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Floor Debate
March 05, 2008

[LB606A LB606 LB755 LB768 LB777 LB824 LB844 LB862 LB895 LB923 LB939 LB956
LB975 LB986A LB1014 LB1049 LB1055 LB1056 LB1138 LB1143A LB1157 LR4CA
LR259 LR260]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-fifth day of the One Hundredth Legislature, Second Session. Our chaplain for today is Pastor Owen Derrick from Christ Lutheran Church in Pickrell, Nebraska, Senator Wallman's district. Would you all please rise.

PASTOR DERRICK: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Pastor Derrick. I call to order the thirty-fifth day of the One Hundredth Legislature, Second Session. Senators, please record your presence by roll call. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review reports LB768 and LB939 to Select File. Health and Human Services offers three confirmation reports, Mr. President. And I have a communication from the city of Creighton, Nebraska, to be acknowledged in the Journal. That's all that I have, Mr. President. (Legislative Journal pages 797-798.)
[LB768 LB939]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Mr. Clerk, we will move to first item under General File.

CLERK: Mr. President, LB606A, a bill by Senator Ashford. (Read title.) The bill was introduced on February 28, advanced to General File, as is the practice. I do have an amendment to the bill from Senator Ashford, Mr. President. (AM2136, Legislative Journal page 777.) [LB606A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Ashford, you're recognized to open on LB606A. [LB606A]

SENATOR ASHFORD: Thank you, Mr. President. As we all recall, LB606 deals with the

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compromise regarding stem cell research, and LB606A provides for the appropriation of the \$500,000 from the tobacco settlement money for the next two fiscal years, to fund grants for researchers or institutions in Nebraska for the purpose of conducting nonembryonic stem cell research. The money will be appropriated from the Stem Cell Research Fund which was created in LB606. The money will be appropriated to the Department of Health and Human Services to assist the Stem Cell Research Advisory Committee in establishing and administering the grant process. No compensation will be provided to state employees who administer this fund. And the amendment, which we'll be getting to...with that, Mr. President, I guess we'll go to the amendment. [LB606 LB606A]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You have heard the opening to LB606A. Mr. Clerk, you have an amendment on your desk. [LB606A]

CLERK: Senator Ashford would move to amend with AM2136, Mr. President. [LB606A]

PRESIDENT SHEEHY: Senator Ashford, you're recognized to open on your amendment. [LB606A]

SENATOR ASHFORD: Thanks. Yes, this is a very technical amendment. I appreciate Liz Hruska working on this with Stacey Trout and my staff, but it simply clarifies the limit on personal services for the administration of the fund, applies to the Department of Health and Human Services and not to the grantees of the fund. And with that, I would urge the adoption of the amendment, Mr. President. [LB606A]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You've heard the opening to AM2136 to LB606A. The floor is open for discussion. Are there members wishing to speak? Seeing none, Senator Ashford, you're recognized to close. [LB606A]

SENATOR ASHFORD: And I want to express to this body that I was able to forge a compromise on LB606A without Senator Lathrop's help, so. (Laughter) That's a first, but with that, Mr. President, I would urge the adoption of the amendment and the advancement of the bill. Thank you. [LB606A]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You've heard the closing. The question before the body is on the adoption of AM2136 to LB606A. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB606A]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Ashford's amendment. [LB606A]

PRESIDENT SHEEHY: AM2136 is adopted. We'll now return to discussion on LB606A. [LB606A]

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SENATOR ASHFORD: (Machine malfunction)...advancement of...I'm sorry, Mr. President. Just urge the advancement of LB606A to E&R Initial. [LB606A]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You have heard the closing. The question before the body is, shall LB606A advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB606A]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB606A. [LB606A]

PRESIDENT SHEEHY: LB606A advances. Next item under General File. [LB606A]

CLERK: Mr. President, LB1049 by Senator Erdman. (Read title.) Introduced on January 18, considered yesterday by the Legislature. At that time, Senator Erdman had an amendment to the bill that was adopted. When the Legislature left the issue, Mr. President, Senator Preister had pending AM2035 as an amendment to the bill. (Legislative Journal page 701.) [LB1049]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Erdman, would you like to give us a short briefing on your bill. [LB1049]

SENATOR ERDMAN: Mr. President, LB1049 would change the term requirements for a member of the Game and Parks Commission. It would allow a member to be reappointed to a consecutive term, which is consistent with nearly every board and commission that we have that's a noncode agency. It would also change the length of the term from five years to four. It would also clarify and I believe correct the provision of law dealing with political party affiliation in regards to qualification to the member of the commission. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Erdman. (Doctor of the day introduced.) As noted, Mr. Clerk, we'll move to the first amendment. [LB1049]

CLERK: Senator Preister, AM2035. [LB1049]

PRESIDENT SHEEHY: Senator Preister, you're recognized to open on AM2035. [LB1049]

SENATOR PREISTER: Thank you, Mr. President, friends all. I've already opened on the amendment, but I will give you a little bit of information on what it does, if that's all right. And I did want to speak anyway, so you can count this as needed for time to speak. The amendment I spoke with Senator Erdman about, I don't have disagreement with his bill and I don't see this at cross purposes with it. The amendment itself would create an additional member on the board, so instead of eight there would be nine, and there

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would be three from each of the three Congressional districts. It would also add some harmonizing language to account for the transition from the current system to the new system of having these representatives, rather than from Game and Parks' districts, eight of those across the state, to the three in each Congressional district. It would also have the principle of qualification being that the members shall represent the general public and have demonstrated competence, experience, and interest in matters under the jurisdiction of the commission. It would provide, in my view, more opportunity for more citizens of Nebraska to at least have the opportunity to apply for and potentially be appointed by the Governor, with approval of the Legislature, to the Game and Parks Commission. That's its purpose. Its purpose also is to give us information, to have some dialogue today. This is an issue that we have dealt with in the past in the committee, as well as on the floor. The dialogue is there. Yesterday we did have...at least Senator Fulton raised a question. I didn't necessarily have a good answer. I think where he was going with his question, would this change make the Game and Parks Commission more political or less political? I think if we make decisions in here based on whether something is going to be political or not political, we wouldn't do anything. Everything we do has some political outcomes, some political ramifications, and we still make decisions all the time. So the amendment is here for discussion. I did speak with Senator Erdman. He assured me that between General and Select File he would listen to some of the sportsmen's clubs and the interested people who would like to have an opportunity to be on the Game and Parks Commission. I did appreciate his willingness to do that. I said, in an effort to make sure people knew that this was under discussion, that I would introduce the amendment, and we would go ahead with the discussion. I will decide whether I take it to a vote or not after that discussion. But at this point, the purpose of the bill is--because I think it is a serious issue--to provide more opportunity for more people to serve on the Game and Parks Commission and a broader spectrum of those folks, considering the makeup has now changed and more than half the budget of Game and Parks is for parks, and the greatest users of those parks are urban folks. So the proportional representation, I think, is extremely important and is a bedrock of our democracy. And the discussion over that, so it is public and so that we do comply with giving people notice, is the purpose by which I bring it. Thank you. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Preister. You have heard the briefing on AM2035. We'll now move to floor discussion. Members wishing to speak: Senator Chambers, followed by Senator Avery, and Senator Erdman. Senator Chambers. [LB1049]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, sometimes words can be interesting. The word "game" in the name of that commission could be called a collective noun that refers to all wildlife. But some people put an "s" on it so it comes out Games and Parks. Well, the way membership is determined now, games are, in fact, played. This bill is designed to provide representation on a commission which affects people throughout the state, and because of the archaic,

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quaint methodology in place now, people whose interests ought to be represented on that commission are not, in fact, represented. We were talking about membership a few years ago, and young Senator Erdman, I believe, was here then, and I was having a little exchange with Senator Jones, and this is from LB1003, April 3, 2002. Senator Chambers speaking: Mr. President, members of the Legislature, I've been listening to the conversation from my office again, and I see that "Deacon" Jones is on the phone, probably contacting a higher power, but since he's off the phone now, I'd like to ask him a question or two. Speaker Kristensen: Senator Jones. Senator Jones: Yes. Chambers: "Deacon", if we were to create...first of all, did I hear you correctly when you said that Game and Parks, the commission, deals with land, resources, and wildlife, rather than people? Jones: Yes. Chambers: If we were to create an eighth commission slot and fill it with a muledeer, would you accept that? Jones: If you can find that many muledeer in this state it would be lucky, because they're getting pretty short. Chambers: Just the eighth position. We have seven people and one muledeer for the eighth position. Would you accept that? Jones: No. Chambers: You don't think the muledeer are entitled to representation on the commission that regulates them? Jones: No. Chambers: What do you have against muledeer? Jones: Not a thing. I got some on my ranch. Chambers: Has any one of them ever harmed you in any way? Jones: Yeah, they tore down a little fence for me. Chambers: And is that why you're against them? Jones: No. Chambers: Then why don't you think they should have representation? Jones: (Laugh) I guess that's all right, but that's not the point here. We're talking about people representing all that resource out there. Chambers: Oh, so now we're talking about people again. We're not really talking... Jones: The people I'm talking about is the commissioners. Chambers: Yeah, right. I'm talking about putting something on the commission that is regulated by the commission. Do you believe taxation without representation is tyranny? Jones: No, I don't like that. Chambers: You think there should be representation if you're going to be taxed, right? Jones: Right. Chambers: Do you think that the body that governs people ought to be reflective of the people that are going to be governed by that body? Jones: Yes. Chambers: So far we're together, but when these creatures who are going to be governed by the Game and Parks Commission come in for consideration, they're not entitled to representation; that's your view? Jones: Well, not completely. Chambers: So maybe they could be under some circumstances entitled to a bit of representation, right? Jones: Right. [LB1049]

PRESIDENT SHEEHY: One minute. [LB1049]

SENATOR CHAMBERS: If I had pushed him, we might could have had a muledeer on the commission, and I think there might have been greater fairness and equity. With Senator Preister's amendment, which is a serious one, we're talking about the bedrock principle of representation. This commission should not belong to elitists, it should not belong to those who are going to put policies in place which may not be even in the best interests of the Game and Parks Commission and its mission. So I'm in support of Senator Preister's amendment, and I will see how the discussion develops. Thank you,

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Mr. President. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Avery. [LB1049]

SENATOR AVERY: Thank you, Mr. President. I too am going to support the Preister amendment. I've been doing some simple arithmetic--I guess you could call it some number doodling--and what I discovered is that the present system makes membership on the commission available to up to 40 people over a 25-year period; that's 8 commissioners serving 5-year terms. So that gives you a possibility of 40 people over a 25-year period. This bill, by my calculation, that is, the main bill, not the amendment, we reduce membership availability to a maximum of 24. With the amendment we passed yesterday, AM2047, which actually changes...or allows a term to which you are appointed which is a term that is unexpired from another commissioner, allows you to serve that, and that is not counted against your eight-year maximum. You could, in fact, theoretically serve up to 12 years. So that amendment, which now has been adopted, would further reduce the number of available participation. I wonder if this is the intent? Actually, I don't think it is. I believe somebody said yesterday that the intent of this legislation was to expand the availability of participation to more people. I like the provision of clarifying the partisan relationship that people have, or their partisan identification. I think that's a good measure. But is the unintended consequence of this bill to actually limit the availability of participation on the commission? Actually, I'm a little bit hard-pressed to understand why membership on the commission is so coveted? I realize that it does important work, but the position is unpaid. I think they get about \$35 a day, per diem, for expenses. They might have some opportunities for interesting travel for members, but I don't know. But since it is so coveted, I'm puzzled as to why we would want to restrict availability of membership? Seems to me that we want to expand the availability of membership, and that's what the Preister amendment does, and that is why I will vote for it. Thank you, Mr. President. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Erdman. [LB1049]

SENATOR ERDMAN: Mr. President, would Senator Avery yield to a question? [LB1049]

PRESIDENT SHEEHY: Senator Avery, would you respond to a question? [LB1049]

SENATOR AVERY: I will. [LB1049]

SENATOR ERDMAN: Senator Avery, can you briefly go through again how you believe any amendments that we've adopted restrict participation in the commission? [LB1049]

SENATOR AVERY: I believe the amendment that we adopted yesterday, which is AM2047, which does not count the years of an unexpired term to which a member might be appointed, in the total number of years they can serve, would allow them

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theoretically to serve at least 12, or up to 12. So you could be appointed to an unexpired term at the beginning of the term, serve that four years, then you'd be eligible for another eight. That would restrict the number of people who could potentially serve in that position. [LB1049]

SENATOR ERDMAN: Okay, thank you, Senator Avery. Members of the Legislature, the amendment that is before us is an interesting conversation. It's not new to this commission, and in fact, under the same bill that Senator Chambers read from the transcript, a similar idea was offered on the floor of the Legislature. And in fact, Senator Preister and others opposed it at that time, which would have reorganized the commission to a more geographical basis. However, that is not in LB1049 at this time, and what I have offered to Senator Preister is that we will have a candid conversation with all of those that would be affected--interested parties--in this conversation, between General File and Select File, if we go forward. Senator Avery brings up an interesting point about the term limits. The rationale behind what is in LB1049 is, again, not based on one's limited perspective, but rather, in the breadth of the all of the noncode agencies and commissions that are out there. And all of them, with the exception of one, are eligible to be reappointed. And for whatever reason, the Abstractors Board of Examiners can't get reappointed. But for every other board and commission that we have for noncode agencies, they're eligible to be reappointed, and of those that have a term limit, it's two terms. So that's what the bill is intended to do, is to provide some consistency. And the reality of that is, is that we get two terms. The lifetime term limit is designed to broaden the participation, because we have individuals, contrary to maybe even Senator Avery's own knowledge, that they can serve, sit out, serve, sit out, serve, sit out. They keep doing that, and we have had at least three individuals do that. So technically they have already served more than ten years, but there is no limit now. Some of the things that are going to be proposed I think are healthy for this conversation. Senator Schimek has some ideas, and there's some information that she'd like to share with the body, as well. Why this is so coveted I don't know? What I'd like to get us to is a process in which we have appropriate oversight for this commission, and the only way that that happens is through the commissioners. And if those of us that are members of the Legislature can serve two terms, and most every other board and commission for noncode agencies in which there is not direct accountability have that same opportunity, then I believe it's appropriate for us to do it in this area, as well. And I will oppose the Preister amendment if it comes to a vote, but my understanding is, is that Senator Preister and I will have an opportunity to work on that before we ever get a chance to vote on it. Thank you, Mr. President. [LB1049]

PRESIDENT SHEEHY Thank you, Senator Erdman. Senator Engel. [LB1049]

SENATOR ENGEL: Mr. President, members of the body, I have a couple questions, or maybe a little dialogue with Senator Erdman. First of all, as far as the nine members, my understanding now is under the current policy there's eight members, and three of

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them have to be ag related and two of them have to live on the farm; is that correct?
[LB1049]

PRESIDENT SHEEHY: Senator Erdman, would you respond? [LB1049]

SENATOR ERDMAN: I will. The answer to your question, as I understand it, is there's a requirement that three of the members be engaged in production agriculture, and two of them actually live on the farm. [LB1049]

SENATOR ENGEL: Yeah, is that right? Is that correct? [LB1049]

SENATOR ERDMAN: That is correct. [LB1049]

SENATOR ENGEL: Okay, that's the way I understood it. Now if you go to nine members and...will that disrupt that formula, then? [LB1049]

SENATOR ERDMAN: If you go under Senator Preister's amendment, you eliminate any of those requirements for ag representation directly. You would have to be appointed at-large, just as every other member would. There is some concern about making that change, and so without having a conversation with Senator Preister and those that are interested in his amendment, I believe it's appropriate to sit down with those folks and have that conversation directly, as opposed to doing it this way. So it would directly affect that provision, by eliminating it. [LB1049]

SENATOR ENGEL: Okay, thank you. And then getting back to the original bill, like you want to go to two four-year terms, you know. And so now it's one five-year term, I believe. If you go to two four-year terms, well, then...and of course, governors change, too. So if someone was just elected or appointed for a first four-year term, and then when a new governor was elected, and then someone said, I want to be on that commission, so actually this person could basically only serve four years, rather than the five years he can serve now, right? Is that correct? [LB1049]

SENATOR ERDMAN: That is an accurate reflection of reality. [LB1049]

SENATOR ENGEL: Okay. Well, then, I think that's kind of a hitch in this thing, because I believe that five years...the system has been working. It's been working for...I don't know how many years it's been working, but many, many years, and as far as...like I always say, if something is working, why try to fix it? But the thing is, with the five-year term, you know that person is going to at least have five years' experience before he has to get off the board, where under your system, there's a possibility he could be reappointed so he could serve the full eight years, but there's also a real possibility, because most of this is political appointments, that they would only serve four. So those are my only comments, and I thought you would be interested in hearing those. Thank

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you. I turn the rest of my time back to Senator Erdman, if he would like it. [LB1049]

SENATOR ERDMAN: Thank you, Senator Engel. I appreciate that. I think that's a fair characterization. One of the problems that we have with this current process is that because the members aren't appointed over the same period of time, the example Senator Preister brings up is actually a reflection of the five-year term limit, not the eight members of the board, because right now when the 7th District comes up, which is in western Nebraska, there's only one person that comes up at that time. If you had two people that came up at the same time, you would have more flexibility as far as who you could reappoint, even under the current requirements. And so the example would go something like this: Even if you maintained the former or producer provision, the ag producer provision, right now he's right. It's impossible to appoint somebody else from District 7 that's not a farmer, because there's nobody else to replace that farmer somewhere else. If you go to a four-year term limit with an even number of member of commissioners, you have multiple commissioners that you can appoint in any given year, which gives you more flexibility in determining the membership of the board, to ensure that more people have access to the board than what is currently available, even if you don't adopt Senator Preister's amendment. So the theory behind my amendment or my bill going to four years is to fix what is an inadequacy. It's an imbalance. You have some people that are from areas that only have one commissioner be appointed during that year, and in order to maintain the current makeup, you have to be able to make sure that that person... [LB1049]

PRESIDENT SHEEHY: One minute. [LB1049]

SENATOR ERDMAN: ...or that category is represented. So technically, under LB1049 if it's adopted, when the terms come back into compliance under the four-year scheme, you would have two commissioners appointed every year, which would allow for the Governor to be able to appoint people from different areas or to be able to transfer, say, the producer requirement from District 7 to District 1, or vice-versa, where you can't even do that now. So while you're right, they're not guaranteed reappointment, candidly, neither is any other appointee, and if they are, they shouldn't have been appointed in the first place. We're not guaranteed reelection, and so whether you set it at 4, 5, 10, or 50 years, the reality is that at some point, they'll be changed. I candidly believe, after doing my research on the responsible oversight of commissions--and I believe in this one in particular--that this is a step forward to enhance the ability of the commission to meet the needs of the state. Thank you, Mr. President. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Erdman, you're next in the queue. You may continue. Senator Erdman waives. Are there additional members wishing to speak on AM2035? Seeing none, Senator Preister, you're recognized to close. [LB1049]

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SENATOR PREISTER: Thank you, Honorable President, friends all. I appreciate the dialogue, although the concepts weren't discussed as much as I may have hoped. I did appreciate the questions, particularly on this aspect. I think it is important that we look at what is in the best interests of the commission and how they operate our park system, which is now, I think, one of the jewels of the nation. We have parks along the interstate that people attend regularly, from other places in the nation. They get a view of Nebraska from I-80. When they pull off and stay at a park, they get an experience, not just a view. Those parks are extremely important. They're frequented by our residents, urban and rural, and they're frequented by people from other states. More than half the budget of the Game and Parks Commission now comes from the parks, and the parks' part of the Game and Parks. Originally it wasn't set up that way. We need to have a complete view. This amendment attempts to address that in terms of impartiality and proportional representation. It provides that three people are appointed to the commission from each of the three Congressional districts, so you have equal numbers of people equally represented, and it allows those people to...encourages them and the guidelines established, so that they have background and experience in the areas that Game and Parks addresses. That, I think, is important. We need to look at not just the political implications and appointments, but what is truly best for the state. I bring this because there are a number of people who don't think the current system is really fair or representative of the population makeup or the makeup of the parks versus the game side of the issue--the resources versus the people. I think that merits discussion more than this, and Senator Erdman has agreed that he is willing to sit down with some of those folks and with me, and continue that dialogue. Mr. President, could I ask Senator Erdman if he would yield? [LB1049]

PRESIDENT SHEEHY: Senator Erdman, would you respond to a question? [LB1049]

SENATOR ERDMAN: I will. [LB1049]

SENATOR PREISTER: Thank you, Senator Erdman. Is my characterization of your willingness to have the dialogue after we are not on the floor with the interested parties to discuss their concerns and mine, as well as your own, to see where we might be able to find some agreement? [LB1049]

SENATOR ERDMAN: Senator Preister, I think that's accurate, and the opportunity to sit down with people not related to the State Fair and discuss something other than the State Fair would be a refreshing change in my life right now. (Laughter) [LB1049]

SENATOR PREISTER: And Senator, being on the Ag Committee with you and doing not nearly as much as you have, and knowing how much I've done with the State Fair, I concur. Mr. Clerk, I would withdraw that amendment. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Preister. AM2035 is withdrawn. Mr. Clerk,

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do you have items for the record? [LB1049]

CLERK: I do, Mr. President, thank you. Your Committee on Natural Resources, chaired by Senator Loudon, reports LB923, LB975, LB1138 as indefinitely postponed. Senator Harms has an amendment to be printed to LB1157. Two announcements: Judiciary will meet in Executive Session at 10 o'clock under the south balcony--Judiciary at 10 o'clock; Urban Affairs at 11 o'clock under the north balcony--Urban Affairs at 11 o'clock. (Legislative Journal page 799.) [LB1049 LB923 LB975 LB1138 LB1157]

Mr. President, the next amendment I have, Senator Schimek, AM2109. (Legislative Journal page 743.) [LB1049]

PRESIDENT SHEEHY: Senator Schimek, you're recognized to open on AM2109. [LB1049]

SENATOR SCHIMEK: Thank you, Mr. President and members. I bring this issue to you because I think it's an important issue; in fact, I introduced a bill regarding this issue of gender equity on boards and commissions. This year it was LB824, and the Government Committee did discuss it. It's a bill that's going to languish because I was unable to prioritize it, because of some other priorities that I had. But I think it's an issue that we should talk about. First of all, I perceive the idea, or maybe I copied the idea from Iowa's statutes, because since 1987, the state of Iowa has had the provision that all boards and commissions have to have gender equity. No more than one more of any one gender may serve on a board and commission. In other words, if you have a nine-member board, you can't have any more than five males or five females on that board. And there...I mean, it is true that there are other considerations that we have to make when appointing people, but one of the things that I should say is that there are boards and commissions over in Iowa that have received exemptions from this particular provision because in state law, they have demonstrated that it wouldn't work well for that particular board or commission. So I believe that the information that I passed out yesterday, which was done by the Legislative Research Office is instructive. And their research was done by Kate Gaul, who is a research analyst for us, and she looked at all the boards and commission that are in the Blue Book, and she tried to organize them into code agencies and noncode agencies. There are actually 141 boards that she looked at, and of these, there are 231 statutorily created boards and commissions in Nebraska. Now she has several caveats about the information that she put together for us, and some of these are that the information contained in that table that I've given you should be considered only a snapshot of gender makeup of committees as of January 1, 2007, because that's when the Blue Book came out. The second caveat she has is that material from the Blue Book does not actually break down membership into any categories, and therefore, sometimes it's hard to tell from a name whether they are male or female. If their name is Lee, is that a male name or a female name? So she tried to make judgments, but not in those kinds of cases where

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you really couldn't tell the gender of the person on the board. And if you look at that information that she put together for us very carefully, you only need to look at the final table on the final page, which shows that in code agencies which have a total of 653 appointed board members, 397 are male, 218 are female, just a little over 50 percent, and 27 of those people were not determinable by their names, and 11 board positions are vacant. In the noncode agencies, out of 375 board members, 251 male, 110 female, 10 unable to determine, and 4 vacant. And then it goes through other governmental bodies, for a grand total of membership 1311 board members, 849 male, 395 female, and 40 unable to determine which gender, 27 vacant. The reason I decided to offer this amendment on this particular bill...well, it's twofold; one, to have the discussion. But if you go to your Blue Book and look at the gender of the members of the Game and Parks Commission, their names are Jerrod, George, Gary, Mark, Ron, James, James, and Bill. Now don't tell me there aren't any females in this state who would like to serve on the Game and Parks Commission, who don't have a very passionate interest in the parks in our state or even, perhaps, the other park of Game and Parks, and that is the game in our state and how it's managed. So I would like to hear if there's any other people who have opinions on this particular amendment. I'd also like to ask Senator Aguilar, if I might, Mr. President, a question or two. [LB1049 LB824]

PRESIDENT SHEEHY: Senator Aguilar, would you respond to questions? [LB1049]

SENATOR AGUILAR: Yes, I will. [LB1049]

SENATOR SCHIMEK: Yes, Senator Aguilar, your committee heard the bill and it's still sitting in committee, I believe; is that correct? [LB1049]

SENATOR AGUILAR: Yes, it is. [LB1049]

SENATOR SCHIMEK: And you know that I couldn't make it a priority. I'm assuming that the committee is just going to let it sit there for the rest of the year. [LB1049]

SENATOR AGUILAR: Yes, I think so. There was no opposition to the concept at all. We just determined that without a priority it wasn't going anywhere, so we would probably leave it sit for that reason, and also I would add that we've been pretty nice to you already. (Laughter) [LB1049]

SENATOR SCHIMEK: And thank you very much, Senator Aguilar. Would the committee, or has the committee ever discussed the idea of perhaps, if the bill is not going to advance, at least sending some kind of a communication to the Governor, stressing that we think not only gender but all kinds of diversity ought to be more apparent in our boards and commissions? Is that something you'd ever entertain, do you think? [LB1049]

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SENATOR AGUILAR: Yes. We did discuss that, and we thought maybe for now that might be the best way to go, is to just recommend to the Governor that he really take those issues into consideration when he makes appointments. [LB1049]

SENATOR SCHIMEK: Thank you, Senator Aguilar. I think the only problem with my bill is that it doesn't take into consideration other kinds of diversity, and I know it gets complicated once you talk about party representation, once you talk about geographic representation, once you talk about gender representation, once you talk about occupational representation, and in all of those kinds of things it gets more complicated the more things you throw into the mix. But I would be very, well, pleased if the committee would consider doing something like that, just as a way of reinforcing the idea that we do need diversity, and we do have a lot of capable people in this state, and we ought to think outside the box occasionally. Now in all fairness, I should ask Senator Erdman this, because I believe he does have some information about the numbers of women who have actually served on the Game and Parks Commission. So if I could. [LB1049]

PRESIDENT SHEEHY: Senator Erdman, would you respond? [LB1049]

SENATOR ERDMAN: I will. [LB1049]

SENATOR SCHIMEK: Senator Erdman, you and I had a little discussion the other day about this, and can you tell me how many women have served on Game and Parks over the years? [LB1049]

SENATOR ERDMAN: My research reveals one. [LB1049]

SENATOR SCHIMEK: And that is my recollection; it's not my research, but it's my recollection. And we took that conversation a little bit further, regarding the last three appointments, so would you just... [LB1049]

PRESIDENT SHEEHY: One minute. [LB1049]

SENATOR SCHIMEK: ...say for everybody what you told me? [LB1049]

SENATOR ERDMAN: Yeah. Senator Schimek, your comment earlier was that you can't believe that there aren't women that want to serve on the commission, and in fact, in the last 3 commissioners that have been appointed--there have been 20 applicants--and none of them that applied were women. It's somewhat surprising to me, because I know that there are, but evidently they're not making application. [LB1049]

SENATOR SCHIMEK: And that's disappointing, and I recognize that factor, too, and recognize that maybe the culture is that they're not as likely to get appointed to this kind

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of board and commission. That's a possibility. But it also behooves all of us to encourage people in our districts to apply for these kinds of positions. And unfortunately, with the Women's Commission gone, we don't have them actively working to encourage female representation on some of these boards and commission. With that, Mr. President, I thank the body very much. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Schimek. (Visitors introduced.) You have heard the opening to AM2109, amendment to LB1049. The floor is open for discussion. We have Senator Louden, followed by Senator Howard, and Senator Chambers. Senator Louden. [LB1049]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. As I read Senator Schimek's bill I understand what she's trying to do, and I have no problem with it. I think it's something that needs to be done. In fact, I'm a firm believer in having women work in government places and that sort of thing. In fact, I've usually had women staff. In fact, all of my staff are women. I'm probably the only one in here, and I have no problem with that. As I said, I had to ranch with my mom all my life, and I know what it is, so it's no problem at all. What I would like to point out, though, that it isn't necessarily just the Governor that...if you remember, we usually get a list in the fall of the year of the appointments that are available, and it's up to us to find people to fill those appointments or apply at those appointments. For one thing, a couple of years ago, or three, whenever it was, there was a vacancy on the brand committee, on the Nebraska Brand Committee. And I submitted a name of a lady from the neighborhood where I live, and I mentioned to the Governor that I thought it was probably time there needed to be a woman on the brand committee. And he appointed that lady to the brand committee. She's been on there ever since. She's a rancher in the Lakeside area, so does the job very well. So really, I can't say as I believe we need to have something in statute to do this, but I think we have to be more cognizant ourselves and bring these people forwards and have them file, or apply to the Governor, and also for us to follow up on those people that we wish to have appointed. So I think it isn't necessary that something has to be done in statutes. I think this is something that we should do ourselves, and I usually do this. If I have an appointment in my area that I think I've known a qualified person for, I certainly ask the Governor to do that. And I think this with the Game and Parks at the present time, the last person that was appointed out of some of the area that I live in was about two or three years ago, so it will be awhile before that appointment is up again, because it's only once every five years at the present time. So it isn't something that turns over quickly. But nonetheless, I don't exactly blame the Governor, because I think he does his job. He has his list of appointees. But I do think that it's something that we as senators came help, and I certainly promote that myself, because I think to me it doesn't matter what the gender is. I would like to have competent people serve on these boards. And as I noticed the Women's Commission, I was one that...I voted against doing away with that. It's still in operation, because I got a letter from them the last day or so on some work they done. I would like to see that

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funded again, but I wouldn't necessarily say that if there was an appointment open on the Women's Commission that I would look for some male to be on that committee. Perhaps they would do quite well; but on the other hand, there's some very competent ladies out there that can serve on those committees like that and know what they're doing. So with that, I won't support Senator Schimek's amendment, because I think this is something that we ourselves should take ahold of and do ourselves. Thank you, Mr. President. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Howard. [LB1049]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I stand to support Senator Schimek in her amendment. I think this is certainly an idea that we need to promote seriously as we move forward in the twenty-first century. I remember this session attending a luncheon in celebration of Senator Fischer's bill regarding hunting, fishing, and training in those areas, and I was impressed by the women who were there in attendance and their commitment, not only to their area of interest--be it fishing or be it hunting--but their commitment to working with youth and to making sure that children were trained properly on how to participate in hunting. And I was really impressed by their passion in this area. Gender equity on boards and commissions and other community leadership ensures diverse perspective. Regardless of one's definition of leadership, we can all agree they can offer opportunities to play a role in making decisions about things that affect our lives. When a significant portion of the population is absent from participating in leadership, their perspective, including any specific interests or concerns, are often unconsidered in decision making. I don't have any specific numbers to present to you, but what I will point out to you is that the absence of women's participation in leadership means that half our population is significantly absent from being included in decisions about issues that affect our lives. We need to think about what this impact has, in the lack of inclusion of women in our everyday lives. What message does this send to our daughters? How does it affect the bigger picture, like representation of women in elected positions, like on this floor, for example? It is critically important to have diverse perspectives represented in leadership decisions. I believe that Senator Schimek's amendment will go a long way towards challenging us to make this change. I would encourage all of you to support this amendment, and I thank Senator Schimek for bringing it to us. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Chambers. [LB1049]

SENATOR CHAMBERS: Mr. President and members of the Legislature, these discussions are always of value. Any time you can address an issue that is as intractable, as anti-woman discrimination, it ought to be done. If you were to find yourself in a group of young girls, say eight years old, and ask them what it is they think they can do in life, you don't hear many of them say anything other than what they see as the traditional role of a female. It is in a subordinate position, it is in something that is

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not considered what is called "man's work," meaning where decisions are taken, orders are given, supervision is provided. They are trained, they are conditioned. Even those who are in school at the college level, postgraduate, if you get into a discussion, they know all the things that are supposed to be said. They will say, women should do this; we should do that. But when you observe the way they conduct themselves at the institution where they are being educated, they do not seek those positions, and they do not fill those positions, and they do not insist that those position be filled. They will demonstrate, they will protest on behalf of a man or men's issues, but if there is something that is acceptable for women to raise their voice about or against, then they'll come out. They are treated dismissively, they are treated paternalistically, and as though they're little children. So women, being conditioned as they are, they play the role. It could be a very serious matter where they should not deprecate themselves, but they might put on a big straw hat, a gingham dress, and pretend that it's very funny. And everybody ought to chuckle and laugh, so that what the women are doing will not be offensive. What does offensive mean, and offensive to whom? Whenever a women challenges what is considered the man's world, that, in and of itself, is deemed to be offensive, and the woman is deemed to be overly aggressive and out of her place. I had circulated a rhyme I wrote about Mae West, and I'm going to circulate it again, because this is a woman who knew how to deal with men in every respect, and she made them feel very inadequate, very incompetent, and she was ahead of her time. I refer to her as a Renaissance woman. The rhyme ended with a question. I'd never met Mae West, but I wish I had. She could be an example for women, but she will be portrayed in such a way that women will say, well, she's outside the lines. You don't want to be a bad woman. So Mae West said, good girls go to heaven, bad girls go anywhere and everywhere. Mae West said, when I'm good, I'm good. When I'm bad, I'm better. Men didn't know how to deal with a woman like that, so they avoid her. She's too strong, she's brassy, she's aggressive. What they mean is that she's a full-fledged adult. She's not a little girl, running around in a woman's clothes, behaving like a little girl. Men have very fragile, delicate egos. [LB1049]

PRESIDENT SHEEHY: One minute. [LB1049]

SENATOR CHAMBERS: Women who have studied men and want to get something from them know that they massage his ego, play like you're listening to what he has to say, build him up, make him think he's something, and take him for everything that he's got. It's a situation which needs to be addressed and needs to be corrected, and I think Senator Schimek's proposal is not outlandish. I don't think it's radical, and women comprise more than 50 percent of the population. Thank you, Mr. President. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Chambers, you may continue. [LB1049]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Schimek a question.

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[LB1049]

PRESIDENT SHEEHY: Senator Schimek, would you respond to a question? [LB1049]

SENATOR SCHIMEK: Yes, I will. Thank you. [LB1049]

SENATOR CHAMBERS: Senator Schimek, are you going to take your proposal to a vote? [LB1049]

SENATOR SCHIMEK: No, I am not, Senator Chambers. [LB1049]

SENATOR CHAMBERS: Okay. Thank you. If she were, I'd vote for it, if I were the only one voting for it. This red ball has been on my desk for a long time. My former seat mate gave it to me. It is losing that air that was in it. Chauvinism should lose the air in it. I have a little rhyme that I wrote about the way our female colleagues were being treated. There was a particular session when the Executive Board was bouncing women off commissions, off various select committees, so I wrote the rhyme. It was that they were being bounced like a red rubber ball, and she gave me that. And I've left it on my desk. Attached to it in its better days was a lovely red ribbon that matched the ball. There are things which go on and on and on for so long that people accept those things as being the way the appropriate order ought to be. For several years I would object whenever these nominations were presented to us for confirmation, when there were not women or minority group members present. Former Governor...what was that other short guy's name, just before this short guy, who is...he feels like he is very tall when he's around me, because I'm a munchkin compared to him, the way he towers over me. He's glad to be around a shorty such as myself. But there was another...Johanns. He started, then, appointing females, and the various chairpersons would stand up and call my attention to that fact specifically--Senator Chambers, these persons are females. This person is a minority group member. Then when I stopped doing that, the whole attention being paid to it evaporated. Women are going to have to fight for their own issues. Women are going to have to stop saying, I will support a man for this or that, and become the one to seek that position, in order to get the society accustomed to seeing women asserting the right to do any and everything available in this society. Women don't have to be only nannies, they don't have to be a fire extinguisher for some man. They can be bank robbers, they can be muggers, they can be car hijackers, they can be murderesses. They can do everything a man can do, and they're starting to do it. I regret that there are activities which are deemed to be acceptable, such as certain types of rap music which degrade women in a way that is unconscionable, low-down, and dirty, and many of these rappers are black. But they don't come from the street. They're middle class and upper middle class, and they have not experienced the things that they're talking about,... [LB1049]

PRESIDENT SHEEHY: One minute. [LB1049]

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SENATOR CHAMBERS: ...and their managers generally are white women or Jews. And they are put out there to demean black women and lower the race. And you will see them lauded on television, the Super Bowl, and giving commercials. But if there is a black person who is doing something constructive and uplifting to the race, that person gets no time, and there are not stations set aside on cable to deal with black people in a constructive, positive manner. But the rappers talk about bitches, talk about whores, taking her card and sliding it through the crack in a woman's rear end, and that is what black people are supposed to be about, and the society lauds these young guys, and young children look at that stuff and feel this is the way to make it. So they adopt these negative attitudes toward women, manifested in their mistreatment of young girls, then women. [LB1049]

PRESIDENT SHEEHY: Time, Senator. Senator Chambers, you may continue. [LB1049]

SENATOR CHAMBERS: Thank you. And I resent it. People could say, well, why will a black person degrade a black person? Why will women degrade other women? Why will they pose in these nudie magazines and allow themselves to be treated like flesh, on television? They want to be accepted. People want to be accepted. They want money. They want to be where they think the so-called action is. So they will demean themselves--my race! Race is not even an acceptable word. But for purposes of discussion, my race is being demeaned by people in public life whom we refer to as neo-minstrels, those who tell the jokes, who are parts of the skits, who are part of the sitcoms that demean black people--can come from two centuries ago. They have no pride, no sense of self-respect, and the white society which controls everything encourages that. They put them in positions. When two black people won Oscars, Denzel Washington and Halle Berry, Halle Berry played a pornographic role in a movie called, Monster Circus, or something like that, and she did a nude scene with a prison guard who participated in the execution of her husband, and that's how they demean black people. And for that demeaning, dehumanizing role, they gave her an Oscar. Denzel Washington, who has demonstrated a profound capacity and ability to act got an Oscar for what? Being a rotten, dirty, corrupt cop. So the way for a black person to be accepted by white people who set the standards, is to be a corrupt, rotten, no-good cop, or a dehumanized, degraded black woman, doing nude scenes that are pornographic. And that is what white society thinks of us. Because of that, it's not difficult for me to empathize with women. But the most discriminated against group in this society comprises black women--black women. And when white women get a leg up, they stop being concerned about their black sisters. A black woman is their sister when she can be out there taking the brunt of the opposition and the hostility. Then when the door is open, the white women trample her running through it. There was a white female professor at UNL who had to explain to these white women in the class that they were not the ones who made anything happen. They tailgated on the civil rights struggle that was prosecuted by black people. But all of these groups are going to have to learn that

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there's a commonality to our problems, to our lack of status, and combine our efforts. In unity there is strength, but trying to get that unity is extremely difficult, because where women are concerned, gender should bring them together, but race separates them. So there are a lot of problems that need to be addressed. I applaud Senator Schimek for what she is trying to do here, what she has done in the past, and I appreciate the efforts others have put forth. But we're going to have to stop making small steps in the right direction, and see that something is done, whether in or out of the Legislature. I won't be here, but I will continue wherever I am, trying to do what I can to bring justice where there ought to be justice, but is none. Thank you, Mr. President. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Preister. [LB1049]

SENATOR PREISTER: Thank you, Honorable President, friends all. I decided to join the discussion, because there wasn't a lot of discussion from other people. It was kind of, Senator Schimek and Senator Chambers, and I appreciate them championing the cause of equality and championing the cause of giving a voice to those that are frequently left out of the discussion. Senator Schimek, I support your amendment and what you're trying to do, and what you've tried to do for years in giving more opportunity for more women. We are the richer as a society when we include everyone. Everyone has gifts and talents, and when we just look at the same group of male leaders, we overlook those talents and abilities of women, and we do the same for minorities, and we do the same for low-income people, all too frequently. Those folks don't always have the financial wherewithal to contribute to political campaigns to get those appointments. We as policymakers, you as the ones who will be here next year and the years after, hopefully will pay attention to these appointments, to the hearings, to the encouragement that Senator Chambers has continued to give to Governors to bring forth a richer, a more balanced group of candidates for approval--more women and more minorities--because they provide a greater perspective. They provide the representation of who is out in our state and who composes the citizenry that we are here to represent. I think it's important. I think one of the reasons that we have not seen applicants on the Game and Parks Commission is because most everybody out there who would have an interest already knows who's going to be appointed. It's going to be a favor to the Governor at the time, no matter who the Governor--doesn't matter. But it's going to be a favor to the Governor. And it's going to be somebody interested in hunting, and other than Gloria Erickson, I know there are other women that are interested in hunting. But that woman has to meet those qualifications. Unfortunately, far more of the responsibilities of the Game and Parks Commission deal with parks, and women have great expertise in understanding that kind of social recreation aspect and the contribution that that makes to a family, and yet we're not allowing them the opportunity. They're not applying because they don't believe they're going to be appointed in the first place. So with Senator Schimek's amendment, it would encourage more of those who are not able to apply, or who don't think that they would even be accepted if they did apply, that opportunity. So I support what Senator Schimek is and has been working on

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doing for gender equity, and I'm glad that Senator Chambers has been the voice of conscience and the voice of what has happened in the past to help remind us that we don't have to continue down that road continually into the future. And for those of you that remain here, I hope that you pay attention to those future appointments, when none of the three of us will any longer be here. Thank you. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Preister. Senator Dubas. [LB1049]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor, members of the body. I'd like to thank Senator Schimek for introducing this amendment. This gives me an opportunity to put my money where my mouth is. I was just recently interviewed by a local newspaper who asked, why aren't more women in leadership positions? And I really didn't know how to answer that question. And then I gave it some thought and it was like, well, probably because we aren't encouraging each other to step up to the plate and use the skills that we have as women and bring those perspectives to the table on whatever issue it is, as Senator Preister just so eloquently stated. We all win when we have a diverse representation of thoughts and ideas, and so I appreciate this opportunity to stand up and say, I would like to have the opportunity to encourage any woman who is interested in Game and Parks or any other issue to have the confidence in herself and in her abilities, and to step forward and ask to be at least equally considered for this position. So I'll pick up that gauntlet I was just thrown down by Senator Chambers and Senator Preister and Senator Schimek, and will work to carry forward with these issues in the coming sessions. Thank you very much. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Are there other members wishing to speak on AM2109? Seeing none, Senator Schimek, you're recognized to close. [LB1049]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. As I told Senator Chambers, I do not intend to take this amendment to a vote, but I thought the discussion was very important to have. Occasionally we need to remind ourselves that we need to work more towards the diversity that our state has. On almost any study that there has been over the years, Nebraska doesn't rank very high on the numbers of women in elective and appointive office. There have been times when we've been a little better than others, but even right now in our own Legislature, we're very low in numbers on women representatives. I do think serving on boards and commissions helps give at least some women entrees, perhaps, into the political process, entrees into the public policy arena that they wouldn't have otherwise, so from that standpoint, I think it's also important. I thought you might be interested that the person, the representative over in Iowa who told me about the Iowa system, is Representative Libby Jacobs, whose father served in this Legislature back in the late sixties, I believe, early seventies, and that was Senator Bill Swanson. And Libby said it has worked very well in Iowa. They have made exceptions over the years, and I think you would have to make

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some exceptions here in Nebraska if we were to enact such legislation. And I would like to say to you that I think...I am certainly not pinpointing the Governor or any governor for not making the right appointments. I'm very well aware that they have hundreds of appointments every year, and it's a very difficult process. In fact, the Governor usually has at least one full-time person working on nothing but appointments, so I have some sympathy with it. But what I hope comes out of this discussion this morning is perhaps a renewed commitment on the part of every legislator in here to be thinking more broadly in terms of representation, and ways in which they can encourage people to apply. And I would also like to encourage the Government Committee to send that letter, and finally, I would like to encourage the Governor to have maybe a renewed commitment to doing just what we're talking about this morning. I very much appreciate the discussion, and Mr. President, I would like to withdraw the amendment at this particular time. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Schimek. AM2109 is withdrawn. (Visitors introduced.) We will now move to floor debate on LB1049. Are there members wishing to speak? Seeing none, Senator Erdman, you're recognized to close. [LB1049]

SENATOR ERDMAN: Mr. President and members of the Legislature, I appreciate the discussion so far. Somewhat jokingly, but in all seriousness, I do look forward to the conversation with Senator Preister. I candidly believe that this bill enhances the ability of the commission to meet the needs of Nebraskans in the area of both game and parks and would encourage your vote in favor of advancing the bill to Select File. Thank you, Mr. President. [LB1049]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the closing. The question before the body is, shall LB1049 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1049]

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB1049. [LB1049]

PRESIDENT SHEEHY: LB1049 does advance. We'll move to next item under General File. [LB1049]

CLERK: Mr. President, LB844, a bill introduced by Senator Karpisek. (Read title.) Introduced in January, referred to Judiciary, advanced to General File. The bill has been discussed on General File. Committee amendments were offered by Senator Ashford, as Chair of Judiciary. Senator Chambers has had two amendments to the committee amendments adopted. When the Legislature left the issue Senator Chambers had pending FA184 as an amendment to the Judiciary Committee amendments, Mr. President. (Legislative Journal page 710.) [LB844]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Karpisek, would you like to give

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us a short synopsis on LB844. [LB844]

SENATOR KARPISEK: Thank you, Mr. Lieutenant Governor, members of the body. With the Judiciary amendment, LB844 would now increase the penalties for less than one ounce of marijuana on first offense from \$100 to \$300; second offense, from \$200 to \$400; and third offense, from \$300 to \$500. It would also make the penalty for between one ounce and one pound of marijuana increase from a Class IIIA misdemeanor to a Class III misdemeanor, and it would also set the fine for drug paraphernalia at \$100. Before it was just listed as a citation, infraction, and it did not list any amount of punishment at all, which usually would have been \$100, and this would set it at that. Senator Chambers has had two amendments to the amendment which I have agreed with. He has a third one up, and between he and I, we will sort that one out. I agree with the amendment as he has it. I have an amendment after that which would do what Senator Chambers' three amendments have done or will do, and if we pass his, I will pull my amendment. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Chambers, would you like to give us a summary on FA184. [LB844]

SENATOR CHAMBERS: Yes. Mr. President, it seems that my little gadget, I've locked it up, so I can't see exactly what is on it, so I'm going to read what I have here and ask the Clerk, is this what the amendment would say? On page 9, lines 4 and 5, strike the new matter? [LB844]

CLERK: Yes, sir. [LB844]

SENATOR CHAMBERS: That's...all right. And members of the Legislature, that is not difficult to grasp. If you're interested, the new matter in lines 4 and 5 would be the following, "and be assigned to attend a course, as prescribed in Section 29-433." The problem created by the way these amendments had been offered prior to mine was to give a judge discretion as to whether to send a certain person to a class, if he or she had violated a specific statute. If it is discretionary, that means the judge can decide, yes, I'll send the person; no, I won't send the person. But then language was put in place which would require the judge to send the person to this particular class. So you cannot, in statute, make something discretionary and mandatory at the same time. Senator Karpisek mentioned that he has an amendment pending, and as far as mine are concerned, had I wanted to, I could have drafted one amendment that would do each and all of the three things that I'm recommending, one amendment at a time. I don't like this bill, and I'm going to take as much time as I need to attempt to dismantle it. And if the body thinks that it is so important to deal with marijuana in this fashion that it's willing to give me eight hours at this stage of debate and however many other hours I can get on Select File and Final Reading, I will take that time. I think this is an ill-conceived bill, not just from the drafting. I'm past dealing with that, because Senator

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Karpisek is agreeing to amendments that will take care of that. If my objections had only been to the drafting, I would have offered one amendment to do all these things. But I'm going to take the time, and I'm going to do it in a way that is as convenient for me as possible. And the convenient way is to do it as I am doing it. This problem that my amendment that I'm offering will solve lies in the fact that this language was being attached to textual material in the existing law that did nothing other than to state the level of misdemeanor that certain violations would be. When that type of language is used, the statute will say, in effect, a violation of such and such shall be a Class whatever misdemeanor. By adding the language about sending a person to this course of study, to that language, means that the word "shall" also would apply to the language relative to the judge sending a person to this course. That made it mandatory, and by making it mandatory at this location,... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: ...it conflicted directly with the other places in the bill where sending a person to that course was left to the judge's discretion. So when this amendment is adopted, that drafting difficulty will have been eradicated. But my opposition to the bill will continue, and I will continue to wage my battle against this bill. And as we proceed, there are a few things I will ask Senator Karpisek, for the record, but I need not do them at this point. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the summary of FA184. Members wishing to speak: Senator Karpisek and Senator Chambers. Senator Karpisek. [LB844]

SENATOR KARPISEK: Thank you, Mr. Lieutenant Governor, members of the body. Again, I want to say that I agree with Senator Chambers' amendment to the amendment, and I would like to thank him for going through and straightening that out. It was never the intention to make a "shall" in there. What I thought was a little farther on, it said "shall" assign them if the judge sees fit. I thought that that was all right, Senator Chambers did not. And so I will agree with him and thank him for straightening it out. But I would have really thanked him if he would have put it all in one amendment. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Chambers. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I do need to ask Senator Karpisek a question now. [LB844]

PRESIDENT SHEEHY: Senator Karpisek, would you respond to a question? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

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SENATOR CHAMBERS: Senator Karpisek, you had said that the first offense would be...the amount of the penalty would be raised from \$100 to how much? [LB844]

SENATOR KARPISEK: Three hundred dollars. [LB844]

SENATOR CHAMBERS: Okay, and that would be on page 6 in line 12. Then if we drop down to line 17 on the same page, the second offense would rise from \$200 to \$400, by way of a fine. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: And then in line 21, we would come to the point where the amount rises from \$300 to \$500. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Okay. Senator Karpisek, where did you come up with these amounts? From where? [LB844]

SENATOR KARPISEK: Well, Senator, the original bill, the green copy, didn't have these. The amended version I worked with the legal counsel of the Judicial Committee to compromise. [LB844]

SENATOR CHAMBERS: And what led you to select these amounts? Because each one of these amounts increases by \$200 the existing amount. You go from \$100 to \$300. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: You go from \$200 to \$400. You go from \$300 to \$500. Why did you select \$200 as the amount to increase each one of these fines? [LB844]

SENATOR KARPISEK: That was the compromise that we came up with that we thought that we could live with, the committee could live with. [LB844]

SENATOR CHAMBERS: Well, under the existing law, the first offense would be \$100, right? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: The next would be \$200, right? [LB844]

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SENATOR KARPISEK: Right. [LB844]

SENATOR CHAMBERS: And the third would be \$300. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: So you just decided to double that amount, because each of those would be increased by \$100, increments of \$100. So you decided to just double that amount. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: There was no study, no penological purpose to be accomplished. You just out of your head decided that you'd do it that way; is that correct? [LB844]

SENATOR KARPISEK: Well, Senator, in the green copy I wanted to try to make the first offense the same, equal to a minor in possession. So in that regard, \$500 is the maximum. So I came up with the \$500. I didn't want it to be any stricter, so on the third offense, we went to \$300...\$500, excuse me, and then worked backwards to second, down to first. [LB844]

SENATOR CHAMBERS: Why didn't you just raise the lower end from \$100 to \$200? [LB844]

SENATOR KARPISEK: Because I wanted to start at the same amount as the minor in possession. [LB844]

SENATOR CHAMBERS: So all of this, we're coming back to what I had said in the beginning and what you had said: This bill is based on your being disturbed that minor in possession penalties were harsher than these minor marijuana penalties; is that correct? [LB844]

SENATOR KARPISEK: That is correct. [LB844]

SENATOR CHAMBERS: And you think that's a rational approach or an emotional approach? [LB844]

SENATOR KARPISEK: I'm sorry, I didn't hear the second. Rational or... [LB844]

SENATOR CHAMBERS: Do you think that is a rational approach or emotional approach? [LB844]

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PRESIDENT SHEEHY: One minute. [LB844]

SENATOR KARPISEK: I would have to say both. [LB844]

SENATOR CHAMBERS: But it is primarily emotional, isn't it, because there's no rational basis for it whatsoever. There's no connection between a \$200 fine, as opposed to \$100, which is going to deter anybody or accomplish anything. You can't establish that, can you? You just pulled a figure out of the air, didn't you? [LB844]

SENATOR KARPISEK: I guess we did pull it out of the air, but I do think that it does make a difference; otherwise, we wouldn't have different levels of fines on any of our laws. [LB844]

SENATOR CHAMBERS: That's irrelevant to what you and I are discussing, because if we were talking about other offenses, they would not be the offenses which at one time were criminalized and then had been decriminalized. Marijuana has been decriminalized. Let me ask you this: Has the illegal consumption of alcohol been decriminalized, or is it still a criminal offense. [LB844]

PRESIDENT SHEEHY: Senator Chambers, time has expired. You may continue. [LB844]

SENATOR CHAMBERS: And this would be my third time...my second or third? [LB844]

PRESIDENT SHEEHY: Second time, Senator. [LB844]

SENATOR CHAMBERS: Thank you. [LB844]

SENATOR KARPISEK: For minors it is still a criminal offense. [LB844]

SENATOR CHAMBERS: Would you like to decriminalize the consumption of alcohol by minors? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Now, Senator Karpisek, let's you and I talk about some family "vayues." [LB844]

SENATOR KARPISEK: Okay. [LB844]

SENATOR CHAMBERS: I say values, but I hear other people say "vayues," so I'm trying to be understood. Do you understand what I mean when I say "vayues?" [LB844]

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SENATOR KARPISEK: (Laugh) Yes, sir, I do. [LB844]

SENATOR CHAMBERS: Okay. And how would you spell "vayues?" [LB844]

SENATOR KARPISEK: V-a-l-u-e-s. [LB844]

SENATOR CHAMBERS: Then why is it pronounced "vayues?" There's no L in... [LB844]

SENATOR KARPISEK: I try to say values. I don't know. [LB844]

SENATOR CHAMBERS: Okay, thank you. [LB844]

SENATOR KARPISEK: I have a little bit of an accent though, so... [LB844]

SENATOR CHAMBERS: Now is it lawful under the statutes for a child to consume alcohol at home? [LB844]

SENATOR KARPISEK: That is allowed. [LB844]

SENATOR CHAMBERS: It's legal for a child to consume alcohol at home? [LB844]

SENATOR KARPISEK: I think it is, Senator. [LB844]

SENATOR CHAMBERS: Is it legal for a child to consume marijuana at home? [LB844]

SENATOR KARPISEK: No, Senator. Marijuana is an illegal drug. [LB844]

SENATOR CHAMBERS: So if we're going to make them the same, why don't we allow marijuana to be consumed at home? If you will agree to let marijuana be consumed at home in the same way that juveniles can consume alcohol at home, I would agree with you because you want them to be treated the same way, don't you? But you don't really want them treated the same way, do you? I caught you again, didn't I? You hadn't thought of that, had you? [LB844]

SENATOR KARPISEK: Oh, I knew you were going to catch me a lot today, Senator. But I'm ready for that. [LB844]

SENATOR CHAMBERS: You're not treating them the same way though, are you? [LB844]

SENATOR KARPISEK: Because I believe that marijuana...I know marijuana is an illegal substance, Senator. [LB844]

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SENATOR CHAMBERS: Senator, marijuana is an illegal substance because we say it is. Isn't that true? [LB844]

SENATOR KARPISEK: That is true. [LB844]

SENATOR CHAMBERS: Alcohol is illegal for minors to consume under certain circumstances and legal for those same minors to consume it under other circumstances. Isn't that true? [LB844]

SENATOR KARPISEK: That is true. [LB844]

SENATOR CHAMBERS: Why don't we just make it illegal all the time? [LB844]

SENATOR KARPISEK: I guess you could carry that bill. [LB844]

SENATOR CHAMBERS: No, I'm asking you. [LB844]

SENATOR KARPISEK: Oh. [LB844]

SENATOR CHAMBERS: Because you're the one who wants to make these two things parallel. Why don't we make consumption of alcohol illegal for minors all the time and everywhere? [LB844]

SENATOR KARPISEK: Because the parents have the authority in their house. [LB844]

SENATOR CHAMBERS: Then why don't they have the authority to use and allow the use of marijuana in their house? We can make that happen. [LB844]

SENATOR KARPISEK: We can. [LB844]

SENATOR CHAMBERS: The only reason it's not illegal for minors to consume alcohol at home is because we put in the statute that they can consume it at home. So why don't we change the statute to allow marijuana to be used in the home? You see a bit of hypocrisy creeping up? [LB844]

SENATOR KARPISEK: I think you'd have to make marijuana legal first. [LB844]

SENATOR CHAMBERS: You don't make the consumption of alcohol legal for juveniles everywhere under all circumstances. You only make it legal in the places where they're being taught "vayues"--at home and at church, at home and at church. You tell these children that what you learn at home is what you ought to accept and guide your life according to. So drink alcohol at home. When you go to church, that's where you learn

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an even higher order of morality and "vayues." But you can consume alcoholic beverages at church. So you can consume this devil's brew in the house of the Lord and in the house of the parents. But if the child consumes it in a place where they're not being taught "vayues," then it's against the law. Isn't that right? [LB844]

SENATOR KARPISEK: That is right. But not all churches allow them to have wine, either. [LB844]

SENATOR CHAMBERS: That's for them to decide, but the law makes it possible for any church to use wine with their crackers at church. Isn't that true? [LB844]

SENATOR KARPISEK: That's what I've been told. I don't go to that church. [LB844]

SENATOR CHAMBERS: Now you're opposed absolutely to the utilization of marijuana by anybody under any circumstances. Is that true or is that an overstatement of your position? [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR KARPISEK: I guess I would be open to listening to a debate on medical marijuana. But right now I would be opposed. [LB844]

SENATOR CHAMBERS: Are you opposed to changing any of these penalties, lowering them? See we're not just talking about dollars, we're talking about the Legislature's time. [LB844]

SENATOR KARPISEK: I understand that, Senator Chambers. I guess I asked you if you would be willing for a compromise and I don't know if you recall... [LB844]

SENATOR CHAMBERS: Yeah, let's raise each fine by \$50. [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: See? You're unreasonable. Then we will take the Legislature's time and we'll see if they're willing to give up time on this bill. And you know if it moves then it's likely to come up again, unless we take a lot of time on other things and this bill is put in proper perspective as not being that important. That's the way things happen in the Legislature. You haven't been here very long so maybe you don't realize that. [LB844]

SENATOR KARPISEK: Oh, I do, Senator. [LB844]

SENATOR CHAMBERS: Are aware, though, that that can happen? [LB844]

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PRESIDENT SHEEHY: Time, Senator. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there additional members wishing to speak? Senator Chambers. [LB844]

SENATOR CHAMBERS: I'd like to ask Senator Karpisek a question. [LB844]

PRESIDENT SHEEHY: Senator Karpisek, would you respond? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, are you enjoying this discussion of your bill? [LB844]

SENATOR KARPISEK: Yeah, right now I am, Senator. [LB844]

SENATOR CHAMBERS: Okay. [LB844]

SENATOR KARPISEK: Are you? [LB844]

SENATOR CHAMBERS: Very much so. [LB844]

SENATOR KARPISEK: I thought so. (Laughter) [LB844]

SENATOR CHAMBERS: So we'll recapitulate. You can...how young...what is the youngest a person...let me strike that. Below what age cannot a child legally consume alcohol at home? Is there anything in the statute which says if a child below a certain age is given alcohol in the home, that violates the law? [LB844]

SENATOR KARPISEK: I don't think so, Senator, but I would not be 100 percent certain. [LB844]

SENATOR CHAMBERS: I'm not aware that that is in the law, that there is any...I'd like to ask Senator Kruse a question because he's our resident expert on alcohol consumption. [LB844]

PRESIDENT SHEEHY: Senator Kruse, would you respond to a question? [LB844]

SENATOR KRUSE: Yes, I will. [LB844]

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SENATOR CHAMBERS: Senator Kruse, by a circuitous, torturous route we've arrived at the point of acknowledging that under the statute a juvenile, a child can consume alcohol in the home if the parents are willing. Are you aware of any statute which sets an age below which it would be illegal to allow a child to consume alcohol in the home? [LB844]

SENATOR KRUSE: No, I'm not. [LB844]

SENATOR CHAMBERS: So that means at any age? [LB844]

SENATOR KRUSE: In the home. [LB844]

SENATOR CHAMBERS: Yes. Thank you. That's all I wanted to ask Senator Kruse. So it wouldn't seem to you, Senator Karpisek, that that was a trick question? It wasn't. There is nothing. Do you think that ought to be allowed, first of all? Keep that question in mind. Do you think it's wholesome for young people to consume alcohol? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Then why don't you even put an age limit below which a child cannot legally be given alcohol in the home? You hadn't thought of that, had you? [LB844]

SENATOR KARPISEK: Yes, Senator, I have. And I guess that would be...someone could introduce that bill. That is not what I have... [LB844]

SENATOR CHAMBERS: But you're more concerned about having two penalties the same than you are about protecting the health of very young children. [LB844]

SENATOR KARPISEK: I'm concerned about the health of young children, and that's one reason I brought this bill. And I passed out...I won't take your time. Sorry. [LB844]

SENATOR CHAMBERS: But you're not as concerned about the health of these young children as you are about making these two penalties seem to square up with each other. Isn't that true? Otherwise you'd have brought that other bill. Is that correct? [LB844]

SENATOR KARPISEK: I suppose you're correct. [LB844]

SENATOR CHAMBERS: And that's what you want to be known for having done? If somebody says, what have you done for children? Then you can say, well, I tried to get harsher punishments for the use of marijuana. And that's your resume, your resume'? [LB844]

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SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: And you're proud of that? [LB844]

SENATOR KARPISEK: Well, I like this bill. And I hope to do some other things, too. [LB844]

SENATOR CHAMBERS: No, we're talking about this. Are you proud of what you're doing? [LB844]

SENATOR KARPISEK: Sure. [LB844]

SENATOR CHAMBERS: And you're not concerned about the fact that you have not been concerned enough about very young children to set an age limit below which alcohol cannot be given to them in the home? [LB844]

SENATOR KARPISEK: I am concerned about it, since you brought it up. But my main focus this year is the marijuana bill... [LB844]

SENATOR CHAMBERS: Um-hum. [LB844]

SENATOR KARPISEK: ...marijuana issue. [LB844]

SENATOR CHAMBERS: But you are going to support this amendment that's pending before us now? [LB844]

SENATOR KARPISEK: Yes, Senator, I will. And I urge the body to do so. [LB844]

SENATOR CHAMBERS: Thank you, Senator Karpisek. How much time do I have, Mr. President? [LB844]

PRESIDENT SHEEHY: 1:20. [LB844]

SENATOR CHAMBERS: Thank you. And I'm going to use all of my time because I want to do that. I may can ask Senator Karpisek a question and he'll have a chance to look at it and tell me why this particular thing is done. Senator Karpisek, if you look on page 8 in line 6... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: ...you see a reference to a statute, 29-433. Do you see that? [LB844]

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SENATOR KARPISEK: Yes, Senator. [LB844]

SENATOR CHAMBERS: Why is a line drawn through that, indicating that that is to be stricken? [LB844]

SENATOR KARPISEK: Because in line 4 on the same page, Section 5 included 29-433 revised to include the rest. So it was changed from 29-433 to Section 5. [LB844]

SENATOR CHAMBERS: So when we amend Section 29-433, there will no longer be any reference in that section to 29-433, correct? [LB844]

SENATOR KARPISEK: Right now, correct. [LB844]

SENATOR CHAMBERS: Under the amendment that we're talking about... [LB844]

SENATOR KARPISEK: Yes, yes. [LB844]

SENATOR CHAMBERS: ...the committee amendment. [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And the only thing...what would be left? [LB844]

SENATOR KARPISEK: Section 5. [LB844]

SENATOR CHAMBERS: And what is that going to refer to? [LB844]

SENATOR KARPISEK: 29-433 will still be in Section 5. [LB844]

PRESIDENT SHEEHY: Time, Senator. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there additional members wishing to speak on FA184, amendment to the committee amendment? Seeing none, Senator Chambers, you're recognized to close. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, Senator Karpisek and I are going to look at this so that the record will be clear. Senator Karpisek...oh, and you can come at my mike. We can share it. Come on over. (Laughter) Come on. Take a mike check, let's see if it picks up your voice. [LB844]

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SENATOR KARPISEK: I think they can hear me all over without a mike. (Laughter)
[LB844]

SENATOR CHAMBERS: All right. Now Senator Karpisek, again we're looking at line 6
on page 8. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: We would strike the reference to the statute, 29-433. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Now if after the adoption of my pending amendment we come
back to this page where your amendment is pending, we will strike this new language
that was put into the statute. What amendment then will remain in this provision that we
are dealing with? [LB844]

SENATOR KARPISEK: Right here, Section 5 includes 29-433. It would move from here
to here to include. [LB844]

SENATOR CHAMBERS: So we would say, amend Section 29-433 with this language
that will remain after you have stricken the new language? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: And the only thing new that will be in 29-433 that will justify it
remaining here as an amendment is this language that says "or convicted of a
misdemeanor pursuant to sections" and these that are given. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Do those sections relate to alcohol offenses? [LB844]

SENATOR KARPISEK: Yes, they do, Senator. [LB844]

SENATOR CHAMBERS: But none of them will relate to the consumption of alcohol of a
child at home? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: But since these statutes are before us, it would be germane to
offer such an amendment, wouldn't it? Would it? [LB844]

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SENATOR KARPISEK: Sure. [LB844]

SENATOR CHAMBERS: And now that I've talked about it, you're concerned about the fact that there's no minimum age below which alcohol cannot legally be given to a child in the home, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Are you willing to have an amendment like that drafted and added to your bill? [LB844]

SENATOR KARPISEK: Depending on what the age is. [LB844]

SENATOR CHAMBERS: But are you... [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Will you accept the notion? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Okay. Now what age would you think is reasonable? Six months? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Three months? [LB844]

SENATOR KARPISEK: No, higher. [LB844]

SENATOR CHAMBERS: Oh. Whew. [LB844]

SENATOR KARPISEK: (Laugh) Yeah. I'm not unreasonable. [LB844]

SENATOR CHAMBERS: Okay. So what age would you think? Would it have to be somebody in preschool so that they wouldn't likely go around other children and have alcohol on their breath when they come in contact with other children? [LB844]

SENATOR KARPISEK: We're going to get into the religious debate, aren't we? [LB844]

SENATOR CHAMBERS: No. This is just at home. [LB844]

SENATOR KARPISEK: Well, right. And I think parents could say they're doing it for

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religious purposes. [LB844]

SENATOR CHAMBERS: Well, they say a lot of things. There are parents who engage in pornographic photographing of their children for purposes that are illicit but they give them once they're caught. Suppose we say below the age of six alcohol cannot be given to a child in the home. And that will make sure that when the child is in school, the child will not go to school with alcohol on his or her breath. [LB844]

SENATOR KARPISEK: Some go at five. [LB844]

SENATOR CHAMBERS: Well, think about...so if we say you can't give it below the age of six, then that means from... [LB844]

SENATOR KARPISEK: Including five. [LB844]

SENATOR CHAMBERS: ...six on down, you can't give it. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Okay. Now that's all I'll ask you at this mike and I'll engage in my closing. But think about it. [LB844]

SENATOR KARPISEK: Okay. Thank you. [LB844]

SENATOR CHAMBERS: Members of the Legislature, I have methods. There is a method behind what I do. Some things take time. My colleagues, those who have paid attention, may see that there are things that ought to be done with this bill since the issues have been brought before us other than just to attack marijuana. Are the rest of you so narrow in your scope and view that you think this bill ought not be used to do other things that are more important than raising the fine for marijuana? I'd like to ask "Parson" Carlson a question. [LB844]

PRESIDENT SHEEHY: Senator Carlson, would you respond? [LB844]

SENATOR CARLSON: Yes, I will. [LB844]

SENATOR CHAMBERS: "Parson," are you the one who brought those...whose guests those children were this morning in the balcony? [LB844]

SENATOR CARLSON: Well, they were high school students, they weren't children. [LB844]

SENATOR CHAMBERS: Well, to me, at my age, you're a child, sonny. [LB844]

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SENATOR CARLSON: Thank you. [LB844]

SENATOR CHAMBERS: Okay. But they were your guests? [LB844]

SENATOR CARLSON: Yes. [LB844]

SENATOR CHAMBERS: Okay. And they were from Senator Hansen's area? [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CARLSON: No. They were from my district. [LB844]

SENATOR CHAMBERS: Oh. What city or school were they from? [LB844]

SENATOR CARLSON: That was Lawrence/Nelson. [LB844]

SENATOR CHAMBERS: Lawrence/Nelson? Oh, so Senator Nelson, they were from Senator Nelson's territory. That's why we get confused with Carlson, Hansen, and Nelson. And you contribute to that. Senator Carlson, there's not enough time for you to answer that question at this time, but I want you to know that I'm going to ask you if you think it would be reasonable to set a minimum age below which alcohol cannot be given to children legally in the home. Now if you can answer yes or no, there would be time; otherwise, you'll get cut off. [LB844]

SENATOR CARLSON: I'll come back to your question later. [LB844]

SENATOR CHAMBERS: Thank you. And Mr. President, that's all the time that I will take. I'll ask for a call of the house and take a machine vote. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the closing to FA184. We do have a request for a call of the house. The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB844]

CLERK: 29 ayes, 0 nays to place the house under call, Mr. President. [LB844]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Chamber. All unauthorized personnel please step from the floor. The house is under call. Senators, please record your presence. Senator Raikes, Senator Kruse, Senator Burling, Senator Pankonin, Senator Ashford, the house is under call. Senator Chambers, all members are present. Senator Chambers has requested a machine vote. The question before the body is on the adoption of FA184, amendment to

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committee amendments, AM1784. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB844]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment. [LB844]

PRESIDENT SHEEHY: FA184 is adopted. The call is raised. Next amendment, Mr. Clerk. [LB844]

CLERK: Mr. President, if I may, an announcement: the Health Committee, Exec Session, 11:00, Room 2022; Health Committee at 11:00. Mr. President, the next amendment I have to the committee amendments: Senator Karpisek, AM2086. [LB844]

PRESIDENT SHEEHY: Senator Karpisek, you're recognized to open on AM2086. [LB844]

SENATOR KARPISEK: Thank you, Mr. President. And as I said, that clears up everything that I had in my amendment, so I would like to withdraw AM2086. [LB844]

PRESIDENT SHEEHY: AM2086 is withdrawn. [LB844]

CLERK: I have nothing further pending to the committee amendments, Mr. President. [LB844]

PRESIDENT SHEEHY: We'll return to floor discussion on AM1784. Senator Chambers. (Legislative Journal page 644.) [LB844]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I wonder if Senator Karpisek is sure that the bill is in the form he'd like it to be in. So may I ask him a question, if he will respond? [LB844]

SENATOR LANGEMEIER PRESIDING [LB844]

SENATOR LANGEMEIER: Senator Karpisek, would you yield? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Now, Senator Karpisek, your amendment that you had drafted first would have taken us to page 6. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: And in line 6, we would strike...did I get to the right page? On

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page 6...oh, line 13, we would strike 29-433, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: And then we would proceed to strike all of the new language in lines 13 through 15. That's what the effect of your amendment would be? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Okay. Now we then go to page 8. [LB844]

SENATOR KARPISEK: Right. [LB844]

SENATOR CHAMBERS: And in lines 10 through 12 we would have stricken the new matter. But that has been done already, is that correct? [LB844]

SENATOR KARPISEK: That is correct. [LB844]

SENATOR CHAMBERS: Okay. Then on line...on page 9 in line 5, we would strike 29-433. We would leave...we would then--because all of this language, this new language was stricken by my amendment. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: We would then add five...okay, we would read, "Any person violating any of the provisions of" the given sections "shall be guilty of a Class III misdemeanor." And then what? Five of this act? [LB844]

SENATOR KARPISEK: Correct. It would have went back to Section 5 as we talked about on our last conversation. [LB844]

SENATOR CHAMBERS: Where do we see that language? Here's what I'm getting at. Will you look at page 9? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And let's try to tie this new language into what is here. My amendment struck all of this new language that was put into the bill. [LB844]

SENATOR KARPISEK: Correct. Number two on...no, I'm sorry. [LB844]

SENATOR CHAMBERS: So we would then have remaining the original language that's in the statute without amendment. [LB844]

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SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: So here's what it would read, beginning in line 2 so we can pick up a complete sentence: "any person violating any of the provisions of sections" and it gives them "shall be guilty of a Class III misdemeanor five of this act if the judge determines that attending such course is in the best interest of the individual defendant." There's something missing. [LB844]

SENATOR KARPISEK: It should have been Section 5. [LB844]

SENATOR CHAMBERS: So your amendment is not correctly drafted? [LB844]

SENATOR KARPISEK: Yes, Senator. Mine would have left... [LB844]

SENATOR LANGEMEIER: One minute. [LB844]

SENATOR KARPISEK: ...in on page 4, of a Class III misdemeanor and be assigned to attend a course as prescribed in the section. We would have struck 29-433 and added five. So then it would have read "prescribed in Section 5 of this act if the judge determines that attending such course is in the best interest of the individual defendant." [LB844]

SENATOR CHAMBERS: What I'm trying to get you to do is read the language with your amendment as you have it drafted here. What your amendment says, if I'm reading it correctly, on page 9, line 5, strike 29-433. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: But that would not be there anymore because we struck all of that. So we're leaving this language untouched at this point. [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Your whole amendment is gone. [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And the only reference now is back to the original law that said if a judge wants to... [LB844]

SENATOR LANGEMEIER: Time. [LB844]

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SENATOR CHAMBERS: ...send a person to that course... [LB844]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Chambers, you are recognized. [LB844]

SENATOR CHAMBERS: ...and the new language which would then include in that section the reference to the alcohol violations. [LB844]

SENATOR KARPISEK: Correct. Our... [LB844]

SENATOR CHAMBERS: Okay. Go ahead. [LB844]

SENATOR KARPISEK: Well, ours was just that it would leave that in, but refer back to Section 5 rather than back to 29-433, which 29-433 is included in Section 5. [LB844]

SENATOR CHAMBERS: Right. But the only thing that is amended into that section that you and I had talked about while you were over here would be those references to the alcohol offenses. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Because that's what I want to ask you about. Do those references refer to any age? Do they deal only with minors in possession? [LB844]

SENATOR KARPISEK: Well, they don't only deal with minor in possession. [LB844]

SENATOR CHAMBERS: With whom else... [LB844]

SENATOR KARPISEK: But no, there is not an age in the home, if that's what you're... [LB844]

SENATOR CHAMBERS: No, no. I'm not talking about the home now. [LB844]

SENATOR KARPISEK: Okay. [LB844]

SENATOR CHAMBERS: Those existing statutes that you mentioned, do you remember the page we were on when we were discussing that? Page 8. [LB844]

SENATOR KARPISEK: Page 8. [LB844]

SENATOR CHAMBERS: In line 7 we start, "convicted of a misdemeanor pursuant to sections 53-" and on. [LB844]

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SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Okay. Do those sections refer to anybody who commits one of those violations or only youngsters? [LB844]

SENATOR KARPISEK: It refers to both, Senator. Can I go through? [LB844]

SENATOR CHAMBERS: Sure. [LB844]

SENATOR KARPISEK: 53-180.01 is minor misrepresenting age, 53-180.02 is minor in possession, and 53-180.03 is procuring alcohol for a minor. [LB844]

SENATOR CHAMBERS: So when it comes to the actual misuse of alcohol or the age, that relates to minors. The procuring alcohol could apply to a minor or an adult. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: A minor could be charged with procuring alcohol. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: What would the penalty be for a minor procuring alcohol; the same as an adult? [LB844]

SENATOR KARPISEK: I assume so, Senator. [LB844]

SENATOR CHAMBERS: Do you think that a minor ought to be punished to the same extent as an adult? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: If a child, if one of these minors gives another minor a can of beer, is that procuring alcohol for a minor? [LB844]

SENATOR KARPISEK: Yes, it is. [LB844]

SENATOR CHAMBERS: And you think that this minor ought to be dealt with the same as an adult would be dealt with? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Why? [LB844]

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SENATOR KARPISEK: Because the act is the same. The end result is the same. The minor is still getting the alcohol. [LB844]

SENATOR CHAMBERS: Do you think there's more culpability where an adult commits an act than where there is a minor? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: But you're going to punish the minor as though that minor were as culpable as the adult, correct? [LB844]

SENATOR KARPISEK: Well, and Senator, that is current statute. This is just including them to be able to take...the judge requiring them to take the drug and alcohol counseling. [LB844]

SENATOR CHAMBERS: I'm aware of what you're doing. [LB844]

SENATOR KARPISEK: Okay. [LB844]

SENATOR CHAMBERS: But once those statutes come before us, they can be discussed. [LB844]

SENATOR KARPISEK: Correct. I just... [LB844]

SENATOR CHAMBERS: You're talking... [LB844]

SENATOR KARPISEK: ...want to make sure that I'm on the same page. [LB844]

SENATOR CHAMBERS: Your concern was with minors consuming alcohol and minors using marijuana, even though adults use both of them. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: When it comes to the marijuana, you want the penalty to be the same for a minor or an adult. Is that true? [LB844]

SENATOR KARPISEK: And Senator, we did talk about making that only...my green copy only for minors, but the people I talked to... [LB844]

SENATOR LANGEMEIER: One minute. [LB844]

SENATOR KARPISEK: ...thought that there may be a constitutional problem with that. [LB844]

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SENATOR CHAMBERS: I'm not arguing about why it wasn't done. I'm just looking at the philosophy behind what you're doing and the impact of it. [LB844]

SENATOR KARPISEK: Okay. [LB844]

SENATOR CHAMBERS: You are making children as culpable as adults. Is that correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Why do we have juvenile courts and adult courts when juveniles might commit the same act as an adult and wind up in juvenile court and the adult will be in adult court? Is the society, as reflected in the laws, declaring that young people who do certain things do not have the same level of understanding or culpability as an adult, therefore they should be treated differently because of their tender age? Isn't that the philosophy behind having a juvenile court, a juvenile code, and treating children different from the way you treat adults? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: If a child slaps another child, will that child be dealt with the same way as an adult who slaps a child? [LB844]

SENATOR LANGEMEIER: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Mr. Clerk, for a motion. [LB844]

CLERK: Mr. President, Senator Chambers would move to amend the committee amendments. (FA186, Legislative Journal page 800.) [LB844]

SENATOR LANGEMEIER: Senator Chambers, you are recognized to open on your amendment. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if you look at page 7 of the committee amendment, you will see a Section 3. My amendment would strike Section 3. Section 3...first of all, let me ask Senator Karpisek a question. Senator Karpisek, does this section have anything to do with using marijuana? [LB844]

SENATOR KARPISEK: It is the paraphernalia that they use to ingest it. [LB844]

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SENATOR CHAMBERS: Senator Karpisek, does this section have anything to do with using marijuana? If you violate this section, do you violate it by using marijuana? How, in other words, is this section violated? What must a person do to violate this section? [LB844]

SENATOR KARPISEK: They have to use the paraphernalia or intend to use it, to inject and... [LB844]

SENATOR CHAMBERS: So we're talking about...are we talking about paraphernalia or the drug? [LB844]

SENATOR KARPISEK: Paraphernalia. [LB844]

SENATOR CHAMBERS: So it doesn't have to do with marijuana, does it? If I have a coffee cup, I can put coffee in the cup. But the cup has nothing to do with coffee, does it? I can also put tea in it, can't I, or water? [LB844]

SENATOR KARPISEK: Yes, sir. Yes. [LB844]

SENATOR CHAMBERS: Okay. So why are you amending this section, too, also when you're concerned about marijuana? [LB844]

SENATOR KARPISEK: Senator, I wanted to make the fine \$100, which is what it would have gone back to in most circumstances where it was just listed as an infraction. I felt that this was maybe even less than it might have been. [LB844]

SENATOR CHAMBERS: So your intent in putting \$100 when it comes to paraphernalia is to actually reduce the penalty? Is that what you're telling me? [LB844]

SENATOR KARPISEK: I wouldn't say to reduce it, but to make it clear. [LB844]

SENATOR CHAMBERS: If a person is guilty of an infraction, what is the penalty for violating a law which has been deemed an infraction when violated? [LB844]

SENATOR KARPISEK: Up to \$100. [LB844]

SENATOR CHAMBERS: Up to. So it could be less than \$100? [LB844]

SENATOR KARPISEK: It could. [LB844]

SENATOR CHAMBERS: So when you put \$100, you're not lessening the amount, you are increasing it in some instances, aren't you? This is a flat amount which is the floor

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and the ceiling. The way the law would exist without your amendment is that there would be a ceiling up to \$100. If we have a stepladder or a ladder extending from this floor to the ceiling of this building and there are 100 rungs and we say each rung is going to stand for a dollar, if you say up to \$1, that means you could use all 100 rungs or fewer than 100. The fine could be nothing for paraphernalia, right? [LB844]

SENATOR KARPISEK: Right. [LB844]

SENATOR CHAMBERS: It could be \$5, \$10, or any amount, but not to exceed more than \$100, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: This has nothing to do with marijuana though, does it? [LB844]

SENATOR KARPISEK: Well, I think it does. [LB844]

SENATOR CHAMBERS: Are you opposed to striking Section 3? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: How will it affect your bill? [LB844]

SENATOR KARPISEK: It would take out the paraphernalia. I would, Senator, if you want to take out on line 22 and strike the new "and fined \$100" I would be agreeable to that. [LB844]

SENATOR CHAMBERS: Then there would be nothing left. [LB844]

SENATOR KARPISEK: Well, it would be back to the way it was before. [LB844]

SENATOR CHAMBERS: Right. That's why if I strike Section 3, that just means it is stricken from this bill, not that it's stricken from the law. If I'm going to strike this language from the law, I would have to say strike and show as stricken all of this language. I could do the same thing by saying strike the new language in line 22. Would that make you more comfortable and less nervous about what my ultimate intent is? [LB844]

SENATOR KARPISEK: Yes, it would, Senator Chambers. [LB844]

SENATOR CHAMBERS: Thank you then. How much time do I have, Mr. President? [LB844]

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SENATOR LANGEMEIER: Five minutes. [LB844]

SENATOR CHAMBERS: Thank you. I'm going to draft such an amendment while I speak. And I'm willing to go along with my friend Senator Karpisek here to be collegial, to compromise. But he's unwilling to be collegial with me and compromise. So we're going to have to continue to work on this matter until we can get someplace reasonable. And the only reasonable place is to kill this bill or to substantially reduce those new penalties. I do a cable program once a week and last night I got a call, an interesting call from a gentleman who had trouble speaking. He seemed like he was about to lose his breath. He said that he is a cancer survivor, that he uses marijuana for medicinal purposes and how it helps him. Senator Karpisek has not denied that marijuana can serve a medicinal purpose. And this man makes use of it. It has been printed in the literature and some doctors had risked possible criminal sanctions by prescribing marijuana to people who are taking some of these cancer treatments. It helps to cut down the nausea, it provides relief where nothing else will. I don't know whether the Bush administration and people in that administration are opposed to the medicinal use of marijuana because they think a cancer patient, even one who is terminal, may become addicted to marijuana. Doctors in the past would not provide enough painkilling medication because it was addictive. So it was finally brought home to them how ridiculous it is to say that you are worried about this person with a terminal illness suffering agony, becoming addicted to a medication which can ease their pain and suffering. And finally the doctors said, oh. Senator Karpisek, have you seen that commercial about V8 juice and the person hits himself on the head and says pop, oh I could have had a V8? Well, those doctors got a V8 slap to the forehead. We don't need to worry about somebody with a terminal illness suffering great pain developing an addiction to painkillers. So now they try to adequately medicate people. But for some reason marijuana is not to be used. There are derivatives of other drugs and forms of that drug itself which can be used to stifle or mask pain. Do you know that novocaine is shot in your jaw before you get a tooth filled or pulled? Are you aware of that? [LB844]

SENATOR KARPISEK: Oh, yeah. [LB844]

SENATOR CHAMBERS: Can novocaine become addictive? You're not sure. [LB844]

SENATOR KARPISEK: Not sure. [LB844]

SENATOR CHAMBERS: What I'm trying to do is give us an opportunity to have my amendment put on the desk. But while I'm using these five minutes, I want to ask you another question or two. Why are you so wedded to these amounts of money? [LB844]

SENATOR KARPISEK: Because they are higher than what it was. And again, I want to get the third offense at least... [LB844]

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SENATOR LANGEMEIER: One minute. [LB844]

SENATOR KARPISEK: ...up to an equal amount of minor in possession of alcohol. [LB844]

SENATOR CHAMBERS: What is the third offense amount for a minor in possession of alcohol? What is the penalty? [LB844]

SENATOR KARPISEK: It's the same as a Class III misdemeanor. [LB844]

SENATOR CHAMBERS: What is the penalty for the first offense minor in possession? [LB844]

SENATOR KARPISEK: The same amount. [LB844]

SENATOR CHAMBERS: And how much is that? [LB844]

SENATOR KARPISEK: It's a Class III misdemeanor, up to \$500 and up to 90 days imprisonment. [LB844]

SENATOR CHAMBERS: Now Senator Karpisek, you said in this misdemeanors it says up to \$500? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Your amendment doesn't say up to. Your amendment sets a flat amount. You haven't drafted your amendment to correspond to minor in possession, have you? Yours is different, isn't it? [LB844]

SENATOR KARPISEK: It is. That was the compromise. [LB844]

SENATOR CHAMBERS: And yours can make a higher penalty for these small amounts of marijuana than would be charged as a fine for a minor... [LB844]

SENATOR LANGEMEIER: Time. [LB844]

SENATOR CHAMBERS: ...in possession. Isn't that true? Did you say time, Mr. President? [LB844]

SENATOR LANGEMEIER: Time. [LB844]

SENATOR CHAMBERS: Thank you. [LB844]

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SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the opening on FA186 to AM1784. The floor is now open for discussion. Senator Karpisek, you're recognized. [LB844]

SENATOR KARPISEK: Thank you. Would Senator Chambers yield? [LB844]

SENATOR LANGEMEIER: Senator Chambers, would you yield? [LB844]

SENATOR CHAMBERS: Yes, I will. [LB844]

SENATOR KARPISEK: Senator Chambers, I went back to the infraction and I had forgotten why I put that down that way, 29-436, infraction, penalties: "Any person guilty of an infraction when a penalty is not otherwise specified shall: (1) For the first offense be fined not more than one hundred dollars; (2) upon a second conviction for the same infraction within a two-year period be fined not less than one hundred dollars and not more than three hundred dollars; and (3) upon a third or subsequent conviction for the same infraction within a two-year period be fined not less than two hundred dollars and not more than five hundred dollars." That is why I set the \$100 across the board. [LB844]

SENATOR CHAMBERS: But yours...oh, you mean talking about the drug paraphernalia? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Right. Well, we're going to deal with that. [LB844]

SENATOR KARPISEK: Well, I just got that and I wanted to let you know that that's why I set the \$100. So it is actually less than it could be. It could be up to \$500 if it's the third time or more within a two-year period. [LB844]

SENATOR CHAMBERS: Senator Karpisek, then if I strike this language, you feel that a harsher punishment could be possible, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: So if I strike this language or Section 3, then I'm actually making the bill harsher than what you had in mind, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: So you're going to agree with me to strike this language. Is

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that correct? [LB844]

SENATOR KARPISEK: I guess I'm going to leave it up to you, Senator. If you want to strike it, I will work with you finally, I guess. [LB844]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I have an amendment up there which will do, in effect, what the existing amendment will do but I'm going to withdraw the pending form of my amendment. [LB844]

SENATOR LANGEMEIER: FA186 is withdrawn. Mr. Clerk for a motion. [LB844]

CLERK: Senator Chambers would move to amend with FA187, Mr. President. (Legislative Journal page 800.) [LB844]

SENATOR LANGEMEIER: Senator Chambers, you are recognized to open on FA187. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. Senator Karpisek, here's the way the amendment is drafted now. On page 7 in line 22, strike the new language. Will you agree with that? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Okay. So we're leaving that law exactly as it is currently by striking this language. [LB844]

SENATOR KARPISEK: That is correct, Senator. [LB844]

SENATOR CHAMBERS: Thank you. Let me explain, Senator Karpisek, why I'm doing this. I want this bill to be as uncluttered as possible. I think this dealing with the paraphernalia is a side issue. The problem that is seen by people who may oppose your bill is not the paraphernalia matter other than putting this amount in. That means, the way you put it, that a first offense is not up to \$100, but a flat \$100. You're going to support me in removing that, so it not requiring a lot of discussion, I want to look at some of your other penalties. You, in reading to us what the penalty is for some of these misdemeanors, had read to us language that said up to. Is that correct? [LB844]

SENATOR KARPISEK: That is correct. [LB844]

SENATOR CHAMBERS: Let's take the first penalty that you have, and that would be found on page 6 in line 12. We're talking always when it comes to marijuana about infractions, correct? [LB844]

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SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: They're not made misdemeanors. All right. [LB844]

SENATOR KARPISEK: No, they are not; not in the amended version. [LB844]

SENATOR CHAMBERS: Right. So we're talking about penalties for the specific infraction relating to the use of marijuana. Would you agree? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Now if you didn't have this language and you're talking about an infraction, the first offense would be up to \$100 if you're talking about the ordinary infraction. But the way the language exists already in the statute is that for a first offense of this infraction, it's a flat \$100; not up to, but a mandatory \$100, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: All right. When you're talking about a minor in possession, that is not a flat amount, is it? It's up to a certain amount. [LB844]

SENATOR KARPISEK: Up to \$500. [LB844]

SENATOR CHAMBERS: For the first offense? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And every offense after that? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: So it's a flat amount across the board, no matter how many offenses of minor in possession would occur? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Then why will not we say for the first offense...and here's where I'll let you have it, the first offense will be up to \$100, the second offense up to \$300, the third offense up to \$400. Would you go for that? [LB844]

SENATOR KARPISEK: No, I wouldn't, but... [LB844]

SENATOR CHAMBERS: Are you saying up to...okay. Go ahead. [LB844]

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SENATOR KARPISEK: I don't know. Are you asking...those were the old...I shouldn't say...the ones that are in statute now. My idea, my amendment was \$300, \$400, and \$500. Is that...do you mean to say up to \$300, \$400, and \$500? [LB844]

SENATOR CHAMBERS: Yes. [LB844]

SENATOR KARPISEK: Would that be the common ground that we could find and you would let the bill move on? [LB844]

SENATOR CHAMBERS: Yes. [LB844]

SENATOR KARPISEK: Then I think that we can talk about it and try to get this worked out. [LB844]

SENATOR CHAMBERS: So where and when are we going to talk about it? [LB844]

SENATOR KARPISEK: I suppose on the mike or we can let it move and we can get it done before next reading, if you care to. [LB844]

SENATOR CHAMBERS: Now I have to do like I said Satan does when he's making a deal. He wants to make sure the person understands the deal so that it's understood what's being agreed to. In each one of these offenses, there would be no minimum, but there would be a higher maximum. And you'd leave it up to the court in the same way you're leaving it up to the court to determine whether a person ought to go to one of these courses. You would leave it up to the court since we have decriminalized marijuana anyway. You are putting in a new set of penalties. What I'm doing is allowing...now of that first one, it would be up to \$100 and that would keep it just like it is, the first offense. Anybody could stumble and fumble into marijuana experimenting. The next one up to \$200. Or what was it? Up to what? [LB844]

SENATOR KARPISEK: No, Senator, the way the statute is now is \$100 first offense, \$200 second, \$300 third. My amendment is \$300 first, \$400 second, \$500 third. [LB844]

SENATOR CHAMBERS: Well, I would say up to \$100 first, up to \$300 second, up to \$400 third. [LB844]

SENATOR KARPISEK: No, I can't go there. [LB844]

SENATOR CHAMBERS: Then we'll go on. [LB844]

SENATOR KARPISEK: I would go with up to \$300, up to \$400, and up to \$500, Senator. I agree that someone could stumble into marijuana. Someone could also

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stumble into alcohol. [LB844]

SENATOR CHAMBERS: But, Senator, we're coming back now to a point where we cannot avoid discussing the problems created by people who imbibe alcohol. And it's not just the imbibing of alcohol that has people distressed. It's imbibing the alcohol and driving. That's what people are concerned about, no matter how they characterize it. And you cannot show me the carnage created by people driving under the influence of alcohol done by people who use marijuana. Senator, what is the level, what is the level of marijuana in a person's blood that would determine that he or she is under the influence of marijuana? [LB844]

SENATOR KARPISEK: I don't think there is a test for that, Senator. [LB844]

SENATOR CHAMBERS: So then how are you going to determine that a person is under the influence of marijuana when driving? [LB844]

SENATOR KARPISEK: I guess they do a field sobriety test and then do a blood test and you can tell if they have it in their system, but not at what level. [LB844]

SENATOR CHAMBERS: So there's a great amount of arbitrariness if you're going to try to talk about driving under the influence. This is why they say you possess it. Now so that I understand where we are, you are unwilling to budge on these amounts that you have in the bill, correct? [LB844]

SENATOR KARPISEK: Yes. I would go with the up to those three amounts. [LB844]

SENATOR CHAMBERS: With no minimum? [LB844]

SENATOR KARPISEK: With no minimum. And I would just...I don't want to keep going back to the alcohol, Senator, but the minor in possession also carries up to 90 days in jail, where the marijuana on first offense carries no jail time. [LB844]

SENATOR CHAMBERS: Well, a lot of things that we need to do relate to when people are going to be put in jail because you have things working at cross purposes. Efforts are being put forward to stop loading up the jails. Counties talk about how many prisoners they have that the state might be responsible for and won't pay them. Counties and cities are talking about expanding jail capacity. So there are people in this Legislature who will put bills in place to put more people in jail. They don't want to spend more money to build jails, and I'm glad of that. [LB844]

SENATOR ERDMAN PRESIDING [LB844]

SENATOR ERDMAN: One minute. [LB844]

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SENATOR CHAMBERS: But it makes no sense. There are no rational bases for what this bill is doing. And I wish the bill hadn't come out of committee, but it did come out and I just have to address it. And I don't think we're going to be able to reach an accord, so we'll just go on until the time has been used up and you can see if you can get 32 of your colleagues to agree with you to shut me up. And after your bill, we then have Senator Raikes's bill. And I guess eight hours on that and then he'll have to get 33 votes to shut me up. And that should just about take care of today. Then tomorrow we have something which legitimately could take a certain number of hours because it relates to constitutional amendments... [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: ...related to impeachment. Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, you've heard the opening on FA187. Senator Chambers, your light is on. You're recognized to speak. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this session comprises my swan song. They say a swan sings before it dies. But Senator Karpisek, some people said certain swans ought to die before they sing. Now what I intend to do is what I promised. I'd like to ask Senator Carlson a question. [LB844]

SENATOR ERDMAN: Senator Carlson, would you yield to a question from Senator Chambers? [LB844]

SENATOR CARLSON: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Carlson, in the brief amount of time, relatively speaking, that you've known me, when I make a promise, can you think of any promises I've made that I have not kept? [LB844]

SENATOR CARLSON: No, I can't, Senator. [LB844]

SENATOR CHAMBERS: So if I promise to take eight hours on this bill and if I don't take eight hours, I have broken a promise, haven't I? [LB844]

SENATOR CARLSON: Yes, you would have. [LB844]

SENATOR CHAMBERS: And I shouldn't do that, should I? [LB844]

SENATOR CARLSON: I wouldn't go far but... [LB844]

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SENATOR CHAMBERS: The promise being made... [LB844]

SENATOR CARLSON: ...you're in charge. [LB844]

SENATOR CHAMBERS: The promise being made, said Abraham Lincoln, must be kept. [LB844]

SENATOR CARLSON: Yes, he did. [LB844]

SENATOR CHAMBERS: All right. Is that a sound principle according to which a person should guide his or her life? [LB844]

SENATOR CARLSON: In general, yes, it is. [LB844]

SENATOR CHAMBERS: Is it a sound principle according to which legislators ought to conduct their legislative affairs when dealing with their fellow legislators? [LB844]

SENATOR CARLSON: I believe it is. [LB844]

SENATOR CHAMBERS: Did I make that promise to my fellow legislators that I would take eight hours on this bill on General File? [LB844]

SENATOR CARLSON: Yes, you did. [LB844]

SENATOR CHAMBERS: Must I keep that promise, Senator Carlson, in order to be true... [LB844]

SENATOR CARLSON: No, not if you change your mind. (Laughter) [LB844]

SENATOR CHAMBERS: So if it's a promise that you don't want me to keep, then I can change my mind and no harm done. No harm, no foul. [LB844]

SENATOR CARLSON: Well, Senator Chambers, if you ask permission to change your mind, we will give it to you. [LB844]

SENATOR CHAMBERS: Well, that's something that you cannot give me permission to do because it involves me. Now if I had made you a promise to support a bill that you had, would you want me to break that promise? [LB844]

SENATOR CARLSON: No, I wouldn't. [LB844]

SENATOR CHAMBERS: But you want me to break this promise to myself? [LB844]

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SENATOR CARLSON: Only if you ask permission. We'll be happy to grant it to you. [LB844]

SENATOR CHAMBERS: If I ask permission to break a promise that I made to support your bill, would you want to see that permission granted to me by others or would you want me to assume the responsibility of my promise, and if I'm a man of integrity I will stick to my promise? [LB844]

SENATOR CARLSON: I would, in that case, want you to stick to your promise. [LB844]

SENATOR CHAMBERS: Because I could make you that promise and senators could come to me and say, don't go along with Carlson, don't do that, don't support him. You wouldn't want me to yield to that kind of pressure, would you? [LB844]

SENATOR CARLSON: No, I wouldn't. [LB844]

SENATOR CHAMBERS: But you want me to violate the trust to myself, true? [LB844]

SENATOR CARLSON: Only if that's your decision. [LB844]

SENATOR CHAMBERS: Now I want to ask you, what is the difference between that promise I made to you and the promise I made to all of my colleagues that would justify me in breaking the promise to my colleagues but not justify me in breaking my promise to you? Are you as an individual of more intrinsic value than my other colleagues put together? [LB844]

SENATOR CARLSON: No, I'm not. [LB844]

SENATOR CHAMBERS: So you feel that they're as good as you? [LB844]

SENATOR CARLSON: Absolutely. [LB844]

SENATOR CHAMBERS: Are they entitled to me respecting my promise that I made to them in the same way that you're entitled to have me respect the promise I made to you? [LB844]

SENATOR CARLSON: I believe they are. [LB844]

SENATOR CHAMBERS: So I should keep this promise when we boil it all down and get rid of all of the fluff. I should keep this promise, too, shouldn't I? [LB844]

SENATOR CARLSON: Taking all things into consideration, that is probably correct;

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although we would grant you the permission to back off your promise, if you desired.
[LB844]

SENATOR CHAMBERS: If a person shows himself or herself to be false in one respect, you might conclude that that person is false in all particulars, correct? [LB844]

SENATOR CARLSON: In general, that's true. [LB844]

SENATOR CHAMBERS: So my word should be my bond? [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CARLSON: I understand that. [LB844]

SENATOR CHAMBERS: Here's where I would be able to modify that: if you could get Senator Karpisek to loosen his position, then I'd be in a position to alter mine. But he is unwilling to yield. Now should Senator Karpisek yield on his position so that I would be in a position to modify my promise? [LB844]

SENATOR CARLSON: Well, Senator, that's Senator Karpisek's decision because it's his bill. [LB844]

SENATOR CHAMBERS: But this is my promise. Would you like to see Senator Karpisek reach an accord with me so we wouldn't have to take the full eight hours?
[LB844]

SENATOR CARLSON: Well, that would be helpful. [LB844]

SENATOR CHAMBERS: Do you think Senator Karpisek's head is too hard to be moved by you? Because it's certainly too hard to be influenced by me. [LB844]

SENATOR CARLSON: I would not categorize Senator Karpisek as a hard-head, no.
[LB844]

SENATOR CHAMBERS: Well, tell me this: if you hit him on the head with a board, would there be... [LB844]

SENATOR ERDMAN: Time. (Laughter) [LB844]

SENATOR CARLSON: Thank you. [LB844]

SENATOR ERDMAN: Senator Chambers, you may continue. [LB844]

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SENATOR CHAMBERS: Senator Carlson... [LB844]

SENATOR ERDMAN: Senator Carlson, would you continue to yield? [LB844]

SENATOR CARLSON: Yes. [LB844]

SENATOR CHAMBERS: ...do you think Senator Karpisek has a soft head? [LB844]

SENATOR CARLSON: He's got a pretty soft heart. [LB844]

SENATOR CHAMBERS: No, head; h-e-a-d, not h-e-a-r-t. Does he have a soft head? [LB844]

SENATOR CARLSON: No, he doesn't have a soft head. [LB844]

SENATOR CHAMBERS: Everybody should have a hard skull if there's a precious treasure being guarded by that skull. Isn't that true? [LB844]

SENATOR CARLSON: That is true. That's... [LB844]

SENATOR CHAMBERS: And the brain is considered precious by nature, so she gave us a hard shell to protect it, correct? [LB844]

SENATOR CARLSON: Well, God did give us a hard shell to protect that precious commodity, yes. [LB844]

SENATOR CHAMBERS: Did whoever you say is responsible give our colleague over there, known as Senator Karpisek, a hard head? [LB844]

SENATOR CARLSON: He gave him a good protective skull. [LB844]

SENATOR CHAMBERS: Is it hard or soft? [LB844]

SENATOR CARLSON: Well, it's mostly hard. [LB844]

SENATOR CHAMBERS: Is it thick or thin? [LB844]

SENATOR CARLSON: It's hard but thin. [LB844]

SENATOR CHAMBERS: But...oh, but it's thick enough to do what it's designed to do? [LB844]

SENATOR CARLSON: That's right. [LB844]

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SENATOR CHAMBERS: Now that we've got his attention--thank you, Senator Carlson--I want to ask Senator Karpisek a question or two, because he was in consultation. Senator Karpisek... [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: ...I have made a promise to stay on this bill eight hours at this stage. If I understand you correctly, you are not going to yield at all on the amounts of those penalties that are contained in the Judiciary Committee amendment. Is that correct? [LB844]

SENATOR KARPISEK: I feel that I did yield when I said that I would go up to, but I guess that that...you don't see that as enough of a movement. But no, I will not move off the \$300, \$400, and \$500. [LB844]

SENATOR CHAMBERS: Did you put \$300, \$400, and \$500 into the green copy of the bill? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: So you let somebody else dictate to you what your position is now. You didn't come up with these numbers, did you, Senator Karpisek? [LB844]

SENATOR KARPISEK: No. We... [LB844]

SENATOR CHAMBERS: Somebody else came up with these numbers, didn't they? [LB844]

SENATOR KARPISEK: Well, actually they wanted them to be lower and I said no. They wanted to try to just raise them by \$100 and I said no, I can't go for that. [LB844]

SENATOR CHAMBERS: Senator Karpisek, this amendment was not drafted by you, was it? [LB844]

SENATOR KARPISEK: No, sir. [LB844]

SENATOR CHAMBERS: It was drafted by the Judiciary Committee, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: So these figures were put here by somebody else, not you. Is that correct? [LB844]

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SENATOR KARPISEK: That is correct, but it was with my permission. [LB844]

SENATOR CHAMBERS: And these people on that committee have determined what you have to stick to without yielding. Isn't that, in effect, where we are? [LB844]

SENATOR KARPISEK: Oh, I think that I could yield if...I think they would be all right with that because, like I say, they...the first question was would you just go \$100 on each one. And I said no, I couldn't go with that. [LB844]

SENATOR CHAMBERS: I didn't ask you that, did I? [LB844]

SENATOR KARPISEK: You asked if I had to stick with these numbers. No, I don't have to. I don't think I have to for them. [LB844]

SENATOR CHAMBERS: But I mean when you were in this what you call a negotiating stage, you and I didn't talk about an amount, did we? [LB844]

SENATOR KARPISEK: No, we did not. [LB844]

SENATOR CHAMBERS: There was no dollar amount in the bill at all, correct? In the green copy. [LB844]

SENATOR KARPISEK: Well, in the green copy? [LB844]

SENATOR CHAMBERS: Yes. [LB844]

SENATOR KARPISEK: Well, it was the Class III misdemeanor. [LB844]

SENATOR CHAMBERS: There was no dollar amount in the green copy. Is that true? [LB844]

SENATOR KARPISEK: That is true, it just said a Class III misdemeanor. [LB844]

SENATOR CHAMBERS: There is a dollar amount in this bill, correct? Several dollar amounts, correct? [LB844]

SENATOR KARPISEK: Set, yes. [LB844]

SENATOR CHAMBERS: And they were put there by other people than you. Is that correct? [LB844]

SENATOR KARPISEK: With my permission. [LB844]

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SENATOR CHAMBERS: But they were put there by people other than you, correct?
[LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: These other people are telling you what to do, correct?
[LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: And you're doing it. [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: They put it in there, didn't they? [LB844]

SENATOR KARPISEK: No. We agreed. [LB844]

SENATOR CHAMBERS: They put it in there though, didn't they? [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: You didn't put it there, did you? Are you a member of the
Judiciary Committee? [LB844]

SENATOR KARPISEK: Unfortunately not. [LB844]

SENATOR CHAMBERS: So you didn't put them in there, did you, these figures?
[LB844]

SENATOR KARPISEK: No, I did not, Senator Chambers. But that was what was sent to
me to see if I would compromise, and I did. [LB844]

SENATOR CHAMBERS: And now they have locked you into this position and you are
slavishly bound to these amounts, correct? [LB844]

SENATOR KARPISEK: I guess I could kill the bill and I wouldn't be... [LB844]

SENATOR CHAMBERS: That's not what I asked you. [LB844]

SENATOR KARPISEK: Okay. [LB844]

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SENATOR CHAMBERS: I'm not asking you to kill the bill. That's my job. I don't want you to kill your child. [LB844]

SENATOR KARPISEK: (Laugh) Well, you said I could. [LB844]

SENATOR CHAMBERS: No, I said... [LB844]

SENATOR KARPISEK: Earlier. [LB844]

SENATOR CHAMBERS: Right. But we're past that now. [LB844]

SENATOR KARPISEK: Oh, okay. [LB844]

SENATOR CHAMBERS: I'm not suggesting that you do that. [LB844]

SENATOR KARPISEK: Okay, good. Because I won't. [LB844]

SENATOR CHAMBERS: You're not farseeing enough to understand that complex point, so I'm dealing with you where you can understand. [LB844]

SENATOR KARPISEK: Thank you very much, Senator. I appreciate that. [LB844]

SENATOR CHAMBERS: Now suppose the Judiciary Committee had said if you don't accept an increase by \$100 increments... [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: ...the bill would not come out. Would you have accepted the \$100 increment? [LB844]

SENATOR ERDMAN: Time, Senator Chambers. [LB844]

SENATOR CHAMBERS: Oh, thank you. Is that my third time? [LB844]

SENATOR ERDMAN: That was your third time. [LB844]

SENATOR CHAMBERS: Okay. [LB844]

SENATOR ERDMAN: (Visitors introduced.) Senator Karpisek, your light is next. [LB844]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Would Senator Chambers like to resume his questioning? [LB844]

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SENATOR CHAMBERS: Yes. [LB844]

SENATOR ERDMAN: Senator Chambers, (laugh) would you yield? [LB844]

SENATOR CHAMBERS: What would you like me to ask you, Senator Karpisek?
(Laughter) [LB844]

SENATOR KARPISEK: You were asking, I think, if they would have come and negotiated the \$100 increase, if I would have went...agreed. No. [LB844]

SENATOR CHAMBERS: You would have told them take that bill and keep it in committee? [LB844]

SENATOR KARPISEK: Yes, that's what I did say. [LB844]

SENATOR CHAMBERS: So then the committee folded, not you. [LB844]

SENATOR KARPISEK: No, I don't think so. We were working...I wanted it to be higher. So they didn't fold. They tried to...and I wouldn't even say, Senator, that that was the committee, but it was one or two of the committee members that were trying to reach an agreement. [LB844]

SENATOR CHAMBERS: So you negotiate with them but you won't negotiate with me? That's what you're telling me, correct? [LB844]

SENATOR KARPISEK: I gave you a copy of the amendment and I was hoping to get back to you before we got this far. [LB844]

SENATOR CHAMBERS: Senator, here's what I'm asking you. Were you willing to negotiate with the committee or those members of the committee with whom you were negotiating? In any case, you were negotiating with the committee in one form or another. Is that correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: But you're not willing to negotiate with me, are you? [LB844]

SENATOR KARPISEK: Sure I am. [LB844]

SENATOR CHAMBERS: Yeah, but you're not willing to lower those amounts, are you? [LB844]

SENATOR KARPISEK: No, but I'll go up to. [LB844]

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SENATOR CHAMBERS: Well, now that's not negotiating. Here's what you like to do. We start out, I've got six eggs, Senator Karpisek has six eggs. Senator Karpisek negotiates with me until he has 12 eggs and I have no eggs. Then Senator Karpisek, with an angelic smile on his face, says Ernie, I like the way you negotiate; when you get some more eggs, come back and we'll negotiate some more. (Laughter) [LB844]

SENATOR KARPISEK: I don't think I could ever get one egg away from you. I'd be the one with zero. [LB844]

SENATOR CHAMBERS: I'm not telling you to take zero. [LB844]

SENATOR KARPISEK: I know. You're too kindhearted to do that. Senator, no. I'm sorry. I feel I cannot go there. It would not do the bill justice or how far we've gone. I cannot move off those. If my colleagues don't agree with me, then we will not have enough votes for cloture and I will feel that I did what I need to do. [LB844]

SENATOR CHAMBERS: You said as far as we have gone. You're only on the first stage of debate. You're on General File. You haven't gone very far. [LB844]

SENATOR KARPISEK: Sure feels like a long time. [LB844]

SENATOR CHAMBERS: But you haven't gone very far, have you? [LB844]

SENATOR KARPISEK: No, Senator, we haven't. [LB844]

SENATOR CHAMBERS: And you have told your colleagues that if they don't give you 33 votes, you're not going to be angry at them, right? [LB844]

SENATOR KARPISEK: I didn't say that. I didn't say I would be angry at them. [LB844]

SENATOR CHAMBERS: Well, what did you say? I thought you said it would mean you had done all that you could do and that's that, if they chose not to give you those votes. [LB844]

SENATOR KARPISEK: That's correct. I went around and asked them. I would not ever hold one vote over someone. [LB844]

SENATOR CHAMBERS: Oh, you said you did go around and ask them though? [LB844]

SENATOR KARPISEK: Of course. [LB844]

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SENATOR CHAMBERS: And you got 33 votes? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Oh, then we can go on to the eight hours. You don't need to negotiate. I can see how that goes. [LB844]

SENATOR KARPISEK: (Laugh) [LB844]

SENATOR CHAMBERS: See, you've got me over the barrel now. I have to go eight hours whether I want to or not. I cannot back off. [LB844]

SENATOR KARPISEK: Well, I think you were going to anyway. [LB844]

SENATOR CHAMBERS: Say it again? [LB844]

SENATOR KARPISEK: You were going to anyway. [LB844]

SENATOR CHAMBERS: If you had been reasonable, it wouldn't have been necessarily so. I kept trying to tell you that. I kept asking you. You were adamant, however. So I will stick by mine and you will stick by yours. And we have about 25 more days to spend together to see what the consequences and repercussions may be. And they think that I'll get tired. In the same way they don't think I'll stay on this bill eight hours, they don't think that I'll carry this through the rest of the session. [LB844]

SENATOR KARPISEK: Oh, sure they do, Senator. [LB844]

SENATOR CHAMBERS: Now there are some here who know better. [LB844]

SENATOR KARPISEK: Oh, we know that, Senator. But I feel I can't just give into the \$100. I'm sorry. That's the whole reason I brought this bill. I do feel that I have tried to give. I feel that this bill is not even close to what I brought. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR KARPISEK: So I feel that I have given there. I feel that I have given to you the up to, so it could be zero. But you wouldn't take that. So I feel that you're just as unreasonable as you feel I am. [LB844]

SENATOR CHAMBERS: Then let's split the difference. Up to \$150, up to \$250, up to \$350. [LB844]

SENATOR KARPISEK: That doesn't sound like splitting the difference. I still hear the up

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to in there and lowering, so you're getting both your way. [LB844]

SENATOR CHAMBERS: You are keeping it too high. [LB844]

SENATOR KARPISEK: And I think I've already gone too low. [LB844]

SENATOR CHAMBERS: So I guess we'll just continue. And since it's on your time, I won't take all of it. [LB844]

SENATOR KARPISEK: Well, that's fine, Senator. I've taken a lot of your time. I would just like to say, Senator Chambers, I feel I have tried to work with you. I feel I've probably given more than I have wanted to because you're a very genuine man. I probably agreed to more than I wanted to and you didn't take it. [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR KARPISEK: Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Karpisek and Senator Chambers. Senator Chambers, you're recognized to close on FA187. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. What has Senator Karpisek given me? The opportunity to straighten out some bad drafting of his bill. That's what he has agreed to. He agreed to me making corrections in his bill. He was put on a false trail. If I had not raised those issues, I could have had an issue to present to the Governor if the bill got over there. You all think that I'm cruel. I can leave land mines in people's bills that they don't see. Had I not said anything, the Judiciary Committee amendment would have been adopted. That would have been the bill with that contradictory language relative to what a judge can do in the bill. Who raised that issue? Who raised the issue? Who saw the issue? And it's not my bill and I don't like the bill because I see a certain way we ought to legislate. But I think it's a mistake. You all are satisfied to legislate that way. You'll be doing it after I'm gone. I should let you get used to doing it now. The Judiciary Committee sent the bill out here. Senator Karpisek agreed with what was in it. Then he had to agree, after I had pounded and pounded and pounded on that hard head of his, that there was a problem with the bill. But when he saw it, he agreed to the corrections that would put the bill in the form it should have been in to do what he wanted to do. Why should I put somebody's bill in the form he wants it when I don't like the bill? Then I'm the one who's unreasonable? He gave me the opportunity to keep him from looking foolish on his bill and he gave me something? He doesn't understand the meaning of the word give and gave. I gave him something. I salvaged something for him. I rescued him from what could have been very embarrassing farther down the line. All the could have said was I didn't know, and then I would have said it's your bill and you didn't know what was in your bill. Well, I--he'd say--I thought it was there. I'd say,

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you didn't think deeply enough because you didn't read the language of the bill itself. This is not a long amendment. I wish Senator Carlson was here because I would ask him a question. Senator Carlson, front and center. [LB844]

SENATOR ERDMAN: Senator Carlson, would you yield? [LB844]

SENATOR CARLSON: Yes, I will. [LB844]

SENATOR CHAMBERS: Mr. President, how much time do I have? [LB844]

SENATOR ERDMAN: Two minutes. [LB844]

SENATOR CHAMBERS: Two minutes. Senator Carlson, and I believe this is my closing, correct? Senator Carlson, do you think I ought to spend time helping these senators correct bills that I don't even like, or just let the bills go if they're willing to accept it with problems in it that might bring down the bill later instead of me trying to correct it as we go along? [LB844]

SENATOR CARLSON: No, I think one of the many functions that you fulfill is picking these things out of bills that have been brought to the floor that do need attention. And I commend you for that. [LB844]

SENATOR CHAMBERS: Well, see, now I'm fighting to get changes in it, but I could have had it killed if I wouldn't have made corrections because it would have had contradictory language, giving contradictory requirements to a judge. And I don't know that the Governor even would have signed a bill like that. So that would have killed the bill. He put the land mine in it and I could have let it stay there. Wouldn't that be what a wise man would do--reduce the amount of work that I have to do in order to achieve the result that I want? [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: If I want to kill a bill, should I do it as cleanly and efficiently as possible? [LB844]

SENATOR CARLSON: You should do it thoroughly, yes. [LB844]

SENATOR CHAMBERS: Okay. And that would have been the easiest way, wouldn't it? Just let the bill go with the committee amendment and the contradictory language. That would have probably ensured its doom, correct? [LB844]

SENATOR CARLSON: It may well have, yes. [LB844]

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SENATOR CHAMBERS: Well, the judge can't say, well, I don't want to send this person to the class but I've got to send a person to the class. The law tells me I don't have to send a person, but it also says that I have to. That's what was in the bill. I should have just left it alone, shouldn't I, were I a wise man? A wise man would have left it alone, wouldn't he? [LB844]

SENATOR CARLSON: I don't know about a wise man, but being a good a legislator you need to pick out things that you think need to be addressed. And you've done that. [LB844]

SENATOR CHAMBERS: Well, a smart politician would have left it in there, wouldn't he? [LB844]

SENATOR CARLSON: I don't know about a smart, but a calculating politician may have. [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: So you think I'm...thank you, Mr. President. I will ask for a call of the house and I'll take a machine vote. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, you've heard the closing on FA187. There's been a request for a call of the house. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB844]

CLERK: 24 ayes, 0 nays, Mr. President, to place the house under call. [LB844]

SENATOR ERDMAN: Members, the house is under call. Would all unexcused visitors please leave the floor. Unexcused senators please report to the Chamber. The house is under call. Senators Raikes, Kruse, Avery, Nantkes, Heidemann, Johnson, Janssen, Nelson, Dubas, Harms, Lathrop, Fulton, McDonald, Wightman, Synowiecki, and Ashford please report to the Chamber. The house is under call. Members, the house is under call. Senator Janssen. Senator Wightman, please check in. All members are present or accounted for. Senator Chambers has requested a machine vote on FA187. All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB844]

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of Senator Chambers' amendment. [LB844]

SENATOR ERDMAN: FA187 is adopted. Mr. Clerk, next item. [LB844]

CLERK: Mr. President, Senator Chambers would move to amend. (FA188, Legislative

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Journal page 800.) [LB844]

SENATOR ERDMAN: Senator Chambers, you're recognized to open on your amendment. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President... [LB844]

SENATOR ERDMAN: Senator Chambers, excuse me. I do raise the call. You may continue. [LB844]

SENATOR CHAMBERS: Thank you. Now the dismantling begins. On page 6 in line 12, I would reinstate the stricken matter, which means one, and strike the new matter, which means three. I will return that portion of the law to where it is right now. It would restore the first offense penalty to \$100 and I intend to do that with every one of these penalties. And I intend, if this is not adopted, to offer differing amounts, each of which will be less than \$300. But I won't say how much less. I may start by saying strike 3 and insert (laugh) 120. The penalty will be \$120. Then it will be \$150. All I'm doing, Senator Karpisek, is taking the time. And you haven't been around here very long so you probably think I don't have the stamina to persist in the way that I said. My good friend Senator Raikes is not worried about his bill. See, he and I worked something out. I can work with some people around here because I am a free radical and I can do as I see fit and do as I please. But there are certain promises that I won't renege on. And since this is the first bill where I've made that promise, I must deliver on it. And I need to also show that a bill, no matter how simple it seems to be, how few working parts it seems to have, if it has any working parts then I can work the bill for eight hours. And others have said on the floor, because it will be mentioned before, I want to say it now, oh anybody could do that. Uh-uh. Some people cannot speak the full five minutes that they have allotted to them. They certainly can't speak ten minutes, an hour, two hours, three hours, eight hours. Not just today but also tomorrow. When I was taking basic training, it was not that difficult but some people, they call it washing out. They couldn't cut the mustard so they were recycled. They had to go through it all over again. But then you reach a certain point and they will tell you, you can stand on your head and stack BBs in a corner for the amount of time that you have left. It is that easy for me to do what I'm doing. I have how many days? This is the 35th day. After today, there will be 25 days left. If I pick 1 bill per day, Senator Carlson, and go 8 hours, I only have to do 25 bills. I'd like to ask Senator Carlson a question or two. [LB844]

SENATOR ERDMAN: Senator Carlson, would you yield to a question? [LB844]

SENATOR CARLSON: I will. [LB844]

SENATOR CHAMBERS: Senator Carlson, could you sit through eight hours on every bill on General File? [LB844]

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SENATOR CARLSON: Did you ask me if I did, or I would? [LB844]

SENATOR CHAMBERS: Can you, could you sit through it? [LB844]

SENATOR CARLSON: With a little break now and then, yes, I could. [LB844]

SENATOR CHAMBERS: Well, now I'd have to stand here for that full amount of time. Now if I, much older than you, can stand for that full amount of time without any break, certainly you can watch with me for eight hours. I'm paraphrasing. Cannot you sit with me for eight hours, Senator Carlson? [LB844]

SENATOR CARLSON: Yes, I can. [LB844]

SENATOR CHAMBERS: All right. And you will be sitting, right? [LB844]

SENATOR CARLSON: Some of the time. [LB844]

SENATOR CHAMBERS: What would you be doing other parts of the time? [LB844]

SENATOR CARLSON: I'll be on my feet. [LB844]

SENATOR CHAMBERS: And would you be doing anything once you're on your feet? [LB844]

SENATOR CARLSON: I may be talking to you. [LB844]

SENATOR CHAMBERS: And with whom else might you be talking? [LB844]

SENATOR CARLSON: Whoever else I may have an issue with or a concern about. [LB844]

SENATOR CHAMBERS: But it most likely would be just me, correct? [LB844]

SENATOR CARLSON: Probably so. [LB844]

SENATOR CHAMBERS: Now suppose I did not enlist the help of anybody and I had to fill up the eight hours myself, alone with nobody to help me. Do you think I could do it? [LB844]

SENATOR CARLSON: I know you could do it. [LB844]

SENATOR CHAMBERS: Thank you, Senator Carlson. And you're correct, because I

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have done it. That's all I will ask you. There was a guy trying to get rid of U.S. Grant, Ulysses Simpson Grant, and he told Lincoln, this man is a drunk; he drinks too much. And Lincoln at one time said, find what brand of liquor he drinks, whiskey, and give a barrel to every one of my other generals, especially McClellan. And he'd ask McClellan, he'd say, General McClellan, do you mind if I borrow the Army of the Potomac every now and then because you're certainly not using it? What McClellan liked to do was ride on his horse and review the troops. They'd be...they'd have their uniforms polished. They never got dirty. I mean pressed, polished, because they didn't do anything. Lincoln said the problem is that they've got the slows. But a point was reached when somebody made a serious allegation against Ulysses S. Grant and this person said, I can prove, Mr. Lincoln, that Ulysses S. Grant drank whiskey when he was on duty. And this person said, I'm going to bring this young private and he'll prove it. So the guy brought the young private to Lincoln and he said, have you ever seen Ulysses S. Grant drink whiskey? So the young guy didn't say anything. He said, have you ever been with Ulysses S. Grant when he drank whiskey? The young guy didn't say anything. He said, well, has Ulysses S. Grant drunk whiskey when he was by himself? And the young guy said, well, I was never with him when he was by himself. He waited until a question was asked that he could answer. That's what sometimes I've got to do. Bring issues which seem to be of no consequence in a form that can be grasped by my colleagues. And the purpose being to encourage people to read these bills. When I was not on the floor yesterday, in about ten minutes they moved three bills. Three bills with scarcely any debate. But when young Senator Erdman was trying to present a--he's up there, I can see him, but I had to remember his name. When young Senator Erdman was presenting a bill of substance, there was so much racket up here that I thought those people who had come to the Judiciary Committee to insult the committee when we were dealing with those immigration bills had invaded the Chamber because there was chaos up here. Pandemonium, so much racket. The only reason I could hear Senator Erdman was he was speaking into the mike and the mike was more or less funneling and channeling what he said through the set. But all that racket. So I asked Senator Erdman what was going on. That was just the other senators making all that noise while their colleague was talking. Senator Erdman could have been offering a bill that would do any of a number of very serious things with which nobody would agree. But because the senators get tired and they can't pay attention, things go across the board. And I could let that happen. But while I'm here, I'm going to earn my \$12,000. I always tell people that I get paid for what I do. I don't get paid much, but I do get paid. And when I agree to do something for pay, I'm going to do it. Senator Carlson understands this very well because there was a guy who went out to hire people to do work for him. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: In the morning he asked this guy, how much will you work for? Now I don't know why they did it. A penny, so he gave him a penny. Guy came in the middle of the day. How much will you agree to work for? A penny. He gave him a

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penny. Then a guy came at the end of the day and the man gave him a penny, too. And the one who came in the morning was very angry. And the man told him, you agreed to work for that and it's mine to do with my own as I please. So if I agreed to work for \$12,000 a year, that doesn't mean that I'm going to give them only what they pay for. I agreed to this job because there's a way I think it ought to be done, the way that I think it ought to be done, not what others think. And I think this bill requires eight hours of my attention and I'm going to give it that so that I will earn my \$12,000 or whatever portion of it that I earn by dealing with this bill. Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, you've heard the opening on FA188 to the Judiciary Committee amendments. Mr. Clerk, items for the record. [LB844]

CLERK: Amendments to be printed, Mr. President: Senator Fischer to LB755; Senator McDonald, LB1055; Senator White, LR4CA; Senator Flood, LB895. A new A bill, LB1143A by Senator Synowiecki. (Read LB1143A by title for the first time.) Senator Christensen offers LR259. That will laid over. Senator Flood, LR260, likewise will be laid over. An announcement, Mr. President: Revenue Committee will hold an Executive Session at 1:00 today in Room 1524; Revenue at 1:00. (Legislative Journal pages 801-803.) [LB755 LB1055 LR4CA LB895 LB1143A LR259 LR260]

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

SENATOR ERDMAN: Members, the motion before you, shall we recess until 1:30 p.m.? All those in favor say aye. All those opposed, nay. The ayes have it. We are in recess.

RECESS

SENATOR LANGEMEIER PRESIDING

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

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

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

CLERK: One, Mr. President, thank you. Enrollment and Review reports LB1056 to

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Select File with E&R amendments attached. And that's all that I have. (ER8177, Legislative Journal page 803.) [LB1056]

SENATOR LANGEMEIR: Thank you, Mr. Clerk. We will now proceed to the first item on this afternoon's agenda, LB844, FA188. The floor is now open for discussion on FA188. Senator Chambers, you're recognized. (Legislative Journal page 800.) [LB844]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. As I said the other day, second verse, same as the first. Then it would be third verse, same as the first because I'm going to stay on this bill and raise some issues. There were several George's, by the way, who were kings in England. Senator Carlson, this is what somebody said, George the First vile was reckoned, viler still was George the Second; and what mortal ever heard anything good of George the Third. When from Earth the Fourth descended, God be praised, the Georges ended. But I really don't think they did. I think there might have been a George V. I'd like to ask Senator Fulton a question. [LB844]

SENATOR LANGEMEIER: Senator Fulton, would you yield? [LB844]

SENATOR FULTON: I will. [LB844]

SENATOR CHAMBERS: Senator Fulton, you knew the song, "Henry The Eighth I Am," but you weren't even born then were you? [LB844]

SENATOR FULTON: Indeed, I was not born then, sir. [LB844]

SENATOR CHAMBERS: Not even a gleam in your parents' eye, is that correct? [LB844]

SENATOR FULTON: Not even a gleam. [LB844]

SENATOR CHAMBERS: Senator Fulton, are you aware of whether or not there was a George the fifth, who sat the throne in England, subsequent to George the fourth, obviously? [LB844]

SENATOR FULTON: I am not 100 percent certain, but I recall reading a biography on a George the fifth. [LB844]

SENATOR CHAMBERS: And would that have been a George the fifth in England? [LB844]

SENATOR FULTON: I believe that it was. [LB844]

SENATOR CHAMBERS: Thank you. That's all I will ask you, Senator Fulton. You've

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been very helpful. I don't see Senator Raikes, or I would draw him into the maelstrom. Anyway, members of the Legislature, this bill is going to receive a lot of repetition. Why should I ply my brain to come up with new things to say about a piece of legislation about which nothing good can be said? We are not awash in dope fiends smoking marijuana. Marijuana, it's going to shock you all to hear me say this, is not much of a problem in Nebraska. I will repeat something again that I've said in the past. I probably, if you go by the record, would be considered the profoundest prude on the floor of the Legislature. But I'm not worried about marijuana. There are a lot of things that other people do about which I'm not worried at all. And when we start changing the law we should have a reason for it. And it's not a good enough reason to say I heard some kids talking and they said the penalty for minor in possession is harsher than somebody would get if they'd use marijuana. Then why don't they use marijuana instead, if that's what it boils down to? This bill and the approach it's taking is silly. That's all that can be said. It is not rational, it does not constitute wise or even just lawmaking. It is a waste of time. I'd like to ask Senator Karpisek a few questions since he is the author, more or less, of this infamous piece of legislation. [LB844]

SENATOR LANGEMEIER: Senator Karpisek, would you yield? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, with reference to any of those offenses for which you are raising the amount of the fine, can a person be sentenced to jail? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And you don't think being sentenced to jail is a very serious punishment, probably, correct? [LB844]

SENATOR KARPISEK: Yes, I think that is serious. [LB844]

SENATOR CHAMBERS: So why then are you raising the fines where there already is a jail sentence? [LB844]

SENATOR KARPISEK: Because it doesn't seem like we have much of a deterrent right now. [LB844]

SENATOR CHAMBERS: So you think a lot... [LB844]

SENATOR LANGEMEIER: One minute. [LB844]

SENATOR CHAMBERS: ...of people are using marijuana? [LB844]

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SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Senator, are you aware that when a person faces jail and that person is indigent a lawyer has to be appointed at public expense? Are you aware of that? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And that doesn't bother you? [LB844]

SENATOR KARPISEK: That's the way it is right now, Senator. [LB844]

SENATOR CHAMBERS: I didn't ask you that. It doesn't bother you? Is that you're telling me? [LB844]

SENATOR KARPISEK: No, I'm glad that they can have legal representation. [LB844]

SENATOR CHAMBERS: Do you think there is an overcrowding of jails in Nebraska? [LB844]

SENATOR KARPISEK: Of course there is. [LB844]

SENATOR CHAMBERS: And you want to add to that, is that true? [LB844]

SENATOR KARPISEK: Not in the amended copy. [LB844]

SENATOR CHAMBERS: You would like to see people go to jail and get a record for having been locked up, would you? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: So that when they get older, if they were younger when they did it, it follows them the rest of their life? [LB844]

SENATOR KARPISEK: No, I wouldn't like to see anyone have more of a record. That doesn't help society. [LB844]

SENATOR CHAMBERS: Did you ever hear of the poem, "The Albatross," when you were a youngster? [LB844]

SENATOR KARPISEK: I think I have, but I can't recall it now, Senator. [LB844]

SENATOR CHAMBERS: Long time ago, huh? [LB844]

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SENATOR KARPISEK: (Laugh) It's getting a long time ago. [LB844]

SENATOR LANGEMEIER: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. Was that my third time? [LB844]

SENATOR LANGEMEIER: No, that was your first time on your amendment, FA188. [LB844]

SENATOR CHAMBERS: Oh. [LB844]

SENATOR LANGEMEIER: Senator Chambers, you're recognized. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, there was an old fellow who killed an albatross, that was bad luck, so the albatross was hung around his neck. If you have a bad thing following you, bad luck, they say it's an albatross around your neck. This thing is like an albatross around the neck of the Legislature and it makes me no difference. As I've said in the past, I'm going to be here 25 more days. I'm going to be talking about something. The more time we spend on this, the less time we have for other pieces of bad legislation. I can get in a zone on this one, and I don't have to gear up or tone down to deal with any of the others. Thanks to Senator Karpisek's help I'm able to make use of this to make good use of the time that I'm going to spend with you all. So there may as well be some other things beside this bad piece of legislation that I will talk about. But so that you won't forget what this amendment would do, if you adopt it, it would put the penalty right back where it currently is on a first offense, which would be \$100. Now Senator Karpisek is of that old school. Senator Karpisek, this is no reference to you, because you just started matriculating. But it's been called, before Senator Karpisek joined it, the fool's school. That's what it was called before you became a member, Senator Karpisek, but you know the company in which you are walking. To put harsh punishments has never done anything about deterring any offense on which those punishments were levied. People who are going to do certain things will do it, and if there is a higher cost they simply pay a higher cost. There are business people who know that if you embezzle you're going to go to prison now. They are people who sit down consciously and count up the costs and figure they are going to get away with it. They are not deterred. There are people who fix the stockmarket, there are people who engage in insider trading. Some of these people who might lose their licenses to be stockbrokers, to be lawyers may, Senator Carlson, have to take up the gun and become an honest robber instead of doing it through the law books and in the courtroom and with a pencil, stealing from other people who trust you. That happens in this society. But it's easy to pick on those who are considered to be among the lower orders. Senator Karpisek wouldn't bring a bill to deal with white collar crime; he doesn't even know there is such a thing. Why anybody

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who'd wear a white shirt couldn't be a criminal. That's poor Senator Karpisek. But you talk about heaping up penalties on those who are considered the lower orders. And Oscar Wilde said something to the effect of what value are the lower orders if they don't show us, the upper orders, a good example? They are supposed to be the example. The better class of people get away with everything that they do or they expect that they will, and they don't feel the laws were made for them. But let it be something like what we're talking about here today and here comes Senator Karpisek, and he said he's got 32 of the rest of you willing to run along right behind him. Well, do like the lemmings, do like the lemmings are reputed to do. When you sew the wind and reap the whirlwind don't, at that time, say it didn't have to be this way. [LB844]

SENATOR LANGEMEIER: One minute. [LB844]

SENATOR CHAMBERS: Look at it now. Prevention is better than cure. Senator Karpisek, I'd like to ask you a question. [LB844]

SENATOR LANGEMEIER: Senator Karpisek, would you yield? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, do you know what a lion is? [LB844]

SENATOR KARPISEK: Yes, a big cat. [LB844]

SENATOR CHAMBERS: If your head were in a lion's mouth, would you pull his tail? [LB844]

SENATOR KARPISEK: Knowing me, I probably would. (Laugh) [LB844]

SENATOR CHAMBERS: (Laugh) Thank...that's all I needed to know. Thank you, Senator Karpisek. Now you all see what you're following, don't you? Now you see who's leading you, don't you? And he's going to lead you out of the wilderness into the swamp, and you're going to follow him. You pledged to him to give him enough votes to shut me up. I know Senator Pirsch joined him. He's just been waiting for that opportunity. Look at him sitting there trying to look innocent. He can't contain his glee as he has the opportunity to push that button. But there might be something Senator Pirsch wants as the session moves along. [LB844]

SENATOR LANGEMEIER: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Karpisek, you are

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recognized. [LB844]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I just want to, number one, say that if a higher punishment doesn't cause people to stop doing what we don't want them to do, then why do we have higher punishments on anything? Speeding, 5 to 10 is more...is less than 10 to 15 over the speed limit. There's a number of things that if you're doing and you're doing in excess you get penalized higher. If we...if punishment is no...no deterrent, why then do we keep pushing the DWI laws higher? Because we want them off the roads. I think that obviously punishment is a deterrent. If not, why do we have any punishment? Then we should just have none. Oh, go ahead and do it, you're going to do it anyway, what the heck. I do not believe that and I don't think a \$100 fine for one ounce of marijuana or less is enough of a deterrent. They laugh at it. Probably costs them more to buy it. I don't know. They laugh at that and say, well, that's just...that's just funny. Nobody cares, we're all right with it. Another thing I want to say right now, too, to all my colleagues, if you don't want to follow me, don't, don't. But that's fine, I wish you would. But don't take the strong-arming, bullying, and everything else that we're going to get into this afternoon. Stand up to where you want to be. If you don't want to, don't. But I can tell where we've shifted into a different gear here now, and it's not quite as much fun as it was this morning. That's fine with me, I'll stand the heat. I hope you do come with me. I think we're on the right path here. I am not after the less fortunate. Senator Chambers, I would consider myself one of those less fortunate people. I'm sure you wouldn't, but I would. I in no way want to make things harder on them. I want to try to make society a little bit better. And I think that I can do it by this bill, it's a start. It's nowhere near where I wanted to be when I introduced this bill, not even close, but I think it's a start. And so I will stay on it also. I hope you come with me. And if Senator Chambers wants to threaten your bills, he's also got a bill, I think, that he'd sure like to get to. So, you know, it cuts both ways, Senator. I'm here for the duration, so are you. I don't want to pull everyone down with me, but I hope you come with me willingly. Thank you, Mr. President. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. Seeing no lights on, Senator Chambers, you are recognized to close on FA188. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, some people don't know how to intimidate, some people don't know how to frighten because they don't know what it takes to intimidate some people. I start sessions by saying, kill everything I got. I don't come around here begging you, please save my bill, let my bill...I'm the reason they don't have a way to execute people right now in Nebraska. I have achieved my goal, Senator Karpisek. Nebraska, the state where live, cannot kill anybody while I remain in this Legislature. And of that I am proud. That's what I wanted to achieve when I first came here. And when people would tell me about other things I've done I would say, because the state can still kill, everything else is of no consequence to me. Your state cannot kill because of me. You said it's not as much fun

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this afternoon as it was this morning. More fun for me. I'm having barrels of fund. You said, Senator Karpisek, and I'm going to ask you this to make sure I heard you correctly, that by increasing these penalties there will be a deterrent effect. Is that what you said? [LB844]

SENATOR LANGEMEIER: Senator Karpisek, would you yield? [LB844]

SENATOR KARPISEK: Yes, I will. And yes, I did. [LB844]

SENATOR CHAMBERS: Do you think the penalty for minor in possession is a deterrent to these kids as far as being minors in possession? [LB844]

SENATOR KARPISEK: Yes, I do. [LB844]

SENATOR CHAMBERS: Thank you, Senator Karpisek. You think something that nobody else thinks and that everybody else knows is not the case. These kids know what the penalty is and they're going to do it when their parents tell them don't do it, when they say in school don't do it, when it's throughout all the television commercials they say don't do it, they're going to do it. There are things young people will do no matter how you threaten them. And that's why you don't have success at what you do. You do not think rationally, Senator Karpisek. You do things that seem intuitive. It seems to you that if you punish somebody harshly they'll be put in such fear of that punishment that they'll stop doing what you're punishing them for. There was some Maccabee brothers and they were going to be tortured. And a mistake was made because they allowed the brothers to observe the torturing of each other. And when they got the youngest one they knew he would break. But he said, if my brothers have withstood this, how can I defame and shame my family? Do your worst, words to that effect. So the threat of pain did not achieve its purpose. It will steel the determination of some people. You say I'm threatening these senator's bills? They hear what I'm saying. Let them tell me where to go and what I can do when I get there, and you think it will make me any difference whatsoever? I'm a grown man, and I'm going to let some people make an ugly face at me? What did I do already this session, Senator Karpisek? I got that Pat Thomas off the Liquor Control Commission, and the Governor withdrew his nomination. I hijacked the Governor's press conference. And you think I'm going to be afraid like you all are afraid? Which one of you would go in there and do that? Which of you will even stand up to the Governor? And I'm going to be worried about some legislators who I see behave as cowards on a daily basis, craven cowards at that. Yeah, they'll follow you, because they'll follow anything that moves, except somebody moving in the right direction. They wish they could, but they cannot and I know that. It just takes Senator Karpisek, a naive individual, to bring it out. And if they vote against these amendments I offered to your bill, do you seriously think that it going to deter me? [LB844]

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SENATOR LANGEMEIER: One minute. [LB844]

SENATOR CHAMBERS: If threats would deter, wouldn't I have been deterred a long time ago? I know what my role is here. You think I'm trying to win (laugh) a popularity contest? No. Although there are some people here who like me a little better than they wish they could, despite themselves. But the reality is that we're engaged in very serious work and we each will have our way of doing it. Senator Karpisek has his misguided way, I have my intelligent way, and we have clashed, and we're going to clash until we reach eight hours, then we're going to see which way the body falls. I shouldn't state it like that. We'll see which way the Legislature goes. And if you get 32 votes, you will have won the battle, but it may be a pyrrhic victory. [LB844]

SENATOR ERDMAN PRESIDING [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, you've heard the closing on FA188. All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? A roll call vote has been requested. Regular order, Senator Chambers? [LB844]

SENATOR CHAMBERS: Yes. [LB844]

SENATOR ERDMAN: In regular order, please, Mr. Clerk. Please call the roll. [LB844]

CLERK: (Roll call vote taken.) 2 ayes, 24 nays, Mr. President, on the amendment. [LB844]

SENATOR ERDMAN: The amendment is not adopted. Mr. Clerk, next item. [LB844]

CLERK: Mr. President, Senator Chambers would move to reconsider the vote just taken. [LB844]

SENATOR ERDMAN: Senator Chambers, you're recognized to open on the motion to reconsider the vote on FA188. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, on this misguided notion that Senator Karpisek, a new person here, has there have been many instances throughout history which demonstrate that harsh punishments do not result in deterrence. It has been stated so many times that people think it is untrue, but it's just an anecdote. But in England people were hanged for picking pockets. All

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hangings were public affairs. There was not a lot to do for entertainment and amusements in merry old Christian England in those days, so they would announce when the hangings would occur, and they would be like celebratory times. People came from everywhere. And crimes were committed among the people watching the hanging which were capital offenses. While being aware that people in England would be hanged for committing certain offenses, those offenses were committed during hangings. There was a fellow called Jack Ketch, and that was the name they gave to executioners. And he wound up being executed in the way that he carried out executions for committing a crime that carried the death penalty in England. You talk about deterrence, he knew what the penalty was, but it didn't deter him. So what would people do at these hangings of pick pockets? They would first go through the crowd and pick peoples pockets. The thing that the person was being hanged for was the thing that these people would do. They would take human waste and throw it into the crowd. They would take dead animals and throw them into the crowd. And people would get drunk. There were rapes, there were assaults, there were even killings at hangings. Rioting was common. But not only did they pick pocket, they felt if they could get a piece of the corpse or part of the corpse's garment, or best of all part of the rope which hanged the miscreant it would be a good luck item and they wouldn't be caught. And some of those who were hanged would have their good luck charm falling out of their pocket as they swung gently in the breeze. Oscar Wilde wrote about things. He said, oh it is sweet to dance to violins when love and life are fair. To dance to flutes, to dance to lutes is delicate and rare. But it is not sweet with nimble feet to dance upon the air. So hanging inspired many things. Hanging inspired the very offenses for which people were killed. Senator Karpisek has not studied the criminal law, he has not studied the history of the criminal law, he has not done any research into crimes and punishment. So he has that old outmoded notion that if he could just make the punishment for marijuana even harsher then there would be a diminution in the utilization or usage of marijuana. It's not going to work. One reason they decriminalized marijuana, Senator Karpisek, is that they were filling the jails with hopheads, with the people who smoke marijuana. And it was determined that that is not a sound societal practice. Neither Senator Karpisek or anybody else can show anywhere near the problems caused by drinkers being caused by people who use marijuana. And I know some of my colleagues cannot say anything for fear of being deemed soft on drugs. What do we call this? P-O-I-C, POIC, Profiles, except there's no O. I knew I would have Senator Carlson trying to figure it out. He was looking up on the wall to see if there was handwriting on the wall. Senator Carlson knows this. Graffiti was first mentioned in the "bible." Because remember that hand appeared and wrote on the wall. Isn't that graffiti, Senator Carlson? I'd like to ask Senator Carlson a question. [LB844]

SENATOR ERDMAN: Senator Carlson, would you yield to a question from Senator Chambers? [LB844]

SENATOR CARLSON: Yes, yes, I will. [LB844]

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SENATOR CHAMBERS: Senator Carlson, are you familiar with an incident in the Old Testament where a hand appeared and wrote on the wall and the translation was, thou art weight in the balance and found wanting? Was there such a hand? [LB844]

SENATOR CARLSON: Yes, there was. [LB844]

SENATOR CHAMBERS: Did it write on the wall? [LB844]

SENATOR CARLSON: Yes. [LB844]

SENATOR CHAMBERS: When you write on a wall is that graffiti? [LB844]

SENATOR CARLSON: Not necessarily. [LB844]

SENATOR CHAMBERS: But it could be, right? [LB844]

SENATOR CARLSON: It might be a message from the Lord. [LB844]

SENATOR CHAMBERS: Well, the Lord can use graffiti, can't he? If he can use a jackass to talk to people, he can certainly use a graffiti artist, can't he? [LB844]

SENATOR CARLSON: I guess you're right. [LB844]

SENATOR CHAMBERS: Didn't he use a jackass to talk to an old prophet named Balam, who was not going to obey and go where God told him to go, and this prophet was trying to kick this jackass and make him go through an archway. And the jackass was given the power of speech. And he looked back and said, fool, there's an angel standing there and he's got his sword unsheathed, and if I walk you through that archway he'll kill you. Then the scales fell away from the prophet's eyes and he saw the angel, and he said, thank God for the jackass. Now that's in the book, isn't it? Maybe not quite the way I mentioned, but that incident... [LB844]

SENATOR CARLSON: Not quite in those words. [LB844]

SENATOR CHAMBERS: ...that incident did happen, didn't it? [LB844]

SENATOR CARLSON: Yes. [LB844]

SENATOR CHAMBERS: Okay. That's all I'll ask you. Thank you. Now what do I mean when I talk about how my colleagues cannot address certain issues? P-I-C, profiles in courage. And these are the people who are going to inspire the young people, who are going to make them believe that the world can be a better place than what it is now;

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who can try to persuade them that we all have a responsibility to act, even when there is criticism, there is opposition and a price to pay we should do what we think is right. Preachers are good at talking about Jesus going through his agony. But even Jesus wavered. When he was in this garden, told his disciples, I want you guys to stay here with me because I'm shaking like a leaf on a tree, palms sweaty, tongue sticking to the roof of my mouth, and I'm going to see if God will let me out of this. And he said, if possible, let this cup pass from me. I've looked into it and I can't do it. Now some people say God and Jesus are one in the same, that they had the same will. Then Jesus wound up saying, not my will but thine be done. Well, if there were two different wills, you've got two different beings. If Jesus and God were the same they would have the same will, and Jesus wouldn't have said, let this cup pass from me. That's why he came into the world he was reminded. Why do you think I sent you down there, boy? To do exactly what you're doing. So then Jesus said, well, not my will but thine be done. Then, because he's angry and he's like people, he turned around at his disciples and they were snoozing, snoring. And he said, what, you can't even watch with me one hour? Then there was another incident where this one you all say is perfect was in the throes of his last agony. And he said something else that expressed doubt, great doubt, as a lot of these people who don't count up the cost. Senator Fulton, that Jesus... [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: ...who has been on your icon a lot of times or whatever that thing is, he said, my God, my God, why hast thou forsaken me? I'm doing what you told me to do, and you have left me. Well, if they're one in the same, how is he going to make a cry like that? Religious people deal in nonsense. Those are good stories, but that's all that they are. But lessons can be drawn from them. And you can see that even one whom people said was perfect was not. That one had flaws, that one had fears, that one had doubts. But the message you ought to get across is that despite his doubts and fears, he did what he came here to do. That's the story, not that he wasn't afraid. And he also told some of you Christians how you ought to deal with the death penalty. How much time do I have, Mr. President? [LB844]

SENATOR ERDMAN: Five seconds. [LB844]

SENATOR CHAMBERS: Thank you. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Aguilar, you're recognized to speak, followed by Senator Chambers. [LB844]

SENATOR AGUILAR: Thank you, Mr. President, members. I'd like to ask Senator Chambers a question. [LB844]

SENATOR ERDMAN: Senator Chambers, would you yield to a question? [LB844]

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SENATOR CHAMBERS: Yes, I will. [LB844]

SENATOR AGUILAR: Senator Chambers, did I understand you correctly earlier when you stated, and correct me if I'm wrong, that the reason you've been around here so long was specifically to get rid of the death penalty in the state of Nebraska? [LB844]

SENATOR CHAMBERS: That was my primary goal, yes. [LB844]

SENATOR AGUILAR: So what you're saying is if that court ruling would have happened 20 years ago, we wouldn't be dealing with term limits today? [LB844]

SENATOR CHAMBERS: Well, I probably would have stayed around. Because having done that then, all these other little things I'd just hang around until my district didn't want me anymore. It would have been hard for me to walk away. [LB844]

SENATOR AGUILAR: Very good. Thank you, Senator Chambers. And you may have the rest of my time, if you choose. [LB844]

SENATOR CHAMBERS: Thank you, Senator Aguilar. [LB844]

SENATOR ERDMAN: Senator Chambers, you have 4:20. [LB844]

SENATOR CHAMBERS: But I'll tell you one thing, and I've said it before, had I lived in Jesus' day and been a senator in Rome, you all wouldn't have a Christian religion because I would have made sure there was a law that would not allow an innocent man to be executed. That's the kind of senator that I am, and unfortunately these Christians are not. It doesn't bother them that innocent people are executed, but it bothers me. There was one time when Jesus was directly confronted with the death penalty, directly confronted, and it showed the sexism, too. These religious hypocrites came by, they had beards longer than mine, stroking their beards. They liked to try to catch Jesus in his words. They said, we got him this time. So they came to Jesus, they said, Jesus, the law said, first of all you came to fulfill the law. Is that true? Yeah. Well, the law said that when somebody commits adultery that person should die by stoning. What do you say? If you came to fulfill the law, you going to carry out the death penalty? What do you say? Well, Jesus didn't say anything. First of all, he's wondering where is the man? Adultery takes two. Senator Wallman, doesn't it take two to tango, do that kind of tango? Right. Two to clap hands, the yin and the yang. So he wrote on the ground, and because people like to make things dramatic they said he began to write out the sins of the people who were there. I don't believe that. We don't know what Jesus wrote. But he made a comment. He said, and Senator Carlson can correct me, let he that is without sin among you cast the first stone. And one by one they melted away, all those religious hypocrites. So then Jesus stood up and looked around, and nobody was there but

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Jesus and this poor woman that these hypocrites brought but didn't bring the man. They probably set her up anyway, because they said she was caught in the very act. Then where was the man? They talk about these Muslim countries where a woman can be raped, and then she is punished and the man gets away. Well, the Christians set the standard first. They brought the woman, but not the man. And they brought her to be stoned. And Jesus, a man who said he came to fulfill the law, told them the circumstances under which this stoning should occur. The only one who should cast the stone, the only one who should pull the lever, the only one who should spring the trap, the only one who should release the gas, the only who should fire the executioners rifle is the one without sin. That's what your Christian Bible teaches that you all claim to believe and that you all pray about and from every morning. So what is the lesson from this? If the only one who can carry out the law of death... [LB844]

SENATOR LANGEMEIER PRESIDING [LB844]

SENATOR LANGEMEIER: One minute. [LB844]

SENATOR CHAMBERS: ...is the one without sin, why didn't Jesus do what he said the standard was? Did that mean Jesus himself had sinned, that Jesus himself did not meet the standard, or did it mean that if somebody is righteous then the state is not going to kill anybody? But you all don't like those lessons. You like the kind that allow you to inflict pain and suffering. The woman didn't die. Jesus asked her, where are your accusers? She said, I don't have any. He said, then I don't accuse you either, go and sin no more. And, Senator Carlson, mouthed those words with me. But he doesn't know the part that they erased from that story. You know what the rest of it said? And the next time, pull your shades down, because we've got peeping Tom's who like to... [LB844]

SENATOR LANGEMEIER: Time. [LB844]

SENATOR CHAMBERS: ...meddle in other people's business. Did you say, time, Mr. President? [LB844]

SENATOR LANGEMEIER: Time. [LB844]

SENATOR CHAMBERS: Thank you. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Mr. Clerk, items? [LB844]

CLERK: Mr. President, your Committee on Agriculture, chaired by Senator Erdman, reports LB862 to General File with amendments? And I have a communication from the Governor. (Read.) That's all that I have at this time, Mr. President. (Legislative Journal pages 804-807.) [LB844 LB862]

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SENATOR LANGEMEIER: Thank you, Mr. Clerk. Returning now to the motion to reconsider the last vote. Senator Chambers, you're recognized. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, don't they say and haven't you all heard, lightning never strikes twice in the same place? Lightning struck with reference to two of the Governor's nominations. Lightning struck twice, didn't it? Because some people in the Legislature got their back up and the Governor saw what he was confronting. But I'll say this, the Governor carried out the scriptures. If you have an enemy coming against you and that enemy has 10,000 and you have 5,000, if you are wise won't you first sit down and consider whether you, with your 5,000, can defeat the one with 10,000? And if you cannot would not you, if you were wise, go out and parlay with that person to see if you can make peace? But people don't follow good advice, they simply give it. So lightning struck twice. The Governor would be well-served if he would consider carefully and maturely certain actions before he placed them. But he did have sense enough to read the writing on the wall, and he took the action which a wise though mistaken person would take. He had no hope of winning, Senator Karpisek, so he behaved like a wise man. And his head was in the lions mouth, so instead of reaching around there like a foolish person and pulling the lions tail, he stroked the lions mane and said, nice kitty, nice kitty, and just soothed that lion, soothe the lion. And the lion, when he became soothed, yawned. And when the lion yawned those huge jaws opened, and instead of those fangs, when the mouth closed again, crushing that skull they just reached their ordinary position where they should be with the mouth closes and nothing is in it. The Governor had sense enough not to pull the lions tail when his head was in the lions mouth. And perhaps he'll learn from these experiences. Politics is a learning experience for everybody. As long as I've been in this game it's a learning experience for me. I learned that some of my colleagues are more foolish than I thought anybody could possibly be, so I learned, too. Terry Carpenter had made the comment that politics is a dirty, double-crossing, backstabbing business, and he added, that's why I love it. That was Terry Carpenter. And Terry Carpenter, when I first came down here, had a clash. I was a brand new senator. But before the whole scene had been played out we developed a friendly relationship. And he wanted me to be one of his pallbearers. I don't worship the dead, I don't like ceremonies of that kind. I think they are macabre, I think they are grotesque, and I think they are unhealthy. But here was a man that I developed respect for, and I don't honor corpses, but I served as a pallbearer for Terry Carpenter. And when I was out there in that part of the state some people wrote very angry letters to the paper and said, I ought to go back to Harlem where I came from. That's what I mean about... [LB844]

SENATOR LANGEMEIER: One minute. [LB844]

SENATOR CHAMBERS: ...them not knowing anything about geography. They thought Harlem was in Nebraska. They thought Omaha was Harlem. But I've dealt with that kind

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of racism ever since I've been here. I collect the things that they write and send to me. And I function here nevertheless. People need an example, and whether you acknowledge it or not, I'm going to give you an example of what a black man can be and what a black man will do and won't do. And in this instance I will not go along with the notion that you just change punishments because there's another punishment someplace else that is harsher. What Senator Karpisek doesn't realize is that ever since I've been here I have stood against unduly harsh punishments. I think the punishment should fit the offense. And I don't think Senator Carlson should be punished to stop me from doing something. There is such a thing, Senator Karpisek, as... [LB844]

SENATOR LANGEMEIER: Time. [LB844]

SENATOR CHAMBERS: ...retribution. Thank you, Mr. President. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Chambers, you are recognized. [LB844]

SENATOR CHAMBERS: Thank you. And, Mr. President, I don't mind being told when my third time comes up. That humanizes me, it shows that I can make a mistake, too. And people feel better when I make a mistake. But at any rate, there are situations where things that are called counterintuitive will be done. I was trying to spend a little bit of time on that matter the other day to demonstrate that sometimes instead of being harsh, cruel, and sadistic, the opposite approach might help you achieve the end you want when it comes to modifying people's conduct. Sometimes harsh punishments can be so demeaning to the individual, so assaultive against the very human nature and dignity of a person that it hardens that individual and makes him or her worse than they were before you did what you call disciplining or correcting that person. We want kindness extended to us. We want understanding accorded us. We want forgiveness, we want a second chance, a third chance, a fourth chance. But will we give what we seek and want? Absolutely not, not on this floor, not on this floor. If I were a religious person I would be more opposed to these prayers than I am now. It is like casting pearls before swine. The prayers mean nothing to those who are prayed over and the one who does the praying because the prayer was told cast not your pearls before swine. They can look at the conduct of people in this Legislature and know that prayers don't have anything to do with anything that goes on here. So what do they pray for? They are vain, they want time in the spotlight, they want to be seen. And Jesus told them, keep your prayers to yourself, go pray in your closet. You say you're praying to God? Well, God knows what you want before you open your mouth, and the answer is going to be no because you're foolish. You all are the religious ones. You all are the righteous ones. You all are the ones who are smart and know everything. And what is the first thing you say? Harsher punishment. I believe in object lessons. You think Senator Karpisek likes the approach I've taken toward him? Because he thinks it's harsh, it's not fun now. I'm not putting him in jail, am I? I'm not making him pay a higher fine, am I? I'm not doing to

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him what he's doing to others in this bill, and he doesn't like it. That is the object lesson. He cried uncle, because he doesn't want done verbally to him what he wants to do actually to others. That's the object lesson. And people don't get it. So I'm going to repeat it and repeat it and repeat it. Every time you go to church you hear the same thing. Kids go to school and they hear the same thing. So you're going to hear the same thing from me. And when you get a chance to show me what you think by giving him 32 votes, give him 32 votes and we'll just see how it plays out. Is this my third time, Mr. President? [LB844]

SENATOR LANGEMEIER: It is, and one minute. [LB844]

SENATOR CHAMBERS: I don't have enough time this moment to finish what I want to say. So I will finish it when I close. But I have a few seconds left and I'm going to take them. And I'm going to use all of the time in the Legislature I want because it's my Legislature, too. I'm here to do everything that my mind tells me I ought to do. This time doesn't belong to you, it's jointly and severally ours. There was a song by the Beatles that had a line, if you're big enough to take it. Thank you, Mr. President. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Howard, you're recognized. [LB844]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I offer my time to Senator Chambers so that he can continue. [LB844]

SENATOR LANGEMEIER: Senator Chambers, 4:50. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Lady Howard. It don't come easy and you all know that. But remember those words, if you're big enough to ta-a-ake it. I don't need a lot of company like you all need. I don't need 32 people to back me. You tell me more about yourselves than you realize. Am I operating within the rules? I certainly am. When the rules are adopted I vote against them to show that rules which I voted against I will stay within and do everything that I want to do. I didn't bring this bad piece of Legislation. It's out here. Now don't ask me, when you have put something out here which is unworthy, to swallow spit and act like I think it's all right, because that's not the way I operate. But you only have 25 more days to put up with me. But next year you're going to miss me when I'm gone. See I know you, because I understand human nature, and you all are going to be sitting around here wishing there was somebody who'd say the things that need to be said but which everybody is afraid to say. You think I'm so naive that I genuinely believe that nobody on this floor understands what I'm talking about? Do you think I really believe that everybody on this floor is foolish enough to think this is good quality legislation? No. But if you won't separate yourself from the mob, then you are one of the mob. That's why they have aiding and abetting statutes. And that's not the same as a conspiracy. You can be an

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aider or abettor before the fact, during the fact, after the fact. You go along with the program, so you're going to go along with Senator Karpisek. There is no need to go into the marijuana statutes at all. And there are senators who know it and they hope that I'll be successful, but they'll vote contrary to what will make that success possible. Don't say that you did it because you're soft on drugs. Just tell them this, this is what you tell them, you all know how that Chambers is, you know how unreasonable he is, he made me do it. And they'll say, okay, I get it now, yeah, I understand; curse that no good Chambers; you're a good guy, talking to you, good guy just because you have to be down there and deal with him. But go back there and try to stop him next time. If everyone of us would take the time to do our job the way we should and the way we know how to do it we would have higher quality legislation, we probably would not have as many bills enacted into law because we would establish priorities. And why do I say if we did our job the way we know how to do it? I've seen you have good days. [LB844]

SENATOR LANGEMEIER: One minute. [LB844]

SENATOR CHAMBERS: I've heard you give rational, reasoned, prudent arguments. I've heard you move beyond being persuasive to being convincing. I've seen it in you, that's why I can be so condemnatory. If you didn't know any better it would be foolish for me to even criticize you. It would be like me criticizing this pillar for being beige or whatever color that is instead of being brown. It's what it is. You're what you are. If you don't understand, how can I hold you accountable for that which you don't understand? But you do understand and you do know better. And there will be other issues where you will speak out and show that you know better. Some of them you're just afraid of, some of them you're afraid on. So we're just going to have to kind of plod our way through and see what the end is going to be. [LB844]

SENATOR LANGEMEIER: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Howard. Seeing no other lights on, Senator Chambers, you are recognized to close on your motion to reconsider. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, this that I'm offering is, in effect, the same amendment that you voted down overwhelmingly. There are two people who voted for it, and the only reason I did not was because I had to be in a position to reconsider. And as I stated, I'm not going to wrack my brain to find ways to make use of this time. I'm going to offer motions and amendments because I know that the body is not of a mind to do the right thing on this bill. But I'll tell you one thing else I know, I can get you irritated today, get you angry, get you furious. But that will fade away by tomorrow. And when you come back tomorrow you're not going to be

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in that mood. You're going to want to see different things happen. It might be your turn. Stradivari made the violin, the Stradivarius was the violin itself. And some people play the Stradivarius very well and some people play people as though they're a Stradivarius. As some persons say, the more things change, the more they remain the same. When Senator Harms was reading excerpts from reports, not one of the things that he stated could he apply to Nebraska. One of the items that he referred to was the kinds of things that daily users of marijuana get involved in. And I didn't discuss it at length, but how do you determine who the daily users of marijuana are? Who knows how many people use marijuana, period? Then the next question, who knows how many people use marijuana on a daily basis? Those are the kind of study findings that I was ridiculing. They draw conclusions based on information which is not factual, and they have no way to make it factual. They cannot establish the validity of it. So if the premises that you proceed from are invalid, your conclusion is invalid also, if you're following the principles of logic. But it is possible to start with an invalid premise and wind up expressing a valid conclusion, because you guessed and you happened to guess right. But since you don't know A from bullfrog, you don't know that you guessed right. That's why, Senator Wallman, people got so upset with Socrates. They'd ask him a question. He believed that most people going through the world had picked up odds and ends of information and could answer any question they asked if they would apply their brain to what they had picked up. So he would ask them questions until they provided the answer to their own question. But the problem with somebody who doesn't know the answer is that he or she does not know when the answer has been given. In other words, you have to know the answer in advance to be aware that the answer you gave is the correct one. So if you don't know, even when you've stated the answer in response to somebodys interrogation, you don't know that what you said is the ultimate answer, you just don't know. That's why you have teachers, that's why you have mentors, that's why you have labor agitators, that's why whatever term you apply to the person, you have people who know more than you know. [LB844]

SENATOR LANGEMEIER: One minute. [LB844]

SENATOR CHAMBERS: And if they take the time with you then they will bring you to a position where you know more than you knew before you had contact with them. But if your mind is hard, if your head is hard, you're not going to learn anything. So why does somebody do what I do? Because I'm paid to do it. I get \$12,000 to do the best job that I can. And right now the best thing that I can do is to stop this bad piece of legislation. And since Senator Karpisek believes in deterrence, deterrence, then I'm going to have to go after other peoples bills, too. He said that's what I should do. To deter you all from following him I got to get you. He said that. He laid out the principle. He doesn't even realize it. I'm Socrates. He's the unlearned one. I'm teaching him, but he's not learning because he's unwilling. [LB844]

SENATOR LANGEMEIER: Time. [LB844]

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SENATOR CHAMBERS: Was that my close? [LB844]

SENATOR LANGEMEIER: That was your close. [LB844]

SENATOR CHAMBERS: So soon. Thank you, Mr. President. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Chambers. [LB844]

SENATOR CHAMBERS: I will ask for a call of the house. [LB844]

SENATOR LANGEMEIER: There has been a request to put the house under call. All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB844]

CLERK: 24 ayes, 0 nays, Mr. President, to place the house under call. [LB844]

SENATOR LANGEMEIER: The house is under call. Senators please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Johnson, Hudkins, Harms, and Preister, the house is under call, please return to the Chamber. Senator Chambers, as we're waiting, how do you wish to proceed when everyone is...okay. Senator Chambers has requested a roll call vote and authorized us to proceed. The...you have heard the closing on the motion to reconsider. Mr. Clerk, please call the roll. [LB844]

CLERK: (Roll call vote taken, Legislative Journal pages 807-808.) 2 ayes, 28 nays, Mr. President. [LB844]

SENATOR LANGEMEIER: The motion fails. With that, I raise the call. We return now to discussion on AM1784, the Judiciary Committee amendments. The floor is now open for discussion. Seeing no...Senator Karpisek, you're recognized. [LB844]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I would just like to point out the sheet that I passed around earlier. Some of the reasons that I brought this bill also include, number one, students who smoke marijuana get lower grades and are less likely to graduate from high school compared to their nonsmoking peers. This comes from the National Institute on Drug Abuse, I got it off the Surgeon General's website. Workers who smoke marijuana are more likely than their coworkers to have problems on the job. Several studies have associated workers marijuana smoking with increased absences, tardiness, accidents, workers' compensation claims, and job turnover. Depression, anxiety, and personality disturbances are all associated with marijuana use. Research clearly demonstrates that marijuana use has the potential to cause problems in daily life or make a person's existing problems worse. Because marijuana compromises the ability to learn and remember information, the more a

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person uses marijuana the more he or she is likely to fall behind in accumulating intellectual, job, or social skills. These are a few of the other reasons that I've brought this bill. Senator Chambers has said that it doesn't effect things, that it doesn't do that. It does. Senator Chambers has said that it doesn't help to put greater fines, that that isn't a deterrent. I disagree. I guess maybe we just see it in a different light. I think if higher fines don't deter actions, then the whole reason we are here has gone out the window. Why do we have any penalties for anything? Why don't we just let people run loose and do whatever they want to do? I think we do have to have laws. I do think that the punishment fitting the crime, 200 more dollars for being caught with less than an ounce of marijuana is not a huge increase. Again, it is not anywhere near where I wanted it to be, but it's a compromise, it's a start. Is it going to get everyone to quit smoking marijuana? Of course not. The penalty is for minor in possession of alcohol, has it stopped all the minors from drinking? Of course not, but I'll be you that it has made some significant difference. If not, then we just as well stop doing that. We have to have some laws in place. I think that the public is tired of this \$100 fine. I think that they feel it's a mockery, that it's a joke, that we just laugh about marijuana use. I don't think it's funny. I think it hurts families, it hurts kids, it hurts adults, it hurts our society. It costs us money every year because people are on it. I just don't think that a \$100 fine for the first offense, \$200 for second, and \$300 for third is any sort of punishment fitting the crime when we have enough statistics that show us that... [LB844]

SENATOR LANGEMEIER: One minute. [LB844]

SENATOR KARPISEK: ...thank you, that marijuana does pose health risks, social risks, and it is not good, it's not good for you. Again, the biggest reason I brought the bill was to try to draw some comparison to minor...minors with alcohol. There were other reasons than just that. I don't think that it's good for children, it's not good for adults. We just had a big debate about secondhand tobacco smoke. What about secondhand marijuana smoke in a home? I don't know. It's just...the same arguments can be made there. That's why I brought the bill, that's why I'm going to stand behind it. Thank you, Mr. President. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. Seeing no other lights on, Senator Lathrop, as Vice Chair of the Judiciary Committee, you're recognized to close on the committee amendments. [LB844]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I think we've had a good discussion here today on this bill and this committee amendment. And I'd move AM1784. Thank you. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. You have heard the closing on the committee amendments. The question before the body is, shall AM1784 be adopted to LB844? All those in favor vote yea; all those opposed vote nay. Have all those voted

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that wish to? Record, Mr. Clerk. [LB844]

CLERK: 30 ayes, 1 nay, Mr. President, on adoption of committee amendments. [LB844]

SENATOR LANGEMEIER: AM1784 is adopted. Mr. Clerk, for a motion. [LB844]

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB844. Senator Karpisek, you'd have the option to lay the bill over, Senator. [LB844]

SENATOR KARPISEK: Take it up. [LB844]

SENATOR LANGEMEIER: Thank you. Senator Chambers, you are recognized to open on your motion to indefinitely postpone. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the reason I let the vote go on adopting the committee amendment, I can still offer as many amendments to it as I want to whether it's pending as a committee amendment or when, as now, it has become the bill. And so Senator Karpisek will know what I intend to do, after this motion is voted down I'll move to reconsider. But then what I'm going to do, Senator Karpisek, on page 6, in line 12, I'm going to strike the underlined "three" and the word "hundred" and insert underlined "two". And then it will say, for the first offense be guilty of an infraction, receive a citation, be fined two dollars, and I'm going to go from there. And I will offer amendments to bills which might be considered not germane. And we'll discuss whether or not the amendment offered is germane. Not on this bill, because we can get to a cloture vote on it today. And we'll just see how that works. I had seen an updated version of a movie called "The Thing." And in the first one it was this vegetable played by James Arness, who wound up being on Gunsmoke. And he piloted a huge circular craft that landed in the North Pole. Now his society was technologically advanced enough to create a craft that could engage in interstellar space travel. But he had the sense of a carrot. How could a carrot have that much sense? It wound up with him terrorizing people at this camp. And they tried to kill him by throwing gasoline and setting him afire. That didn't work, so they tricked him. They tricked this brilliant carrot by setting up in a hallway, at the end of which these men would be gathered. And the creature, the carrot would approach them from the other end. They had put some electrical wires on the floor, covered them with a piece of wood. And when the carrot got on the wood they were going to electrocute him. Well, as always happens there was a scientist who felt it was more important that human knowledge be advanced than that this creature be killed. So he ran up to the creature and tried to reason with the carrot, which shows you can't reason with a vegetable, you eat vegetables, you don't reason with them. Well, this carrot got tired of this person and knocked him away then starting walking toward the men. But instead of being on the wooden path, beneath which were these electrical wires, the creature was between the wood and the wall. And as he was walking, a brilliant carrot, this individual had a pick

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axe and slid it along the floor. Instead of the creature stopping it with his foot he jumped aside onto the wood, naturally, they turned on the electricity and killed him. In the updated version this creature that came was able to assume the shape of other living things. So it assumed the shape of a dog, it assumed the shape of some grotesque creature with a lot of legs and would always kill people. And when the person was bitten, this person would become a host. To make a long story short, there was a white guy and a black guy left. In order to make sure that this creature did not make it out into the world and kill everybody on the planet Earth they figured that it had to have a cold environment in which to live. So they set dynamite charges throughout the camp and blew them up. And the camp was blazing. And the white guy was sitting against a snowbank watching it, hoping that he'd gotten the monster. Then he saw the silhouette of a person approaching and it was this black guy. So the black guy looked at the white guy, and the white guy looked at the black guy, and neither one knew whether the other had been infected. So the white guy pulled out a bottle and he took a swig, the black guy took a swig and they both just kind of looked at each other. And one said to the other, we're not going to make it. And the other one said, maybe we shouldn't. So the other one said, what's going to happen? And there was a pause and the music dramatically toned down, and he said, I guess we'll just sit here and see what happens. And that's the way it ended. That's the way many things end. For us in the Legislature we're just going to stay here a while and see what happens. My motion is one to kill this bill. And I have other motions which will give me the opportunity to take time. And if this bill moves today there won't be another bill taken up this afternoon which will have a chance of going anywhere. But it will give me the opportunity to use plenty of time. And we can go until midnight for all I care. We usually wait until far into the session, but you might be able to wear me down. I don't see him, but if you can persuade the Speaker to start keeping us here late and let it start tonight, but that won't happen. The senators have places to go and people to see. They've got to be where the lobbyists are going to feed them and the lobbyists are the people they've got to see. So they have all these social engagements and events which play into my hands. If every day went until midnight, even I might begin to get tired. Senator Wallman, if I were Superman that might be my kryptonite. If I were Achilles, that might be my exposed heel. But I'm neither Achilles nor Superman, and nobody here has kryptonite and nobody has that arrow. And I won't give the name of the one who wielded the bow and arrow and shot Achilles in the heel. But here's the funny thing, why in the world should anybody believe that an arrow in the heel is going to kill somebody? That's the way myths, that's how legends, that's how these kind of things go. Senator Wallman, do you know why Achilles heel was his weak spot? They had a vat full of chemicals and anything that these chemicals covered would be impervious to any injury externally administered. So Achilles mother had to hold onto something, so she held him by his heel and dipped him in these chemicals. But his poor little heel did not get dipped. But it seems to me that mothers caring for their children would have dipped the top end first, pulled him out, turned him over, and dipped the bottom in, and Achilles would have been with us today. If I invoked his name he'd probably come crashing through that window and saying,

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here I am. But she didn't think, based on the story written by a man. So I don't have an Achilles heel, but I know the Legislature does and I know my colleagues will get tired. And I know they will get hungry. I know they will get dispirited. I know they will get discouraged. They will get angry, but it doesn't last. It's like those spring rains--a lot of thunder, a lot of lightening, a swoosh down of water, then it's over and 15 minutes later the ground is dry and you don't even know that there was a spring rain. That's the way the anger of my colleagues is--ferocious but it doesn't last because they can't remember what they're angry about. I'd like to ask Senator Karpisek a question or two, if he's willing to... [LB844]

SENATOR LANGEMEIER: Senator Karpisek, would you yield? And one minute. [LB844]

SENATOR CHAMBERS: ...co-conspire. [LB844]

SENATOR KARPISEK: I am willing to. [LB844]

SENATOR CHAMBERS: Co-conspire...Senator... [LB844]

SENATOR KARPISEK: Well, not on this, something else probably. [LB844]

SENATOR CHAMBERS: Okay. Senator Karpisek, if this bill were not passed would it make you unhappy for the rest of the session? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: It would? Senator Karpisek, do you have a life? (Laughter) [LB844]

SENATOR KARPISEK: I think I do. [LB844]

SENATOR CHAMBERS: See that young man making his way out of the building? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Spend some time with him and then... [LB844]

SENATOR KARPISEK: I try to spend as much time as I can with him, Senator. But he can kind of duck me sometimes. (Laugh) [LB844]

SENATOR CHAMBERS: He's a hard living youngster. Thank you, Mr. President. [LB844]

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SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the opening on the motion to indefinitely postpone. Senator Karpisek, you are recognized. [LB844]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Of course I will ask that you not IPP LB844. I do think that we are on the right path. I don't think it's a bad bill. I think it falls in line with all of our other statutes. It is not just trying to pick on someone. Again, it is nowhere near the green copy. I feel I have really toned it down to try to get something instead of nothing. And that is why I would be upset if it didn't pass this session, because I feel I have given, I have tried to meet halfway. I feel like I've gone over halfway. But I knew that there was no way it would have come out of committee in green copy form. I don't think it's a bad bill. I think it's a good idea. I do know that there are many problems with marijuana. To think that there is not, I feel, is being naive. Am I trying to pick on it more than alcohol? No. I tried to make it be the same penalty, but now it is not. This is only raising it \$200 per occurrence with under less than one ounce. I don't think that that is way out of line. Since when this was put in was, I think, Senator Chambers, in the 1970s. We need to look at some of these. One hundred dollars was a lot of money back then, doesn't seem to be a lot of money now. I don't think that it deters anyone. And there's also the whole students being at risk, kids. Senator Chambers has always stuck up for the young, he has. I haven't watched the whole time that he's been here, but I've watched for a long time, and he has always stood up for the people that didn't have a voice, and I respect that greatly. But I don't think that that is what this is about. This is about trying to get people to wake up and not do things that will harm themselves or harm kids, and not just to say, oh, it's okay, it won't hurt you, go ahead and have a good time. I don't agree with that, that's why I brought the bill. And I would ask you not to IPP LB844. Thank you, Mr. President. [LB844]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. Senator Chambers, you're recognized, followed by Senator Wallman. [LB844]

SENATOR CHAMBERS: Mr. President, members of the Legislature, is this the same Senator Karpisek, talking about protecting people from doing things that harm them, who stood on the floor and railed so many days against a smoking ban which was going to be put in place so that people, including children, would not be harmed? Now that's what he said the other day. Now he's saying the opposite today. He wants to protect people from themselves. On the floor of the Legislature my colleagues forget what they said from day to day because they pigeonhole things. What happened yesterday has no effect on what happened today. But to me it's like a seamless web, Senator Karpisek, whatever happens way over there in that part of the web will reverberate that web and find its way all the way over here to this part of the web. And that's how the spider has information communicated to him or her. When anything hits that web a communication system is triggered and the spider knows where, whatever it is, and a rough idea of the

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size of it. So you're going to have to try to remember the things that you say from day to day. But in order that I don't misrepresent your position, I'd like to ask you a question or two. [LB844]

SENATOR LANGEMEIER: Senator Karpisek, would you yield? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: You were opposed to the Legislature taking action on the smoking bill which would protect people from themselves when they wanted to smoke and be around smoking. You were...wasn't that your position? Or you forgot what your position was? [LB844]

SENATOR KARPISEK: No, I can't say..., Senator, my objection was personal property rights. [LB844]

SENATOR CHAMBERS: Um-hum. But you didn't think that the Legislature should be worried about protecting people from themselves. If they wanted to smoke somewhere they should be able to go there and smoke, correct? [LB844]

SENATOR KARPISEK: A legal substance. [LB844]

SENATOR CHAMBERS: And if they didn't want to smoke, they didn't have to go there. [LB844]

SENATOR KARPISEK: Right. [LB844]

SENATOR CHAMBERS: Now you want to protect people from themselves because this substance is harmful, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: But that's not why you brought the bill, is it? [LB844]

SENATOR KARPISEK: It's part of the reason. [LB844]

SENATOR CHAMBERS: No, what reason did you give? The only reason you gave, and I'll try to find the clippings to show you, was that you had talked to young people and some others who said that the penalty for marijuana was not as severe as that for minor in possession. That's the reason you gave. You didn't compare marijuana to alcohol in terms of the harmfulness that either had or both had to the user. That came later in the discussion. Do you recall? [LB844]

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SENATOR KARPISEK: I do recall, Senator. [LB844]

SENATOR CHAMBERS: Okay. [LB844]

SENATOR KARPISEK: That was my main reason to bring it and I would hope that we all have more than one reason to bring any bill. [LB844]

SENATOR CHAMBERS: But the reason you gave was to equalize the penalties. Isn't that the reason you gave? [LB844]

SENATOR KARPISEK: That is, and it was my main reason. [LB844]

SENATOR CHAMBERS: And now you think that you need to add something else to that because that seems kind of hollow to justify everything that's going on now, huh? So you had to give something with a little more weight, heft and meat to it, if you will, since you're in that business. (Laughter) [LB844]

SENATOR KARPISEK: I'm trying to bring a few more facts to the table. [LB844]

SENATOR CHAMBERS: Few more facts to the table. And what facts are you bringing? [LB844]

SENATOR KARPISEK: The health... [LB844]

SENATOR CHAMBERS: That marijuana is harmful to people? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Are you considering, in the facts that you bring us, that marijuana is more harmful to people than alcohol? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Are you saying that people who use marijuana cause more harm to society than people who use alcohol? [LB844]

SENATOR KARPISEK: Not more. [LB844]

SENATOR CHAMBERS: Are you saying that...well, let me not phrase it like that. Are you aware that there are people who have died from overdosing on alcohol? [LB844]

SENATOR ERDMAN PRESIDING [LB844]

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SENATOR ERDMAN: One minute. [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: So you've heard of alcohol poisoning. [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Have you heard of any incident where anybody overdosed on marijuana, anybody? [LB844]

SENATOR KARPISEK: I have seen that up to 10 to 15 percent of ER visits are from someone who's been smoking marijuana. [LB844]

SENATOR CHAMBERS: Have you seen where...when I say "overdose," I meant die. Have you seen where anybody died from marijuana? Have you even read of a case? [LB844]

SENATOR KARPISEK: I would say that they could have after. Not just if they're sitting in a chair and overdosing, no. [LB844]

SENATOR CHAMBERS: Are there people who just drink enough alcohol and they die from the poisoning of the alcohol? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And that does not happen with marijuana, does it? [LB844]

SENATOR KARPISEK: Not that we know right now. [LB844]

SENATOR CHAMBERS: Okay. So alcohol is more toxic, if you want to use that term, in terms of its ability to induce death in the person consuming it. [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Karpisek. Senator Wallman, you're recognized to speak, followed by Senator Chambers. [LB844]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. And I think we ought to go up or down on this bill, and where Senator Chambers is going I, too, fought the smoking ban of individual rights, individual businesses, and we're going back to the

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smoking ban. And so...but this is a little bit different. If you smoke marijuana or use some kind of drugs and that's in your bloodstream and you want to get a job, say, for Werner Enterprises, Crete Carrier, guess what? You can't get a job. Bus driver has wreck, or I was at a train accident where a lady got killed. They pulled that train crew out of there to test them for drugs. And some crews, some truckers, they do smoke marijuana, I'm sure. And whether it's harmful or not, that's beside the point. Let's educate, let's, if this does a little bit of education for our young people. As everybody knows, I'm probably against rules and regulations about more stiff penalties than anybody, as Senator Pirsch can testify, but let's be uniform. And drugs stays in your bloodstream longer, as far as I know, and I know of, in the elevator, where I live, do business with, they yanked a truck driver. He lost his job--he had two kids--because he'd used an illegal substance the day before. And so things like this, I'm not saying it's worse--alcohol, I think, is far worse--and we're going to have to deal with this problem, but we're trying to even the playing field. We always say even the playing field. But we're not doing it to private business. We're not doing it to...you know, we passed a smoking ban. And so that's all I have. Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Wallman. Senator Chambers, you're recognized to speak. [LB844]

SENATOR CHAMBERS: Mr. President and members of the Legislature, we are not being presented with factual, rational argument. Senator Wallman nor Senator Karpisek can show any correlation between raising this fine and causing people to smoke less marijuana or to result in fewer people smoking marijuana. I'd like to ask Senator Karpisek a question or two, now that he's approaching his desk again. [LB844]

SENATOR ERDMAN: Senator Karpisek, would you yield to questions from Senator Chambers? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, how many people in Nebraska smoke marijuana? [LB844]

SENATOR KARPISEK: I don't know. [LB844]

SENATOR CHAMBERS: Senator Karpisek, what is the age range of the people who smoke marijuana? [LB844]

SENATOR KARPISEK: Probably 11 or... [LB844]

SENATOR CHAMBERS: Not probably. What is the age range? You don't know, do you? [LB844]

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SENATOR KARPISEK: Eleven or twelve to death. [LB844]

SENATOR CHAMBERS: So you don't think anybody under the age of 11 smokes marijuana? [LB844]

SENATOR KARPISEK: They do. We know that from the newspaper clipping I handed out. She was four. [LB844]

SENATOR CHAMBERS: So you knew that when you gave me that false answer of 11 to death. You knew that younger than 11 smoked marijuana, correct? [LB844]

SENATOR KARPISEK: I was wrong. [LB844]

SENATOR CHAMBERS: But you knew that somebody younger than 11 would smoke marijuana in Nebraska, didn't you? [LB844]

SENATOR KARPISEK: Yes, I did. [LB844]

SENATOR CHAMBERS: Why did you try to trick me with that answer? [LB844]

SENATOR KARPISEK: (Laugh) I tricked myself. [LB844]

SENATOR CHAMBERS: Is it that you're getting tired and a little careless in what you're saying? [LB844]

SENATOR KARPISEK: Oh, it could be a little bit probably. [LB844]

SENATOR CHAMBERS: You're not as alert now as you were earlier? [LB844]

SENATOR KARPISEK: I just got a new Diet Pepsi, though. [LB844]

SENATOR CHAMBERS: You just got a new diaper? [LB844]

SENATOR KARPISEK: Diet Pepsi! [LB844]

SENATOR CHAMBERS: Oh! (Laugh) [LB844]

SENATOR KARPISEK: (Laugh) I may need a diaper, too. [LB844]

SENATOR CHAMBERS: Okay. Okay. (Laughter) Okay. Diet Pepsi, does that energize you? [LB844]

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SENATOR KARPISEK: No, not a whole lot, but... [LB844]

SENATOR CHAMBERS: Does it raise your blood sugar? [LB844]

SENATOR KARPISEK: No, not a diet. [LB844]

SENATOR CHAMBERS: Does it stimulate your brain? [LB844]

SENATOR KARPISEK: I don't know. The caffeine might help a little bit, get me a little stimulation. [LB844]

SENATOR CHAMBERS: Then if you...if it is the caffeine and the caffeine wears out...off, are you going to crash? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Why not? Because it's not that strong? [LB844]

SENATOR KARPISEK: I think I've got enough stored up that I can go for awhile. [LB844]

SENATOR CHAMBERS: Enough caffeine stored up? [LB844]

SENATOR KARPISEK: No, enough sugar. [LB844]

SENATOR CHAMBERS: Okay. Have you ever smoked marijuana, Senator Karpisek? [LB844]

SENATOR KARPISEK: No, I have not. [LB844]

SENATOR CHAMBERS: Have you ever been around people who smoke marijuana? [LB844]

SENATOR KARPISEK: Yes, I have. [LB844]

SENATOR CHAMBERS: Have you ever been in a room where marijuana was being smoked? [LB844]

SENATOR KARPISEK: Yes, I have. [LB844]

SENATOR CHAMBERS: Did you ever receive a contact high? [LB844]

SENATOR KARPISEK: Secondhand smoke, is that what you mean? [LB844]

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SENATOR CHAMBERS: Marijuana. Did you ever get high in a room where other people were smoking marijuana? [LB844]

SENATOR KARPISEK: I don't know. (Laugh) [LB844]

SENATOR CHAMBERS: First of all,... [LB844]

SENATOR KARPISEK: It wasn't in a room, Senator, but... [LB844]

SENATOR CHAMBERS: Have you ever been high? Do you know what that...it's what the feeling would be. [LB844]

SENATOR KARPISEK: I really don't know that I was or I wasn't, but I was not acting myself at a concert that was...I attended. [LB844]

SENATOR CHAMBERS: So you're acting a little giddy or different from the way you usually do. [LB844]

SENATOR KARPISEK: Actually, I got awful mean. [LB844]

SENATOR CHAMBERS: Mean. Oh, then it wasn't marijuana. You must have gotten some bad Diet Coke. (Laughter) [LB844]

SENATOR KARPISEK: Could be. [LB844]

SENATOR CHAMBERS: Senator Karpisek, you don't really know how many people in Nebraska smoke marijuana and probably nobody...well, nobody knows how many people in Nebraska smoke marijuana. Would you agree? [LB844]

SENATOR KARPISEK: Yes, I would agree. [LB844]

SENATOR CHAMBERS: And nobody really knows the age at which...the youngest person that's smoked marijuana or the oldest age of somebody who has smoked it. Would you agree? [LB844]

SENATOR KARPISEK: No, nobody...no nobody would know that. I agree. I agree. [LB844]

SENATOR CHAMBERS: So we would speculate and guess and make conjectures, but we are not being factual, either one of us, would you agree? [LB844]

SENATOR KARPISEK: I would agree. [LB844]

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SENATOR CHAMBERS: If I said 5,000 and you said 4,000, either of us could be close to the correct answer, or both of us could be very far off the correct answer, right? [LB844]

SENATOR KARPISEK: Correct. Correct. [LB844]

SENATOR CHAMBERS: So it really doesn't matter how many or how few smoke marijuana as far as what you're trying to do on the bill. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: You would try to do this if one person smoked marijuana. Is that true? Well, let me ask it this way... [LB844]

SENATOR KARPISEK: Yeah. You... [LB844]

SENATOR CHAMBERS: If one person smoked marijuana and you knew it, would you offer this bill? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Why not? [LB844]

SENATOR KARPISEK: Because it's not that many people. It's not affecting that many people. [LB844]

SENATOR CHAMBERS: But you don't care about the one that it does affect. [LB844]

SENATOR KARPISEK: Sure, I care about them, but I wouldn't take up this much time over one person. [LB844]

SENATOR CHAMBERS: But you don't know that more than one person is smoking marijuana, do you, is smoking it, not has smoked it? [LB844]

SENATOR KARPISEK: Oh, has? [LB844]

SENATOR CHAMBERS: Is smoking. Do you know that more than one person is smoking marijuana in Nebraska right now? [LB844]

SENATOR KARPISEK: I guess I don't know that for a fact, no. [LB844]

SENATOR CHAMBERS: Right. So it could be one person that you're bringing this bill

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for, couldn't it? [LB844]

SENATOR KARPISEK: I guess it could be then. [LB844]

SENATOR CHAMBERS: But you suspect that more than one would be smoking. [LB844]

SENATOR KARPISEK: I would suspect many more than one. [LB844]

SENATOR CHAMBERS: So, on the basis of mere suspicion, you're willing to put the Legislature through what we're going through, correct? [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR ERDMAN: Senator Chambers, that was your third time. You're recognized to close on your motion to indefinitely postpone LB844. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'm looking at Senator Karpisek and I'm beginning to feel a bit of sympathy for myself because he is unmoved. He is as stolid and solid as a rock, and I'm beginning to wilt. But I must press on, Senator Karpisek. And now that he knows I'm wilting, he takes a long swig of his Diet Pepsi. But I don't like Diet Pepsi or any diet pop, Senator Karpisek. If every statistic that you read were true, what difference would it make to you? What business is it of yours? What business is it of yours what anybody does with their time and in their life? I'm asking Senator Karpisek a question. [LB844]

SENATOR ERDMAN: Senator Karpisek, would you yield? [LB844]

SENATOR KARPISEK: Yes, I will. What business is it of mine? [LB844]

SENATOR CHAMBERS: Yes. [LB844]

SENATOR KARPISEK: I think that it affects our state in a negative way and, being a state senator, I feel that it is an issue that needs to be brought to light. [LB844]

SENATOR CHAMBERS: In what negative way does it affect the state of Nebraska? [LB844]

SENATOR KARPISEK: It just says here that high school people who smoke marijuana don't graduate at the same rate as their nonsmoking peers. Right there is kind of we're working for kids here. [LB844]

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SENATOR CHAMBERS: Well, black children don't graduate from schools in OPS at the rate of white children. You're not bringing a bill about that, so graduation is not what we're talking about because there are far more who don't graduate and it has nothing to do with marijuana. So those are the kind of fallacious so-called statistics that people throw out there that have nothing whatsoever to do with what we're talking about. If what we're talking about is the welfare of children, we should want all of them to get an education and it's not marijuana that's stopping black children from graduating from OPS schools. Now that is not the main concern. And somebody slipped you that information probably, didn't they? [LB844]

SENATOR KARPISEK: No, Senator, that was mine. Senator Harms did slip me a percentage of high school students in Nebraska. In 2005, 17.5 reported in the past month that they had smoked marijuana. [LB844]

SENATOR CHAMBERS: They reported it, but that doesn't mean what they said is true, does it? [LB844]

SENATOR KARPISEK: No, it was probably higher than that. [LB844]

SENATOR CHAMBERS: Senator Karpisek, if you know anything about young people, do they have a tendency to do or say things that they think will upset adults? [LB844]

SENATOR KARPISEK: Some. [LB844]

SENATOR CHAMBERS: Do you think some or a lot? Do you think there are young people who do things deliberately to upset adults, and that's the reason that they do it? [LB844]

SENATOR KARPISEK: Some do. So do some adults. [LB844]

SENATOR CHAMBERS: A lot. Do you think a lot of young people do that? [LB844]

SENATOR KARPISEK: No, I wouldn't say a lot. [LB844]

SENATOR CHAMBERS: On what do you base that? [LB844]

SENATOR KARPISEK: I think that most or a lot of our young people are good people, want to do the right thing, and they can do what they want to do without trying to upset adults. [LB844]

SENATOR CHAMBERS: Now if this bill is passed, are we going to see an increase in the graduation rate of high school students? [LB844]

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SENATOR KARPISEK: I would like to think so. [LB844]

SENATOR CHAMBERS: No, I don't want to know what you like. I want you to tell me your honest opinion. You gave the statistic. If we then remove the cause, the effect should disappear, shouldn't it? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: All right. Now if we remove...if we pass this bill and it's going to have the deterrent effect that you say, then the graduation rate should go up, shouldn't it? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And is that what you believe is going to happen? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: You walked right into that one, didn't you? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: Do you think that if you spoke to the people who educate children, they would say that if this bill were passed it's going to improve the graduation rate of high school students in Nebraska? You think that's what they would say? [LB844]

SENATOR KARPISEK: I would say that they would say it can't hurt. [LB844]

SENATOR CHAMBERS: That's not what I asked you. [LB844]

SENATOR KARPISEK: Then I would say they would say yes. [LB844]

SENATOR CHAMBERS: Senator Karpisek, how long have you been allowed to leave home by yourself? [LB844]

SENATOR KARPISEK: Not very long, Senator. Since I got elected. [LB844]

SENATOR CHAMBERS: Then you probably have somebody, a keeper, not too far away from you now, huh? [LB844]

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SENATOR KARPISEK: Senator Rogert. [LB844]

SENATOR CHAMBERS: And he's gone. He got tired. He bailed out on you. But, members of the Legislature, do you see the kind of positions people put themselves in when they bring this kind of nonsensical legislation? I'd like to ask Senator Schimek...oh, let me ask Senator Howard a question, or is she on her phone too? [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Members, you've heard the closing on the motion to indefinitely postpone LB844. All those in favor vote aye; all those opposed vote nay. Senator Chambers has requested a roll call vote, regular order. Mr. Clerk, please call the roll. [LB844]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 808.) Vote is 0 ayes, 21 nays, Mr. President. [LB844]

SENATOR ERDMAN: The motion is not successful. Mr. Clerk, next motion. [LB844]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to reconsider the vote just taken. [LB844]

SENATOR ERDMAN: Senator Chambers, you're recognized to open on the motion to reconsider. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. Knowing that you would have wanted it this way, I believe I'm getting stronger every day, yea, yea, yea; yea, yea, yea. I'd like to ask Senator Raikes a question or two. [LB844]

SENATOR ERDMAN: Senator Raikes, would you yield to a question or two from Senator Chambers? [LB844]

SENATOR RAIKES: Yes. [LB844]

SENATOR CHAMBERS: Thank you. And, Senator Raikes, while you're getting ready, I wanted to thank Senator Friend for that courageous "not voting." Under the circumstances, that took courage. Senator Raikes, we have heard a statistic read by Senator Karpisek that 17 percent of the students who don't graduate from high school, it can be laid to marijuana. If this bill is passed, do you believe that the graduation rate for

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high school students in Nebraska will rise? [LB844]

SENATOR RAIKES: Well, if I thought it would raise 17 percent, I would definitely vote for the bill. [LB844]

SENATOR CHAMBERS: Do you think that it will? [LB844]

SENATOR RAIKES: No. [LB844]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Adams a question. [LB844]

SENATOR ERDMAN: Senator Adams, would you yield to a question from Senator Chambers? [LB844]

SENATOR ADAMS: Will. [LB844]

SENATOR CHAMBERS: Senator Adams, you were a teacher, correct? [LB844]

SENATOR ADAMS: Yes, sir. [LB844]

SENATOR CHAMBERS: You are interested in the graduation rate... [LB844]

SENATOR ADAMS: Always. [LB844]

SENATOR CHAMBERS: ...of students. Do you believe that if this bill were passed it would raise the graduation rate for high school students in Nebraska? [LB844]

SENATOR ADAMS: Probably not. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, I'd like to ask Senator Karpisek a question. [LB844]

SENATOR ERDMAN: Senator Karpisek, do you yield to a question from Senator Chambers? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, do you believe if this bill passes it will raise the graduation rate of high school students in Nebraska? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Thank you. Members of the Legislature, you all know that is

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so much hogwash. So why does he say it? He let himself get backed into a corner on a bill dealing with a subject about which he knows precious little. He has now gotten into a position where he has to argue every nonsensical thing that pops into his head as the reason for the bill, when none of those things were offered as his reason. He had one, simple, straightforward, simpleminded reason. He told us that he had heard young people say that there was a disparity, they didn't use that word but you know what I mean, there is a disparity between the penalty for minor in possession and one caught with marijuana. That's the reason he gave over and over and over. Now he's talking about graduation rates. He knows that's not so. You all know it's not so. But it seems to take on an air of plausibility this late in the afternoon when people are tired. They don't even care what's said. They don't even care what's said. They really don't care what happens to this bill. But they gave Senator Karpisek their word and now they're going to follow the lead of somebody who says passing this bill is going to raise the graduation rate of high school students. Senator Carlson doesn't even believe that. Wait a minute. I'd like to ask Senator Carlson a question. [LB844]

SENATOR ERDMAN: Senator Carlson, would you yield to a question from Senator Chambers? [LB844]

SENATOR CARLSON: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Carlson, I need to stop making assumptions and presumptions. Do you believe that if this bill passes it will raise the graduation rate of high school students in Nebraska? [LB844]

SENATOR CARLSON: I think there's a possibility. [LB844]

SENATOR CHAMBERS: Do you believe if this bill is passed that it will raise the graduation rate of high school students in Nebraska? [LB844]

SENATOR CARLSON: I...my answer is I think there's a possibility. [LB844]

SENATOR CHAMBERS: Is there a possibility that it won't? [LB844]

SENATOR CARLSON: Yes. [LB844]

SENATOR CHAMBERS: So you don't say that it will. [LB844]

SENATOR CARLSON: No, I said there's a possibility that it would. [LB844]

SENATOR CHAMBERS: Is there a possibility that this ceiling might cave in before we leave here? Is there a possibility? [LB844]

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SENATOR CARLSON: A remote possibility, yes. [LB844]

SENATOR CHAMBERS: But there's a possibility. [LB844]

SENATOR CARLSON: Yes. [LB844]

SENATOR CHAMBERS: Is there a possibility that the power may go out and that microphone will not carry your voice and have it amplified? [LB844]

SENATOR CARLSON: There is a good possibility. [LB844]

SENATOR CHAMBERS: Senator, when you speak into the mouthpiece of a telephone, is that sound converted into electrical impulses... [LB844]

SENATOR CARLSON: Yes, it is. [LB844]

SENATOR CHAMBERS: ...and they travel through a wire, and then when they get to the receiver then they are reconfigured into the sound that it originally was? Is that how a telephone works? [LB844]

SENATOR CARLSON: I believe it is. [LB844]

SENATOR CHAMBERS: You believe that, but you don't know that to be a fact, do you? (Laughter) [LB844]

SENATOR CARLSON: (Laugh) No, I don't know that to be a fact. [LB844]

SENATOR CHAMBERS: But didn't it sound plausible? It sounded plausible, didn't it? [LB844]

SENATOR CARLSON: Yes, it did. [LB844]

SENATOR CHAMBERS: Thank you, Senator Carlson. [LB844]

SENATOR CARLSON: All right. [LB844]

SENATOR CHAMBERS: I'd like to ask Senator Fulton a question. [LB844]

SENATOR ERDMAN: Senator Fulton, would you yield to a question? [LB844]

SENATOR FULTON: I will. [LB844]

SENATOR CHAMBERS: Senator Fulton, you're an engineer by trade. [LB844]

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SENATOR FULTON: So I'm told. [LB844]

SENATOR CHAMBERS: Is that...is what I stated basically the way a telephone operates? [LB844]

SENATOR FULTON: You're going to have to restate, Senator. I didn't quite hear all of what you said. [LB844]

SENATOR CHAMBERS: When you speak into the mouthpiece of a telephone, that sound, or your voice, is converted into electrical impulses. When they travel through the wire and come out the receiver at the other end, those impulses are reconfigured into the sound that they originally were and you hear, on your end, what passed through that wire as a result of being spoken into the mouthpiece at the other end. [LB844]

SENATOR FULTON: That's a fairly accurate way of explaining it. [LB844]

SENATOR CHAMBERS: Thank you, Senator Fulton. [LB844]

SENATOR FULTON: Well done. [LB844]

SENATOR CHAMBERS: Oh, go ahead. Thank you. See, Senator Carlson was right but he didn't know he was right. That's what I told you about Socrates. People will say the right answer, but they don't know whether they're right or not. So somebody has got to know the answer. So now Senator Carlson has learned something, but Senator Carlson is unwilling to state a truth that he knows. That truth is that passing this bill is not going to raise the graduation rate of high school students. Let me ask Senator Karpisek another question. [LB844]

SENATOR ERDMAN: Senator Karpisek, would you yield? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, state again the percentage of high school students. State again what you said, because I might be misstating it and I don't want to do that. What was that statistic you gave? [LB844]

SENATOR KARPISEK: That in '05, 17.5 percent of Nebraska high school students reported smoking marijuana in the last month. [LB844]

SENATOR CHAMBERS: Well, where did that graduation rate come in? You said something about it lowered the graduation rate. [LB844]

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SENATOR KARPISEK: That was a different one. [LB844]

SENATOR CHAMBERS: Oh, so you're mixing your metaphors now. You're mixing apples and oranges. [LB844]

SENATOR KARPISEK: No. No, no. [LB844]

SENATOR CHAMBERS: Well, what did you say about the graduation rate? [LB844]

SENATOR KARPISEK: I said that students who smoke marijuana get lower grades and are less likely to graduate from high school compared to their nonsmoking peers. [LB844]

SENATOR CHAMBERS: But you didn't say 17 percent. [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: But you did say that if this bill passes the graduation rate will rise for students in high school in Nebraska. You did say that, correct? [LB844]

SENATOR KARPISEK: I did. [LB844]

SENATOR CHAMBERS: Okay. Now it said 17 percent have reported that they smoke marijuana. Is that what you said that statistic says? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: To whom did they report it? To the principal? [LB844]

SENATOR KARPISEK: Oh, "Substance Abuse and Associated... [LB844]

SENATOR CHAMBERS: No, that's the title. [LB844]

SENATOR KARPISEK: ...Consequences in Nebraska." It's from the Department of Health and Human Services. [LB844]

SENATOR CHAMBERS: To whom...to whom did these students report that they smoke marijuana? [LB844]

SENATOR KARPISEK: I'm sure that someone went there and conducted a... [LB844]

SENATOR CHAMBERS: Not "sure." You don't know, do you? [LB844]

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SENATOR KARPISEK: No, I don't. [LB844]

SENATOR CHAMBERS: And that report doesn't tell you, does it? [LB844]

SENATOR KARPISEK: I don't know. I have not read the entire report. [LB844]

SENATOR CHAMBERS: Does it say that students in every school in Nebraska were questioned? [LB844]

SENATOR KARPISEK: Again, I don't know that but, no, it does not. I'm sure it does not. [LB844]

SENATOR CHAMBERS: So wouldn't you agree that from what you've read we cannot say, from what you read, that whoever got this information talked to all of the students in the high schools in Nebraska? We can't say that, can we? [LB844]

SENATOR KARPISEK: No, I'm sure with any survey they do a random number and... [LB844]

SENATOR CHAMBERS: And they may not be able to extrapolate from that and come up with a figure that is accurate. Isn't that true? They expect people to read that and accept it at face value as being true, don't they? [LB844]

SENATOR KARPISEK: Usually, they say plus or minus so many percentage points. [LB844]

SENATOR CHAMBERS: So what's the plus or minus they gave? [LB844]

SENATOR KARPISEK: I don't see one yet, Senator. [LB844]

SENATOR CHAMBERS: So then that's irrelevant to what we're talking about here on your report that you're reading, correct? [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: They did not have to actually have talked to a single student, did they? [LB844]

SENATOR KARPISEK: Well, since it's...I guess not, but it's the Department of HHS. I would hope they did. [LB844]

SENATOR CHAMBERS: Oh, so you believe everything that you read... [LB844]

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SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: ...under the label. Senator, does it mention how many schools they questioned students in? [LB844]

SENATOR KARPISEK: No, Senator, you caught me on this one. I did not find this. I had it given to me so I have not gone through it. [LB844]

SENATOR CHAMBERS: Senator,... [LB844]

SENATOR KARPISEK: These other things I brought myself. [LB844]

SENATOR CHAMBERS: ...do these people from HHS have the right to go into high schools and question people's children as to whether they've smoked marijuana or are smoking marijuana? [LB844]

SENATOR KARPISEK: I don't know. [LB844]

SENATOR CHAMBERS: Do you think that's appropriate that people from HHS are interrogating children in high school about marijuana usage? [LB844]

SENATOR KARPISEK: I don't know that it's interrogation. It's a voluntary survey. [LB844]

SENATOR CHAMBERS: Well, asking them? Do they have the right to go into schools and ask those questions? [LB844]

SENATOR KARPISEK: I don't know that they went into schools. [LB844]

SENATOR CHAMBERS: So where did they talk to these students? [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Karpisek. Senator Chambers, you may continue. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, do you all see what other kind of things are revealed when we have these discussions? We have a report from HHS, the validity of which cannot be established. Senator Karpisek takes it as true. He doesn't know how many students were questioned, he doesn't know where they were questioned, he doesn't know who questioned them, he doesn't know

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how many schools were approached for the questioning of these children. But he gives us a statistic which we're supposed to accept at face value and the one offering it doesn't even know where it came from. I'd like to ask Senator Karpisek a question. [LB844]

SENATOR ERDMAN: Senator Karpisek, would you yield to a question from Senator Chambers? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, do you still believe that that figure you read to us is valid? [LB844]

SENATOR KARPISEK: There...you could shoot holes in it, as you have, so valid? [LB844]

SENATOR CHAMBERS: Would you want to withdraw that as an exhibit that's designed to make your case for this bill? [LB844]

SENATOR KARPISEK: No, I'll...it's written here. I'll keep it in. [LB844]

SENATOR CHAMBERS: So then if I write something and send it over there to you, because it's written, you will then quote that and accept it as true. Is that correct? [LB844]

SENATOR KARPISEK: Well, from you of course I would, Senator. No. No. [LB844]

SENATOR CHAMBERS: You wouldn't. [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Do you accept everything written by HHS? [LB844]

SENATOR KARPISEK: Absolutely not, Senator. [LB844]

SENATOR CHAMBERS: So then you cherry-pick. You pick and choose what you're going to accept and whatever might seem to work toward what would be in your favor you accept; whatever would go the other direction you reject. Is that the way you read documents, Senator Karpisek? [LB844]

SENATOR KARPISEK: No, I try not to. I try to take them all with a grain of salt. And I'm sorry that I said anything on the percentage. I guess the first time I said it you were asking for numbers so I threw that one out there. [LB844]

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SENATOR CHAMBERS: But we cannot validate it. Isn't that correct? [LB844]

SENATOR KARPISEK: I suppose you are correct. [LB844]

SENATOR CHAMBERS: Okay. Now we don't know how many children may have their grades affected negatively through smoking marijuana, do we? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: We don't know. Do you think it's possible that a student could smoke marijuana, be calmed down and do better on an exam than a nonsmoker who is fidgety and nervous? Do you think that's possible? [LB844]

SENATOR KARPISEK: Anything is possible, I guess. [LB844]

SENATOR CHAMBERS: And if that were the case, would you be opposed to the smoking of marijuana prior to taking an examination? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Why? [LB844]

SENATOR KARPISEK: Because it's illegal. [LB844]

SENATOR CHAMBERS: If it were not illegal then you wouldn't have any opposition to marijuana itself. Your opposition is because it's illegal. [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Is that correct? [LB844]

SENATOR KARPISEK: That is correct. [LB844]

SENATOR CHAMBERS: And that's the only reason you're approaching this in the way that you are, is because it's illegal. [LB844]

SENATOR KARPISEK: I've also seen what it's done to some people that I know. Don't like what the end result was. [LB844]

SENATOR CHAMBERS: But the real bedrock reason is to make the punishment here accord with those for minors in possession. [LB844]

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SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Senator Karpisek, do you think that's a valid basis for us to change the law? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And do you think it's a good basis? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Is it rooted in the principles of penology which, if I were going to use that term, would say it relates to those kind of things that will modify people's behavior in a positive way so they won't engage in antisocial conduct? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Now what kind of antisocial conduct would these students engage in who smoke marijuana, and then I'd like you to tell me how you know that? What is the antisocial conduct? [LB844]

SENATOR KARPISEK: Violence. [LB844]

SENATOR CHAMBERS: And you know that for a fact. [LB844]

SENATOR KARPISEK: I have seen it, Senator. We talked about this earlier. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR KARPISEK: I did say that there may have been some alcohol involved also. [LB844]

SENATOR CHAMBERS: And you think the marijuana is the cause of it, or it's just coincident with the fact that somebody does something that may be violent? What kind of violence are you talking about? [LB844]

SENATOR KARPISEK: Fights. [LB844]

SENATOR CHAMBERS: You think when people smoke marijuana they get in fights. [LB844]

SENATOR KARPISEK: Sometimes. [LB844]

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SENATOR CHAMBERS: Have you seen people who smoke marijuana get in fights? [LB844]

SENATOR KARPISEK: Sure. [LB844]

SENATOR CHAMBERS: While you are an adult or when you were a youngster? [LB844]

SENATOR KARPISEK: Both. [LB844]

SENATOR CHAMBERS: And where were these people fighting that you saw fighting who had smoked marijuana? [LB844]

SENATOR KARPISEK: One was at a house, one was at Memorial Stadium. [LB844]

SENATOR CHAMBERS: So one guy was at Memorial Stadium, the other one is at a house, and they had a fight. [LB844]

SENATOR KARPISEK: (Laugh) No. No. [LB844]

SENATOR CHAMBERS: Now are you sure they were the ones who was smoking the marijuana? [LB844]

SENATOR KARPISEK: That's when you asked me if I had any secondhand and I said that I was not myself. [LB844]

SENATOR CHAMBERS: How did you know that they had been smoking marijuana? [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR KARPISEK: Because they were standing right next to me. [LB844]

SENATOR CHAMBERS: And let you know there was... [LB844]

SENATOR ERDMAN: Time, Senator Chambers. [LB844]

SENATOR CHAMBERS: Was that my third time? [LB844]

SENATOR ERDMAN: Second. You may continue. [LB844]

SENATOR CHAMBERS: Thank you. Senator Karpisek, I'd like to ask you a question or two, and you may consult with your counsel, if you'd like to. [LB844]

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SENATOR ERDMAN: Senator Karpisek, would you yield? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: See, your counsel bailed out on you. [LB844]

SENATOR KARPISEK: (Laugh) I know. [LB844]

SENATOR CHAMBERS: Senator Karpisek, would you say that if you saw two people fighting and each one had just snuffed out a cigarette, that the cigarette caused them to have the fight? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: If you saw a guy drink a can of beer and a man next to him drank a can of beer and they both set the beer down and got in a fight, would you say the beer caused them to get in the fight? [LB844]

SENATOR KARPISEK: Could have been. [LB844]

SENATOR CHAMBERS: Would you say the beer caused them to get into the fight? [LB844]

SENATOR KARPISEK: Not after one beer maybe, but the alcohol could have played a major factor. [LB844]

SENATOR CHAMBERS: How much marijuana had these people smoked who were near you? [LB844]

SENATOR KARPISEK: Seemed like a lot. [LB844]

SENATOR CHAMBERS: You watched them smoke it? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And were they smoking cigarettes? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: How were they smoking it then? What device were they using? [LB844]

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SENATOR KARPISEK: Well, first their fingers and then paperclips or roach clips. [LB844]

SENATOR CHAMBERS: Their finger. So they put...they put marijuana between their fingers and smoked it between their fingers? [LB844]

SENATOR KARPISEK: Oh, no, they must have had a Zig-Zag or something I guess. [LB844]

SENATOR CHAMBERS: And that's a piece of paper? [LB844]

SENATOR KARPISEK: A cigarette roll, yes. [LB844]

SENATOR CHAMBERS: You're very familiar with the terminology of the drug culture, aren't you? (Laughter) So they... [LB844]

SENATOR KARPISEK: No, I'm naive, Senator; you've said that. [LB844]

SENATOR CHAMBERS: So they put it in this...they put it in this Zig-Zag. How thick would you say that this Zig-Zag cigarette was? Is it the thickness of a pencil or thinner? [LB844]

SENATOR KARPISEK: Thinner, I suppose. [LB844]

SENATOR CHAMBERS: How many times have you observed people smoke marijuana? [LB844]

SENATOR KARPISEK: Oh, I would say it's about a dozen. [LB844]

SENATOR CHAMBERS: A dozen. How many resulted in fights? [LB844]

SENATOR KARPISEK: Most. [LB844]

SENATOR CHAMBERS: Most of them resulted in fights. [LB844]

SENATOR KARPISEK: Yeah, because I told them to get it away from me and then it ended up in a fight. [LB844]

SENATOR CHAMBERS: So it wasn't the marijuana. Did they fight you? Who did they fight? [LB844]

SENATOR KARPISEK: Well, sometimes it was me; sometimes it was someone else. [LB844]

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SENATOR CHAMBERS: So it wasn't the marijuana. It was a provocation that had nothing to do with the marijuana itself. [LB844]

SENATOR KARPISEK: Sure it did. [LB844]

SENATOR CHAMBERS: How did it have to do with marijuana? [LB844]

SENATOR KARPISEK: Because no one else was fighting. [LB844]

SENATOR CHAMBERS: But you butted into something and provoked people to fight. Isn't that true? [LB844]

SENATOR KARPISEK: No, I asked them to get it out of my house, so I did not butt in. [LB844]

SENATOR CHAMBERS: They were in your house? They were in your house? [LB844]

SENATOR KARPISEK: In college. [LB844]

SENATOR CHAMBERS: Say it again. [LB844]

SENATOR KARPISEK: In college, Senator. [LB844]

SENATOR CHAMBERS: Oh, this is when you were younger, you wore a younger man's clothes, and they were... [LB844]

SENATOR KARPISEK: And a lot smaller too. (Laugh) [LB844]

SENATOR CHAMBERS: Were they in your dorm room or you lived in a house? [LB844]

SENATOR KARPISEK: No, it was in a rental house. [LB844]

SENATOR CHAMBERS: Okay. And how many of them were there. You said about a dozen? [LB844]

SENATOR KARPISEK: No. No, no. [LB844]

SENATOR CHAMBERS: Well, how many were there when the fight started? [LB844]

SENATOR KARPISEK: Oh, gosh, a lot. [LB844]

SENATOR CHAMBERS: So you observed what happened before that. Were they all

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smoking marijuana and all of sudden they just jumped up and started fighting each other, or were words passed or there were some provocative action by somebody? [LB844]

SENATOR KARPISEK: I wasn't always in it from the beginning, Senator. I don't know. To me, it doesn't matter. It was illegal. They were the ones that brought the illegal substance. They caused the fight. [LB844]

SENATOR CHAMBERS: But you're not saying that the marijuana itself was the triggering mechanism. [LB844]

SENATOR KARPISEK: Sure seemed to be. They were the only ones fighting. And it wasn't always...sometimes it was between each other. I don't know. [LB844]

SENATOR CHAMBERS: Was everybody in the house smoking marijuana? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: And the only ones fighting were those who had been smoking marijuana. [LB844]

SENATOR KARPISEK: Not the only ones, Senator. Sometimes amongst themselves; sometimes someone else. [LB844]

SENATOR CHAMBERS: Oh, I've misunderstood. I thought you said the only ones fighting were those who had smoked marijuana, so maybe you were referring to a different incident and I put them together. Senator Karpisek, do you think this bill is going to survive three stages of debate? Not what you hope; do you think it's going to survive three stages of debate? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: How is it going to do that? [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: You're going to get cloture all three times? [LB844]

SENATOR KARPISEK: I will try. [LB844]

SENATOR CHAMBERS: Now suppose other bills are in front of this one and you don't get to this bill again; then what? Will you try to amend it into a different bill? [LB844]

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SENATOR KARPISEK: I don't think that...no, I wouldn't try to do that because I'm sure that would kill the other bill. [LB844]

SENATOR CHAMBERS: So how are you going to do it? If there are other bills in front of this one, are you going to jump this one over those other bills? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: So how are you going to do it? You think there will... [LB844]

SENATOR KARPISEK: I will just wait, I guess. [LB844]

SENATOR CHAMBERS: Do you think there will not be other bills, enough other bills in front of this to stop you from getting to it again, is that correct? [LB844]

SENATOR KARPISEK: There may be. [LB844]

SENATOR CHAMBERS: So you might not get to it again. [LB844]

SENATOR KARPISEK: May not. [LB844]

SENATOR CHAMBERS: Then it wouldn't survive three rounds of debate, would it? [LB844]

SENATOR KARPISEK: I guess not that way, but if it comes up I will try to take it through three times. [LB844]

SENATOR CHAMBERS: But the way we're dealing with it today, you feel pretty sure that it will come up again... [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: ...two more times. Thank you, Mr. President. [LB844]

SENATOR ERDMAN: That was your third time, Senator Chambers. Senator Chambers, you're recognized to close on your motion to reconsider. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, the Chair has a way of pausing to see whether or not I'll rise to the bait, and I do it every time, because the Chair may make a mistake in counting. But at any rate, this motion would be to kill this bill and I will kill it by fair means or foul, by hook or by crook. And if I don't kill the bill this time, I've killed an afternoon, I've killed most of a morning. And if it comes up again tomorrow or whenever it comes up again, I will be waiting for it and I

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will not go away. And I will examine other bills very carefully. But if a bill is not as bad as this one, I wouldn't subject it to the same degree or level of scrutiny, but I'm going to have to give very careful attention to other bills. Had I not looked carefully at Senator Karpisek's, he and I would not have been able to straighten out problems with this bill. Senator Karpisek just sat down. I'm going to see if he can rise to his feet again. [LB844]

SENATOR KARPISEK: Yes, I can. [LB844]

SENATOR ERDMAN: Would like him to yield or would you just like to see if he could stand, Senator Chambers? [LB844]

SENATOR CHAMBERS: I'd like him to yield after he has regained his feet. [LB844]

SENATOR ERDMAN: Okay. Senator Karpisek, would you yield to a question? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, do you think...did you envision this kind of an afternoon and a morning when the Judiciary Committee advanced this bill to the floor? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Senator Karpisek, do you have an idea of who the people are on the Judiciary Committee, who the members are? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: If you look around this room, do you see very many of the members of the Judiciary Committee in this room? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Senator Schimek raised her hand. She didn't hear the question. I said "very many," not "any." So he sees Senator Schimek and I'm sure that he also sees Senator Pirsch and me, but that's not a majority so Senator Karpisek is right. Senator Karpisek, the committee sent the bill out here. We agree on that? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And the form that the bill is in now was put in that form by the committee. Is that correct? [LB844]

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SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And I offered some amendments that modified it. Is that correct? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Am I still here working and laboring on this bill with you? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Who else has labored on this bill with you, other than me? [LB844]

SENATOR KARPISEK: Hmm, on the mike, no one; off the mike, I've had a little bit of help. [LB844]

SENATOR CHAMBERS: And what kind of help did you get? They told you, you probably ought to give it up and sit down, huh? [LB844]

SENATOR KARPISEK: (Laugh) No, they haven't. [LB844]

SENATOR CHAMBERS: So how did they help you? I'm curious. [LB844]

SENATOR KARPISEK: Oh, just on the amendments in the beginning that you brought. [LB844]

SENATOR CHAMBERS: And what did...how did they help you? They told you, you should accept them or reject them? [LB844]

SENATOR KARPISEK: Accept them. [LB844]

SENATOR CHAMBERS: And that was help, you feel, that they gave you. [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: And was their advice, good advice? [LB844]

SENATOR KARPISEK: I guess we shall see. I think it was. [LB844]

SENATOR CHAMBERS: Okay. Because the amendments help the bill, correct? [LB844]

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SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: So who helped you more, they or I? [LB844]

SENATOR KARPISEK: Hmm, I don't know. They...it wouldn't have gotten out here if it wouldn't have been for them, so... [LB844]

SENATOR CHAMBERS: If the bill were in...if the committee amendment had stayed in its original form and it had passed the Legislature, it may not have been signed into law with the contradictory language. Isn't that true? [LB844]

SENATOR KARPISEK: That may be true, Senator. I don't think that there was that much problem with it, but I could be wrong. But, yes,... [LB844]

SENATOR CHAMBERS: Oh, you don't? [LB844]

SENATOR KARPISEK: ...you definitely did help it out and I appreciate that, and I've said that. I don't know... [LB844]

SENATOR CHAMBERS: But, no, no, that's not it. You just said something that I find very intriguing. You're not sure that if that contradiction hadn't been worked out that it wouldn't have really been so bad. That's what you said. Do you mean that? [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR KARPISEK: No, probably not. I guess I was wishing. [LB844]

SENATOR CHAMBERS: Right. Because if a person is before this judge, the judge was told you can decide to do it if you think it's appropriate but, on the other hand, you better do it. So that would pose a problem. But again, you accepted that. Why cannot you accept additional good advice? [LB844]

SENATOR KARPISEK: Because I think it only goes so far. I feel that I already conceded some of the bill and I have offered you the "up to" and you didn't want to take that, so... [LB844]

SENATOR CHAMBERS: No, I offered "up to," but then you wanted to make the "up to" too high. Isn't that the way it went? I offered the "up to," didn't I? [LB844]

SENATOR KARPISEK: You offered the "up to,"... [LB844]

SENATOR CHAMBERS: Okay. [LB844]

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SENATOR KARPISEK: ...but you would have made the penalties even less than they are now in your "up to." [LB844]

SENATOR CHAMBERS: But in trying to negotiate from where we were to someplace else, I offered the first olive branch, didn't I? [LB844]

SENATOR KARPISEK: To make it less than it is now. [LB844]

SENATOR CHAMBERS: But I offered the first... [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR KARPISEK: (Laugh) Yes, you did. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Karpisek. Members, you've heard the closing on the motion to reconsider the previous motion to indefinitely postpone LB844. [LB844]

SENATOR CHAMBERS: (Microphone malfunction) I'd like a call of the house. [LB844]

SENATOR ERDMAN: Senator Chambers has requested a call of the house. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB844]

CLERK: 14 ayes, 2 nays, Mr. President, to place the house under call. [LB844]

SENATOR ERDMAN: The house is under call. Would all unauthorized personnel please leave the floor. Unexcused senators please report to the Chamber. The house is under call. Members, the house is under call. Senator Fulton, Senator Carlson, Senator White, Senator Preister, Senator Burling, Senator Schimek, please check in. Senator Lathrop, Senator Johnson, Senator Engel, the house is under call. Senator Engel, Senator Burling, the house is under call. Senator Johnson, please check in. Senator Engel, please check in. All members are present or accounted for. Senator Chambers, how do you wish to proceed? [LB844]

SENATOR CHAMBERS: I'd like a roll call vote in reverse order. [LB844]

SENATOR ERDMAN: Senator Chambers, has requested a roll call vote in reverse order. Members, the question before you is, shall we reconsider the motion to indefinitely postpone LB844? Mr. Clerk, please call the roll. [LB844]

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CLERK: (Roll call vote taken, Legislative Journal pages 808-809.) 5 ayes, 32 nays, Mr. President, on the motion to reconsider. [LB844]

SENATOR ERDMAN: The motion is not successful. I do raise the call. Mr. Clerk, next item. [LB844]

CLERK: At this time, Mr. President, I have nothing further pending to the bill. [LB844]

SENATOR ERDMAN: We'll now proceed to discussion on LB844. Senator Chambers, you're recognized to open on your amendment and, members, that amendment will be filed on the Chamber Viewer momentarily. (FA189, Legislative Journal page 809.) [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I had alerted Senator Karpisek to this amendment. On page 6, line 12, I would strike the underlined word "three" and the word "hundred," and I would insert the word "two," t-w-o, and that would read...I see Senator Stuthman is with me. Rather than the fine being \$300, as proposed by Senator Karpisek, it would be \$2. For the first offense, the person would be fined \$2. My amendment strikes both words, "three" and "hundred," and inserts in their place "two." The fine would be \$2. Senator Karpisek had talked about the negative impact smoking marijuana has on students. I'm going to read something to my colleagues because I want it in the record to show that there are other things that affect students attending school far more. This is an incident that happened at Liberty School to a little boy that I had told you all about the other day who was not allowed to go to the bathroom and he wound up wetting in his pants in front of everybody in his class. He was teased and ridiculed the rest of the day and made to wear girl's clothes. Dear Senator Chambers...this letter is dated February 26: Thank you for taking the time out of your busy schedule to discuss this issue. Based on our discussion, I have written a summary of the incident that occurred. Additionally, I am giving you permission to access my son's student file so that you can discuss the issue with Omaha Public Schools. On Friday, February 22, 2008, shortly after lunch, he asked his teacher, Ms. Christin Carotta, to use the rest room, and she told him no. He asked permission a second time and was told no again. The third time he explained to his teacher that it was an emergency. She became angry with his repeated requests and firmly said no again. At this point it was too late because he had wet his pants in front of the class. The teacher immediately said, oh well, now go to the nurse's office. Upon arriving at the nurse's office, the nurse asked him what was wrong and he told her that his teacher would not let him go to the rest room and he had used the bathroom on himself. The nurse told him that he had to wait 20 minutes because other children were in her office. After waiting 20 minutes, she gave him underwear which was a boy's size 12 and a pair of pants which was a girl's size 3. He wears a size 20 and he had to wear the too small underwear and girl's pants for the remainder of the day. If that was my child, somebody would have had the hell knocked out of them. And if it was somebody

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else's child, a person might have gone up there and you'd be reading about something that happened at the mall. This is what happens to black children at these white schools and it's named Liberty, and it was given that name, it's a new school, because it was supposed to advance diversity and fairness and dignity for all children. And the nurse, when a child comes in that condition, did not see the need to take immediate corrective action. Let me continue: When he was picked up from school, he was extremely upset. He said that the schools had...and I want Senator...I don't know if...I can't see if Senator Howard is there, but all those who voted for the antibullying. When he was picked up from school, he was extremely upset. He said that the kids at school had been teasing him because he wet his pants. He said that the teacher would not let him go to the rest room and she threatened to put him in red if he did not quit asking to use the rest room. He said the nurse had given him the stupid clothes to wear and he could not wait to pull them off and throw them away. As he walked to the truck, he said he did not want to go back to the school because the kids had been teasing him all afternoon--hounded out of a public school, made to wear girl's clothes in a public school. He normally talks to his best friend every weekend; however, this past weekend he did not call his best friend and his best friend did not call him. He was embarrassed and he feared that his best friend would tease him. This was unusual because he and his friend would talk for long periods of time every weekend while playing one of their favorite games over the Internet. It is obvious that this incident had already begun to affect his ability to interact with his peers. On February 25, 2008, I went to his school to discuss the issue with his principal, Ms. Carri, C-a-r-r-i, Hutcherson. I informed her about the incident that took place on Friday. I told her that I was outraged about the incident and that it was his right to use the rest room, not a privilege. The principal said that she was unaware of the incident. She also said it was not acceptable for him not to be allowed to use the rest room. She stated that I should have been called immediately after the incident occurred and a note should have been written in his green book regarding the incident. I informed her that I was not called regarding the incident, nor was there any comment written in the green book. Now why didn't the teacher notify the principal? Why didn't the nurse notify the principal? Why didn't they notify the father? See, some of you all are not good parents. You don't think this is bad. You think it's par for the course. I am a good parent. This wouldn't happen to my child in the first place, but if it did, somebody would be coming to get me out of jail. I asked the principal for a transfer to another school because he did not want to return to Liberty. She informed me I would have to go to the TAF building, that's the Teacher Administration Facility, to request a student transfer. I left her office and went to the TAF building to request the transfer. I discussed the issue with John Mackiel, the superintendent. I explained to him that my son was humiliated and did not want to return to Liberty. I asked him to place my son in another school because I did not want him to miss another day from school because of this incident. Superintendent Mackiel apologized to him and me for the incident and said that it was wrong for him not to be allowed to go to the rest room. He also said that he would have someone from placement call me about getting him enrolled in another school. I received a transfer notice within an hour of that meeting. The child, hounded out of a

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public school, hounded out of a public school. The issue concerns me, continuing with the letter, because the teacher's decision to deny my son the right to use the rest room is disturbing. This decision was improper and it caused this embarrassing moment, which was further exacerbated when they humiliated him by giving him clothing to put on that was too small and of a different sex. My son has now developed a complex and is probably scared for the rest of his life because the teacher failed to allow him the right to use the rest room. Not only was he humiliated in front of his entire class; he now has to leave the school that he has attended for the last three years to avoid the ridicule. To make matters worse, neither the teacher nor the school notified me of the incident. They failed to call me when the incident occurred and did not include a comment in his green book, which has been consistently used by Ms. Carotta in the past to notify me of any issue. It appears as if there was a deliberate attempt to cover this incident up. In any event, I took my son to see a counselor/therapist who recommended that I take him to see a psychiatrist, for which an appointment has been scheduled. In addition, I have included several web sites that should be used as references. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: If you have any questions or would like to discuss the issue further, please contact me. Which I did and I helped him get a lawyer. Now these are the things that hurt children, not marijuana. You'll get a bill for marijuana. White people get shot at the mall and we pass a bill on assault weapons. We pass a bill on methamphetamine because of white people having a problem. This happens to a black child in a white public school and it's ho-hum down here. We have to deal with these...I have to deal with these things. Do I expect it to make you any difference? Not at all. But I expect you to see from this the problems that our children have in school, the bullying, the humiliation, the teacher's involvement. If a parent prevented a child from using the rest room and that child urinated on himself, that would be child abuse. If the parent sent the child to school in the clothing of the opposite sex, that would be child abuse. A sergeant in the army could not... [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: ...make a male recruit wear female clothing, but it's all right if it happens to our children. Not so, and white people... [LB844]

SENATOR ERDMAN: Time, Senator Chambers. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Members, you've heard the opening on FA189. Those senators wishing to speak are Senator Karpisek, followed by Senator Chambers. [LB844]

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SENATOR KARPISEK: Thank you, Mr. President, members of the body. I will not support FA189. We are at \$100 now. Senator Chambers would like to make it \$2. Of course I cannot go for that. The Speaker has told me that he would like to have a cloture vote at 4:45. We have members leaving to go home, so I don't know where we're at right now. I would ask that if you don't have to leave, I'd hate to just drop this bill after this long just by a forfeit. Just have to say again, Senator Chambers just talked about people not caring about his people. I think that this bill affects the whole state. I do care about all the people. I think that this will help everyone. If it gets one person to not start down the path, then I think it's worthwhile. And I think that it will help more than just one person. I just have to say again that we have to have stiffer penalties to get people to do what we would like them to do. Senator Chambers has said he doesn't believe that. Again, I guess we differ in our opinions on that. I have said that my main reason for bringing this bill was to try to make the marijuana and MIP laws coincide. Was not the only reason I brought the bill. I think that marijuana devastates families, people. I don't think it's good for us or our society. Senator Chambers is right. The main reason I brought it was to try to make the alcohol and marijuana laws closer to the same punishment. I feel that if the MIP laws have gotten as strict as they are, they must have been put there because there was a problem. There still is a problem. I think the problem would be worse if it wasn't the way it is. So, to me, in my mind, it's a parallel. They're both the same type of drug. They do the same things. I think that they should be closer together in fine to try to get some people to think twice about it. Is this the cure-all, end all? Of course not. I do think it will help. If I didn't think it would help I wouldn't have brought the bill. I think it will help Nebraska hopefully keep some kids and older people from going down that wrong path and help them be productive members of our society. Again, there's...alcohol has caused many problems, I know that, and I am not trying to lesson alcohol penalties but trying to make the marijuana laws a little bit stiffer. Again, I think \$200 is not a lot. Senator Chambers has talked about putting people in jail. This bill, the amended bill, does not increase imprisonment times at all. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR KARPISEK: Thank you, Mr. President. It keeps it as it was in the beginning of...or in statute. So as far as throwing more people in jail, it does not. It increases the fines. With that, Mr. President, thank you. [LB844]

SENATOR ERDMAN: Thank you, Senator Karpisek. Senator Chambers, you're recognized to speak. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Karpisek a question. [LB844]

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SENATOR ERDMAN: Senator Karpisek, do you yield to a question from Senator Chambers? Senator Karpisek? [LB844]

SENATOR KARPISEK: I'm sorry. I will, yes. [LB844]

SENATOR CHAMBERS: Senator Karpisek, what becomes of a person who cannot pay, say, the \$400 fine? What is done to that person? [LB844]

SENATOR KARPISEK: They stay in jail to pay it...work it off, pay it off. [LB844]

SENATOR CHAMBERS: Are you sure? [LB844]

SENATOR KARPISEK: Pretty sure. [LB844]

SENATOR CHAMBERS: So then it will throw people in jail, contrary to what you just said. [LB844]

SENATOR KARPISEK: They'll do that with \$100 fine. [LB844]

SENATOR CHAMBERS: No, no, let's deal what you said, because more people will be unable to pay \$400 than \$100. [LB844]

SENATOR KARPISEK: Well, then hopefully that will be a deterrent for their use. [LB844]

SENATOR CHAMBERS: So it will put more people in jail, isn't that right? [LB844]

SENATOR KARPISEK: I guess you're right, if you want to go about it that way. I don't see it that way. [LB844]

SENATOR CHAMBERS: Okay. Thank you, Senator Karpisek. Members of the Legislature, let me tell you why I read that letter, not that it would make you care one whit, because you don't, but to let you know the things that I have on my mind that I'm working on while listening to all this claptrap about caring about children and you're going to show that care by putting a harsher punishment on somebody for smoking marijuana. And the real problems that destroy children psychologically, you couldn't care less about them, but you get publicity if you talk about being tough on drugs. You don't want to have a confrontation with teachers and principals who misuse and abuse children. Now suppose that little boy does grow up and goes out and does something in a school to a teacher and a principal. You know what people will say, especially white people if he kills white people? Well, that happened as a child; that ain't got nothing to do with what he's doing now as a grown man. You don't know how devastating things are that are done to black children by white adults. Compared to what this little boy went

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through, my horrible experience, as I see it even to this day, with being read that humiliating story of Little Black Sambo when I was the only small child in that white classroom, and I know what it did to me. But I didn't take up a gun. I get furious now. Those things don't go away. I don't know what I would do. I don't even know if I'd even be here today if some teacher kept me in a situation, I wet on myself in front of these kids and they laughed at me and they teased me, and she put girl's clothes on me, and I got old enough and I thought about it and I brooded over it, and then I got a gun and I blew somebody away. Then what? You all don't believe in prevention, do you? Some of you got grandkids. Maybe you can put it in perspective if I say this was done by a black teacher to a white child. The child was white. The white boy was made to wear girl's clothes, and the white boy was ridiculed and run out of that public school. Then it takes on a different complexion, so to speak, doesn't it, because you can relate to your own. I see children as children, but things don't happen to white children on the order that they happen to our children, and I will not be one of those who looks away. And there's only so much that I will take of what we talk about on this floor that doesn't amount to a hill of beans. Marijuana is not going to make that child kill anybody,... [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: ...but maybe that bad experience will. When I talked to his father, I told him I was glad that he didn't go up to the school and do anything to anybody; I was glad that he came to me. And in order not to pour gasoline on a fire, I didn't tell him what his relating that to me made me feel like doing to those people. He didn't need that. He needed a calming influence. He needed to feel like he was not forsaking his child by not going up there and taking some revenge. But I'm not going to put somebody in a situation like that. But these are the issues that I deal with and this is not the only case from the Omaha Public Schools that I'm dealing with. And there are a lot of different groups that I help, but when these things happen to our children not one of them speaks up. Not one of them says that shouldn't have happened in the school. But... [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Chambers, you may continue. [LB844]

SENATOR CHAMBERS: But those different groups sure know how to find me when somebody in their group is having a problem and they can't get any help. They sure know how to find me then. And I help them. But these things stay with me while we're talking about all the good that will accrue to society if this nonsensical bill is passed. It's going to have an effect on the graduation rate, kids are going to do better in school.

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Senator Howard may not remember it. Senator Ashford, he's gone to an Exec Session. But when we were talking about truancy, I pointed out that there are things that teachers and administrators do that make these kids not want to go to school. It's not just the children automatically deciding they're not going to school. School is not a child friendly place. I'm not going to say things didn't happen to my children when they were in school, but they happened one time, and I did put my hands on teachers. And you know what I told them when I did? There's less disparity between my size and yours than yours and my child. And I never put my hands on a teacher who was smaller than me. There was a white guy named Crume. He might still be in the Omaha Public School system, big as a house, well over six feet tall, close to 300 pounds. And I told the superintendent, you better corral this white whale before I harpoon him. There was one named Smagacz who slapped my little sister and he was six feet something and weighed over 300 pounds, and when I went to the office and I saw him sitting in a chair by a window ledge and I said, that is what slapped my little sister, and I'm not bigger than a minute, I was in his chest, I got his necktie, I pushed his head back over that window ledge and I was choking him. His eyes rolled back in his head and he was turning blue, and my brother pulled me off him. The principal didn't even do anything. They stood there gasping. He slapped my little sister. And the superintendent had tried to get him to file charges against me. The city prosecutor told me. And when he told me, I laughed. I said, you should have accepted the charges; I wish you would have. He said, well, Ernie, why would you want that? I said, the judge would look up, he'd say so you, Goliath, are filing charges against little David for strangling you? I say, why didn't you accept his charges? Then the prosecutor laughed. He said, well, he did not want to file them. I have a responsibility to my children and, as I said on many occasions when my children were small, they're all grown now, I'll die and go to hell ten times before I let somebody abuse my children, and you all don't understand that. You cannot understand or conceive of a black man caring that much about his children. So I come to this white setting, I look at the bills and see the kind of things that on white people's minds, the things that white people think are so important, the things that white people are saying will make society better. And they do it year, after year, after year, and things don't get better; they get increasingly worse. And they won't listen to anybody who can give them advice. So you'll enact harsher penalties. You'll go home, stick your little chest out and feel proud, and things will get worse. So you say the children are worse, so you come back with something with more harsh penalties. Now you throw them in jail, like they want to say in Omaha, with a graffiti problem, give them some jail time. And the jails are crowded already so where are you going to put them? White people don't have to think. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: They don't have to make sense, because they're white. And they don't say things because they're right. Things are right because white people say them. A white person could not survive in a hostile black environment like I do in this

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one, and function like I function here. You all clump together. You all have similar interests. They intersect. They crisscross. What one doesn't do, the other will. So you don't have to be out here handling all these issues. When you don't, the rest of them will. You couldn't survive in that kind of environment if you were the only one there because some of you have trouble surviving here, where you're in the majority. Life is hard and a hard life makes a hard man. [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers. That was your third time. Senator Schimek, you're recognized to speak on FA189. [LB844]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. On a little bit lighter note, Senator Chambers, do you know anybody named Kent Chambers? He keeps e-mailing us and I think he's just sent an original poem, which I thought you might appreciate. And if I can read it, it says: Marijuana, beneficial when turned into rope, the weed turned to greed by pushes of dope. Smoking grass, proponents will say, has medicinal value so smoke what you may. I don't smoke it but let them take it; Championing the underdog, I will trumpet stricter law is not what we need for those who smoke the harmless weed. Eight hours I will obfuscate and if need be obliterate the need to stigmatize, we might as well legalize that misunderstood weed. Signed, Kent Chambers. I thought perhaps you might know this man. Thank you. You may have the rest of my...I'd like to give the rest of my time, if I might, to Senator Chambers. [LB844]

SENATOR ERDMAN: Senator Chambers, 3 minutes, 45 seconds. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schimek. And the rhyme was clever and there are people, not on this floor, who will put in perspective what it is we're doing and see how preposterous it is. This is not a heroic bill. This is not a bill that's going to improve the graduation rate or the performance of students in school. I read the other day where somebody had some cocaine in school. I've read several articles where children in Bellevue schools and Millard schools bring prescription drugs to school and sell them to students and they get those drugs out of their family's medicine chests. But those don't become issues here. Senator Karpisek and nobody else is going to offer a bill about that because these are white kids getting the drugs from their white parents who get them prescribed by white doctors and they take it to white schools and sell it and give it to their white classmates. You all have got serious problems in your community also. But rather than deal with the underlying causes, you come out here with this kind of simpleminded legislation. Senator Schimek gave us a somewhat lighter note without making it farcical. So this is the example that I give when there are all these attempts to go after symptoms and not the cause. This

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young guy used to go to the prayer meeting and every night he'd say, Lord, take the spider webs out of my life, and finally an old deacon got tired of hearing him say that. He said, son, don't ask the Lord to take the spider webs out of your life; you kill the spider. You all are not going after the spiders in the lives of your children. Talk to some of them. You get a chance to talk to them. Ask them, do they think that you are coming even anywhere close to addressing the things that bother them by passing a bill that says a third offense marijuana is a \$400 fine. And that's what our resident psychologist, Senator Karpisek, said is going to deal with the problems that these young people face. People go on drugs because there's not a high punishment for it. That's not why people do drugs. I don't know what kind of society he lives in. Maybe everybody is so well off that that's the only thing that would stop them from smoking drugs, doing drugs, and the only thing that makes them do drugs is that they don't have a high penalty for it. He doesn't realize that there are underlying causes. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: And we know that some people experiment. Others do things to be accepted as a part of the group and others have very serious problems. There are some who have diagnosable mental illnesses and they're not going to be given treatment, so they hide it. They try to find a way to cope with it and they do things which you can expect young people to do. So when they behave as young people will behave, as we behaved when we were young, they're not given understanding. They're given harsher punishments. They are condemned by the hypocrites, who in their own life cannot withstand scrutiny. Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Chambers, you're recognized to close on FA189. [LB844]

SENATOR CHAMBERS: Mr. President, members of the Legislature, this amendment would say that the fine for a first offense marijuana, a small amount, is \$2, because that's what I think this bill is worth, minus 98 cents. I should have said it's 2 pennies. And Senator Karpisek has told you when you all get a chance to shut me up. Now you can end the debate on this bill for today, but I assure you, you're not going to shut me up. And I will not be the first one to head for the hills. Senator Karpisek made reference, without mentioning it, to my bill to abolish the death penalty. I've been trying to do that ever since I've been here. That bill has been killed in committee; a bill has been brought out on the floor and killed, and I'm still chugging along and I'll continue to do so after this session. Even if I get the death penalty abolished what will happen next year I have no way of knowing, but it would be ridiculous for a Legislature to keep a punishment on the books with no way to carry it out. That is more preposterous than voting to abolish it. You don't have an effective death penalty now. In effect, it's gone. You don't know what you ought to do to replace it. The U.S. Supreme Court is looking at lethal injection. And even if they allow it, that does not mean that in individual cases where lethal injection is

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applied or attempted to be applied that another lawsuit will not be filed which will cause a court to say lethal injection may be allowed but you can't do it this way; you've got to go back and get training and things such as they've said about California, where the court did not strike down lethal injection but they stopped all executions until it was done in a different way. And the people in California say, well, we can't do it a different way because we can't use doctors and people in the medical profession, and based on the standards the court set we cannot meet those standards, so California is trying to find a way to carry out lethal injection in accord with the standards set by a court. It's not as easy to kill people as people might want to believe or as they might wish. So to say that the bill or suggest that a bill that I'm interested in may not come up for debate is not going to stop me from doing anything that I intend to do. So do what you will today, but as that song was sung, I think by Olivia Newton-John, there's got to be a morning after. There's got to be a morning after. Today is not the end. We don't bring down the curtain today and it's over. This is just the beginning. And I like to quote old Winston Churchill where he said this is not the end, this is not even the beginning of the end, but it may be the end of the beginning. So if this is the beginning of the beginning, have it your way, we'll "Burger King" it, do it just the way you want to do it. If you're big enough to take it, then take it. But be sure that you know what it is that you're doing. Be sure that if you pull a tail your head is not in the lion's mouth. And don't place your limitations on me. [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR CHAMBERS: I will do what I said I will do, but I'm not going to tell you in advance every time I'm going to do it. What fun is that? If you know everything that I'm going to do when I'm going to do it, there's no anticipation. But like that Antonio or Antonius, Antonio, I will have my pound of flesh. That's not what he said. I think Shylock said that. I will have my pound of flesh and nobody is going to deter me by saying, then you can't take any blood because you agreed only on flesh. I just use examples. So if you vote cloture, you think that means anything to me? Do you think this bill itself means that much to me one way or the other? This bill is symbolic. But... [LB844]

SENATOR ERDMAN: Time. [LB844]

SENATOR CHAMBERS: ...it can trigger something that is not symbolic. Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, you've heard the closing on FA189. The question before the body is the adoption of that amendment. All those in favor vote aye; all those opposed vote nay. Have all members voted who wish to? Record please, Mr. Clerk. [LB844]

CLERK: 1 aye, 18 nays, Mr. President, on the amendment. [LB844]

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SENATOR ERDMAN: The amendment is not adopted. Senator Chambers, you're recognized to open on your floor amendment. (FA190, Legislative Journal page 809.) [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, again, I'm on page 6 and I'm going to line 5. This is a modest amendment. What I would do is strike the new language, reinstate the stricken language, which means I would strike Class IIIA and...I mean, I would reinstate IIIA and strike III, the Roman numerals. I'd like to ask Senator Karpisek a question. [LB844]

SENATOR ERDMAN: Senator Karpisek, would you yield to a question from Senator Chambers? [LB844]

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, based on your understanding, what is the difference between a IIIA misdemeanor and a III misdemeanor? [LB844]

SENATOR KARPISEK: A Class IIIA? [LB844]

SENATOR CHAMBERS: Yes. [LB844]

SENATOR KARPISEK: I have to clear my brain. [LB844]

SENATOR CHAMBERS: Take your time. I'll give you a chance to check that out, but what my... [LB844]

SENATOR KARPISEK: A Class III, Senator, is up to 90 days in jail and up to a \$500 fine; a IIIA is up to 7 days in jail and up to a \$500 fine. [LB844]

SENATOR CHAMBERS: And why are you making this change, which I'm trying to undo? Why are you going from 7 days to a possible 90 days? [LB844]

SENATOR KARPISEK: Because, Senator, I feel that someone that has over an ounce, up to a pound, is probably a dealer. [LB844]

SENATOR CHAMBERS: That is not what the current law would say about that. Isn't that true? [LB844]

SENATOR KARPISEK: The current law would not say that? [LB844]

SENATOR CHAMBERS: Right. You told us that the difference in the penalty is that the

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IIIA can be up to 7 days in jail, the Class III can be up to 90 days. Is that what you said?
[LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: You stick by that. [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: All right. Now how many times will 7 go into 90, roughly?
[LB844]

SENATOR KARPISEK: Fourteen, fifteen. (Laugh) [LB844]

SENATOR CHAMBERS: Okay. What were you smoking when you were in grade school? [LB844]

SENATOR KARPISEK: (Laugh) I think it was lead paint. [LB844]

SENATOR CHAMBERS: But at any rate, it is several times more when you get to 90 than when you add 7. Do you agree with that? [LB844]

SENATOR KARPISEK: I do agree with that. [LB844]

SENATOR CHAMBERS: Okay. And you feel that the current law is that far off from what the penalty ought to be. [LB844]

SENATOR KARPISEK: Yes. There was nothing...there's nothing in between, Senator. [LB844]

SENATOR CHAMBERS: What do you mean? [LB844]

SENATOR KARPISEK: Between a IIIA and a III. [LB844]

SENATOR CHAMBERS: Then why do you have to list the name of a misdemeanor? Why can't you just, at this point, use textual language as you did when you put dollar amounts in place of just leaving the word "infraction" there? [LB844]

SENATOR KARPISEK: Because the infraction just goes from \$100, up to \$100 on first offense. [LB844]

SENATOR CHAMBERS: You could do that, though, couldn't you? [LB844]

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SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: You could say seven days rather than Class IIIA misdemeanor, couldn't you? [LB844]

SENATOR KARPISEK: I guess you could. [LB844]

SENATOR CHAMBERS: Okay. And if you were going to strike that or if you were going to strike Class IIIA misdemeanor, you wouldn't have to give the name of another misdemeanor. You could say what the possible fine is up to and the possible number of days. You could write that right into this section, couldn't you? [LB844]

SENATOR KARPISEK: I guess you could, Senator. I guess I didn't know if you can do that on a misdemeanor. [LB844]

SENATOR CHAMBERS: Well, you can do whatever you want to. You don't have to call it that. You set what the punishment is and you can do that, can't you? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Okay. But you chose not to do it,... [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: ...correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Senator Karpisek, we're approaching H-hour. Are you going to offer your cloture motion at 4:45? [LB844]

SENATOR KARPISEK: I'm not sure yet, Senator. We've had a lot of people leave. [LB844]

SENATOR CHAMBERS: Yes, you are sure. I know better than you do, but you know and you're not leveling with me. [LB844]

SENATOR KARPISEK: No, Senator, I am. [LB844]

SENATOR CHAMBERS: You're sure that you're going to offer your cloture motion? [LB844]

SENATOR KARPISEK: I am not sure that I am or I am not. I would not try to tell you

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something that I don't believe. [LB844]

SENATOR CHAMBERS: Why are you not sure? You don't think you can get it today? [LB844]

SENATOR KARPISEK: That is correct. [LB844]

SENATOR CHAMBERS: Oh, you're willing to withstand ridicule and scorn after doing all your posturing about having all those votes, and now you got to turn, tuck tail and run like a toothless rat, right? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Then you're going to offer your cloture motion like you said, right? [LB844]

SENATOR KARPISEK: Not if I don't have the votes here. People left. [LB844]

SENATOR CHAMBERS: Uh-huh. So you're one of those kind of guys, huh? I said that I would keep my promise and I'm keeping it. Is that correct? [LB844]

SENATOR KARPISEK: Yes, it is. [LB844]

SENATOR CHAMBERS: Am I a better man than you when it comes to keeping promises? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Oh. So then you're going to keep your promise, huh? [LB844]

SENATOR KARPISEK: I did not promise, Senator Chambers. I said I would like to have the cloture vote at 4:45 if enough members are here for the cloture vote for... [LB844]

SENATOR CHAMBERS: That's not what you said. [LB844]

SENATOR KARPISEK: Well, I... [LB844]

SENATOR CHAMBERS: You said...you implicated the Speaker. Think now. Put on your thinking cap, use your brains and think. Why did you say a cloture motion would be called for at 4:45? Think, why did you say it would be? [LB844]

SENATOR KARPISEK: The Speaker told me that we could have a cloture motion at 4:45. I said I would file it if I thought I had enough votes. [LB844]

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SENATOR CHAMBERS: Now I remembered it better than you because you did not tell the body I will file it if I have enough votes, did you? [LB844]

SENATOR KARPISEK: I... [LB844]

SENATOR CHAMBERS: You said you might not because people were leaving. You don't... [LB844]

SENATOR KARPISEK: I don't have it verbatim in my head, Senator. [LB844]

SENATOR CHAMBERS: Right. Although you said it, you forget what you said, right? Should you pay more... [LB844]

SENATOR KARPISEK: I guess. I'm not...I am not trying to not tell the truth, Senator Chambers. [LB844]

SENATOR CHAMBERS: I don't think it's a matter of your not trying to tell the truth. [LB844]

SENATOR KARPISEK: Well, that's what you tried to say, that I wasn't telling the truth. [LB844]

SENATOR CHAMBERS: I'm saying you don't remember. That's what I said. [LB844]

SENATOR KARPISEK: No, you said are you a better man than I at telling the truth. [LB844]

SENATOR CHAMBERS: No, I said keeping promises. You don't even remember what I said. [LB844]

SENATOR KARPISEK: No, I don't, Senator. I don't have that etched in my memory, I guess. [LB844]

SENATOR CHAMBERS: Are you getting frustrated? [LB844]

SENATOR KARPISEK: Yes, I am. [LB844]

SENATOR CHAMBERS: Are you getting irritated? [LB844]

SENATOR KARPISEK: Yes, I am. [LB844]

SENATOR CHAMBERS: You getting steamed? [LB844]

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SENATOR KARPISEK: No, not quite steamed. [LB844]

SENATOR CHAMBERS: You'd like to pop me if you could get away with it, wouldn't you? (Laugh) [LB844]

SENATOR KARPISEK: Oh no. Well, if Senator Stuthman held your arms maybe. (Laughter) No, Senator Chambers, I would not ever pop you. [LB844]

SENATOR CHAMBERS: This is a good experience for you, Senator Karpisek, but you don't see it that way, do you? [LB844]

SENATOR KARPISEK: Yes, I do, Senator. There's no one else that I would have ever dreamed that I'd be toe to toe with than the infamous Senator Chambers on the floor of the Chamber. [LB844]

SENATOR CHAMBERS: And if it doesn't kill you, it will make you stronger, won't it? [LB844]

SENATOR KARPISEK: I hope. Yes, it's got to make me stronger. (Laugh) [LB844]

SENATOR CHAMBERS: Do you want to be stronger? [LB844]

SENATOR KARPISEK: Yes, I do, Senator. [LB844]

SENATOR CHAMBERS: Then gird up the loins of your mind and let's have at it. Put your motion up there in five minutes, like you suggested you would. Be a man, son. [LB844]

SENATOR KARPISEK: (Laugh) Oh! Oh! [LB844]

SENATOR CHAMBERS: Are you going to do that? You going to put it up there? [LB844]

SENATOR KARPISEK: I don't know yet, Senator. I'm trying to count my votes. [LB844]

SENATOR CHAMBERS: Okay. Is somebody helping you to count them? [LB844]

SENATOR KARPISEK: My LA is. [LB844]

SENATOR CHAMBERS: Senator Karpisek, if I lose the vote, I lose the vote and then I take my revenge, so it makes me no difference. Put me on the spot. See if I'm blowing smoke. See if I'm shooting blanks. [LB844]

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SENATOR KARPISEK: I know you're not. [LB844]

SENATOR CHAMBERS: See if I am posturing. [LB844]

SENATOR KARPISEK: I know you're not blowing smoke. [LB844]

SENATOR CHAMBERS: Actually, you don't. [LB844]

SENATOR KARPISEK: Well,... [LB844]

SENATOR CHAMBERS: I could be bluffing now to make you afraid to test me. [LB844]

SENATOR KARPISEK: Oh, I don't know. [LB844]

SENATOR CHAMBERS: Senator Karpisek, if you are a gunslinger and I'm a gunslinger, you don't really know if I have bullets in my gun, do you? [LB844]

SENATOR KARPISEK: Gosh, your track record, would think that you do, Senator. [LB844]

SENATOR CHAMBERS: But you don't really know that, do you? [LB844]

SENATOR KARPISEK: No, I guess I don't. [LB844]

SENATOR CHAMBERS: Because of what may have happened in the past will make you behave a certain way in the present when, if you knew the facts, you wouldn't have to behave that way. Isn't that possible? [LB844]

SENATOR KARPISEK: That is possible. [LB844]

SENATOR CHAMBERS: Okay. So I could be bluffing, couldn't I? [LB844]

SENATOR KARPISEK: I guess you could be, but I don't... [LB844]

SENATOR CHAMBERS: I could be so tired right now that I cannot stay on my feet another five minutes if you... [LB844]

SENATOR KARPISEK: Oh, no, I do know that that's not true. I've seen you go a lot longer, Senator. [LB844]

SENATOR CHAMBERS: In the past. [LB844]

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SENATOR KARPISEK: Last year. [LB844]

SENATOR CHAMBERS: Haven't I been on my feet a long time today? [LB844]

SENATOR KARPISEK: You're on your feet a lot every day, Senator. [LB844]

SENATOR CHAMBERS: Are you tired? [LB844]

SENATOR ERDMAN: One minute. [LB844]

SENATOR KARPISEK: A little, mentally challenged, strained. [LB844]

SENATOR CHAMBERS: And you're younger than I am by quite a number of years, right? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: All right. Now are you going to offer your motion? [LB844]

SENATOR KARPISEK: I'm not real sure yet, Senator, and I'm not trying to be... [LB844]

SENATOR CHAMBERS: Coy. [LB844]

SENATOR KARPISEK: ...Fred Astaire or anyone that you would...I am not. But I think that I am. [LB844]

SENATOR CHAMBERS: Okay. [LB844]

SENATOR KARPISEK: I think. [LB844]

SENATOR CHAMBERS: Okay, I want to see you do what you said you were going to do. Thank you, Mr. President. [LB844]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Karpisek. Members, you've heard the opening on FA190. Senator Chambers, you're recognized to speak. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, what this amendment would do, for the record, is to reinstate IIIA, Roman numeral III, A, and strike the underlined Roman number III. That would return the law to where it is right now and that's what this amendment would seek to do. I do not believe that a penalty should jump from a possible 7 days to a possible 90 days without changing the nature of the underlying offense. It would be like saying for the same offense you give

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somebody 1 year as a maximum, then you change it so it can be 50 years. That makes no sense whatsoever. Senator Karpisek, with all that he said, with all of his reports that he has read to us, has not read anything to us that indicates a change such as he is offering should be in effect. I was told, by the way, that Maureen McGovern, and I guess she's the wife of that guy who ran for President, George McGovern, is the one who sang, "There's got to be a morning after." And here's a quote from Jimmy Carter in his message to Congress, August 2, 1977: "Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself." This that is being attempted is worse and more damaging to a person than use of the drug itself. Senator Karpisek has pointed out that his amendment, if adopted, can result in more people winding up in jail and for longer periods of time. So to suggest that this is not becoming a harsher matter when it comes to imprisonment is simply not true. And in order that we can get to the business at hand, because I believe in being punctual, I will end my comments here and we can proceed with the proceedings. Thank you, Mr. President. [LB844]

SPEAKER FLOOD PRESIDING [LB844]

SPEAKER FLOOD: Thank you, Senator Chambers. Mr. Clerk. [LB844]

CLERK: Mr. President, I have a priority motion. Senator Karpisek would move to invoke cloture pursuant to Rule 7, Section 10. [LB844]

SPEAKER FLOOD: Senator Karpisek, for what purpose do you rise? [LB844]

SENATOR KARPISEK: I'd like to request a call of the house, Mr. President. [LB844]

SPEAKER FLOOD: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB844]

CLERK: 31 ayes, 0 nays, Mr. President, to place the house under call. [LB844]

SPEAKER FLOOD: The house is under call. Senators, please record your presence. Those 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 Ashford, would you please check in? Senator Lautenbaugh, would you please check in? Senator White, would you please check in? Senator Johnson, the house is under call. Please return to the Chamber. The house is under call. Senator Preister, the house is under call. Please return to the Chamber. Senator Johnson, Senator Preister, please return to the Chamber. Senator Karpisek, please return to your seat. The house is under call. Senator Johnson, please return to the Chamber. Senator Johnson, the house is under call. All senators are present and accounted for. [LB844]

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SENATOR KARPISEK: Reverse order. [LB844]

SPEAKER FLOOD: Both of your suggestions are out of line at this time. I have not yet ruled on whether cloture is appropriate. It is the opinion of the Chair that we have had full and fair debate, pursuant to the Rules of the Nebraska Legislature. Senator Chambers. Senator Chambers requests a roll call vote, in reverse order, according to Senator Karpisek. Mr. Clerk, please call the roll in reverse order. [LB844]

CLERK: (Roll call vote taken, Legislative Journal pages 809-810.) 35 ayes, 2 nays, Mr. President, on the motion to invoke cloture. [LB844]

SPEAKER FLOOD: The motion to invoke cloture is adopted. Mr. Clerk, we now proceed to a vote on FA190. The question before the body is, should FA190 be adopted? All those in favor vote yea; all those opposed vote nay. [LB844]

SENATOR CHAMBERS: Record vote. [LB844]

SPEAKER FLOOD: A record vote has been requested. Mr. Clerk, please record. [LB844]

CLERK: (Record vote read, Legislative Journal page 810.) 7 ayes, 25 nays, Mr. President, on the amendment. [LB844]

SPEAKER FLOOD: FA190 is not adopted. We now proceed to a vote on LB844. All those in favor vote yea; all those opposed vote nay. [LB844]

SENATOR CHAMBERS: Roll call vote. [LB844]

SPEAKER FLOOD: Roll call vote has been requested. Mr. Clerk, please read the roll. [LB844]

CLERK: (Roll call vote taken, Legislative Journal page 811.) 31 ayes, 4 nays, Mr. President, on the advancement of the bill. [LB844]

SPEAKER FLOOD: LB844 advances to E&R Initial. Mr. Clerk, items for the record? [LB844]

CLERK: I do, Mr. President. [LB844]

SPEAKER FLOOD: I do raise the call. [LB844]

CLERK: Mr. President, amendments to be printed: Senator Schimek to LB956; Senator

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Janssen, LB777; Senator Ashford to LB1014. Enrollment and Review reports LB1157 and LB606A to Select File. And a new A bill. (Read LB986A by title for the first time, Legislative Journal pages 811-818.) [LB956 LB777 LB1014 LB1157 LB606A LB986A]

Mr. President, I have a priority motion. Senator Lathrop would move to adjourn until Thursday morning, March 6, at 9:00 a.m.

SPEAKER FLOOD: You've heard the motion before the body. The question is, shall the Legislature adjourn? All those in favor say aye. All those opposed say nay. The ayes have it. We stand adjourned.