JOB TRAINING CASH FUND TO THE NEWLY CREATED HIGH SCHOOL EQUIVALENCY GRANT FUND. I WANT TO THANK SENATOR SULLIVAN AND THE OTHER MEMBERS OF THE EDUCATION COMMITTEE FOR UNANIMOUSLY ADVANCING THIS BILL TO THE FLOOR. I WOULD LIKE TO THANK THE NEBRASKA STATE BOARD OF EDUCATION AND THE NEBRASKA DEPARTMENT OF EDUCATION FOR THEIR SUPPORT AND ENDORSEMENT OF STATEWIDE GED TRAINING THROUGH LB382. AND THANK YOU TO SPEAKER HADLEY FOR DESIGNATING THIS BILL AS A SPEAKER PRIORITY BILL FOR THIS SESSION. HERE IS WHY THIS POLICY DESERVES YOUR SUPPORT. STUDIES HAVE SHOWN THAT WORKERS WHO HAVE A HIGH SCHOOL DIPLOMA OR A GENERAL EDUCATION DEVELOPMENT, OR GED, CERTIFICATE HAVE BOTH GREATER EMPLOYMENT OPPORTUNITIES AND GREATER EARNING POTENTIAL THAN THOSE WHO DO NOT. IN ORDER FOR THE STATE TO CONTINUE TO ATTRACT EMPLOYERS THAT PROVIDE RELIABLE AND GAINFUL EMPLOYMENT, IT IS

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IMPORTANT THAT WE CONTINUE TO PROVIDE EASY ACCESS TO EDUCATIONAL OPPORTUNITIES FOR ALL NEBRASKANS. AGAIN, THE PURPOSE OF THIS BILL IS TO REVIEW, ESTABLISH, AND FUND A COMPREHENSIVE STATEWIDE SYSTEM FOR PROVIDING GED EDUCATION. A FEW YEARS AGO, I PASSED LB366. LB366 SERVED PRIMARILY TO SUPPORT COMMUNITY COLLEGES IN THE STATE WHO ARE CURRENTLY TRAINING AND TESTING STUDENTS IN HIGH SCHOOL EQUIVALENCY. LB366, THE REMEDIAL ADULT EDUCATION INNOVATION ACT WAS A BILL, NOW A LAW, THAT REQUESTED THE LEGISLATURE TO ALLOCATE FUNDS FROM THE STATE GENERAL FUND TO THE NEBRASKA DEPARTMENT OF EDUCATION TO REIMBURSE PROVIDERS OF GED PREPARATION CLASSES FOR THE COSTS OF PROVIDING THE PROGRAM. IT HAS RECENTLY BEEN BROUGHT TO MY ATTENTION THAT PRIVATE NONPROFIT INSTITUTIONS ARE ALSO CRITICAL GED TRAINING AND TESTING SITES. ALTHOUGH, ACCORDING TO THE DEPARTMENT OF EDUCATION'S FISCAL NOTE, THE LITERACY CENTER OF THE MIDLANDS IS CURRENTLY THE ONLY NONPROFIT OFFERING THIS CRITICAL TRAINING SITE THAT NEED NOT BE THE CASE AND THE BILL DOES NOT EXPRESSLY PROHIBIT OTHER ORGANIZATIONS WHO QUALIFY FROM USING THE FUND. THE LITERACY CENTER OF THE MIDLANDS IN OMAHA IS CURRENTLY TRAINING HUNDREDS OF STUDENTS TO PASS HIGH SCHOOL EQUIVALENCY TESTING EACH YEAR. THE LITERACY CENTER OF THE MIDLANDS TESTIFIED IN SUPPORT OF THE LEGISLATION. ALSO, ONE OF THEIR CLIENTS TESTIFIED AS TO HOW HE, STARTING OUT A FEW YEARS AGO AS A FUNCTIONALLY ILLITERATE ADULT, HAD OBTAINED HIS GED AND IS POISED TO ENTER POSTSECONDARY EDUCATION. MEMBERS, THIS TRAINING IS TRANSFORMATIVE. LB382 PROPOSES TO MAKE THESE INVESTMENTS THROUGH A TRANSFER OF FUNDS FROM THE JOB TRAINING CASH FUND TO THE HIGH SCHOOL EQUIVALENCY GRANT FUND. DURING THE LAST BUDGET YEAR, THE LEGISLATURE MADE A ONE-TIME, \$10 MILLION TRANSFER FROM THE CASH RESERVE FUND THROUGH THE GENERAL FUND TO THE JOB TRAINING CASH FUND IN THE DEPARTMENT OF ECONOMIC DEVELOPMENT. THE JOB TRAINING CASH FUND IS USED, QUOTE, TO PROVIDE EMPLOYEE TRAINING, ASSISTANCE TO BUSINESSES THAT MAINTAIN, EXPAND, AND DIVERSIFY THE STATE'S ECONOMIC BASE, AND IN THE PROCESS, RETAIN AND CREATE QUALITY JOBS FOR NEBRASKA RESIDENTS. GIVEN THE ESTIMATED COST IN THE FISCAL NOTE OF A RANGE FROM \$50,000 TO \$400,000, THIS WOULD FULLY FUND THE PROGRAM FOR MORE THAN EIGHT YEARS. MY POSITION, MY HOPE IS THAT YOU'LL JOIN ME, IS THAT THIS TRANSFER SUPPORTS THE INTENT AND PURPOSE OF THE JOB TRAINING CASH FUND. THIS TRANSFER IS APPROPRIATE IN ORDER TO TARGET A POPULATION IN SPECIFIC NEED OF GED TRAINING. THE MOMENTUM THAT GED TRAINING INSTILLS IN SOMEONE'S LIFE IS A TRUE GAME CHANGER FOR THAT PERSON'S LIFE, THAT PERSON'S FAMILY,

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AND FOR OUR COMMUNITIES. I APPRECIATE YOUR THOUGHTFUL CONSIDERATION OF THIS PROPOSAL AND ASK THAT YOU SUPPORT THE ADVANCEMENT OF LB382. THANK YOU, MR. PRESIDENT. [LB382]

SENATOR KRIST PRESIDING

SENATOR KRIST: THANK YOU, SENATOR COOK. YOU'VE HEARD THE OPENING ON LB382. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SULLIVAN, AS THE CHAIR OF THE EDUCATION COMMITTEE, YOU CAN OPEN ON YOUR AMENDMENT. [LB382]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND MEMBERS OF THE LEGISLATURE. LB382 ADVANCED FROM THE EDUCATION COMMITTEE BY AN 8-0 VOTE WITH AM728 ATTACHED, AS SENATOR COOK HAD INDICATED. AM728 IS A SIMPLE AMENDMENT THAT ON PAGE 2 OF THE BILL, LINE 16, IT STRIKES THE X'S AND INSERTS \$400,000. AND AS SENATOR COOK JUST INDICATED, THAT WOULD BE A TRANSFER OF \$400,000 FROM THE JOB TRAINING CASH FUND TO THE HIGH SCHOOL EQUIVALENCY GRANT FUND. I URGE YOUR GREEN VOTE ON THIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB382]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. YOU HEARD THE OPENING ON AM728. THOSE WISHING TO SPEAK: SENATOR CRAWFORD AND SENATOR LARSON. SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB382]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND I RISE IN SUPPORT OF LB382. AND I REALLY APPRECIATE SENATOR COOK'S LEADERSHIP ON HIGH SCHOOL EQUIVALENCY. SHE HAS BEEN A PASSIONATE LEADER IN THIS AREA. I DO JUST HAVE A QUESTION ABOUT THE BILL LANGUAGE THAT I WOULD LIKE TO CLARIFY, IF SENATOR COOK WOULD YIELD TO A QUESTION. [LB382]

SENATOR KRIST: SENATOR COOK, WILL YOU YIELD FOR A QUESTION? [LB382]

SENATOR COOK: YES, I WILL. [LB382]

SENATOR CRAWFORD: THANK YOU, SENATOR COOK. I WAS JUST INTERESTED WHEN I READ IN THE COMMITTEE STATEMENT AND IN THE BILL LANGUAGE ITSELF IT TALKS ABOUT THE GRANTS GO TO AN ENTITY THAT IS NOT AN

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INSTITUTION. AND I DIDN'T SEE A DEFINITION OF INSTITUTION, AND SO I WONDERED WHAT THAT LANGUAGE MEANS. [LB382]

SENATOR COOK: YES. THAT IS A VERY GOOD QUESTION AND THANK YOU FOR ASKING. I MADE MENTION OF LB366, FROM A FEW YEARS AGO, THAT PROVIDED SOME...A PROGRAM RELATED TO GED TESTING PRIMARILY WITHIN INSTITUTIONS OF HIGHER LEARNING SUCH AS COMMUNITY COLLEGES. IN THIS CONTEXT, THAT IS WHAT THE WORD INSTITUTION MEANS. [LB382]

SENATOR CRAWFORD: SO THIS MEANS THAT THESE GRANTS WOULD GO TO ENTITIES THAT PROVIDE THE HIGH SCHOOL EQUIVALENCY IF THEY ARE NOT AN INSTITUTION OF HIGHER EDUCATION, IS THAT CORRECT? [LB382]

SENATOR COOK: THAT IS CORRECT, BECAUSE IN LB366, WHICH BECAME LAW, THOSE INSTITUTIONS ARE ELIGIBLE THROUGH THAT MEANS. [LB382]

SENATOR CRAWFORD: SO THE INSTITUTIONS OF HIGHER EDUCATION HAVE A DIFFERENT SOURCE OF FUNDING? [LB382]

SENATOR COOK: YES, THEY DO. THAT IS OUTLINED...IT IS THROUGH...AND ADMINISTERED THROUGH RULE AND REG THROUGH THE NEBRASKA DEPARTMENT OF EDUCATION. [LB382]

SENATOR CRAWFORD: GREAT. SO WOULD A HIGH SCHOOL, A PUBLIC HIGH SCHOOL BE ABLE TO QUALIFY FOR THESE FUNDS IF THEY WANTED TO PROVIDE THESE CLASSES? [LB382]

SENATOR COOK: THEY WOULD, MOST LIKELY, IF THEY STILL PROVIDE GED TESTING, AND THAT IS PART OF THE CHALLENGE, SENATOR CRAWFORD. THE OMAHA PUBLIC SCHOOL DISTRICT, A NUMBER OF YEARS AGO, STOPPED OFFERING THIS SORT OF TRAINING. AND SO IT WAS LEFT TO COMMUNITY COLLEGES, AND IN SOME CASES, OTHER INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE THIS TRAINING OUTSIDE OF THAT CONTEXT. SO, THEORETICALLY, YES. BUT THE REASON WHY I HAD THE FIRST BILL AND HAVE BROUGHT THIS BILL IS BECAUSE PUBLIC HIGH SCHOOLS, AT LEAST IN MY AREA, NO LONGER OFFER THE HIGH SCHOOL EQUIVALENCY PREPARATION AND TESTING. [LB382]

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SENATOR CRAWFORD: SO NOW THEY COULD USE SOME OF THESE FUNDS, BUT SO COULD OTHER NONPROFIT ORGANIZATIONS OR OTHER ORGANIZATIONS AS LONG AS THEY ARE NOT AN INSTITUTION OF HIGHER EDUCATION, IS THAT CORRECT? [LB382]

SENATOR COOK: WELL, THAT IS A VERY GOOD QUESTION. THE BILL SEEKS TO OPEN THE OPPORTUNITY TO A NONPROFIT INSTITUTION THAT DOES... THAT TRAINS HUNDREDS OF PEOPLE. THE WAY IT IS DRAFTED, IT DOES NOT EXPRESSLY PROHIBIT A PUBLIC SECONDARY SCHOOL IN THE STATE OF NEBRASKA. BUT AS I SAID EARLIER, THE REASON WHY WE BROUGHT LB366 IS BECAUSE THOSE STUDENTS NOW PURSUE THAT TRAINING AND TESTING IN COMMUNITY COLLEGES AND IN OTHER INSTITUTIONS OF HIGHER EDUCATION, POSTSECONDARY EDUCATION AROUND THE STATE. [LB382]

SENATOR CRAWFORD: AND ONE LAST QUESTION. THANK YOU SO MUCH, SENATOR COOK, THAT'S VERY HELPFUL. SO "INSTITUTION" DOESN'T NEED TO BE DEFINED BECAUSE THIS PART OF THE STATUTE OCCURS AFTER THAT DEFINITION WITH YOUR PREVIOUS BILL? IS THAT YOUR SENSE? [LB382]

SENATOR COOK: YES. I DON'T... RIGHT NOW I, OF COURSE, THE INTENT WOULD BE THAT IT DOVETAIL FROM THAT PREVIOUS LAW AND BE IN THAT SAME SECTION OF LAW AND BE UNDERSTOOD IN CONTEXT WITH THE LB366. [LB382]

SENATOR KRIST: ONE MINUTE. [LB382]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR COOK. AND I STAND NOW IN EVEN MORE SUPPORT OF LB382. THANK YOU, SENATOR COOK. [LB382]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD AND SENATOR COOK. SENATOR LARSON, YOU ARE RECOGNIZED. [LB382]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. YOU KNOW, I JUST COULDN'T HELP MYSELF BUT TO COME AND TALK ABOUT EDUCATION AND THE IMPORTANCE THAT IT HAS ON THE CONTINUED GROWTH IN THE STATE OF NEBRASKA. NOW, I WILL SUPPORT LB382 BECAUSE I THINK IT DOES HELP CONTINUE EDUCATION AND EDUCATIONAL STANDARDS AND HELP SOCIETY, NEBRASKA SOCIETY, CONTINUE TO GROW. HOWEVER, IT IS FRUSTRATING WHEN I

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WOULD SAY I AS A CONSERVATIVE, OR SOME OF MY FELLOW CONSERVATIVES, STAND UP AND INTRODUCE OR TALK ON ISSUES THAT MIGHT BE RELATED TO MEDICAL OR HEALTH ISSUES, AND THEN OTHERS STAND UP AND SAY THAT WE HAVE NO RIGHT TO TALK ABOUT THOSE MEDICAL OR HEALTH ISSUES BECAUSE WE DON'T SUPPORT MEDICAID EXPANSION, LIKE THEY HAVE THE HIGH GROUND ON THE ISSUE. WELL, FRANKLY, I THINK SOME STUDIES HAVE SHOWN WITH THINGS SUCH AS CHARTER SCHOOLS CAN DO FOR EDUCATION ACROSS THIS COUNTRY. YET, THE EDUCATION COMMITTEE, AND THOSE THAT ARE ON THAT COMMITTEE, REFUSE TO PUT OUT A BILL THAT WE HAVE SEEN...I SHOULD SAY, THAT WILL CREATE INSTITUTIONS, THAT WE HAVE SEEN, WILL FIX AND HELP REFORM THE EDUCATIONAL SYSTEM IN NEBRASKA. WHEN WE ARE LOOKING AT URBAN CENTERS ACROSS THE COUNTRY, IN MAJORITY-MINORITY SCHOOLS DISTRICTS, OR CHARTER SCHOOLS, I SHOULD SAY, AND THESE KIDS ARE RECEIVING UP TO 41 EXTRA DAYS IN ENGLISH INSTRUCTION, AND 20-SOME EXTRA DAYS IN MATH INSTRUCTION ON AVERAGE, I THINK THE RESULTS ARE WORKING. AND I FIND IT A LITTLE HYPOCRITICAL WHEN, AS I SAID, MY FELLOW CONSERVATIVES GET SMACKED DOWN WHEN WE STAND UP ON HEALTH OR MEDICAL-RELATED ISSUES SAYING, WELL, HOW CAN YOU TALK ON THIS, YOU OBVIOUSLY DON'T CARE SINCE YOU WON'T VOTE FOR THIS, I KIND OF FEEL THE SAME WAY. WHAT GIVES YOU THE RIGHT TO TALK ON AN ISSUE WHEN IT HITS YOU IN THE FACE ON SOMETHING ELSE THAT CAN WORK? I JUST WANT TO MAKE SURE THAT THE DOUBLE STANDARD IS BEING MADE AWARE. THERE IS NOT AN ABSOLUTE TRUTH. WE ALL HAVE OPINIONS AND WE ALL HAVE A VISION ON HOW TO MAKE THIS STATE BETTER. NOW, I WILL CONTINUE TO WORK ON THAT VISION AND CONTINUE TO WORK ON EDUCATION, BECAUSE AS I HAVE DISPLAYED, DURING MY TIME ON THE MIKE THIS YEAR, THAT I CARE ABOUT THIS ISSUE DEEPLY. I ALSO CARE ABOUT THE HEALTH OF ALL THE CITIZENS OF THE STATE OF NEBRASKA. THAT DOESN'T MEAN I HAVE TO VOTE FOR A BILL THAT YOU THINK I NEED TO VOTE FOR. AND AS WE HAVE SEEN, YOU ARE NOT GOING TO SUPPORT THAT A BILL THAT I THINK YOU SHOULD VOTE FOR. BUT WE HAVE TO REMEMBER THAT NONE OF US HAVE AN ABSOLUTE ON THE TRUTH OR WHAT IS RIGHT. AND WITH THAT... [LB382]

SENATOR KRIST: ONE MINUTE. [LB382]

SENATOR LARSON: ...I WANT TO CONTINUE TO TALK ABOUT THE EDUCATIONAL OPPORTUNITIES THAT OUR KIDS ARE MISSING OUT ON. THE EDUCATIONAL OPPORTUNITIES THAT ARE BEING AFFORDED TO, I WANT TO SAY 44 OR 45 STATES NOW, WITH MONTANA JUST PASSING THEIR NEW CHARTER SCHOOL BILL, WE ARE CONTINUING TO FALL BEHIND. AND I UNDERSTAND THAT SOME PEOPLE

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ARE OKAY WITH THAT. I APPRECIATE WHAT SENATOR COOK IS TRYING TO DO HERE, AND AS I SAID I'M SUPPORTIVE OF IT. THERE ARE INDIVIDUALS THAT NEED HELP AND LB382 DOES THAT. IT WORKS, IT CONTINUES TO MAKE... [LB382]

SENATOR KRIST: SENATOR LARSON, YOU'RE ON YOUR NEXT FIVE. [LB382]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. THERE ARE INDIVIDUALS THAT DO NEED LB382 AND THAT IT WILL BENEFIT. BUT THERE ARE THOUSANDS OF KIDS ALL ACROSS THIS STATE, WHETHER THEY BE IN NORTH OMAHA, SOUTH OMAHA, LINCOLN, OR IN THE MIDDLE OF NOWHERE, BETWEEN VALENTINE AND MULLEN, THERE ARE KIDS ACROSS THIS STATE THAT COULD USE CHARTER SCHOOLS AND THAT WOULD OFFER A VIABLE ALTERNATIVE AND SCHOOL CHOICE TO PARENTS WHERE THEIR SCHOOLS ARE FAILING THEM. ANYPLACE THAT A KINDERGARTNER HAS TO GET ON THE BUS BEFORE 6:30 A.M., SOME OF THEM CLOSE TO 6 A.M., TO RIDE THE BUS IN TO SCHOOL, BECAUSE THE ROUTE IS THAT LONG, AND ALL THE CLASS 1s CLOSED, WHICH THIS LEGISLATURE DID, I DON'T THINK ANY OF US WERE HERE WHEN THE LEGISLATURE CLOSED THE CLASS 1s, BUT ANY KINDERGARTNER THAT HAS TO GET ON THE BUS AT 6 A.M. TO GO TO SCHOOL AND YOU THINK THAT IS OKAY, THAT'S UNFORTUNATE. BECAUSE WE CLOSED THOSE CLASS 1s; WE TOOK THAT EDUCATIONAL OPPORTUNITY AWAY FROM THAT KINDERGARTNER. AND WHEN WE HAD THOUSANDS OF KIDS THAT ARE IN FAILING SCHOOLS, WHETHER IT IS IN OPS, WHETHER IT IS IN LPS, PARENTS DESERVE THE RIGHT TO HAVE AN OPTION. THEY DESERVE A RIGHT TO CHOOSE WHERE THEY SEND THEIR KIDS. AND JUST BECAUSE THEY DON'T HAVE THE MONEY TO PAY FOR A PRIVATE SCHOOL DOESN'T MEAN THERE SHOULDN'T BE PUBLIC OPTIONS. BECAUSE RIGHT NOW THAT'S WHAT IT IS. IF YOU HAVE THE MONEY, WE CAN SEND YOU TO A PRIVATE SCHOOL. IF YOU DON'T, WELL, TOO BAD, TOO BAD. AND THAT IS WHAT IS UNFORTUNATE. WE ARE CONTINUING TO CREATE A SOCIETY WHERE THE TOP HAVE EVERY BENEFIT. AND THAT MAY MAKE ME SOUND LIKE I'M NOT AS...A RAGING LIBERAL BECAUSE I SAY THAT, NO, I THINK EVERYBODY SHOULD HAVE THE OPPORTUNITY AND EACH INDIVIDUAL SHOULD HAVE THAT OPPORTUNITY TO MAKE SOMETHING OF THEMSELVES. SOCIETY AND CULTURE SHOULD NOT DICTATE THAT TO YOU. AND YOU CANNOT DO THAT WITH THE EDUCATIONAL OPPORTUNITIES THAT ARE AFFORDED RIGHT NOW. PARENTS DESERVE A CHOICE AND THEY DESERVE IT NOW. PARENTS WITH MONEY, THEY CAN SEND THEIR KIDS SOMEWHERE ELSE, OR THEY CAN MOVE OUT INTO THE MILLARD WEST DISTRICT OR THE ELKHORN DISTRICT. IF YOU DON'T, GUESS WHAT, YOU ARE STUCK WHERE YOU ARE AT, AND YOU'RE GOING TO SCHOOL WHERE YOU WANT TO BE...WHAT THAT RIGHT THERE. AND IT IS JUST TOO BAD. YOU WANT TO TALK ABOUT THE CYCLE OF POVERTY, THAT'S IT.

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EDUCATION IS IT. LET'S DO SOMETHING THAT HELPS BREAK THE CYCLE INSTEAD OF JUST THROWING MONEY AT AN ISSUE OR THROWING MORE MONEY INTO THE SYSTEM. LET'S REFORM THE SYSTEM. LET'S TRULY OFFER KIDS AN OPPORTUNITY TO MOVE FORWARD AND GET BETTER AND NOT BASED ON THEIR ZIP CODE BECAUSE THAT'S WHAT'S HAPPENING NOW. IF YOU ARE IN WEST OMAHA, YOU ARE IN THE RIGHT ZIP CODE. IF YOU ARE NOT, TOO BAD. [LB382]

SENATOR KRIST: ONE MINUTE. [LB382]

SENATOR LARSON: SCHOOL CHOICE, COMPETITION, PUSHES EVERYBODY TO GET BETTER. AND IF WE ARE NOT PUSHING, WE ARE STAGNANT. SURROUND YOURSELF WITH PEOPLE, SURROUND YOURSELF WITH INSTITUTIONS THAT MAKE YOU BETTER, BECAUSE IF THEY ARE NOT MAKING YOU BETTER, YOU ARE GOING TO GET STAGNANT. AND THAT IS WHAT HAS HAPPENED IN THE NEBRASKA PUBLIC SCHOOL SYSTEM. THERE HAS NOT BEEN PUSHING AND WE HAVE FALLEN BEHIND, WE HAVE FALLEN STAGNANT, AND IT HAS COST US. AND IT'S GOING TO COST FUTURE GENERATIONS, AND WE ARE LETTING MORE AND MORE KIDS FALL FARTHER AND FARTHER BACK, AND THAT'S NOT RIGHT. THANK YOU, MR. PRESIDENT. [LB382]

SENATOR KRIST: THANK YOU, SENATOR LARSON. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SULLIVAN YOU ARE RECOGNIZED TO CLOSE. SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM728 TO LB382. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB382]

CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB382]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR COOK, YOU ARE RECOGNIZED TO CLOSE ON LB382. [LB382]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD EVENING, COLLEAGUES. THANK YOU VERY MUCH FOR YOUR SUPPORT OF THE COMMITTEE AMENDMENT. I WANTED TO CLARIFY SOMETHING. I THINK I MISSPOKE WHEN I WAS DIALOGUING WITH SENATOR CRAWFORD. PUBLIC SCHOOLS WOULD NOT BE ELIGIBLE FOR THE FUNDING THAT WOULD COME THROUGH THIS GRANT PROGRAM BECAUSE THEY ARE NOT PRIVATE NONPROFITS PROVIDING GED TRAINING AND TESTING. SO THANK YOU VERY MUCH FOR YOUR SUPPORT. I'M

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ALWAYS ENCOURAGED WHEN I HEAR, IN THE CASE OF THIS BILL, THIS GENTLEMAN WAS 57 YEARS OLD WHEN HE WENT BACK AND DECIDED TO FINISH HIS HIGH SCHOOL EDUCATION AND BEGIN TO PURSUE A CAREER WITH WHICH HE COULD SUPPORT HIS FAMILY. AND THOSE KINDS OF TESTIFIERS AND OPPORTUNITIES TO HELP THEM ARE, IN MY VIEW, ONE OF THE BEST WAYS TO INVEST ONE'S TIME HERE IN THE LEGISLATURE. SO WITH THAT, WOULD I ASK FOR YOUR GREEN VOTE FOR LB382. THANK YOU. [LB382]

SENATOR KRIST: THANK YOU, SENATOR COOK. YOU HAVE HEARD THE CLOSING FOR LB382. THE QUESTION IS THE ADVANCEMENT OF LB382 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB382]

CLERK: 30 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB382]

SENATOR KRIST: LB382 ADVANCES. NEXT ITEM. [LB382]

CLERK: LB382A BY SENATOR COOK. (READ TITLE.) [LB382A]

SENATOR KRIST: SENATOR COOK, YOU ARE RECOGNIZED TO OPEN. [LB382A]

SENATOR COOK: THANK YOU, MR. PRESIDENT. GOOD EVENING, AGAIN, COLLEAGUES. THIS IS THE TRAILING A BILL FOR THE AFOREMENTIONED LB382. ONCE AGAIN, IT IS NOT BRAND-NEW MONEY. IT IS MONEY THAT IS IDENTIFIED TO BE USED FOR THIS PURPOSE. IT IS MONEY THAT'S IN THE JOB TRAINING CASH FUND AND WILL BE TRANSFERRED. THANK YOU, MR. PRESIDENT. [LB382A]

SENATOR KRIST: THANK YOU, SENATOR COOK. SEEING NO ONE ELSE IN THE QUEUE, SENATOR COOK YOU ARE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR COOK WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB382 TO E&R INITIAL, LB382A, I'M SORRY, TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB382A LB382]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB382A. [LB382A]

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SENATOR KRIST: LB382A ADVANCES. NEXT ITEM. [LB382A]

CLERK: LB325 WAS A BILL INTRODUCED BY SENATOR DAVIS. (READ TITLE.) INTRODUCED ON JANUARY 15, REFERRED TO THE REVENUE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB325]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR DAVIS YOU ARE RECOGNIZED TO OPEN ON LB325. [LB325]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, AND MEMBERS OF THE BODY. LB325 ENSURES THAT FIRE PROTECTION DISTRICTS ARE ABLE TO ACCESS LEVY AUTHORITY TO SUPPORT THEIR EMERGENCY SERVICES IN CASES WHERE THAT LEVY AUTHORITY IS NOT GRANTED TO THEM BY THE COUNTY. UNDER CURRENT LAW, WHICH HAS BEEN IN PLACE SINCE 1998, A FIRE PROTECTION DISTRICT MUST REQUEST LEVY AUTHORITY FROM THE COUNTY IN WHICH IT IS LOCATED. THE COUNTY MAY DENY THAT REQUEST WHICH FORCES THE DISTRICT TO TAKE IT TO THEIR RESIDENTS FOR A VOTE. THE DISTRICT CAN EITHER SUBMIT THEIR PROPOSAL AT A TOWN HALL MEETING FOR APPROVAL BY A MAJORITY VOTE OF THE RESIDENTS IN ATTENDANCE, OR ON A BALLOT INITIATIVE AT EITHER A SPECIAL ELECTION OR DURING THE STATE'S PRIMARY OR GENERAL ELECTION. BOTH OPTIONS REQUIRE THESE FIRE DISTRICT VOLUNTEERS TO SPEND THEIR VALUABLE TIME AND RESOURCES EDUCATING THE PUBLIC AND PUBLISHING NOTICE ABOUT THE LEVY AUTHORITY REQUEST WITHOUT ANY GUARANTEE THAT THEY WILL GET IT. FURTHERMORE, AT THE END OF THE SPECIAL ELECTION PROCESS, THE ELECTION COMMISSIONER BILLS THE FIRE DISTRICT FOR THE COSTS OF CONDUCTING THE ELECTION WHETHER THEY SUCCEED OR NOT. THIS IS EXACTLY WHAT HAPPENED IN PERKINS COUNTY IN APPROXIMATELY 1992. THE PERKINS COUNTY COMMISSIONERS DETERMINED THAT THE COUNTY WOULD NEED TO RETAIN ITS LEVY AMOUNTS TO FUND THE COUNTY'S OPERATIONS. FIRE DISTRICTS WERE LEFT COMPLETELY OUT OF THE COUNTY'S BUDGET ALLOCATION. THE GRANT SUBURBAN FIRE PROTECTION DISTRICT BOARD DECIDED TO CONDUCT AN ELECTION WHICH WOULD ESTABLISH A MAXIMUM LEVY FOR THE FIRE PROTECTION DISTRICT FOR A PERIOD OF FIVE YEARS. THE MEMBERS OF THE VOLUNTEER FIRE DEPARTMENT IN GRANT PARTICIPATED IN PUBLIC MEETINGS IN ORDER TO ADVISE THE PUBLIC OF THE DIRE CIRCUMSTANCES PLACED UPON THE FIRE PROTECTION DISTRICT BY THE COUNTY DECISION. CORRESPONDENCE WAS MAILED TO EACH REGISTERED VOTER RESIDING IN THE FIRE DISTRICT. THE MEMBERS OF THE VOLUNTEER FIRE DEPARTMENT WERE ALSO INSTRUMENTAL IN OBTAINING NEWSPAPER

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COVERAGE TO ADVOCATE FOR THE NEED FOR A VOTE FOR A SEPARATE LEVY FOR THE FIRE PROTECTION DISTRICT. THE INDIVIDUAL MEMBERS OF THE VOLUNTEER DEPARTMENT IN GRANT, AND I EMPHASIZE "VOLUNTEER," ALSO CONTRIBUTED AN AVERAGE OF 13 HOURS PER MEMBER IN AN ATTEMPT TO EDUCATE THE CITIZENS IN THEIR FIRE DISTRICT OF THE CRITICAL NEED TO VOTE TO SUPPORT THE FIVE-YEAR LEVY AUTHORITY. THE ADDITIONAL MANPOWER USED TO EDUCATE THE PUBLIC WAS IN ADDITION TO THE HOURS OF RESPONDING TO EMERGENCIES AND DEPARTMENT TRAINING DONATED BY EACH OF THE MEMBERS. AT LEAST EIGHT COUNTIES IN NEBRASKA HAVE DENIED ANY LEVY AUTHORITY TO THEIR FIRE PROTECTION DISTRICTS. SEVERAL COUNTIES ARE NEARING THEIR 50 CENT MAXIMUM LEVY AND ARE MORE LIKELY TO DENY LEVYING AUTHORITY TO THE FIRE DISTRICTS IF THEY ARE COMPETING WITH FUNDING FOR THE COUNTY'S OWN OPERATIONS. LB325 RESTORES THE PROPERTY TAX LEVY AUTHORITY FOR FIRE PROTECTION DISTRICTS UNDER TWO DIFFERENT SCENARIOS. IF THE FIRE DISTRICT IS LOCATED IN A COUNTY THAT IN THE PREVIOUS YEAR HAD A LEVY OF 40 CENTS OR HIGHER, OR IF THE COUNTY DID NOT AUTHORIZE ANY LEVY AUTHORITY TO THE FIRE DISTRICTS IN THE PREVIOUS YEAR. TWO YEARS AGO, SENATOR SCHILZ INTRODUCED LB62, WHICH WOULD HAVE RESTORED LEVY AUTHORITY TO ALL FIRE PROTECTION DISTRICTS IN EVERY COUNTY. MY UNDERSTANDING IS THAT SINCE CURRENT LAW WAS NOT PRESENTING A SERIOUS ISSUE IN EVERY COUNTY, THERE WERE CONCERNS THE BILL WAS TOO BROAD AND THE BILL WAS HELD IN COMMITTEE. LB325 RESULTED FROM DISCUSSIONS AMONG THE INTERESTED PARTIES ABOUT HOW TO LIMIT THE BILL TO APPLY WHERE IT IS MOST NEEDED. IN 2014, 11 COUNTIES HAD LEVIES OF 40 CENTS OR MORE. OF THOSE 11 COUNTIES, 3 OF THEM DID NOT ALLOCATE ANY LEVY AUTHORITY TO THE FIRE PROTECTION DISTRICTS. AS A RESULT, THERE ARE A TOTAL OF 16 COUNTIES THAT WOULD BE IMPACTED BY PASSAGE OF LB325 BASED ON 2014 LEVY INFORMATION. I AM PROVIDING A HANDOUT LISTING THOSE COUNTIES. I ALSO WANT TO EXPLAIN A LITTLE BIT ABOUT WHAT HAPPENED IN AINSWORTH AND IN SPRINGVIEW IN 2012, WHEN WE HAD THE DRASTIC FIRE SITUATION THERE AND THEY NEEDED AN OVERRIDE ELECTION. SO I WENT TO THOSE PUBLIC MEETINGS, THEY HAD TO HAVE THE REGISTER...VOTER REGISTER...A VOTER REPRESENTATIVE THERE, ALL THE TALLIES WERE TAKEN, A CERTAIN PERCENTAGE OF VOTERS HAD TO PARTICIPATE. IT WAS A VERY CUMBERSOME AND DIFFICULT PROCEDURE FOR THEM TO STEP OUTSIDE THE LEVY. AND FIRE PROTECTION IS A VERY VITAL SERVICE IN RURAL NEBRASKA. LB325 WAS HEARD BY THE REVENUE COMMITTEE ON FEBRUARY 26 WITH NO OPPOSITION TESTIMONY AND WAS ADVANCED BY THE COMMITTEE ON A 8-0 VOTE WITH NO AMENDMENTS. I VERY MUCH APPRECIATE SPEAKER HADLEY DESIGNATING IT AS

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A SPEAKER PRIORITY BILL AND SCHEDULING IT FOR DEBATE. IF YOU BELIEVE, LIKE I DO, THAT EMERGENCY SERVICES ARE ABSOLUTELY ESSENTIAL TO EVERY PART OF THE STATE, THEN I ASK FOR YOUR SUPPORT IN GETTING SOME RELIEF FOR THE FIRE DISTRICTS IN SEVERAL OF OUR RURAL COMMUNITIES WHO HAVE BEEN DEALING WITH THIS ISSUE FOR FAR TOO LONG. THANK YOU. [LB325]

SENATOR KRIST: THANK YOU, SENATOR DAVIS. YOU HAVE HEARD THE OPENING ON LB325. THOSE WISHING TO SPEAK: SENATOR KOLTERMAN AND SENATOR CAMPBELL. SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB325]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. COLLEAGUES, I RISE IN SUPPORT OF LB325. APPRECIATE SENATOR DAVIS BRINGING THIS. I HAD THE PLEASURE OF BEING A VOLUNTEER FIREMAN AND CHASING THE RESCUE SQUAD FOR 14 YEARS, AND IT'S PROBABLY ONE OF THE MOST MEANINGFUL THINGS I'VE EVER DONE IN MY LIFE. IT SEEMS HARD FOR ME TO BELIEVE THAT WE HAVE PEOPLE THAT...OR MUNICIPALITIES THAT WOULDN'T LEVY FOR FIRE PROTECTION AND IT'S REALLY HARD FOR ME TO BELIEVE THAT FIREMEN AND EMTS WOULD HAVE TO GO OUT AND RAISE THEIR OWN MONEY TO MAKE SURE THAT EQUIPMENT IS PURCHASED, TO MAKE SURE THAT THEIR TRAINING IS PAID FOR, BECAUSE THAT'S WHAT HAPPENS. ON MANY OCCASIONS IF A DISTRICT DOESN'T HAVE ENOUGH MONEY TO PAY FOR IT, THESE VOLUNTEERS WHO GET UP IN THE MIDDLE OF THE NIGHT, WHO GO OUT AND PICK PEOPLE UP OFF THE ROADS THAT HAVE BEEN INVOLVED IN BAD ACCIDENTS, HAVE TO COME OUT OF THEIR OWN POCKETS TO PAY FOR THEIR TRAINING IN MANY CASES. WHAT THIS BILL DOES, IT GIVES A LEVY AUTHORITY TO THOSE DISTRICTS THAT HAVE TO PAY FOR IT OUT OF THEIR OWN POCKET. AS A VOLUNTEER THAT WAKES UP IN THE MIDDLE OF THE NIGHT TO GO OUT AND HELP PROTECT THE FAMILIES, PROTECT YOUR PROPERTIES, IT JUST SEEMS UNCONSCIONABLE THAT THAT WOULD BE THE CASE. SO I WOULD ENCOURAGE YOU TO SUPPORT THIS BILL AND GIVE THEM THE ABILITY TO LEVY SOME TAX TO HELP PROTECT FIRE DISTRICTS AS WELL AS EMTS AND ANYTHING THAT GOES ALONG WITH IT. WE'RE REALLY TALKING NOW ABOUT SUPPORTING VOLUNTEERS IN THE TRUEST SENSE OF THE WORD AND GIVING THEM THE TOOLS AND THE FINANCIAL ABILITY. THANK YOU. [LB325]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB325]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I RISE TO SUPPORT SENATOR DAVIS' PROPOSAL HERE IN LB325. AND PRIMARILY BECAUSE HAVING WATCHED

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THE FIRE DISTRICTS, AND WE HAD A NUMBER OF THEM IN LANCASTER COUNTY, CONNECTING TO OTHER COUNTIES. THIS IS AN ISSUE THAT WE ARE GOING TO HAVE TO CONTINUE TO PAY VERY CLOSE ATTENTION TO BECAUSE OF THE SHRINKING NUMBERS OF AVAILABILITY OF VOLUNTEERS TO STEP FORWARD. THE PEOPLE WHO DO STEP FORWARD TO PROVIDE THIS PROTECTION TO OUR COMMUNITIES AND TO OUR PEOPLE ACROSS THE STATE SHOULD BE COMMENDED AND PRAISED. IT'S NOT EASY. IT'S A CONSTANT EDUCATION IN TERMS OF WHAT THEY NEED TO KNOW. AND, QUITE FRANKLY, HAVING VISITED WITH SOME OF THOSE FIRE DISTRICTS IN MY OWN COUNTY BOARD DISTRICT, AND PARTICULARLY AFTER A VERY HORRIFIC ACCIDENT, THAT MANY OF THESE PEOPLE SEE THINGS AND ATTEND TO PEOPLE IN VERY DIRE SITUATIONS. AND WE SHOULD BE VERY APPRECIATIVE OF THE WORK THAT THEY DO. SENATOR WATERMEIER JUST HANDED ME A POSSIBLE INTERIM STUDY ON THIS ISSUE. AND I WILL GLADLY SUPPORT THAT AND LOOK FORWARD TO THEIR WORK BECAUSE I WORRY VERY MUCH ABOUT BEING ABLE TO FILL THESE ROLES IN THE YEARS AHEAD BECAUSE THIS IS SUCH A CRITICAL SERVICE ACROSS THE STATE. AND SO I APPRECIATE SENATOR DAVIS BRINGING THE ISSUE FORWARD. THANK YOU, MR. PRESIDENT. [LB325]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB325]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I AM IN SUPPORT OF LB325 AND I THANK SENATOR DAVIS FOR BRINGING THAT FORWARD. I HAVE HAD CONVERSATIONS WITH A FEW FIRE DISTRICTS OR FEW FIRE DEPARTMENTS WITHIN MY DISTRICT THAT DO NOT HAVE THE SUPPORT OF THE COUNTIES, AND THE FACT THAT THEY ARE TAKING ADDITIONAL VOLUNTEER TIME TO RAISE MONEY TO EQUIP THEIR FIRE DISTRICTS AND THEIR VOLUNTEER TIME TO PUT OUT FIRES, EMTS, THINGS LIKE THAT, IS ASKING A BIT TOO MUCH I THINK FOR THE SMALL COMMUNITIES THAT HAVE VOLUNTEER FIRE DEPARTMENTS. SO I WOULD CERTAINLY URGE MY COLLEAGUES TO GIVE A GREEN VOTE ON THIS. I DON'T THINK IT'S A LARGE AMOUNT OF MONEY THAT WE'RE TALKING ABOUT. BUT THIS IS CERTAINLY SOMETHING THAT IS NEEDED IN SMALLER COMMUNITIES TO MAKE SURE THAT WE HAVE THE VITAL SERVICES THAT WE NEED AND ALSO TO MAKE SURE WE MAINTAIN OUR BASE OF VOLUNTEERS THAT CAN PROVIDE THOSE SERVICES. THANK YOU. [LB325]

SENATOR KRIST: THANK YOU, SENATOR HUGHES. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB325]

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SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I, TOO, WANT TO THANK SENATOR DAVIS FOR INTRODUCING THIS BILL. WHEN I CAME TO THE LEGISLATURE THREE YEARS AGO, AND SOME OF THE FIRE DEPARTMENTS APPROACHED ME WITH THE CONCERN THEY HAD WITH NOT HAVING SOME DISTRICTS THAT WERE NOT FUNDED, AND I JUST COULDN'T BELIEVE THAT WAS TRUE. AND SENATOR SCHILZ HAD ALREADY WORKED ON A BILL AND EVIDENTLY TOO BROAD IN ORDER TO COME OUT, BUT I THINK THIS BILL IS THE RIGHT TYPE OF A BILL FOR US. YOU KNOW, WE HAVE A LOT OF HEROES THAT WE HONOR AND I DEFINITELY PUT VETERANS AT THE TOP OF THAT LIST. BUT, ANOTHER GROUP THAT WE HAVE TO PUT IN THAT SAME CATEGORY, ARE THE EMTS AND THE FIREMEN THAT DON'T KNOW WHERE THEY'RE GOING TO NEXT AS FAR AS A FIRE CALL. THEY DON'T KNOW WHAT CIRCUMSTANCES THEY'RE GOING TO RUN INTO. THEY DON'T KNOW WHEN THEY'RE GOING TO GET BACK HOME. THE RISKS THAT THEY TAKE AND AS SENATOR CAMPBELL STATED, WE'RE...IN FACT, A LITTLE BIT OF A PUN, WE'RE BURNING THEM OUT IF THEY HAVE TO RAISE THE MONEY IN ORDER TO FIGHT THE FIRES. AND I JUST BELIEVE EVERYBODY NEEDS TO CONTRIBUTE TO THAT AND I TOTALLY SUPPORT LB325. THANK YOU, MR. CHAIRMAN. [LB325]

SENATOR KRIST: THANK YOU, SENATOR JOHNSON. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB325]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'M GOING TO BRING THE LOVEFEST TO AN END. COLLEAGUES, WE'VE ALL SPENT ALL YEAR TALKING ABOUT PROPERTY TAXES. BUT HERE WE GO WANTING TO GIVE MORE PEOPLE THE ABILITY TO ADD ONTO OUR PROPERTY TAX. THIS IS A DECISION THAT SHOULD BE MADE BY THE COUNTIES. IF THE COUNTIES DON'T FEEL THE NEED TO FUND THEIR VOLUNTEER FIRE DEPARTMENTS, I DON'T BELIEVE IT'S UP TO THE STATE TO TAKE THAT RESPONSIBILITY AWAY FROM THEM. THE COUNTY KNOWS WHAT'S GOING ON IN THAT COUNTY. THE COMMISSIONERS SHOULD BE ABLE TO MAKE THAT DECISION. AND WE DON'T NEED TO GIVE THE ABILITY TO ANOTHER GROUP TO INCREASE TAXES ON PEOPLE THAT ARE ALREADY OVERBURDENED WITH PROPERTY TAX. THANK YOU, MR. PRESIDENT. [LB325]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB325]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. WOULD SENATOR DAVIS YIELD FOR A COUPLE COMMENTS, PLEASE? [LB325]

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SENATOR KRIST: SENATOR DAVIS, WILL YOU YIELD TO A QUESTION? [LB325]

SENATOR DAVIS: I WILL. [LB325]

SENATOR SCHEER: THANK YOU, SENATOR DAVIS. I PERHAPS MISSED IT IF YOU HAD IT IN YOUR OPENING, BUT CAN YOU SHARE WITH THE BODY WHAT TYPE OF EQUIPMENT AND TOOLS THAT ARE LACKING AND ARE GETTING OLD AND ARE OBSOLETE THAT THOSE THAT ARE NOT FUNDING THE DEPARTMENTS, THEY'RE IN DIRE NEED OF? [LB325]

SENATOR DAVIS: I CERTAINLY CAN AND I CAN TALK ABOUT THE LONG PINE FIRE DISTRICT, WHICH IN 2012 LOST A TRUCK AT THE BOTTOM OF THE NIOBRARA CANYON. I THINK IT WAS A 1975 TRUCK WHICH WAS...HAD 200,000-SOME MILES ON IT AND, YOU KNOW, THEY'RE DOWN THERE IN THE BOTTOM OF THE CANYON DEALING WITH A FIRE AND THE TRUCK QUIT. FORTUNATELY, WE WERE ABLE TO GET THOSE FOLKS OUT THERE. BUT THEY HAVE ALWAYS WORKED SO HARD TO KEEP THEIR LEVIES SMALL THAT EVERY PIECE OF EQUIPMENT THEY HAD WAS ABOUT 20 TO 25 YEARS OLD. SO THEY NEEDED REPLACEMENT AND THAT'S TRUE ABOUT...IN ALMOST EVERY ONE OF THESE RURAL FIRE DISTRICTS THAT I KNOW OF. [LB325]

SENATOR SCHEER: IS SOME OF THE HESITANCY, DOES IT GO BACK, I KNOW YEARS AGO SOME OF THE FIRE AND EMERGENCY DEPARTMENTS ESPECIALLY IN THE RURAL AREAS WERE GIVEN GRANTS OR FUNDING FROM, I RECALL FROM LIKE AKSARBEN IN EARLY YEARS AND SO FORTH, DID THEY SORT OF GET OUT OF THE HABIT OF FUNDING THAT? IS THAT PERHAPS WHAT CAUSED THE PROBLEM OR... [LB325]

SENATOR DAVIS: WELL, I THINK A LOT OF THE AKSARBEN REVENUE DRIED UP, YOU KNOW, WHEN HORSE RACING CEASED. THAT WAS PART OF WHAT HAPPENED. BUT, YOU KNOW, A LOT OF THESE DISTRICTS HAVE A LOT OF EQUIPMENT THAT CAME FROM THE FIRE SERVICE. WE STILL USE THAT. IN FACT, PART OF THE FIRE SUPPRESSION BILL FROM TWO YEARS AGO DEALT WITH GETTING MORE EQUIPMENT INTO THE STATE. HOWEVER, A LOT OF THOSE TRUCKS ARE OLD TOO. AND WHEN WE FIRST HAD OUR FIRE TRUCK AT OUR RANCH, IT WAS A KOREAN WAR AMBULANCE. SO THAT WAS THE WAY IT WAS DEALT WITH THERE. I CAN ADDRESS A LITTLE BIT MORE OF THE LEVY QUESTION IF YOU WOULD LIKE ME TO DO THAT. [LB325]

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SENATOR SCHEER: CERTAINLY. FEEL FREE TO USE THE TIME. [LB325]

SENATOR DAVIS: SO A COUNTY HAS A LEVY OF 50 CENTS AND 35 CENTS...A PORTION OF THAT IS ALLOWABLE FOR ALL OF THE OTHER TAXING ENTITIES, BUT THE COUNTY MAY NEED MORE OF THAT REVENUE. SO WHEN THE COUNTY NEEDS MORE REVENUE, THEY'LL KICK OUT PARTS OF THESE ENTITIES AND THESE FIRE DISTRICTS ARE THE PEOPLE THAT HAVE BEEN KICKED OUT. I THINK PRIMARILY BECAUSE THE COUNTY RECOGNIZES THAT PROBABLY WHEN THE FIRE DISTRICT GOES OUT TO THE PEOPLE AND SAID WE NEED TO DO SOMETHING WITH THE LEVY, THE PEOPLE ARE GOING TO SUPPORT IT BECAUSE EVERYBODY SUPPORTS FIRE SUPPRESSION AND EVERYBODY SUPPORTS THEIR LOCAL VOLUNTEERS. ONE OF THE THINGS THAT HAPPENS THOUGH IS THEY HAVE TO HAVE AN ELECTION WHICH IS AN EXPENSIVE PROPOSITION. ON THE BACK OF THAT HANDOUT THAT I HANDED OUT, IT DEMONSTRATES SOME OF THE COSTS THAT ARE ASSOCIATED WITH THAT. WELL, WHERE DOES THAT COME FROM? THAT COMES RIGHT OUT OF THE PROPERTY TAXPAYERS' POCKET. SO, YOU KNOW, I THINK THE IDEA OF THIS WAS A GOOD ONE BACK IN THE NINETIES. BUT, YOU KNOW, THIS IS MANY, MANY YEARS LATER AND COSTS AND THINGS HAVING CHANGED AND IT'S TIME FOR US TO STEP UP AND SUPPORT OUR FIRE DISTRICTS. THIS ISN'T FOR EVERY COUNTY. THIS IS JUST FOR THOSE WHO HAVE LEVIES OVER 40 CENTS. THANK YOU, SENATOR SCHEER. [LB325]

SENATOR SCHEER: THANK YOU, SENATOR DAVIS. I APPRECIATE THAT. I KNOW IN TALKING TO SOME OF OUR RURAL FIRE DISTRICTS AROUND MY AREA, PART OF THE PROBLEM IS EQUIPMENT, PART OF IT'S MANPOWER. AND THAT'S THE REAL CONCERN TO ME, IS I'M IN THE TRYING TO DISCOUNT THE VALUE OF QUALITY EQUIPMENT, WORKING EQUIPMENT, BUT AS WE HAVE CONTINUED TO LOSE POPULATION IN THE RURAL AREAS, FINDING PEOPLE THAT WILL SACRIFICE THE TIME AND THE DEDICATION TO DROP WHATEVER THEY'RE DOING AND GO TRY TO PUT OUT ONE OF THEIR NEIGHBORS' FIRES... [LB325]

SENATOR KRIST: ONE MINUTE. [LB325]

SENATOR SCHEER: ...SOMETHING ELSE THAT'S AN EMERGENCY, THERE'S GETTING FEWER AND FEWER OF THEM. AND THOSE THAT ARE DOING IT ARE GETTING OLDER AND OLDER. AND IT'S SOMETHING THAT AT SOME POINT IN TIME I THINK WILL HAVE TO BE ADDRESSED AS WELL. THANK YOU, MR. PRESIDENT. [LB325]

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SENATOR KRIST: THANK YOU, SENATOR SCHEER AND SENATOR DAVIS. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB325]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I, TOO, HAVE SPENT I THINK IT WAS ROUGHLY 18 YEARS ON A VOLUNTEER FIRE DEPARTMENT. I ALSO SERVED ON AN AMBULANCE BOARD DURING THAT TIME. AND I THINK WE NEED TO USE A LITTLE CAUTION HERE BUT I DO SUPPORT THE IDEA BEHIND THIS. VOLUNTEER FIREMEN SHOULD NOT HAVE TO GO OUT AND RAISE FUNDS. THAT IS PLAIN WRONG. BUT I THINK THE WORDING OF THIS BILL WILL NEED A LITTLE WORK. WHAT WE POTENTIALLY ARE DOING HERE IS GIVING THE COUNTIES ANOTHER 10 CENTS OF LEVY AUTHORITY. AS VALUATIONS MAYBE IN THE FUTURE WILL DROP, MORE COUNTIES WILL HIT THEIR LID LIMIT AND EXCLUDE THEIR FIRE DEPARTMENTS. AND WE ARE GOING TO GIVE THEM 10 CENTS MORE LEVY AUTHORITY. IF YOU LOOK AT AN AVERAGE, I THINK FOR FIRE DISTRICTS ACROSS THE STATE IS 3 CENTS. AND BY OPENING THIS UP TO 10 CENTS, THAT'S A PRETTY HUGE INCREASE. AND SO I'M NOT GOING TO...I GUESS RIGHT NOW SUPPORT OR BE AGAINST THIS BILL. BUT I WILL LOOK FOR SOME CHANGES DOWN THE ROAD. BUT IT IS WRONG OF US TO ASK VOLUNTEERS TO GO OUT AND RAISE FUNDS FOR THEIR FIRE DEPARTMENT. BUT COUNTIES NEED TO BE HELD RESPONSIBLE FOR THIS TOO. THEY HAVE TO TAKE SOME RESPONSIBILITY THERE. IT IS PART OF THEIR DUTIES ON THE LOCAL LEVEL TO MAKE SURE THOSE DEPARTMENTS ARE FUNDED. AND I DON'T KNOW IF WE CAN APPROACH THIS FROM A DIFFERENT DIRECTION OR NOT, BUT I THINK IT NEEDS TO BE LOOKED AT. THANK YOU, MR. PRESIDENT. [LB325]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. THOSE STILL WISHING TO SPEAK, SENATOR JOHNSON AND SENATOR KOLTERMAN. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB325]

SENATOR JOHNSON: THANK YOU AGAIN, MR. PRESIDENT. I WASN'T GOING TO SPEAK AGAIN BUT I DO HAVE A QUESTION AND I'M THINKING THAT MAYBE SENATOR DAVIS WILL BE ABLE TO ANSWER THAT. I'LL POST THE QUESTION AND I'LL ASSUME THAT HE WILL YIELD. I SEE AT WEBSTER COUNTY ALL OF THE DISTRICTS THAT ARE LISTED THERE, AND I KNOW IN THE COUNTY WHERE I LIVE NOW, EVERYBODY HAS THE SAME LEVY. I THINK IT'S 4 CENTS. AND THAT CREATES A DIFFERENT FUND OR ALLOWS THEM TO DO SOME DIFFERENT THINGS AS FAR AS DOING MUTUAL AID. SENATOR DAVIS, ARE YOU FAMILIAR WITH THAT AND CAN YOU EXPLAIN HOW THAT WOULD WORK IF ONE COUNTY OR ONE DISTRICT VOTES SOMETHING IN AND ANOTHER ONE WOULDN'T? [LB325]

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SENATOR KRIST: SENATOR DAVIS, YOU YIELD? [LB325]

SENATOR DAVIS: I'M NOT SURE. IT MAY BE YOU'RE REFERRING TO THE INSURANCE PREMIUM TAX, SENATOR. IS THAT POSSIBLY WHAT YOU'RE TALKING ABOUT, SENATOR JOHNSON? [LB325]

SENATOR JOHNSON: PARDON? [LB325]

SENATOR DAVIS: I SAID ARE YOU TALKING ABOUT THE INSURANCE PREMIUM TAX AND HOW THAT WORKS ON A COUNTY BASIS? [LB325]

SENATOR JOHNSON: IT MIGHT BE. I'M NOT SURE WHAT'S ALL INVOLVED IN THAT. EVERYBODY HAVING AN EQUAL AMOUNT. [LB325]

SENATOR DAVIS: SO IN THE INSURANCE PREMIUM, THERE MIGHT BE A NUMBER OF DIFFERENT FIRE DISTRICTS IN A COUNTY. SO WITH THE INSURANCE PREMIUM TAX, THAT'S SOME REVENUE THAT GOES BACK TO THE FIRE DISTRICTS IF WITHIN THAT COUNTY, ALL THE LEVEES HAVE THE SAME...ARE THE SAME. SO THEY HAVE TO ALL AGREE TO HAVE THE SAME LEVY. THEN THERE'S MONEY THAT COMES BACK FROM THE STATE AND IS DISTRIBUTED TO EACH OF THEM, YOU KNOW, EQUALLY AS A PERCENTAGE OF THEIR BUDGET. [LB325]

SENATOR JOHNSON: OKAY. SO IF HALF OF THE DISTRICTS WOULD VOTE YES AND THE OTHERS WOULD VOTE ZERO, THEY WOULD NOT BE ELIGIBLE FOR THAT, IS THAT CORRECT THEN? [LB325]

SENATOR DAVIS: WELL, YES. AND I CAN'T IMAGINE THAT THAT WOULD HAPPEN IN YOUR COUNTY BECAUSE MY GUESS IS YOUR COUNTY HAS WORKED HARD TO PUT THAT ALL TOGETHER. BUT, FOR EXAMPLE, CHERRY COUNTY, WHICH IS SO BIG AND HAS SUCH A DIVERSE GROUP OF DISTRICTS WITHIN IT, CAN'T LEVY THE SAME...CAN'T LEVY ONE LEVY FOR THE WHOLE COUNTY. JUST IMPOSSIBLE TO DO. SO IT'S NOT ELIGIBLE FOR THOSE RESOURCES. [LB325]

SENATOR JOHNSON: OKAY. THANK YOU. THANK YOU, MR. CHAIRMAN. [LB325]

SENATOR KRIST: THANK YOU, SENATOR JOHNSON AND SENATOR DAVIS. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB325]

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SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. ONE THING I WAS THINKING ABOUT AS WE HAVE BEEN TALKING ABOUT DEBATING, AND, SENATOR SCHEER, I'M GLAD YOU BROUGHT SOME OF THOSE QUESTIONS TO LIGHT, IN THE INSURANCE INDUSTRY, EACH COMMUNITY IS RATED BASED ON THEIR FIRE PROTECTION ABILITIES. AND SO IF YOU HAVE A FIRE DEPARTMENT OR A FIRE PROTECTION AREA THAT'S NOT UP TO SNUFF OR DOESN'T MEET THE CRITERIA TO BE, SAY, A CLASS 2 COMMUNITY, AT THAT POINT IN TIME, THEY'VE GOT TO STEP THAT UP TO KEEP THEIR FIRE RATING. AND THAT HAS A LOT TO DO WITH WHAT YOUR INSURANCE RATES ARE ON YOUR HOMES AND YOUR RANCHES AND YOUR FARMS. AND SO THIS BILL BECOMES EVEN MORE IMPORTANT BECAUSE AS SENATORS SCHEER WAS TALKING, YOU MIGHT HAVE A FIRE DEPARTMENT OUT THERE WHETHER IT'S A RURAL FIRE DEPARTMENT OR ONE LIKE SEWARD, IF THEY DON'T KEEP THEIR EQUIPMENT UP TO DATE...NOW IN SEWARD, AS AN EXAMPLE, WE MIGHT HAVE A FIRE TRUCK THAT'S TEN YEARS OLD WITH 5,000 MILES ON IT. BUT WHEN THEY COME IN TO DO THE EVALUATIONS, THEY LOOK AT THE AGE OF THAT FIRE TRUCK AND THEY SAY, WELL, IT'S NOT UP TO SPEED OR IT CAN'T PUMP ENOUGH. AND SO PART OF MY CONCERN IS, IF WE DON'T PROVIDE THE RESOURCES FINANCIALLY, WE COULD ALSO BE HURTING THE COMMUNITIES THAT THESE RURAL FIRE DEPARTMENTS SERVE. SO THAT'S ONE OF MY REASONS FOR SUPPORTING THIS. BUT THE BOTTOM LINE FOR ME REALLY IS, WE'RE GETTING BEHIND THESE VOLUNTEERS AND SHOWING THEM THAT WE DO APPRECIATE IT. IT'S GETTING HARDER EVEN IN THE LARGE FIRST-CLASS CITIES THAT HAVE VOLUNTEERS, AS WELL AS PAID, TO GET THE RECRUITS. THE LAST THING WE SHOULD BE EXPECTING FROM THEM IS TO HAVE TO RAISE MONEY TO BE A VOLUNTEER AND THEN GO OUT AND SERVE THE PUBLIC THE WAY THEY DO. SO, AGAIN, I WOULD HOPE THAT YOU'D VOTE GREEN ON THIS AND ADVANCE IT TO SELECT FILE. THANK YOU. [LB325]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB325]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I COME FROM THE RURAL AREAS. HAD A HOUSE FIRE ONCE AND 23 OUT OF 25 RURAL FIREMEN SHOWED UP. THEY'RE THE TRUE HEROES AS FAR AS I'M CONCERNED AS FAR AS IN THAT LINE OF WORK. THEY DONATE THEIR TIME. THEY'RE OUT THERE AT 3:00 IN THE MORNING PUTTING OUT GRASS FIRES. I THINK SENATOR JOHNSON WAS TALKING ABOUT THE MUTUAL AID AGREEMENT. WE ALL PAY, IF YOU LOOK AT YOUR...MIGHT NOT EVEN SHOW UP, BUT YOU ALL PAY A TAX ON YOUR FIRE INSURANCE. AND YOU WILL SEE THAT MONEY IS POOLED AT THE STATE AND IF YOU ALL GET TOGETHER, FIRE DISTRICTS IN A COUNTY, I HAVE BEEN INVOLVED

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IN COUNTY POLITICS SO I KNOW ALL ABOUT THIS. WE HAD A BIG ISSUE ABOUT THE MUTUAL AID AGREEMENT IN LINCOLN COUNTY HERE A WHILE BACK. YOU ALL AGREE TO THE SAME MILL LEVY AS AN ORGANIZATION AND YOU HELP EACH OTHER. IF YOU HAVE A FIRE, YOU HAVE TO HELP EACH OTHER WITH THOSE FIRES WITH AMBULANCE SERVICE. IT'S A GOOD PROGRAM. I'M SURPRISED MORE COUNTIES DON'T TAKE PART IN IT. BUT INDEPENDENCE IS WHAT'S IMPORTANT TO THEM. THIS BILL I UNDERSTAND REALLY ONLY COVERS ABOUT EIGHT, TEN COUNTIES. I DIDN'T REALIZE IT. I DIDN'T READ IT CLOSE ENOUGH THAT IT RAISES IT TO 10 MILLS, BUT I'M NOT SURE THEY'RE LIMITED NOW AT WHAT THEY CAN CHARGE FOR A TAX. BUT THESE RURAL FIREMEN NEED TO BE ABLE TO HAVE A CONSTANT FLOW OF MONEY. THEY ARE PROBABLY ABOUT AS BEST FISCAL CONSERVATIVES YOU WILL FIND IN GOVERNMENT. AND DON'T EVER TAKE AWAY THEIR FUND-RAISERS. HALF OF THEM JOIN THE FIRE DEPARTMENT SO THEY CAN BE PART OF THOSE FUND-RAISERS. SO THEY ENJOY THAT. IT'S PART OF THEIR SOCIAL LIFE IN SMALL TOWNS. BUT I AGREE WITH SENATOR KRIST. WE...I MEAN, EXCUSE ME, I'M LOOKING AT SENATOR KRIST. IT HAS BEEN A LONG DAY. BUT YOU SIT NEXT TO HIM, SENATOR DAVIS. BUT, ANYWAY, I AGREE WITH SENATOR DAVIS. WE GOT TO MAKE SURE THESE GUYS GOT AN OPPORTUNITY. THEY'RE NOT JOINING BECAUSE THEY WANT TO START POLITICKING FOR ELECTIONS EVERY FIVE YEARS. GIVE THEM A SOLID BASE AND I TRUST THEM THAT THEY WILL NOT OVERCHARGE OR ASK MORE THAN WHAT THEY NEED FOR TO PROTECT US ALL FROM FIRES. IF YOU'RE ON THE INTERSTATE AND YOU HAD A CAR FIRE OR IF YOU HAVE AN ACCIDENT, MORE THAN LIKELY IN WESTERN NEBRASKA IT'S GOING TO BE A RURAL FIRE DEPARTMENT THAT SHOWS UP TO HELP YOU. AND THAT'S ON THE HIGHWAYS OUT WEST TOO. AND YOU'RE GOING TO THINK THESE GUYS ARE PROFESSIONALS, BUT THEY WERE DOING PLUMBING WORK, FARMING, OR DOING SOMETHING ELSE A HALF HOUR BEFORE THAT AND ALL OF A SUDDEN NOW THEY'RE EMTs AND FIREMEN. SO THEY'RE GOOD PEOPLE AND WE NEED TO CONTINUE THAT TRADITION AND HAVE VOLUNTEER FIRE DEPARTMENTS IN THE STATE OF NEBRASKA. THIS IS JUST A VOTE OF APPROVAL AND THANKS TO THOSE VOLUNTEERS. SO THANK YOU. I SUPPORT LB325. [LB325]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB325]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I'M GOING TO RISE IN SUPPORT OF LB325. AND OFTEN WE HEAR VOLUNTEER OR RURAL FIRE DEPARTMENTS IF WE LIVE IN OMAHA OR LINCOLN, AND WE THINK THAT DOESN'T CONCERN US. BUT AS SENATOR GROENE JUST SAID, IF YOU HAVE AN

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ACCIDENT ON THE INTERSTATE OR HIGHWAY 34, WHATEVER, YOU'RE PROBABLY GOING TO BE...THE PEOPLE WHO'LL ANSWER WILL BE THE VOLUNTEER AND RURAL FIRE DEPARTMENTS AND SO I STAND IN FULL SUPPORT OF LB325. THANK YOU. [LB325]

SENATOR KRIST: THANK YOU, SENATOR HAAR. SENATOR DAVIS, YOU'RE NEXT IN THE QUEUE, AND THERE'S NO ONE THAT FOLLOWS YOU IF YOU'D LIKE TO MAKE THIS YOUR CLOSING. [LB325]

SENATOR DAVIS: I WILL DO THAT, SENATOR. SO I WANT TO TALK ABOUT A COUPLE OF POINTS THAT I THINK ARE IMPORTANT. I'M GOING BACK IN HISTORY TO SOME TESTIMONY THAT JERRY STILMOCK PRESENTED TO THE COMMITTEE WHEN WE TALKED. IT WAS A MEMO HE HAD PUT TOGETHER. AND I WANT TO KIND OF POINT OUT A FEW OF THE THINGS TO SOME OF THESE SENATORS WHO MAY NOT UNDERSTAND HOW IT WORKS. SO ACCORDING TO SECTION 77-3443, COUNTIES MAY ALLOCATE UP TO 15 CENTS OF LEVY AUTHORITY TO ALL MISCELLANEOUS POLITICAL SUBDIVISIONS, WHICH THEY CALL THE FUNNEL GROUP, WITHIN THEIR BORDERS WHO ARE SUBJECT TO COUNTY ALLOCATION. THEREFORE, WITH THE PASSAGE OF LB1114, WHICH WAS SOME YEARS AGO, COUNTY BOARDS ARE REQUIRED TO ALLOCATE AMOUNTS OF TAXING AUTHORITY TO THE FUNNEL GROUP BASED ON LOCAL PRIORITIES. UNFORTUNATELY, THE LAW DOES NOT REQUIRE COUNTIES TO FULLY FUND THE FUNNEL GROUP OF DISTRICTS. THE LAW WAS SPECIFICALLY DESIGNED TO GRANT COUNTY BOARDS FLEXIBILITY TO DETERMINE THE PRIORITIES OF THE COUNTY, FIRST AND FOREMOST, AND THEN DETERMINE THEIR PRIORITIES OF THOSE DISTRIBUTES IN THE FUNNEL GROUP, AND THEN FUND THE FUNNEL GROUP DISTRICTS TO THE EXTENT THERE IS LEVY AUTHORITY AVAILABLE. SO WHO IS THE FUNNEL GROUP? WELL, IT'S GOING TO BE YOUR FAIR BOARD OR YOUR MUSEUM OR YOUR FIRE DISTRICT. AND WE COULD NAME A NUMBER OF THOSE ENTITIES THAT ARE OUT THERE. BUT SO WE'VE GOT THE 35 CENTS AND THEN THE 15 CENTS SO WE GET TO THE 50-CENT CAP. SO WHAT WE'RE DOING WITH THIS BILL IS WE'RE NOT OPENING THE DOOR TO THE COUNTIES FOR ANY MORE MONEY THAN THEY CAN ALREADY TAKE. ALL THEY HAVE TO DO IS TELL THEIR FIRE DISTRICTS AND EVERYBODY ELSE, WE'RE NOT FUNDING YOU OR KICKING YOU OUT. NOW ONCE YOU'RE KICKED OUT, THEN YOU AS A FIRE DISTRICT HAVE TO GO OUT, DO THE WORK, RAISE THE MONEY. SO WE TALKED ABOUT ONE DISTRICT IN PARTICULAR WHO HAD GOTTEN KICKED OUT OF THE LEVY AUTHORITY. THEY WENT TO THE PUBLIC AND THE PUBLIC THOUGHT, WAIT A MINUTE, THE COUNTY IS ALREADY PAYING FOR FIRE DISTRICT. WHAT'S THIS ALL ABOUT? SO THEY WERE TURNED DOWN. SO THEY HAD TO HAVE A SECOND

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SPECIAL ELECTION IN ORDER TO OVERRIDE THE MISTAKE THAT WAS MADE BY THE ELECTORATE WHO WERE IGNORANT OF THE FACT THAT THE COUNTY HAD KICKED THEM OUT. SO THESE ARE JUST SOME OF THE THINGS THAT CAN HAPPEN. SENATOR SCHEER POINTED OUT SOMETHING TO ME THAT I THOUGHT WAS VERY IMPORTANT. I WAS GOING TO TALK TO HIM ON THE MIKE, BUT SINCE THIS MY CLOSING I WON'T DO THAT. BUT, YOU KNOW, IF YOU LIVE IN RURAL NEBRASKA, AND YOU DON'T HAVE A FIRE DISTRICT AROUND YOU, YOU'RE NOT GOING TO BE ABLE TO GET INSURANCE FOR FIRE BECAUSE THERE'S NOBODY THERE TO RESPOND. YOU HEARD SENATOR GROENE MAKE SOME COMMENTS ABOUT THE CONSERVATIVE NATURE OF FIRE DISTRICTS AND FIREMEN. THESE GUYS ARE REMARKABLE. THEY ARE MECHANICS. THEY ARE HAMBURGER COOKERS. THEY FIGHT FIRE AT 4:00 IN THE MORNING. THEY GO OUT WHEN THE AMBULANCE RUNS. IT'S ALL DONE AS VOLUNTEERS. AND ASKING THEM TO TAKE ON AN ELECTION, SOMETHING THAT THEY REALLY DON'T KNOW ANYTHING ABOUT AND SHOULDN'T HAVE TO DO, IS JUST INAPPROPRIATE WHEN WE'RE TALKING ABOUT A BODY OF PEOPLE, A BUNCH OF VOLUNTEERS WHO WORK HARD AT THEIR REAL JOB, THEN SPEND HOURS IN TRAINING AND HOURS RESPONDING AS FIREMEN. IT'S INAPPROPRIATE FOR US TO ASK THEM TO GO OUT AND DO SOMETHING MORE TO ASSURE THAT THEY GET SOME FUNDING. AND, YOU KNOW, I'M GOING TO TELL YOU A LOT OF THE FUNDING THAT FIRE DISTRICTS, FIRE DEPARTMENTS GET IS MONEY THEY RAISE THROUGH THEIR FUND-RAISERS. THEY'RE WORKHORSES. THEY'RE GREAT PEOPLE. THEY'RE GREAT NEBRASKANS. AND THIS BILL IS GOOD POLICY AND IT'S NOT GOING TO BE BAD TAX POLICY OR IT'S NOT GOING TO RAISE PROPERTY TAXES ANYWHERE. THANK YOU, MR. PRESIDENT. I'D URGE YOUR GREEN VOTE ON THE BILL. THANK YOU. [LB325]

SENATOR KRIST: THANK YOU, SENATOR DAVIS. YOU'VE HEARD THE CLOSING LB325. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL FOR LB325. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB325]

CLERK: 32 AYES, 1 NAY, MR. PRESIDENT, ON THE ADVANCEMENT OF LB325. [LB325]

SENATOR KRIST: LB325 ADVANCES. NEXT ITEM. [LB325]

CLERK: LB547, IS A BILL BY SENATOR CAMPBELL. (READ TITLE.) INTRODUCED ON JANUARY 21, REFERRED TO HEALTH AND HUMAN SERVICES, ADVANCED TO

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GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM785, LEGISLATIVE JOURNAL PAGE 920.) [LB547]

SENATOR KRIST: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON LB547. [LB547]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I BET YOU'RE LOOKING AT THE HANDOUTS THAT THE PAGES JUST GAVE YOU. AND YOU'RE SEEING ON THE BACK OF THE ONE THAT TALKS ABOUT THE OVERVIEW IF YOU LOOK ON THE BACK, YOU'RE LOOKING AT SUPPORTERS OF THIS LEGISLATION. THE NEBRASKA CHAMBER OF COMMERCE, THE COLUMBUS AREA, THE NORFOLK AREA, THE NEBRASKA EARLY CHILDHOOD BUSINESS ROUNDTABLE. AND YOU'RE SAYING, BUT THIS IS A BOOK...THIS IS A BILL ABOUT EARLY CHILDHOOD CARE AND EDUCATION. AND THEN IF YOU TOOK A LOOK AT THE OTHER HANDOUT, MEMBER ORGANIZATIONS. THESE ARE THE ORGANIZATIONS THAT BELONG TO THE BUSINESS ROUNDTABLE HEADED BY JIM KRIEGER OF GALLUP AND YOU'RE SAYING, LOOK AT ALL THE BUSINESS GROUPS ACROSS THE STATE. AND THEN IF YOU HAVE AN OCCASION TO SEE AN AD ON TELEVISION AND YOU SEE A GUY IN A GREEN SWEATSHIRT NAMED DICK CAMPBELL (LAUGHTER) EXTOLLING THE VIRTUES OF EARLY CHILDHOOD CARE AND EDUCATION, AND IF YOU GO UP AND ASK HIM AND BE PREPARED TO SAY, DICK, WHAT DO YOU THINK ABOUT EARLY CHILDHOOD CARE AND EDUCATION? YOU BEST BE PREPARED FOR AT LEAST A TEN-MINUTE TALK BECAUSE HE CAN GIVE YOU MORE FACTS IN TEN MINUTES ABOUT WHY THIS IS IMPORTANT. WHY IS IT IMPORTANT? WHY WOULD THESE BUSINESS LEADERS ACROSS THE STATE BE SO CONCERNED AND SUPPORTIVE OF EARLY CHILDHOOD CARE AND EDUCATION? IT IS THE FUTURE WORK FORCE OF THE STATE OF NEBRASKA. AND WE CAN CAMPAIGN ALL WE WANT ABOUT JOBS AND WANTING TO PUT JOBS IN PLACE, BUT IN THE FUTURE YEARS, WE NEED TO HAVE THE BEST EDUCATED, BEST PREPARED WORK FORCE WE CAN PUT TOGETHER. AND THE FIRST FIVE YEARS OF A CHILD'S LIFE SET A PATTERN FOR THEIR EDUCATION, OFTENTIMES THEIR OCCUPATIONAL OPPORTUNITIES FOR THEIR LIFETIME. I WANT TO GO BACK AND GIVE YOU A LITTLE HISTORY BECAUSE I KEEP MINDFUL OF "THE PROFESSOR" SCHUMACHER SAYING, YOU KNOW, YOU NEED TO BE A TEACHING MOMENT HERE IF YOU'RE GOING TO TALK ABOUT THIS. IN THE EARLY 2000s, EDUCATORS AND LEGISLATORS CAME TOGETHER TO BEGIN ADDRESSING A GROWING PROBLEM IN THIS STATE. A SIGNIFICANT NUMBER OF NEBRASKA'S YOUNGEST, MOST AT-RISK CHILDREN ARRIVE AT KINDERGARTEN UNPREPARED TO LEARN, DUE IN PART TO THE LACK OF A HIGH-QUALITY DEVELOPMENT EXPERIENCE DURING THE INFANT AND TODDLER YEARS. I'VE DISTRIBUTED AN ARTICLE FROM THE OMAHA WORLD-

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HERALD WRITTEN BY DR. SAM MEISELS OF THE UNIVERSITY OF NEBRASKA WHO WE WERE ABLE TO SNATCH AWAY AND BRING TO THE STATE OF NEBRASKA BECAUSE HE'S NATIONALLY AND PROBABLY INTERNATIONALLY KNOWN FOR HIS EXPERTISE ON EARLY CHILDHOOD. THE ARTICLE PROVIDES IN GREATER DETAIL THE IMPORTANCE OF QUALITY TO EARLY CHILDHOOD CARE AND EDUCATION AND THE ACHIEVEMENT GAP THAT ENSUES FOR OUR CHILDREN. OVER 60,000 NEBRASKA CHILDREN AGES ZERO TO FIVE ARE AT RISK OF FAILING IN SCHOOL. OF THOSE, APPROXIMATELY 30,000 ARE INFANTS AND TODDLERS WHO DO NOT RECEIVE THE KINDS OF EARLY EXPERIENCES KNOWN TO SUPPORT STRONG BRAIN DEVELOPMENT DURING THE FIRST THREE YEARS OF LIFE. THESE CHILDREN ARE LIKELY TO ARRIVE AT KINDERGARTEN ONE TO TWO DEVELOPMENTAL YEARS BEHIND THEIR MORE ADVANTAGED PEERS. THEN SCHOOL DISTRICTS ARE REQUIRED TO SPEND EXTRA RESOURCES TO HELP AT-RISK CHILDREN KEEP PACE IN THE K-12 SYSTEM, OFTEN WITH MIXED RESULTS. WE'VE LEARNED OVER THE YEARS THAT THE CHILDCARE ENVIRONMENTS OUR NEBRASKA FAMILIES USE SHOULD BE MORE THAN JUST A PLACE TO LEAVE OUR CHILDREN THROUGHOUT THE DAY. RESEARCH STUDIES SHOW THE MOST CRITICAL PERIOD OF BRAIN DEVELOPMENT FOR OUR CHILDREN TAKES PLACE DURING THEIR FIRST FIVE YEARS OF LIFE. IT IS THE TIME THAT YOUNG CHILDREN ARE FORMING KEY RELATIONSHIPS, DEVELOPING TRUST, AND EXPLORING THE WORLD AROUND THEM. IT IS ALSO THE TIME WHEN THEIR EXPERIENCES, EITHER POSITIVE OR NEGATIVE, DETERMINE HOW WELL THEIR BRAINS ARE WIRED FOR FUTURE LEARNING. LB547, WITH THE INCLUSION OF SENATOR SULLIVAN'S LB489, CONTINUES THE COMMITMENT OF THE LEGISLATURE TO EARLY CHILDHOOD CARE AND EDUCATION, BRINGING TWO ALREADY VERY ESTABLISHED, SIGNIFICANT INITIATIVES TOGETHER. THE FIRST INITIATIVE WAS FORGED WITH LEGISLATION IN 2006 AND 2008 WHICH ESTABLISHED THE PUBLIC AND PRIVATE FUNDING PARTNERSHIPS TO ENABLE SCHOOLS AND COMMUNITY PROVIDERS TO OFFER A STRONG BEGINNING FOR CHILDREN ZERO TO THREE THROUGH THE SIX PENCE PROGRAM. AND SENATOR SULLIVAN I'M SURE WILL PROVIDE MORE HISTORY AND EXPLANATION ABOUT THAT BECAUSE THAT WAS CONTAINED IN HER BILL, LB489. THE SECOND INITIATIVE, STEP UP TO QUALITY, WAS ADOPTED BY THE LEGISLATURE IN 2013 TO IMPROVE THE QUALITY OF EARLY CHILDHOOD CARE AND EDUCATION. NEBRASKA STEP UP TO QUALITY IS A FIVE-STEP, QUALITY RATING AND IMPROVEMENT SYSTEM. OVER 40 STATES IN THE COUNTRY ARE IN SOME PHASE OF IMPLEMENTATION OF AN EARLY CHILDHOOD RATING AND IMPROVEMENT SYSTEM. THE PRIMARY GOAL OF NEBRASKA STEP UP TO QUALITY IS TO IMPROVE EARLY CARE AND EDUCATION QUALITY AND INCREASE POSITIVE OUTCOMES FOR YOUNG CHILDREN. THIS WILL BE DONE THROUGH INFORMING

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PARENTS ABOUT QUALITY EARLY CARE AND EDUCATION PROGRAMS. IN ADDITION, IT WILL IMPROVE TEACHER AND DIRECTOR EFFECTIVENESS THROUGH TRAINING AND PROFESSIONAL DEVELOPMENT. IT IS A JOINT PROGRAM OF THE DEPARTMENT OF DHHS AND THE DEPARTMENT OF EDUCATION. AND AS OF TODAY, THERE ARE 126 EARLY CHILDHOOD CENTERS AND INDIVIDUAL HOME CARE CENTERS THAT ARE PARTICIPATING IN THIS PROGRAM. LB547 ADDRESSES THE REAUTHORIZATION OF THE FEDERAL CHILDCARE AND DEVELOPMENT BLOCK GRANT FUNDING, AND NEBRASKA'S ALLOCATION FOR CHILDCARE. IN YEARS PAST, THE FEDERAL GOVERNMENT HAD REQUIRED STATES TO SET ASIDE A MINIMUM OF 4 PERCENT OF THEIR OVERALL ALLOCATION TO BE USED SPECIFICALLY FOR THE EFFORTS TO PROMOTE QUALITY. SO WHAT WE ARE TALKING ABOUT HERE IS THERE ARE NO GENERAL FUND DOLLARS AND WE WILL EXPLAIN THAT WITH THE AMENDMENT THAT SMALL PORTION WILL GO AWAY. AND THERE'S REALLY NOT A CHANGE IN THE AMOUNT OF FEDERAL DOLLARS. WHAT LB547 DOES WITH THE INCLUSION OF SENATOR SULLIVAN'S BILL IS TO SAY THE ALLOCATION FOR QUALITY HERE, AND WE BELIEVE IN THESE TWO INITIATIVES, SHOULD BE SPLIT BETWEEN SIX PENCE AND STEP UP TO QUALITY. AND THAT'S REALLY WHAT THIS BILL IS ABOUT. IT'S MAKING SURE THAT OUR TWO INITIATIVES THAT WE'VE WORKED SO HARD TO PUT INTO PLACE ARE THE ONES THAT WE WILL CHOOSE. THEY ARE RECOGNIZING THE VALIDITY AND QUALITY OF CHILDCARE ENVIRONMENTS AND THAT ALSO RECOGNIZES THAT CHILDCARE SHOULD NOT BE VIEWED AS JUST A WORK SUPPORT PROGRAM FOR PARENTS, BUT THAT IT SHOULD BE AN ENVIRONMENT WHERE LEARNING AND GROWTH TAKE PLACE. THIS WILL BRING LB489 INTO THE PORTION OF THE BILL, AND SENATOR SULLIVAN WILL TALK ABOUT THIS. WHEN FULLY IMPLEMENTED IN THREE YEARS WILL DISTRIBUTE... [LB547 LB489]

SENATOR KRIST: ONE MINUTE. [LB547]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. ...9 PERCENT OF THE QUALITY DOLLARS TO STEP UP TO QUALITY AND 3 PERCENT TO SIX PENCE AND ENSURE THE DATES ARE ALIGNED WITH THE FEDERAL REQUIREMENTS. THIS WAS DONE IN CONSULTATION FROM THE LEGISLATIVE FISCAL OFFICE TO AVOID GENERAL FUND IMPACT FROM LB489. I WANT TO THANK IN PARTICULAR SOME PEOPLE HERE THAT YOU NEED TO KNOW ABOUT. OBVIOUSLY, SENATOR SULLIVAN, AND SENATOR MELLO WAS VERY HELPFUL TO BOTH OF US. WE STARTED TALKING ABOUT THIS INITIATIVE THIS PAST SUMMER, AND BOTH SENATOR SULLIVAN AND I SAT DOWN WITH SENATOR MELLO, AND THEN WITH SENATOR NORDQUIST TO EXPLAIN WHAT WE WERE GOING TO TRY TO DO. I

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WANT TO THANK THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THEY HAD CONSIDERED IN THE HEARING THAT THEY HAD SOME CONCERN ABOUT THEIR OVERSIGHT AND REVIEW OF THESE FEDERAL FUNDS. [LB547 LB489]

SENATOR KRIST: TIME, SENATOR. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS THE CHAIR, YOU'RE RECOGNIZED TO OPEN ON THOSE AMENDMENTS. [LB547]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. MY REMARKS FIT RIGHT INTO THIS, BECAUSE WHAT THE COMMITTEE AMENDMENT DOES IS IT SPLITS THE REQUIRED INCREASED ALLOCATION BETWEEN STEP UP TO QUALITY AND THE PROGRAMS FOR INFANTS AND TODDLERS. THAT'S ALL THAT IT DOES. AND THE DEPARTMENT WAS CONCERNED ABOUT HAVING THAT OVERSIGHT, AND WHEN WE WORKED UP THE FINAL AMENDMENT, WHICH WILL COME BEFORE YOU IN A LITTLE BIT, THE DEPARTMENT AND THIS IS ONE OF THE FIRST TIMES, COLLEAGUES, IN MY SEVEN YEARS HERE THAT THE DEPARTMENT, I TALKED TO THEN-DIRECTOR GREEN, TONY GREEN, AND SAID, COULD YOU REVIEW THE AMENDMENT AND SEE HOW THAT WORKS. AND FOR THE FIRST TIME, THE DEPARTMENT DIDN'T GO, NO, WE NEED SOMETHING MORE, WE NEED IT SPECIFIC. DIRECTOR GREEN, ACTING DIRECTOR GREEN CAME BACK TO ME AND SAID, THE LANGUAGE THAT'S IN THE AMENDMENTS ARE JUST FINE. WE THINK IT WILL COVER IT. WE ARE GLAD TO WORK WITH THE DEPARTMENT OF EDUCATION AND MOVE FORWARD. WE HAVE PLENTY OF OVERSIGHT HERE. AND I REALLY APPRECIATE THAT KIND OF TRUST LEVEL BETWEEN WHAT THE DEPARTMENT IS TRYING TO DO AND WHAT THE LEGISLATURE IS TRYING TO DO. SO A NEW SPIRIT MAY BE THERE. SO THE COMMITTEE AMENDMENT REALLY JUST DIVIDES UP BETWEEN THE TWO PROGRAMS. AND I THINK, MR. PRESIDENT, I'M GOING TO STOP THERE, BECAUSE I ASSUME THAT WE'LL EITHER GO TO THE LAST AMENDMENT OR TAKE COMMENTS, AND I KNOW SENATOR SULLIVAN WILL WANT TO SPEAK. THANK YOU, MR. PRESIDENT. [LB547]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. MR. CLERK. [LB547]

CLERK: MR. PRESIDENT, FIRST OF ALL, SENATOR CAMPBELL, I HAVE AM994 DRAFTED AS AN AMENDMENT TO THE COMMITTEE AMENDMENTS WITH A NOTE YOU WISH TO WITHDRAW THAT AMENDMENT. MR. PRESIDENT, SENATOR CAMPBELL WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM1275. (LEGISLATIVE JOURNAL PAGE 1203.) [LB547]

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SENATOR KRIST: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN. [LB547]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM1275 TO THE BILL, AND WHAT WE DID IS WE DRAFTED A WHITE COPY FOR EASE OF READING FOR ALL OF YOU TOO. BUT THERE ARE THE KEY CHANGES, THAT YOU CHANGE THE DATES TO BRING THE BILL INTO ALIGNMENT WITH THE FEDERAL REAUTHORIZATION OF THE FEDERAL FUNDS, AS I TALKED ABOUT. AND THIS IS IMPORTANT BECAUSE THAT IS WHAT WILL TAKE AWAY, WE THINK, THE NEED FOR ANY STATE GENERAL FUNDS THAT COMES INTO THE BILL, AND IT WILL ADD LB489, SENATOR SULLIVAN'S BILL. AND THAT IS WHAT THE AMENDMENT DOES TO THE WHOLE BILL. THANK YOU, MR. PRESIDENT. [LB547 LB489]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. YOU'VE HEARD THE OPENING ON AM1275, AM785, AND LB547. THOSE WISHING TO SPEAK, SENATOR SCHEER, RIEPE, AND SULLIVAN. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB547]

SENATOR SCHEER: MR. PRESIDENT, I DO NOT WANT TO SPEAK BEFORE SENATOR SULLIVAN AS A PRIME INTRODUCER, SO I'LL YIELD MY TIME TO SENATOR SULLIVAN SO SHE MAY ADDRESS IT. [LB547]

SENATOR KRIST: SENATOR SULLIVAN, 5 MINUTES. [LB547]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHEER, BECAUSE I DO STAND IN STRONG SUPPORT IN FAVOR OF THE ADOPTION OF AM1275 TO LB547. IT INCORPORATES A BILL THAT I INTRODUCED THAT'S BEEN REFERRED TO, LB489, AND THIS WAS ADVANCED BY THE EDUCATION COMMITTEE BY AN 8 TO 0 VOTE ON MARCH 9<sup>th</sup> OF THIS YEAR. LB489, AS INTRODUCED, EXPANDS THE ELIGIBILITY FOR GRANTS FROM THE EARLY CHILDHOOD EDUCATION ENDOWMENT CASH FUND TO CHILDCARE CENTERS AND SCHOOL DISTRICTS THAT PARTNER TO PROVIDE QUALITY, EDUCATIONAL SERVICES, AND EXPERIENCES FOR YOUNG CHILDREN. BY ALLOWING THIS PARTNERSHIP, WE ASSIST COUNTIES AND TOWNS THAT DO NOT HAVE ALL OF THE NECESSARY RESOURCES UNDER ONE ROOF TO UTILIZE THE PHYSICAL SPACE AND/OR SKILLED STAFF IN THE COMMUNITY TO COLLABORATE TO PROVIDE THE NEEDED EDUCATIONAL PROGRAMMING AND EXPERIENCES FOR NEBRASKA'S YOUNGEST CHILDREN. LB489 ASSURES COMMUNITIES THAT CHILDCARE PROVIDERS WHO VOLUNTARILY PARTNER WITH A SCHOOL DISTRICT TO RECEIVE A SIX PENCE EARLY LEARNING GRANT FUND WILL PROVIDE HIGH-QUALITY EARLY LEARNING EXPERIENCES. LB489 ACCOMPLISHING THIS BY

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REQUIRING QUALIFYING CHILDCARE PROVIDERS TO COLLABORATE WITH THE SCHOOL DISTRICT ON THE PROVISION OF DATA-PROVEN, RESEARCHED-BASED EDUCATIONAL PROGRAMMING AND EXPERIENCES PROVIDED TO CHILDREN BY ALSO REQUIRING THE CHILDCARE PROVIDERS TO ENROLL IN NEBRASKA'S CHILDCARE TRANSPARENCY AND ACCOUNTABILITY SYSTEM THAT SENATOR CAMPBELL REFERRED TO THAT WE KNOW AS STEP UP TO QUALITY. AS SHE INDICATED, I WANTED TO GIVE YOU JUST A LITTLE BIT OF BACKGROUND ABOUT THE SIX PENCE EARLY LEARNING FUND. IT WAS ESTABLISHED IN LEGISLATION IN 2006 AND THE FIRST PARTNERSHIPS WERE FUNDED IN 2008. SIX PENCE PROVIDES HIGH-QUALITY, EARLY CHILDHOOD EXPERIENCES FOR AT-RISK CHILDREN FROM BIRTH TO AGE THREE AND THEIR FAMILIES IN HOMES, IN EDUCATION CENTERS, OR IN A COMBINATION OF BOTH AS DECIDED BY THAT LOCAL COMMUNITY. CHILDREN SERVED IN EDUCATION CENTERS RECEIVE FULL-DAY, YEAR-ROUND EARLY CHILDHOOD EDUCATION WHILE CHILDREN AND FAMILIES SERVED AT HOME ARE PROVIDED SUPPORT THROUGH A PARENT ENGAGEMENT SPECIALIST THAT EMPOWERS PARENTS TO CREATE STRONG EARLY-LEARNING ENVIRONMENTS IN THEIR HOME. SO LB489, AS INCORPORATED INTO THIS AMENDMENT, GIVES COMMUNITIES ANOTHER OPTION FOR CLOSING THE ACHIEVEMENT GAP FOR NEBRASKA'S YOUNGEST AND MOST AT-RISK CHILDREN. CLOSING THE GAP EARLY IS CRITICAL BECAUSE A SIGNIFICANT NUMBER OF NEBRASKA'S CHILDREN ARRIVE AT KINDERGARTEN UNPREPARED TO LEARN DUE TO A LACK OF HIGH-QUALITY DEVELOPMENTAL EXPERIENCES DURING THE INFANT AND TODDLER YEARS. MOREOVER, MANY SCHOOL DISTRICTS CURRENTLY LACK THE SPACE, STAFF, OR RESOURCES NECESSARY TO PROVIDE FULL-DAY, YEAR-ROUND SERVICES FOR INFANTS AND TODDLERS. LB489 OVERCOMES THESE FACTORS BY MAKING PRIVATE CHILDCARE PROVIDERS A PART OF THE SOLUTION. SO LB547 AND WITH NOW WITH LB489 AS A PART OF IT SEEK TO LEVERAGE FEDERAL FUNDS IN A WAY THAT WILL ALLOW OUR STATE TO ISSUE GRANTS TO SCHOOLS AND CHILDCARE PROVIDERS THAT PARTNER TO PROVIDE ENRICHING EARLY CHILDHOOD EDUCATION EXPERIENCES TO OUR CHILDREN THAT NEED THEM MOST. SO I ASK FOR YOUR SUPPORT OF AM1275 AND THE ULTIMATE ADVANCING OF LB547 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB547 LB489]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. THOSE WISHING TO SPEAK: SENATOR RIEPE, SULLIVAN, SCHEER, AND KOLTERMAN. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB547]

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SENATOR RIEPE: MR. PRESIDENT, THANK YOU. MEMBERS OF THIS AUGUST GROUP, I HAD A QUESTION FOR SENATOR CAMPBELL IF SHE WOULD YIELD, PLEASE. [LB547]

SENATOR KRIST: SENATOR CAMPBELL, WILL YOU YIELD? [LB547]

SENATOR CAMPBELL: CERTAINLY. [LB547]

SENATOR RIEPE: I HAD INTENDED TO ASK YOU THIS EARLIER, BUT I WANTED TO GET THIS ON RECORD TOO. CAN YOU TELL ME THE END DATE OF THE BLOCK GRANT THAT WE'RE TALKING ABOUT? [LB547]

SENATOR CAMPBELL: THE END DATE? [LB547]

SENATOR RIEPE: IS IT TEN YEARS OUT OR TWO YEARS OUT OR ONE YEAR OR ARE YOU FAMILIAR WITH THAT? [LB547]

SENATOR CAMPBELL: YOU KNOW, SENATOR RIEPE, I DON'T THINK THERE IS AN END DATE TO THESE DOLLARS. I'M LOOKING FOR LIZ. THEY JUST...THANK YOU. THEY JUST REAUTHORIZED IT LAST YEAR. [LB547]

SENATOR RIEPE: OKAY. AND DO YOU RECALL HOW LONG THEY AUTHORIZED IT FOR? I MEAN, IS THAT A YEAR TO YEAR OR IS IT A... [LB547]

SENATOR CAMPBELL: NO, IT'S FARTHER THAN THAT. LET ME...WE'LL SEARCH THAT OUT FOR YOU. I'M LISTENING TO SENATOR NORDQUIST BEHIND ME. I THINK THE AUTHORIZATION IS FOR CERTAINLY MORE THAN ONE YEAR AT A TIME, BUT WE'LL GET THAT ANSWER FOR YOU. [LB547]

SENATOR RIEPE: OKAY. I APPRECIATE THAT. I'M ALWAYS CONCERNED ABOUT, YOU KNOW, SUSTAINABILITY, AND THEN IF IT BECOMES AN UNFUNDED MANDATE OF EXPECTATIONS, IT'S ALWAYS A CHALLENGE. MY OTHER QUESTION, AND I HAVE THIS ONE MORE, WHAT ELSE COULD THIS GRANT BE USED FOR? [LB547]

SENATOR CAMPBELL: WELL, IN THE REAUTHORIZATION OF THESE FUNDS, IT IS FOR CHILDCARE AND IT HAS THE SUBSIDIES IN IT, SENATOR RIEPE, AND WE'VE

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TALKED ABOUT THAT BEFORE. THAT IS WHAT YOU HAVE TO USE IT FOR. WHAT WE ARE SAYING HERE IS THAT CONGRESS ALSO SAID, NOW YOU MUST INCREASE THE PERCENTAGES THAT YOU APPLY TO QUALITY. SO SENATOR SULLIVAN AND I LOOKED AT THAT REAUTHORIZATION AND SAID LET'S MAKE SURE THAT WE PUT THAT INTO OUR TWO INITIATIVES. [LB547]

SENATOR RIEPE: SO IT SOUNDS LIKE IT'S VERY SPECIFIC. AND THANK YOU VERY MUCH. [LB547]

SENATOR CAMPBELL: THANK YOU, SENATOR RIEPE. [LB547]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT. [LB547]

SENATOR KRIST: THANK YOU, SENATOR RIEPE AND SENATOR CAMPBELL. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB547]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF THE UNDERLYING AMENDMENTS AND THE BILL, LB547. I THINK THIS IS A GREAT EXAMPLE OF PUBLIC AND PRIVATE PARTNERSHIPS MOVING FORWARD. AS WE KNOW, THE PUBLIC SCHOOLS CAN'T DO EVERYTHING FOR EVERYONE. THEY DON'T HAVE THE CAPACITY, THEY DON'T HAVE THE SPACE. THIS ALLOWS THE PRIVATE ENTERPRISE AND PRIVATE ENTITIES TO JOIN IN AND PROVIDE THAT HIGH-QUALITY EARLY CHILDHOOD EDUCATION. IF WE'RE LOOKING FOR BANG FOR OUR BUCK, THAT'S IT. AND WE ARE UTILIZING SOME FUNDS THAT WERE ALREADY THERE, JUST REDIRECTING THEM. IT SEEMS TO ME LIKE IT'S A NO-BRAINER FOR THE STATE OF NEBRASKA AND THIS LEGISLATURE TO SUPPORT THIS INITIATIVE AND TRY TO PROVIDE AS MUCH EARLY DEVELOPMENT IN OUR CHILDREN BECAUSE IT WILL PAY OFF AS WE GET OLDER, MAYBE NOT FOR US SO MUCH IN OUR SENIOR YEARS BUT CERTAINLY FOR OUR KIDS IN THEIR SENIOR YEARS. SO WITH ALL DUE RESPECT, IT'S A POSITIVE THING, AND I WOULD HOPE THAT WE WOULD ALL PUSH A GREEN LIGHT ABOUT THREE TIMES UP THERE. THANK YOU. [LB547]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. SENATOR KOLTERMAN. [LB547]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I, TOO, RISE IN SUPPORT OF THIS BILL AND THE UNDERLYING AMENDMENTS. IF YOU LOOK AT THE...COMING

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OUT OF COMMITTEE, I DIDN'T SUPPORT IT PRIMARILY BECAUSE OF THE FISCAL NOTE THAT WAS ATTACHED, BUT WE'VE ANSWERED THOSE QUESTIONS. I'VE BEEN SUPPORTIVE OF THE IDEA OF EARLY CHILDHOOD EDUCATION FOR A LONG TIME. IF WE CAN GET TO THESE YOUNG CHILDREN AT RISK FROM BIRTH TO AGE FIVE, I THINK WE HAVE A LOT OF POTENTIAL TO KEEP THEM OUT OF THE PRISONS AND OUT OF THE TROUBLES THAT WE HAVE IN THE COURT SYSTEM. SO I WOULD ENCOURAGE US TO VOTE GREEN ON ALL THE AMENDMENTS AS WELL AS THE BILL. THANK YOU. [LB547]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB547]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I JUST WANTED TO KIND OF FOLLOW UP ON A QUESTION THAT SENATOR RIEPE ASKED, BUT ALSO JUST TO SORT OF CLARIFY WHAT ALL OF THIS DOES. AND, YOU KNOW, INITIALLY, YES, THERE WAS A FISCAL NOTE, BUT RIGHT NOW, WE'RE LEVERAGING THE FEDERAL FUNDS THAT WILL COME INTO THE STATE, NOT USING ANY STATE DOLLARS, IN A REALLY UNIQUE PARTNERSHIP THAT WE HAVE WITH THE SIX PENCE EARLY LEARNING FUND THAT CAN NOW OFFER THESE GRANTS FOR THIS PARTNERSHIP THAT IT WILL EXIST BETWEEN A SCHOOL DISTRICT AND THE LOCAL CHILDCARE PROVIDER, MAKING SURE THAT THE SCHOOL DISTRICT CAN PROVIDE SOME EXPERTISE AND PROFESSIONAL TRAINING TO THAT CHILDCARE PROVIDER WHO WILL THEN PARTICIPATE IN THE STEP UP TO QUALITY PROGRAM AND WILL CONTINUE TO IMPROVE THEIR SKILLS TO PROVIDE THOSE GREAT EXPERIENCES FOR LITTLE KIDS IN THE COMMUNITY. SO I THINK THAT IT, FIRST OF ALL, IS THAT IT LEVERAGES FEDERAL DOLLARS, IT CONTINUES THIS UNIQUE PARTNERSHIP THAT WE HAVE AND, FURTHERMORE, IT CONTINUES A COMMITMENT THAT THIS BODY HAS MADE TO RECOGNIZING THE IMPORTANCE OF EARLY CHILDHOOD DEVELOPMENT AND CONTINUES US ON A PATH OF SUPPORTING THAT. THANK YOU. [LB547]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB547]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I WANT TO THANK SENATOR CAMPBELL AND SENATOR SULLIVAN FOR THE WORK. THIS IS AN ISSUE THAT FOR A NUMBER OF YEARS IN THIS BODY I WORKED ON POLICY WITH SENATOR CAMPBELL, SENATOR SULLIVAN, SENATOR MELLO TO ENHANCE THE QUALITY OF OUR CHILDCARE SUBSIDY PROGRAM, TO EXPAND PRE-K

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OPPORTUNITIES FOR EARLY LEARNING, BUT UNTIL, YOU KNOW, JUST PROBABLY ABOUT A YEAR AGO WHEN I WAS SEARCHING FOR CHILDCARE MYSELF, DIDN'T REALIZE HOW DIFFICULT IT CAN BE, ESPECIALLY IN LARGER CITIES WHEN YOU HAVE A LOT OF CENTERS TO CHOOSE FROM, TO PICK QUALITY, TO CHOOSE QUALITY. THERE ARE ABOUT 50-SOME PROGRAMS IN THE STATE THAT ARE NATIONALLY ACCREDITED. WE KNOW THOSE MEET VERY HIGH STANDARDS. AND THEN YOU HAVE THE BASIC LICENSURE, WHICH WE STILL EVEN AFTER SOME CHANGES HAVE SOME OF THE LOWEST STANDARDS IN THE COUNTRY TO BE LICENSED. SO IN-BETWEEN VERY HIGH ACCREDITATION AND VERY LOW LICENSURE, AS A CONSUMER LOOKING FOR HIGH-QUALITY CHILDCARE FOR YOUR INFANT OR TODDLER, YOU DON'T HAVE A LOT OF INFORMATION UNLESS YOU'RE REALLY INFORMED ABOUT IT AND GO AND ASK SPECIFIC QUESTIONS ABOUT, YOU KNOW, THE WORK FORCE AND THE TRAINING OF THE WORK FORCE AND HOW MUCH CONTINUING EDUCATION THEY HAVE, IT IS DIFFICULT TO GET YOUR HANDS AROUND. AND THAT'S WHY THE FUNDING THAT IS GOING TO STEP UP TO QUALITY IS GOING TO HAVE A BIG IMPACT, AND WE CAN SEE ALREADY WITH THE MORE THAN 120 PROVIDERS THAT HAVE SIGNED UP FOR IT, THE PROVIDERS WANT TO HAVE AN EASY WAY TO GET THAT INFORMATION TO PARENTS. PARENTS DEFINITELY WANT THAT INFORMATION. I THINK WE'RE GOING TO SEE MORE PARENTS ASK CENTERS THAT ARE NOT PARTICIPATING TO PARTICIPATE. WE'RE GOING TO SEE MORE CENTERS WANT TO PARTICIPATE. AND BECAUSE OF THAT, WE'RE GOING TO SEE UPWARD PRESSURE, REALLY MARKET PRESSURE PUT ON CHILDCARE TO MOVE THE NUMBERS FORWARD. SO THIS FUNDING AND ONGOING FUNDING OF THE STEP UP TO QUALITY PROGRAM IN THE FUTURE IS GOING TO BE IMPORTANT. WE NEED TO MAKE SURE IT'S A SUCCESS. WE NEED TO MAKE SURE IT'S EASY TO USE FOR PARENTS BECAUSE THAT'S HOW WE DO GET MARKET PRESSURE TO PUSH QUALITY IN EARLY CHILDCARE. THANK YOU. [LB547]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB547]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I WANT TO RESPOND TO SEVERAL QUESTIONS. SENATOR RIEPE, I THINK, ASKED ABOUT THE REAUTHORIZATION. IT COMES...WE GET THE MONEY ANNUALLY, EVERY OCTOBER 1st. IT WAS JUST REAUTHORIZED UNTIL 2020. IT USUALLY HAS BEEN AUTHORIZED FOR 20 YEARS AT A PERIOD. SO WE'VE GOT A LONG PERIOD OF TIME HERE IN WHICH THESE FUNDS ARE GOING TO COME INTO THE STATE. I WOULD LIKE TO ALSO THANK THE ADVOCATES WHO SPENT A LOT OF TIME

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WORKING ON THIS AND GETTING THE WORDING JUST CORRECT. SENATOR STINNER WAS KIND ENOUGH TO COME OVER TO ME AND SAY, COULD YOU LOOK AT THE ORIGINAL FISCAL NOTE? BECAUSE THE ORIGINAL FISCAL NOTE HAD THIS MONEY COMING FROM GENERAL FUNDS, AND THE DEPARTMENT WAS CONFUSED ABOUT SOME OF THE LANGUAGE. SO WE HAVE WORKED SO HARD, MANY, MANY DRAFTS TO GET THE LANGUAGE CORRECT. SO I APPRECIATE SENATOR STINNER COMING TO TALK TO ME BECAUSE ONCE WE GO THROUGH FROM GENERAL FILE TO SELECT, WE WILL HAVE A NEW FISCAL BILL. THAT IS HOW THIS OPERATES. AND LIZ HRUSKA ASSURES ME THAT THE NEW FISCAL NOTE WILL NOT SHOW A GENERAL FUND IMPACT. I NEARLY HAD A HEART ATTACK WHEN SENATOR STINNER CAME TO FIND ME. AND THE LAST THANK YOU I HAVE ON THIS IS REALLY TO MY LEGISLATIVE AIDE CLAUDIA LINDLEY, WHO HAS SPENT HOURS WORKING BETWEEN ALL THESE GROUPS TO GET THIS JUST RIGHT. SO I WOULD ASK FOR YOUR GREEN LIGHT ON AM1275. THANK YOU, MR. PRESIDENT. [LB547]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. YOU'VE HEARD THE CLOSING ON AM1275. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB547]

CLERK: 31 AYES, 0 NAYS ON THE ADOPTION OF SENATOR CAMPBELL'S AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB547]

SENATOR KRIST: AM1275 IS ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE HEALTH AND HUMAN SERVICES COMMITTEE AMENDMENTS. SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM785. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB547]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF THE COMMITTEE AMENDMENTS. [LB547]

SENATOR KRIST: AM785 IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. [LB547]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I JUST WANT TO MAKE ONE COMMENT BEFORE WE CLOSE OUT THE DISCUSSION ON LB547, AND THAT IS TO QUOTE A DEAR FRIEND OF MINE AND A PERSON WHO HAS BEEN

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VERY SUPPORTIVE OF EARLY CHILDHOOD CARE AND EDUCATION IS BARRY KENNEDY. AND AS BARRY INDICATED IN A QUOTE, AND I SAY ACHIEVING A WORLD-CLASS WORK FORCE BEGINS WITH HIGH-QUALITY EARLY CHILDHOOD LEARNING. WE ARE SETTING A PATHWAY HERE FOR THE FUTURE OF NEBRASKA'S WORK FORCE, AND I APPRECIATE ALL THE HELP THAT HAS GONE INTO THIS BILL. THANK YOU, MR. PRESIDENT. [LB547]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. YOU HEARD THE CLOSING ON LB547. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB547]

CLERK: 34 AYES, 0 NAYS ON ADVANCEMENT OF THE BILL. [LB547]

SENATOR KRIST: LB547 ADVANCES. NEXT ITEM. [LB547]

CLERK: LB547A BY SENATOR CAMPBELL. (READ TITLE.) [LB547A]

SENATOR KRIST: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON LB547A. [LB547A]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. WE WILL NEED TO PROCEED WITH THE A BILL BECAUSE IT TALKS ABOUT THE DISTRIBUTION BETWEEN SIX PENCE AND STEP UP TO QUALITY, AND THEN...AND ALSO WILL ENABLE THE LEGISLATIVE FISCAL OFFICE TO UPDATE THAT FISCAL NOTE. SO I'D APPRECIATE A GREEN VOTE ON THE A BILL. THANK YOU, MR. PRESIDENT. [LB547A]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE. SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB547A TO E&R INITIAL. THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB547A]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB547A. [LB547A]

SENATOR KRIST: LB547A ADVANCES. NEXT ITEM. [LB547A]

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CLERK: MR. PRESIDENT, LB591, BY SENATOR BOLZ. [LB591]

ASSISTANT CLERK: (READ TITLE.) THE BILL WAS WRITTEN FOR THE FIRST TIME ON JANUARY 21<sup>st</sup> OF THIS YEAR; REFERRED TO THE REVENUE COMMITTEE; THAT COMMITTEE PLACED THE COMMITTEE ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM627, LEGISLATIVE JOURNAL PAGE 906.) [LB591]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON LB591. [LB591]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THIS EVENING I RISE TO INTRODUCE THE ACHIEVING A BETTER LIFE EXPERIENCE ACT OR THE ABLE ACT. THIS LEGISLATION WOULD PUT INTO PLACE A FRAMEWORK FOR ESTABLISHING TAX PROTECTED SAVINGS ACCOUNTS FOR INDIVIDUALS WITH DISABILITIES. THESE ACCOUNTS ARE SIMILAR TO 529 ACCOUNTS, KNOWN AS NEST ACCOUNTS IN NEBRASKA, THAT ARE COLLEGE SAVINGS ACCOUNTS. THE ABLE ACCOUNTS WOULD ALLOW INDIVIDUALS WITH DISABILITIES TO SAVE FOR SPECIFIC EXPENSES SUCH AS EDUCATION, HEALTHCARE, HOUSING, JOB AND JOB TRAINING, ALL WHILE ENSURING THAT THEY DON'T LOSE ACCESS TO IMPORTANT SUPPORTS INCLUDING SOCIAL SECURITY AND MEDICAID. THE FEDERAL LEGISLATION THAT ALLOWS STATES TO SET UP THESE ACCOUNTS WAS SIGNED INTO LAW IN DECEMBER OF 2014. SO, COLLEAGUES, THIS IS AN OPPORTUNITY FOR NEBRASKA TO TAKE THE LEAD IN ESTABLISHING THESE SAVINGS ACCOUNTS. THE BILL ITSELF HAD STRONG BIPARTISAN SUPPORT. I THINK IT'S NOTABLE THAT IT HAD A VOTE OF 404 TO 17 IN THE HOUSE OF REPRESENTATIVES. SO I THINK, COLLEAGUES, THIS IS A GREAT BILL THAT ALL PEOPLE CAN...FROM ALL DIFFERENT POLITICAL PERSPECTIVES CAN SEE THE VALUE AND IMPORTANCE OF. ONE OF THE FEDERAL COSPONSORS STATED THAT NO LONGER WOULD INDIVIDUALS WITH DISABILITIES HAVE TO STAND ASIDE AND WATCH OTHERS USE IRS-SANCTIONED TOOLS TO LAY THE GROUNDWORK FOR A BRIGHTER FUTURE. AND I THINK THAT'S AN IMPORTANT POINT. WE HAVE SAVINGS ACCOUNTS AVAILABLE FOR OTHER INDIVIDUALS. IT'S TIME TO OPEN THOSE DOORS FOR INDIVIDUALS WITH DISABILITIES. ULTIMATELY THE GOAL OF THE BILL IS TO HELP EMPOWER INDIVIDUALS WITH DISABILITIES TO WORK, TO REMOVE PERVERSE INCENTIVES TO EMPLOYMENT OR EDUCATION, AND TO HELP THEM PAY FOR PRACTICAL EXPENSES. IT ALSO RECOGNIZES THAT SOME OF OUR CITIZENS HAVE SPECIAL NEEDS, AND THAT WE SHOULD NOT REMOVE THE STRUCTURES AND SUPPORTS THAT ALLOW THOSE INDIVIDUALS TO HAVE A SUCCESSFUL LIFE, AND THAT WOULD BE IN THE WAY OF HELPING THEM SAVE. THESE ACCOUNTS WOULD BE SET UP FOR INDIVIDUALS WHO EXPERIENCE A

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DISABILITY BEFORE THE AGE OF 26 AND WOULD FOLLOW REGULATIONS ESTABLISHED BY THE TREASURER'S OFFICE. I SHOULD SAY BRIEFLY THAT I NEED TO THANK TREASURER DON STENBERG. HE WAS VERY HELPFUL AND SUPPORTIVE OF PUTTING THIS LEGISLATION TOGETHER, AND WE COULD NOT HAVE GOTTEN ALL THE DETAILS AS CORRECT AND REFINED AS WE DID WITHOUT THE OFFICE'S HELP AND WITHOUT HIS SUPPORT. I'LL MENTION BRIEFLY THAT THERE ARE TWO CLARIFYING AMENDMENTS TO THE BILL THAT YOU WILL HEAR. ONE IS A CLEANUP AMENDMENT, AND THE OTHER AMENDMENT CHANGES THE FUNDING STREAM FROM GENERAL FUNDS TO CASH FUNDS. I'LL ADDRESS THOSE BRIEFLY. BUT ULTIMATELY, COLLEAGUES, I URGE YOU TO SUPPORT THIS PIECE OF LEGISLATION THAT REALLY DOES HELP TO EMPOWER INDIVIDUALS WITH DISABILITIES TO PURSUE HIGHER EDUCATION, JOBS, AND OTHER GOALS AND DREAMS. THANK YOU, MR. PRESIDENT. [LB591]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS FROM THE REVENUE COMMITTEE. SENATOR GLOOR, AS THE CHAIR, YOU'RE RECOGNIZED TO OPEN ON THOSE AMENDMENTS. [LB591]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. JUST FOUR QUICK POINTS ABOUT THE COMMITTEE AMENDMENTS TO THE ABLE ACT, LB591. FIRST OF ALL, IT ADDS THE EMERGENCY CLAUSE SO THAT IF LB591 PASSES--WHEN LB591 PASSES--THE STATE TREASURER CAN MOVE FORWARD IMMEDIATELY TO BEGIN BIDDING PROCESS FOR THE FINANCIAL INSTITUTION THAT WILL SET UP THE PROGRAM AND SO THAT THEY HAVE TIME TO SET UP THE PROGRAM. IT ALSO ALLOWS THE STATE TREASURER TO CONTRACT IN OR CONTRACT OUT. WHAT THAT MEANS IS, AS WITH THE EDUCATIONAL SAVINGS PROGRAM, CONTRACT IN AUTHORIZES CONTRACTS WITH NONRESIDENTS TO PARTICIPATE IN OUR PROGRAM. CONTRACT OUT AUTHORIZES US TO PARTICIPATE IN ANOTHER STATE'S PROGRAM IF THAT PROVES TO BE NECESSARY. THREE, THERE ARE ADDITIONAL TERMS ADDED AND DEFINED WHICH ARE TAKEN PRIMARILY FROM THE FEDERAL ACT, AND THEY'RE IMPORTANT TO INCLUDE. AND, FOUR, THE REMAINING CHANGES ARE VERY TECHNICAL. I KNOW SENATOR BOLZ HAS WORKED WITH THE STATE TREASURER IN CLEANUP LANGUAGE FROM THE ORIGINAL DRAFT, AND AS SHE STATED, THERE WILL BE AMENDMENTS THAT SHE HAS TO FOLLOW. MEMBERS, I WOULD SAY THIS, THIS IS A GOOD BILL. I'D LIKE TO TELL YOU THAT EVERY BILL THAT COMES OUT OF OUR COMMITTEE IS A GOOD BILL, AND I THINK THAT'S MOSTLY TRUE, BUT THERE'S SOMETHING ABOUT THIS BILL THAT I THINK MAKES IT ESPECIALLY GOOD. THE PEOPLE THAT THIS WILL HELP, THE NEBRASKANS THIS WILL HELP, ARE NEBRASKANS WHO

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OFTEN DON'T ASK FOR HELP OR AREN'T IN A POSITION TO ABLE TO ASK FOR HELP AND ASSISTANCE NOR ARE THEIR FAMILIES SOMETIMES IN A POSITION TO ADVOCATE AS STRONGLY AS THEY MIGHT LIKE TO. THIS IS I THINK, AS SENATOR BOLZ APTLY PUT IT, SOMETHING THAT AT THE FEDERAL LEVEL GOT BROAD BIPARTISAN SUPPORT. THE FACT THAT THE STATE TREASURER AT AN EVENT I WAS AT ON SATURDAY WITH HIM BROUGHT IT UP IN OUR CONVERSATION. I KNOW HE'S PLEASED AND LOOKING FORWARD TO THIS BILL'S PASSAGE. AND SENATOR BOLZ HAS WORKED HARD, I THINK, TO PUT THIS BILL IN A POSITION WHERE, WITHIN THE DEPARTMENT, WITHIN THE GOVERNOR'S OFFICE ITSELF, SHE HAS MADE ADJUSTMENTS TO THIS BILL TO EASE ITS TRANSITION THERE ALSO. A LOT OF WORK HAS GONE INTO THIS BILL. IT'S A GOOD BILL. AND I WOULD URGE PASSAGE OF IT, APPROVAL OF THE COMMITTEE AMENDMENT, AND LB591 AND THE AMENDMENTS THAT ARE TO FOLLOW. THANK YOU, MR. PRESIDENT. [LB591]

SENATOR KRIST: THANK YOU, SENATOR GLOOR. MR. CLERK. [LB591]

CLERK: MR. PRESIDENT, SENATOR BOLZ, I HAVE AM1168 WITH A NOTE YOU WISH TO WITHDRAW. SENATOR BOLZ WOULD MOVE TO AMEND THE COMMITTEE AMENDMENT WITH AM1352. (LEGISLATIVE JOURNAL PAGE 1300.) [LB591]

SENATOR KRIST: SENATOR BOLZ, YOU'RE RECOGNIZED. [LB591]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THIS AMENDMENT IS SOMETHING A LITTLE BIT MORE THAN A TECHNICAL AMENDMENT, BUT REALLY DOESN'T CHANGE THE UNDERLYING SUBSTANCE OF THE BILL OR HOW AN ABLE ACCOUNT WILL OPERATE. ESSENTIALLY THIS AMENDMENT ALLOWS THE UTILIZATION OF THE TREASURY MANAGEMENT CASH FUND TO PAY FOR THE OPERATIONS, IN OTHER WORDS, THE SETUP COSTS FOR THE ABLE ACCOUNTS. IN OTHER WORDS, WE ARE SHIFTING THE GENERAL FUNDS TO A CASH FUND OPPORTUNITY. THE TREASURY MANAGEMENT CASH FUND IS PAID FOR THROUGH PRO RATA SHARES OF EARNINGS FROM FUNDS INVESTED BY THE TREASURER. THIS INCLUDES THE GENERAL FUND AND VARIOUS CASH FUNDS. I EXPECT AFTER THE INITIAL ESTABLISHMENT OF THE ABLE ACCOUNTS, THEY WILL BECOME SELF-SUSTAINING, SO THE AMENDMENT NOT ONLY SAYS THAT WE WILL USE THE TREASURY MANAGEMENT CASH FUNDS, IT ALSO SAYS THAT AS THE FUND BECOMES SELF-SUSTAINING, WE WILL PAY BACK THOSE FUNDS, BACK INTO THE CASH FUND SO THAT WE ARE USING THIS AS A ONE-TIME USE. ONE OF THE REASONS THAT I'M CONFIDENT THAT THESE FUNDS WILL BEGIN TO PAY FOR

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THEMSELVES IS THAT WE FOUND THAT IN 529 ACCOUNTS, THAT HAPPENED VERY QUICKLY AND EASILY, AND I'VE ALREADY HEARD SO MUCH INTEREST AND SUPPORT FOR THESE KINDS OF ACCOUNTS THAT I'M OPTIMISTIC ABOUT OUR OPPORTUNITY HERE. ONE OF THE THINGS THAT I DO WANT TO MENTION HERE IS THAT STARTING UP THE FUNDS HERE IN NEBRASKA WILL HELP US TO DRAW IN ESSENTIALLY BUSINESS FROM OTHER STATES BY HAVING PEOPLE PARTICIPATE FROM KANSAS AND IOWA AND MISSOURI IN THE ESTABLISHMENT OF OUR ACCOUNTS WILL DRAW IN MORE CUSTOMERS AND BE ABLE TO GET TO THAT SELF-SUSTAINING PIECE MUCH MORE QUICKLY. WE'LL ALSO BE ABLE TO CONTROL AND RETAIN CONTROL OVER THE FEES AND MAKE SURE THAT THOSE ARE AFFORDABLE FOR THOSE WHO PARTICIPATE. SO WITH THAT, I WILL WRAP IT UP AND ASK FOR YOUR SUPPORT FOR THE AMENDMENT, WHICH IS A TECHNICAL AMENDMENT UTILIZING THE TREASURY MANAGEMENT CASH FUNDS RATHER THAN THE GENERAL FUNDS. THANK YOU, MR. PRESIDENT. [LB591]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. YOU HAVE HEARD THE OPENING ON AM1352 TO AM627 AND THE UNDERLYING LB591. THOSE WISHING TO SPEAK: SENATOR COASH, SCHEER, KINTNER, AND RIEPE. SENATOR COASH, YOU ARE RECOGNIZED. [LB591]

SENATOR COASH: THANK YOU, MR. PRESIDENT, GOOD EVENING, COLLEAGUES. I DON'T WANT TO OVERSELL LB591, BUT I DO WANT TO TELL YOU THIS, IN MY OPINION, IS ONE OF THE MOST IMPORTANT BILLS THAT WE WILL PASS THIS SESSION. AND I AM GLAD THAT SENATOR BOLZ BROUGHT IT. I WAS HAPPY TO HELP HER WORK THROUGH THIS ISSUE. AND AS WAS MENTIONED, TREASURER STENBERG WAS VERY HELPFUL IN THIS BILL. COLLEAGUES, WHAT HAPPENS ON OCCASION WITH PARENTS OF PEOPLE WITH DISABILITIES IS THEY START TO THINK ABOUT WHAT'S GOING TO HAPPEN WITH THE CARE AND THE SUPPORT OF MY CHILD WHEN I'M NO LONGER IN A POSITION TO BE THERE. AND JUST LIKE GOOD PARENTS DO ESTATE PLANNING, THEY NEEDED A TOOL FOR THEIR CHILDREN WITH DISABILITIES TO BE ABLE TO HELP PLAN FOR THAT FUTURE. AND THE CHALLENGE HAS BEEN BARRIERS TO WHAT HAPPENS WHEN A CHILD HAS ACCESS TO ASSETS OF THEIR PARENTS, AND WHAT DOES THAT MEAN FOR THEIR ONGOING CARE. THIS IS NOT NEW, BUT BECAUSE WE WILL BE ONE OF, HOW MANY STATES, WE'LL BE ONE OF THE FIRST STATES TO ENACT THIS. AND IT'S NICE TO SEE NEBRASKA, WE'RE ON THE FOREFRONT OF THIS SO THAT WE CAN START TO PUT THINGS IN PLACE FOR THE CITIZENS OF OUR STATE WHO HAVE DISABILITIES. COLLEAGUES, THIS IS A MONEY-SAVER FOR THE STATE IN THE LONG RUN. WHEN WE ALLOW PARENTS TO USE THEIR ASSETS TO CARE FOR THEIR CHILDREN LONG TERM, THAT MEANS THE STATE DOESN'T HAVE TO USE

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ITS ASSETS TO DO THE SAME THING. AND SOME OF THE COMPONENTS OF THIS BILL THAT I LIKE ARE THAT IT INCENTS PARENTS TO DO THIS. IT SAYS, HEY, THIS IS A MECHANISM FOR YOU AS A PARENT TO START PUTTING MONEY AWAY WITHOUT DANGER OF...WITHOUT THE FEAR OF ENDANGERING THEIR FUTURE SERVICES SO THAT WHEN YOU'RE NOT THERE, YOUR ASSETS, YOUR SAVINGS CAN BE THERE FOR YOUR SON OR DAUGHTER, AND WE WON'T HAVE TO RELY ON STATE RESOURCES TO DO THAT. THE STATE WILL BE THERE FOR THE MOST VULNERABLE OF OUR CITIZENS WHEN IT NEEDS TO BE. BUT, FIRST AND FOREMOST, IT'S THE PARENT'S RESPONSIBILITY, AND WHAT LB591 DOES IS IT GIVES THEM AN AVENUE TO FULFILL THAT RESPONSIBILITY. AND I WHOLEHEARTEDLY ASK FOR YOUR SUPPORT AND THANK SENATOR BOLZ FOR BRINGING IT. THANK YOU, MR. PRESIDENT. [LB591]

SENATOR KRIST: THANK YOU, SENATOR COASH. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB591]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF THE AMENDMENTS AS WELL AS LB591. I RECALL THE HEARING WE HAD, AND SENATOR COASH IS ABSOLUTELY CORRECT. WE WILL BE ONE OF THE FIRST STATES, AND HOPEFULLY WE WILL BE ABLE TO GET OUR FUNDING MECHANISM SET UP QUICKLY ENOUGH THAT WE WILL ENCOURAGE OTHER STATES TO SIMPLY UTILIZE OUR PROGRAM RATHER THAN DEVELOPING THEIR OWN, WHICH WILL GET THE FUNDS BACK INTO OUR CASH FUND QUICKER AS WE WILL BE UP AND OPERATIONAL, AND IT WILL SAVE THOSE STATES FUNDS AND WILL PROVIDE US WITH A BIGGER POOL TO WORK WITH. I WON'T REGURGITATE ANYTHING THAT SENATOR COASH AND SENATOR BOLZ HAS SAID. I THINK IT'S A GREAT OPPORTUNITY FOR THE STATE. IT'S SOMETHING THAT'S PROBABLY LONG OVERDUE. IT WAS JUST PASSED FEDERALLY, I BELIEVE, THIS JANUARY. SO WE HAVE BEEN AWFULLY QUICK TO REACT, AND I AS WELL THANK SENATOR BOLZ. I HAD A NUMBER OF CONTACTS FROM PEOPLE IN MY DISTRICT THAT WERE HOPING AND WAITING FOR SOMETHING LIKE THIS TO FINALLY COME TO REALIZATION, AND IT HAS, AND FOR THAT, WE HAVE SENATOR BOLZ TO THANK AND OTHERS. AND WITH THAT, I WOULD URGE YOUR SUPPORT OF LB591 AND THE AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB591]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB591]

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SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, SEVERAL HUNDRED TIMES EVERY SESSION, MY GOOD COLLEAGUES COME UP WITH NEW AND MORE INVENTIVE WAYS TO TAKE MONEY FROM ONE TAXPAYER AND GIVE IT TO ANOTHER, CREATE NEW PROGRAMS, AND GENERALLY GROW, GROW GOVERNMENT. WELL, THIS ISN'T ONE OF THOSE. THIS IS WHAT GOVERNMENT SHOULD BE DOING, LB591. SENATOR BOLZ DID A MAGNIFICENT JOB IN PUTTING THIS TOGETHER, SELLING IT. AND I WAS VERY HAPPY TO COSPONSOR IT. THIS IS SOMETHING THAT WE OUGHT TO BE DOING. AND IT'S THE EXACT WAY TO HELP PEOPLE. ENABLE PEOPLE TO HELP THEMSELVES AND HELP THEIR FAMILIES AND TAKE CARE OF THEMSELVES. THAT'S EXACTLY WHAT THIS BODY SHOULD BE DOING. WE SHOULD DO IT MORE OFTEN. AND I WANT TO ONCE AGAIN SAY THANK YOU TO SENATOR BOLZ FOR THIS GREAT IDEA, AND I WOULD ENCOURAGE MY FELLOW SENATORS TO SUPPORT IT. AND I'M GOING TO HAPPILY VOTE FOR IT, ENCOURAGE EVERYONE ELSE TO DO SO. AND I'D ALSO LIKE TO, ONE ASIDE IS I DO AGREE WITH SENATOR GLOOR. MOST OF THE BILLS THAT COME OUT OF REVENUE ARE PRETTY GOOD BILLS, WELL, EXCEPT FOR TAX INCREASE THAT OCCASIONALLY GETS OUT, SNEAKS OUT. BUT WE JUST GOT TO GET MORE BILLS FROM THE REVENUE COMMITTEE OUT. IF WE GET MORE BILLS, THAT'S PROBABLY GOOD. BUT I DO APPRECIATE WHAT THE REVENUE COMMITTEE DOES WHENEVER THEY CAN MANAGE TO DO IT. THANK YOU, MR. PRESIDENT. [LB591]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LB591]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB591 AND THE UNDERLYING AMENDMENTS AND WANT TO THANK SENATOR BOLZ FOR BRINGING THIS. I KNOW AS A FINANCIAL PLANNER, WE DEAL WITH A LOT OF PLANNING FOR DIFFERENT FOLKS, DIFFERENT FAMILIES, AND THIS IS A GREAT TOOL FOR SOME OF THOSE FAMILIES. IN THE PAST, WE'VE NEEDED TO UTILIZE SPECIAL-NEEDS TRUSTS, WHICH TYPICALLY COST A LOT MORE MONEY, YOU'RE DEALING WITH AN ATTORNEY AND SOME OF THE FEES ASSOCIATED WITH THAT. SO THIS HELPS OUT WITH MIDDLE-CLASS FAMILIES IN SAVING. THE BIGGEST ADVANTAGE TO THIS IS THE TAX-DEFERRED GROWTH, THE TAX-FREE GROWTH, AND THE UNDERLYING INVESTMENT. SO ANYTHING THAT COMES OUT, USED FOR QUALIFIED PURCHASES, IS TAX-FREE. SO IT'S A BIG FACTOR IN ESTATE PLANNING AND JUST PLANNING FOR THE FUTURE. SO, AGAIN, I WANT TO THANK SENATOR BOLZ AND ASK FOR YOUR GREEN VOTE ON THIS. THANK YOU. [LB591]

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SENATOR KRIST: THANK YOU, SENATOR LINDSTROM. SEEING NO ONE ELSE IN THE QUEUE, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON AM1352. [LB591]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I RISE ONLY TO SAY THANK YOU FOR ALL OF THE SUPPORT IN THE BODY AND ALL OF THE COSPONSORSHIPS. I THINK THIS IS A TRULY MEANINGFUL BILL TO OUR CONSTITUENCIES, AND I THANK THOSE OFF THE FLOOR WHO HAVE HELPED MAKE THIS HAPPEN AS WELL AND ASK FOR YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB591]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. YOU'VE HEARD THE CLOSING ON AM1352. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB591]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB591]

SENATOR KRIST: AM1352 IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE ON YOUR COMMITTEE AMENDMENTS. SENATOR GLOOR WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM627. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB591]

CLERK: 38 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB591]

SENATOR KRIST: THE COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR BOLZ WAIVES CLOSING ON LB591. THE QUESTION IS THE ADVANCEMENT OF LB591 TO E&R INITIAL. THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB591]

CLERK: 43 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB591. [LB591]

SENATOR KRIST: LB591 ADVANCES. NEXT ITEM. [LB591]

CLERK: LB591A, BY SENATOR BOLZ. (READ TITLE.) [LB591A]

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

Floor Debate  
May 12, 2015

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SENATOR KRIST: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON LB591A.  
[LB591A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THIS IS THE TRAILING A BILL FOR LB591. AS I REFERENCED PREVIOUSLY, THE FISCAL NOTE WILL BE ADJUSTED NOW THAT WE HAVE ADOPTED THE AMENDMENTS ON THE NEXT ROUND OF DEBATE. I APPRECIATE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB591 LB591A]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. SEEING NO ONE IN THE QUEUE, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON LB591A. SHE WAIVES. THE QUESTION IS THE ADVANCEMENT OF LB591A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB591A]

CLERK: 41 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB591A.  
[LB591A]

SENATOR KRIST: LB591A ADVANCES. ITEMS, MR. CLERK? [LB591A]

CLERK: MR. PRESIDENT, A NEW A BILL. (READ LB629A BY TITLE FOR THE FIRST TIME.) AN AMENDMENT TO BE PRINTED BY SENATOR KOLTERMAN TO LB330. I HAVE A SERIES OF NAME ADDS: SENATORS CAMPBELL, SULLIVAN, HAAR, CRAWFORD, HOWARD, CRAIGHEAD TO LB591; SENATOR MELLO TO LB581; SENATOR KRIST TO LB591. (LEGISLATIVE JOURNAL PAGES 1541-1542.) [LB629A LB330 LB591 LB581]

MR. PRESIDENT, SENATOR GROENE WOULD MOVE TO ADJOURN THE BODY UNTIL WEDNESDAY MORNING, MAY 13, AT 9:00 A.M.

SENATOR KRIST: DID YOU SAY SENATOR GROENE? (LAUGHTER)

CLERK: I DID.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. WE ARE ADJOURNED UNTIL 9:00 TOMORROW.