

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

Floor Debate
February 27, 2008

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PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-second day of the One Hundredth Legislature, Second Session. Our chaplain for today is Reverend Craig Gavin, from St. Matthew's Episcopal Church in Lincoln, Nebraska, Senator Schimek's district. Would you all please rise. []

PASTOR GAVIN: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Reverend Gavin. I call to order the thirty-second 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: Thank you, Mr. Clerk. Any corrections for the Journal? []

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

PRESIDENT SHEEHY: Messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance reports LB734 to General File with committee amendments attached. And I have a confirmation report from the Education Committee, signed by Senator Raikes, as Chair. That's all that I have, Mr. President. (Legislative Journal pages 711-712.) [LB734]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to first item under legislative confirmation report. []

CLERK: Mr. President, the Government, Military and Veterans Affairs Committee, chaired by Senator Aguilar, reports on two appointments to the State Emergency Response Commission. (Legislative Journal page 692.) []

PRESIDENT SHEEHY: Senator Aguilar, you are recognized to open on your legislative confirmation report from Government, Military and Veterans Affairs. []

SENATOR AGUILAR: Thank you, Mr. President, members of the body. We had two hearings of two different individuals. One was Gary Gandara, to the State Emergency

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Response Commission. Gary is from Lincoln, very well qualified, answered questions quite readily from the committee. And we voted unanimously to send our recommendation forward positively. And I recommend to the body that we make this approval. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Aguilar. You have heard the legislative confirmation report from Government, Military and Veterans Affairs. Are there members wishing to speak? Seeing none, Senator Aguilar, you're recognized to close. Senator Aguilar waives closing. The question before the body is on the adoption of the legislative confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 712.) 29 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. Senator Aguilar. []

SENATOR AGUILAR: Thank you, Mr. President, members. Our second appointment is Steven Virgil. Steven is from Omaha. He attended the committee hearing on February 14, answered questions quite easily, very well qualified. And the committee voted unanimously to forward his name for approval. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Aguilar. You've heard the opening on the second confirmation. Senator Cornett. Did you wish to speak on this report? []

SENATOR CORNETT: No, sir. []

PRESIDENT SHEEHY: All right. Thank you. Other members wishing to speak? Seeing none, Senator Aguilar, you're recognized to close. Senator Aguilar waives closing. The question before the body is on the adoption of the second confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 713.) 31 ayes, 0 nays, Mr. President, on the report. []

PRESIDENT SHEEHY: The confirmation report is adopted. We'll move to first item under General File. []

CLERK: Mr. President, LB1096, introduced by Senator Friend. (Read title.) The bill was introduced on January 23 of this year, referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File. There are Urban Affairs Committee amendments pending, Mr. President. (AM1911, Legislative Journal page 612.) [LB1096]

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PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Friend, you're recognized to open on LB1096. [LB1096]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. This bill, we've now come to a point where the last couple of days have been a whirlwind. And, members of the Legislature, I know there's a lot of things going on out here. But LB1096 has changed significantly. If you look at your gadget, as we all like to lovingly call it, we have committee amendments that follow LB1096 from the Urban Affairs Committee. I have an amendment to the committee amendments, and then I have another amendment after that. Now, the reason that this has occurred is because last year LB1096 originated, I would say, with the thought process that started with a bill labeled LB607, in the 2007 Session. That bill provided that any first-class city which has a population of greater than 38,000 people would be required to pay an employee...a full-time fire chief and full-time firefighters. And it was heard by the Urban Affairs Committee on February 13, 2007, and it was IPPed that same date. It was killed on that same date after the hearing. Now, I don't think the committee felt that this was an issue that was going to go away for a lot of different reasons. Okay? In the interim, I got together with legal counsel and spawned the idea, if you will, of LB1096. LB1096, I'm not going to talk too much about this underlying bill. Like I said, this bill should probably not pass unless we have the committee amendments and ensuing amendments attached to it. LB1096 would have forced the hiring of a paid chief in certain first-class cities, first-class cities, speaking of which, that would be over 20,000 in population. The committee deemed that, after testimony during the hearing, to be untenable. But it also forced records to be kept by a fire chief that would include number of volunteers in active volunteer service to the city, their ages, the amount...it required a lot of accountability by that chief. The second piece of that bill also required accounting principles that dealt with trust funds in those volunteer fire departments. Members of the Legislature, I'm going to stop on LB1096 at this point, and we're going to talk...I'm going to go ad nauseam on the committee amendments, ad nauseam. (Laugh) This is significant reform, okay? We have gotten the volunteer firefighters involved in the discussion. We have gotten, to a certain degree, professional firefighters throughout the state involved in the discussion. But keep in mind it is significant reform. It changes the way their accounting principles in those particular areas are dealt with. I want you...if you can do it, I want you to pay close attention to the committee amendments. And I will do the best that I possibly can to explain how we're changing the landscape, if you will, in regard to volunteer firefighters in this state. Thank you, Mr. President. [LB1096 LB607]

PRESIDENT SHEEHY: Thank you, Senator Friend. (Doctor of the day introduced.) You have heard the opening to LB1096. As noted, there are committee amendments. Senator Friend, you're recognized to open on AM1911. [LB1096]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. Again, the

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committee amendments replace the bill. Okay? And the committee amendments generally act as refinements rather than policy shifts to the direction of the original bill. You can read that in part of the committee statement. In Section 2, the population threshold beyond which a first-class city must employ a full-time fire chief is raised from 20,000 to 35,000. Let's keep this simple right now. That's actually going to change a little bit, too, but let's keep it simple right now; changes it from 20,000 to 35,000, removing several first-class cities like Columbus, Norfolk, North Platte, Hastings, and possibly, to a certain degree, Kearney from the list of cities required to hire a fire chief, being required to hire a fire chief. The amendments also remove the statutory requirement that the city must provide the fire chief with clerical personnel. We felt that was untenable as a committee. In Section 3 (1), the full-time chief is required to maintain certain records for an annual report to the city council. The committee amendments require those records to include information on the type of training received by volunteers, as well as the amount of training. In addition, the amendment redefines the meaning of "response time." In the original bill, it was specified to be the time between the receipt of the call requesting help until the arrival of first emergency...of a first emergency response vehicle. The amendment would redefine "response time" to be the time between the receipt of dispatch to the scene of an emergency request until the arrival of the first fire or rescue response vehicle, not merely the arrival of a police car. We're standardizing things, at least we hope so. The committee amendment also removes the requirement that a fire chief's annual report be presented on or before November 1 of each year, specifying rather that the report be present at least once in every 12-month period on a date specified by the city council--some flexibility, hopefully. The amendment specifies that the report be presented at a regular council meeting but removes the requirement that a public hearing be held on the report and that the fire chief must make a recommendation regarding the need for the hiring of more full-time emergency first responders. There are significant amendments to Section 4. First, the amendment specifies that only general donations or contributions may be placed into the protected trust fund defined in this section. A new subdivision was added also which amended Section 35-901. It creates an absolute prohibition on the deposit in a protected trust fund of created...a trust fund created pursuant to this section of fees collected by a volunteer department for emergency response services performed through the use of publicly owned vehicles provided by the sponsoring subdivision to enable the services to be provided. Let me try to sum this up, because I don't know if people...you're going to have some questions, but let me try to sum this up. We feel like this amendment is about local control right now, and hopefully informed local control. The key to that Section 4 is fees collected through the use of public equipment and facilities are public money, they're not volunteer department money. Again, fees collected through the use of public equipment and facilities are public money, not volunteer department money. When a volunteer department collects millions of dollars by billing, if they do, by billing the public, billing the public for a service, like a rescue call, it is supposed to provide that...that is it supposed to provide, I read that wrong, then...not...spending the money without the

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authority of the city council is a process that's not functional. This amendment requires those funds to be placed in the possession of the city and for the people's elected representative to decide how they should spend that money through the normal budget and the audit process. Now, the bill does not, the bill does not change the current trust fund provisions. The normal fund-raising activities of the department--auctions, bake sales, dinners, things of that nature--even donations to the department would remain department funds. Let me give you an example, let's try to make this...let's try to put this in perspective. The fire department goes out and puts out a brush fire or puts out a fire at a barn; the farmer turns and says, thank you, thank you so much, here's \$200. Those are unsolicited funds, folks. That's a donation. And under the new language, in AM1911, enhanced language in AM1911, and eventually the amendment that follows this, it creates more protection for those volunteer firefighters, if you will. I don't mean to be redundant, but let me repeat this. The normal fund-raising activities of the department and even those donations would remain department funds, subject only to audit if the department collects or expends more than \$100,000 in a given year. To the best of my knowledge, I don't know that there are any out there, except for maybe two volunteer fire departments, that actually exceeded that threshold. The fee for service programs could never...could never occur without city permission, and only with all the funds handled by normal city channels. I know there are probably questions and there are things that we can go through here. I would like to get the amendment to the committee amendment adopted, and we could talk about, you know, those items. One more point: Later on, one of the issues that came up, and that's why I have another amendment attached, is the 35,000, even up from 20,000, to force a city to hire a paid fire chief could be deemed untenable as well. Let me be specific. Kearney is not ready for that. Some cities aren't ready for it, to deal with it yet. Kearney is approaching the 35,000 threshold; not now, maybe not next year, but they'll be there; it's a growing community. They'd like preparation time. They'd like the ability to deal with a change like this. The amendment to the next amendment would deal with that. And if you look on your gadget, you can see that that changes it to 37,500, would be the lower threshold. I'd be happy to answer any questions, but I'd like to get into more specifics about how the amendment changes...the next amendment changes the committee amendments. With that, Mr. President, I believe that would be it for now. Thank you. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Friend. (Visitors introduced.) You have heard the committee amendment, AM1911. Mr. Clerk, are there additional amendments filed? [LB1096]

CLERK: Mr. President, I have amendments to the committee amendments. Senator Langemeier, FA179. (Legislative Journal page 692.) [LB1096]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to open on your amendment to committee amendment, FA179. [LB1096]

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SENATOR LANGEMEIER: Mr. President, members of the body, I want to thank Senator Friend for his opening and the committee amendments. And I do want to bring everybody's attention to this bill, because I think it's more than just a simple bill out there. I think this has some repercussions that spread out larger than just Bellevue, where it may be intended. With that, I've had some concerns about the word "donation" and how that affects the small rural fire districts across the state. We've had a lot of them, if they come to your house and have a fire, and when it's over they...the homeowner gives the firemen \$50 bucks and says, when you get your trucks cleaned up, I want you to go get yourself a little beverage there and thank you for the work. The bill in its current form is a little expansive into saying they can take that \$50, and it would have to be turned back and they couldn't do that, what the intent of the donation could be. So working with Senator Friend and others, he has AM2048, which addresses this. And so with that, I would withdraw FA179, FA180, and FA181. Thank you. [LB1096]

PRESIDENT SHEEHY: FA179, FA180, and FA181 are withdrawn. [LB1096]

CLERK: Mr. President, Senator Friend would move to amend the committee amendments with AM2048. (Legislative Journal page 709.) [LB1096]

PRESIDENT SHEEHY: Senator Friend, you're recognized to open on your amendment to committee amendment, AM2048. [LB1096]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. This is a little esoteric, but I have to say this. For the last two days, the reason an amendment like this comes around is because the last two days we were out in the lobby. I don't even know what's being going on out here, folks. The volunteer firefighters have been very helpful. Representatives and advocates for the Bellevue Fire Department have been helpful. Representatives and advocates of the cities have been helpful, but it's taken a long time and there has been a lot of people involved in this. Senator Langemeier had three amendments before this to fix what he considered to be nonesoteric problems that would occur. Like I said, this is significant change, but I think it is change, in my opinion, for the better. AM2048 changes the committee amendments and it changes them based on some of the discussions we've had for the last couple of days. One, it adds a new responsibility for the fire chief. Remember, we already took all the clerical mandates away. No city is going to have to hire clerical personnel for this particular chief. That's a mandate that we didn't feel was, again, necessary to force on that city. One, it adds new responsibilities for the fire chief, the obligation to provide rules for the conduct of volunteer firefighters based upon the personnel policies of the city, applicable only to first-class cities with a population in excess of 35,000 and possibly, if the next amendment is adopted, 37,500. Now, number two, to avoid confusion regarding, and Senator Langemeier brought this up, to avoid confusion regarding which donations may properly be accepted by a department, it removes the term "donation" from the list of funds that would be prohibited from placement into

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volunteer department trust funds, while making it clear that if the department actively solicits funds from individuals based upon department services rendered at a given place and time, the funds would be within the prohibited category. So if you look at the amendment, on page 2, line 5, after the period, it says, the fire chief shall promulgate...this is the first piece that I talked about, "The fire chief shall promulgate, implement, and enforce rules governing the actions and conduct of volunteer members of the department so as to be in conformity with the personnel policies of the city." Folks, I think one of the main reasons that this is in there, members of the Legislature, is that we can prevent combat at the top, if you will. I'm not saying that it would happen, but it could be prevented. If there's an administrator heading up the fire department and then there's also a fire chief employed by the volunteer firefighters, that's potential conflict. Those are two people that think they're in charge. This, I think, clarifies some of that for us. Second thing that I mentioned is that a lot of consternation came up over the term "donation." As I mentioned at the outset, a farmer is out there and he says, wow, that was awesome work, thank you, put this in your trust fund, \$500 bucks for doing this, for this service that you provided. That's a donation. There is a clear difference between the donation that that particular farmer or that individual provided and solicited funds from that volunteer fire department, that fire department, if you will. We think this AM2048 clarifies, clears that whole issue up. Three, the key thing that AM2048 does it clarifies, clarifies that a city audit of volunteer department trust funds is conducted at the expense of the city, and makes an additional change and new subdivision (8) to conform that section to the changes made in Section 2 of this amendment. So in the one that I just previously talked about, the donations piece, the changes that we made there, part 3 here clarifies that. We had to do that because of the previous change that we made. I don't know where to go. It's been a whirlwind. I'm telling you, I'm doing my best to try to explain what really happened here. But I think that there are three key elements, and then I'll close. One, is that if a city, an urban community, for all intents and purposes, in the state of Nebraska becomes large enough, a paid fire chief could be a pretty darn good idea for a lot of different reasons. You sort that one out. Two, the key thing is we're providing what we believe, with some specifics in AM2048, with the help of the volunteer firefighters and other advocates throughout the state in a lot of different areas, we're providing better and more concise, hopefully, accounting principles for these folks to follow. I'd like to hear some feedback. I think, I hope that that's clear enough. Like I said, it's been crazy; I'm sure I'll find out whether or not it is. I would ask for the adoption of AM2048. Like I said, I have one more amendment that follows this. And then I would ask for the adoption eventually of AM1911 to LB1096. Thank you, Mr. President. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Friend. You have heard the opening of AM2048, amendment to a committee amendment, AM1911. Members wishing to speak are Senator Friend, followed by Senator Adams...Senator Adams, followed by Senator Langemeier. Senator Adams. [LB1096]

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SENATOR ADAMS: Thank you, Mr. President, members of the Legislature. This particular bill I have been following off an on. And I'm certainly not an expert in all of its details. But since the session started, I've been following it and for this reason. I knew what motivated the bill, and there is some justification for that. Yet at the same time, as the bill was intending to solve a specific problem, like so many of the things that we do here, I didn't want it to have collateral impact where it was completely unnecessary. There are some things that have happened in this bill now, at this point, particularly in this amendment and probably one to come, that have calmed my fears: one, the population threshold has been raised; number two, the things that are brought up in this amendment, first of all, having a fire chief who can promulgate the personnel rules for everybody, including the volunteers. Personal experience in city government says that there are times when that is necessary. You've got to impose some structure, even on the volunteers, and the volunteers understand that as well, but somebody needs to be in charge. The terminology of donations here, Senator Langemeier said it, Senator Friend has said it, I don't need to talk about it very much. But there isn't a community represented in this body that doesn't have a volunteer force that relies on donations, the charity of folks who are thankful for what the volunteers did. And this language gives me some comfort that if somebody wants to walk up to them and say, here's \$500 bucks, thank you for what you did last week, they've got that. Everything else has got to be audited, everything else ought to be audited, everything else ought to be transparent. But this provides some protection. So I'm going to support this amendment. And it goes a long way to helping me support this bill. Thank you, Mr. President. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Adams. (Visitors introduced.) Senator Langemeier, followed by Senator Cornett. Senator Langemeier. [LB1096]

SENATOR LANGEMEIER: Mr. President, members of the body, I'd encourage everybody to adopt AM2048. Senator Adams made some very good comments. We had some concerns as to how this ripple effect would go out across our volunteers across the great state of Nebraska. And I think AM2048, as well as the next amendment, will address the concerns of the rural firefighters across the state of Nebraska. I'd encourage you to adopt AM2048. Thank you. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Cornett. [LB1096]

SENATOR CORNETT: I also rise in support of the amendment. The amendment addresses a lot of the concerns that my volunteer fire department had, and we are the department that is most directly affected by this bill. I was originally going to offer a number of amendments to this bill. My fire department has advised me that they are all right with the bill with the current amendments being adopted. And I urge the body to support the amendments. Thank you. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Additional members wishing to

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Speak on AM2048? Seeing none, Senator Friend, you are recognized to close.
[LB1096]

SENATOR FRIEND: Members of the Legislature, thank you for your patience. And I know it seems like I've been doing this a lot. To you, maybe it hasn't been that long today. But I'd be remiss if I didn't mention the Urban Affairs Committee and its efforts and the legal counsel, Bill Stadtwald. Tom White, Steve Lathrop, Abbie Cornett, Amanda McGill, Ray Janssen, everybody, Kent, who else is on my committee? Sorry, guys. Look, the point is they had to put up with this for a couple of years and it was...it's important subject matter. I think Senator Adams explained that. We didn't want any of that collateral damage. We know what volunteer fire departments do in this state. We respect it, all of them, all of them. And I can't stress that any more firmly. But the negotiations with Tom and Abbie, particularly, were good. And I think that we've come somewhere now, with the help of Bill Stadtwald, that we might be able to deal with. One more point: This idea, while spurned, as I mentioned, from the very outset, from a bill that got killed immediately out of committee last year, when the doors slammed shut, we killed it, we did recognize an important issue. And I can assure you that LB1096, while a lot of people have been involved, and I already mentioned them all, or at least most of them, LB1096 was my idea. And I went to Bill Stadtwald and I said, we need something here, I don't know what. And Bill said, you know, maybe. So how do I say this? I don't have people barking in my ear. Unions, volunteer firefighters throughout the state, this was my idea. I wanted that on the record. So if you're going...and eventually, if we're going to crucify anybody, come here. I don't know what the union thinks of this bill. I don't know what...I know what the volunteer firefighters think of it now, because they've been involved in the discussions. I just wanted to point that out. I don't know where we're going. No matter what, I wanted to thank you for your patience and thank everyone for the help. I would ask for the adoption of AM2048. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Friend. You have heard the closing. The question before the body is on the adoption of AM2048 to AM1911. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1096]

CLERK: 40 ayes, 0 nays, Mr. President, on adoption of the amendment to the committee amendments. [LB1096]

PRESIDENT SHEEHY: AM2048 is adopted. Next amendment, Mr. Clerk. [LB1096]

CLERK: Mr. President, if I may right before that, just an announcement. Retirement Systems will meet under the north balcony at 10:00 a.m.; Retirement Committee, north balcony, 10:00 a.m. Mr. President, Senator Friend would move to amend the committee amendments, AM2081. (Legislative Journal page 714.) [LB1096]

PRESIDENT SHEEHY: Senator Friend, you're recognized to open on amendment to

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committee amendment, AM2081. [LB1096]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. I promise as far as I'm concerned, this is about as far as I can go. I can go a long way, I'm just saying this is the last amendment I have. Let me rephrase. AM2081 moves upward the level beyond which a first-class city must employ a full-time fire chief from 35,000 people to 37,500 people. Secondly, it clarifies the intent of the original bill, that the extra information gathered and reporting duties of the fire chief set out in Section 3 only apply to a fire chief hired pursuant to subsection (1). Okay. The reasoning, 37,500, as I think I alluded to earlier, I think it gives other first-class cities, in particular Kearney, time to adjust. One quick thing, one of the ideas that was flowing around the committee is where we should draw this line. I thought it was either discriminatory or indiscriminate as to where we were drawing it. Committee members fondly pointed out, and correctly by the way, we draw lines all the times making these decisions. I said, okay fine. But here was my thought, if we would have drawn it at 50,000, we're only picking on one volunteer fire department in this state. Picking on, I don't consider it picking on. We're only affecting one. And then there could be some out there that say, well, wait a minute, you're only setting it here so you can go get one particular organization. My thought process is or was that that number should either be really high or to a point that we're saying an urban community could benefit from this type of philosophy. So after more discussions out there yesterday, 37,500 would give Kearney, I guess to a certain degree, breathing room. The ability to say, the nature of business in the next couple of years, as we know it from this standpoint, is going to change a little bit; we need to get ready for that. That's my understanding. Bottom line is it changes it from 35,000, where somebody would have to employ a paid fire chief, to 37,500. If there are any questions, I'd be happy to answer them. I guess, I would ask for the adoption of AM2081 to AM1911 as well. Thank you, Mr. President. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Friend. You have heard the opening of the amendment to committee amendment, AM2081, to AM1911. Members wishing to speak are Senator Johnson, followed by Senator Stuthman, and Senator Langemeier. Senator Johnson. [LB1096]

SENATOR JOHNSON: Mr. Lieutenant Governor, thank you very much. Members of the body, I just rise to basically thank Senator Friend for including this amendment. Kearney is kind of a unique community in that I think without doubt it is one of the fastest growing communities in the nonmetro portion of Nebraska. We have different types of problems than most of the other cities because of this. Our population now is approaching 30,000. And we are, as far as our fire department is concerned, operates with a truly volunteer fire department. For the size of our community, we're pretty unique. It is working well. And without...let's put it this way, if we were to immediately come under the effect of this bill, it would make about a \$2 million a year difference in how the finances of our city would be concerned. Now it may well be some time in the future that we can and should

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come under this measure. But this will give us a few years' wiggle room, you might say, to figure out where we're going as a city. So we're happy with the sponsors of this bill to change the numbers a little bit and we can live with these. This should give us six to eight years or so to see where we're going. And we can always come back at that time, if need be. So with that, thank you, and thank you, Senator White and Friend. Thank you. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Johnson. Senator Stuthman. [LB1096]

SENATOR STUTHMAN: Thank you, Lieutenant Governor. Members of the body, I have a concern about the fact that they went from 35,000 to 37,500. I would have liked to have seen it maybe go to 40,000, and I'll give my reasons for that. I think, you know, any fire department in the state of Nebraska can, by a decision of their community, their fire board, their city council, can have a paid fire chief. They can do that on their own. It will be at the expense of the property owners, the property tax. I think they can do that already. I think what we're trying to do is establish a point and at which point the fire departments must have a paid fire department and fire chief. We have Kearney, Kearney with about 30,000. Thirty-seven thousand is probably not that far away for some of these communities. We have Fremont. The way I understand it they do have a paid fire chief. I'm thinking that if we could move that point to 40,000, I think it would be a lot more receptive, in my opinion. I haven't proposed an amendment to that fact yet. But we're getting to the point as when we reach a certain population we're dictating, you know, when they must have their property taxes increased because they have established the fact that they have a paid fire chief. I think if we moved it up a little bit further it would be more acceptable to some of the communities. We have Grand Island, that is 44,000, 44,500. Right now they do have a paid fire chief. So I just think that we're only moving that up from 35,000 to 37,500, it's just a little bit more, but before this we didn't have anything. I think this is a step in the right direction, and maybe it needs to be tweaked some time in the future. I do support the fact of having a population designated figure, but I would like to see it closer to the fact of those that are 40,000 or greater. You know, that is a large population for rural communities and rural cities. I think the 37,000, you know, will be met by some of those communities, Grand Island. But Grand Island is at 44,000 right now. But Fremont will grow, Hastings will grow, North Platte will grow. Those...you know, yes, they may be 10,000 away from it right now, but do we want to change it in the future? I think we need to put it up there far enough so that the real large communities, and the majority of them already do have a paid fire chief, so that it just takes care of those. I think a lot of other communities, if they see the need, they can adopt the policy of having a paid fire chief and add it onto their property taxes. So I'm going to listen very closely in the debate. I would sooner see it at the 40,000 mark. And I may draft an amendment on Select File, at that time, if we want to go in that direction. Thank you, Mr. President. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator Langemeier. [LB1096]

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SENATOR LANGEMEIER: Mr. President, members of the body, I rise in support of AM2081. I think this puts a very doable threshold upon this bill. As we get to communities of those sizes and larger, I know Senator Stuthman would like to go to 40,000, I think the paid fire chief doesn't become as problematic as it would be indicated earlier. Senator Johnson brought up \$2 million to get paid fire chief. I think I'm going to apply for Kearney's fire chief job. It would be much better than this one. And so with that, I rise in support of AM2081. And I also want to commend Senator Friend for working with all the parties outside the Chamber. This bill could have very easily become a blowup bill on the floor here today. As you saw, I had three amendments. We could have spent a little time on this. So I want to commend him for working this the last two days and getting to an amendment that makes everybody a little more pleased. And so with that, I'd ask you to support AM2081 and then the underlying bill. Thank you. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Cornett. [LB1096]

SENATOR CORNETT: I also rise in support of the amendment and urge the body to pass this. Senator Stuthman brought up his concerns in regards to the population being at 37,500. It was my understanding that Senator Friend and Senator White actually had a meeting with the representatives of the city of Kearney and they were comfortable with the 37,500 number. It allows them time to grow into being able to transition to a paid chief. They don't project their population growing to that point quickly enough to be a concern, at least that was my understanding. I was going to ask Senator White a question, but he just left the Chamber. So thank you. And again, I urge the body to support the bill and the amendment. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Are there additional members wishing to speak on the amendment to committee amendment, AM2081? Seeing none, Senator Friend, you're recognized to close. [LB1096]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. I'd be remiss, of course, Senator Langemeier was ready to throw the proverbial Molotov cocktail into the mix, and he was pretty integral, since we're having a lovefest here, he was pretty integral in the process. Senator Stuthman brought up some valid points. But remember again I said that the committee struggled with this number. Discriminate, indiscriminate number, I mean, where do you draw those lines? I've lived in Grand Island, I've lived in Kearney, I've lived in Nebraska City, I know what these communities are like. And quite honestly, all of those communities I just mentioned are all different in their own way. When does an infrastructure get to the point where you deal with it statutorily and from a public policy standpoint in this fashion? Thirty-seven thousand five hundred, from a lot of the folks in Kearney believed that this was something that they could live with, and as Senator Cornett pointed out. Senator Stuthman raised a good

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point, but the thing is we all have different ideas out here, we've all lived in different areas, about what the number should be. Thirty-seven thousand five hundred seems to be the palatable number right now in regard to public policy with regard to first responders and whether they're led by a paid fire chief or not. So I would ask for the adoption of AM2081 and the committee amendments and advancement of the bill. Thank you, Mr. President. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Friend. You have heard the closing. The question before the body is on the adoption of the amendment to committee amendment, AM2081, to AM1911. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1096]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of the amendment to the committee amendments. [LB1096]

PRESIDENT SHEEHY: AM2081 is adopted. We will return to discussion on committee amendment, AM1911. Seeing no members requesting to speak, Senator Friend, you are recognized to close. [LB1096]

SENATOR FRIEND: Members of the Legislature, again thank you. Senator Cornett, about the only senator from Bellevue here, I can't...oh sorry, Senator Preister. Well, you're...he's a borderline guy. I don't know. The point is I don't...Senator Cornett has been busting her hump, just like everybody else. The bottom line is I think we've attained something here that she sought to try to achieve. Members of the Legislature, thank you for the time. I hope it has been informative. I would ask for the adoption of the amendments and the advancement of LB1096. Thank you. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Friend. You have heard the closing. The question before the body is on the adoption of AM1911 to LB1096. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1096]

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB1096]

PRESIDENT SHEEHY: Committee amendment, AM1911, is adopted. We will return to discussion on LB1096. Senator Cornett. [LB1096]

SENATOR CORNETT: Before we go any further on this bill, I want the body to be clear as to my position on this. I did not agree with the original bill. My department...I didn't agree with parts of the original bill. I think that financial transparency in any public agency or quasi-public agency that collects taxpayers money is a fundamental right of the taxpayers. I believe that we need that financial transparency. I had significant concerns in regards to the pension plan that was already established for our firefighters

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in Bellevue. We have a wonderful volunteer firefighter group. They give up their time, they give up time with their families and their recreation time to be able to help their fellow citizens. And with that sacrifice that they have given, and some of them have for 30 and 40 years and even longer, they have a pension plan that they set up prior to the Nebraska Fire Retention...Firefighter Retention Act being set up. It does not follow what we have in state law; it is a private pension fund. There were concerns, both in the committee and in the fire department and in the city, on what was going to happen to that fund. It was my primary interest that we protect my firefighters that have volunteered for so many years and the pensions that they have acquired. Through numerous meetings with Senator White and Senator Friend and other members of the committee and representatives of the city of Bellevue, I want to go on record on the floor of the Legislature saying that it is not the intent of the Urban Affairs Committee and/or the city administration in Bellevue to harm anyone in regards to the pensions that they have earned. Senator White, may I ask...will you yield to a question, please? [LB1096]

PRESIDENT SHEEHY: Senator White, would you respond to some questions?
[LB1096]

SENATOR WHITE: Yes, sir. [LB1096]

SENATOR CORNETT: Senator White, were you at the meeting earlier this week with representatives of the city? [LB1096]

SENATOR WHITE: Yes. [LB1096]

SENATOR CORNETT: Was our discussion centered around how that pension plan was going to be taken over and administered by the city? [LB1096]

SENATOR WHITE: Yes, absolutely, and that's something I want to make very clear on the record and to the membership. A large number of very civic-minded citizens have risked their time and their lives to make commitments to protect the citizens of Bellevue. In exchange, there were certain retention and pension agreements made. I stand strongly on the point that all of those must be honored. I am assured that the city will honor them; that as this bill moves forward, people who have put in their time, who have payments coming to them will continue to get all of those, not one will be missed. And I think that is an essential point, Senator Cornett. I'd also point out, Senator Cornett has been very constructive in this bill, though. There are large parts of it she fought very hard because her constituents did not appreciate it. And I appreciate her courtesy and professionalism throughout. But please, to the record and to the members, when people serve the community and they get a promise from a pension fund, from the community, from a volunteer firefighter, we have to honor those. And I intend that that be part of this bill. [LB1096]

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SENATOR CORNETT: Thank you very much, Senator White. And to that, I'd like to add that this bill is truly a compromise. I, certainly, and my firefighters certainly didn't get everything they want. [LB1096]

PRESIDENT SHEEHY: One minute. [LB1096]

SENATOR CORNETT: But we do have the intent of protecting their pensions. And I was for...again I will state that I was for financial transparency for any entity representing the public and collecting taxpayer money. And I do also want to point out the fact that Senator White, through this process, has been very collegiate and has worked very hard on compromising and has given up a lot from what he originally wanted also. And I want to thank Senator Friend for his leadership in this matter and bring you to a point where we all can agree. Thank you. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Are there additional members wishing to speak on LB1096? Seeing none, Senator Friend, you are recognized to close. [LB1096]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. Once again real quick, thanks for the time. The bill does not mandate anything but a 37,500 threshold for a fire chief. It doesn't require the creation of a paid fire department. It only requires the cities to keep accurate records on the performance of the departments, and at least once a year to discuss it publicly and receive citizens' input. Members of the Legislature, I ask for the advancement of LB1096. Thank you. [LB1096]

PRESIDENT SHEEHY: Thank you, Senator Friend. You have heard the closing. The question before the body is on the advancement of LB1096. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1096]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB1096. [LB1096]

PRESIDENT SHEEHY: LB1096 advances. (Visitors introduced.) Do you have items for the record, Mr. Clerk? [LB1096]

CLERK: Mr. President, I do, thank you: a new resolution, LR251, offered by Senator Aguilar, will be laid over; and a new A bill, Mr. President. (Read LB1094A by title for the first time.) That's all that I have at this time. (Legislative Journal pages 714-715.) [LR251 LB1094A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to next item under General File. []

CLERK: Mr. President, LB844, was a bill originally introduced by Senator Karpisek.

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(Read title.) The bill was introduced on January 10 of this year, referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments. There was an amendment to the committee amendments which was presented yesterday. So I have pending, Mr. President, the committee amendments, as well as an amendment to the committee amendments by Senator Chambers. (AM1784, Legislative Journal page 644.) [LB844]

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

SENATOR KARPISEK: Thank you, Mr. Lieutenant Governor. Members of the body, just quickly go over where we're at right now on LB844. The committee amendments have made the bill to increase the penalties of first offense, less than one ounce of marijuana, from \$100 to \$300; second offense from \$200 to \$400; and third offense from \$300 to \$500. The amendment would also make more than one ounce of marijuana but less than one pound marijuana a Class III misdemeanor rather than a Class IIIA misdemeanor, as currently in statute. And it would also make the penalty for drug paraphernalia a \$100 citation, which currently in statute there is no set fine, other than it is a citation. That is where we have it right now. Senator Chambers has some amendments to try to clean up some of the parts in the bill where we were trying to make it...the judge be able to make or ask the defendant to go to a drug and alcohol class. We did not...we intended to include alcohol in the class and leave it at the discretion of the judge. That is not how it kind of came out, but we...Senator Chambers is working on that. I have an amendment that I'm going to put in now that would do everything that Senator Chambers would like do, I think. So I will drop that in and see if Senator Chambers would agree to move over his amendments and go to my amendment to clean that up. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Ashford, did you wish to make a brief comment on the committee amendment? [LB844]

SENATOR ASHFORD: Yes, thank you, Mr. President. I...just to remind the body, the committee amendments lessen the penalties that were in the original bill to ensure that the charge for possession of paraphernalia and marijuana of less than an ounce would remain an infraction with somewhat of an elevated penalty. But the penalty has not been increased. So this does reflect an increase in penalties, but still maintains the infraction as the nature of the offense. With that, I would...I think that was the issue we discussed yesterday. So we can move on from there. Thanks. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Mr. Clerk, we'll move to the first amendment to committee amendment. [LB844]

CLERK: Well, Mr. President, Senator Chambers, FA182. (Legislative Journal page

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705.) [LB844]

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on your amendment to the committee amendment, FA182. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. My naive senator friend, I meant my naive friend, Senator Karpisek, said that I'm cleaning up aspects of the bill. That term "cleaning up" could mean making something tidier, making something less untidy, or cleaning it up in the sense of wiping it out. And that's my intent on this bill, as I stated. So this is the amendment that I talked about yesterday. So for those, such as Senator Fulton, who probably are more in tune with songs that younger people like, he may have heard one that had lyrics that said, second verse same as the first. So I'm back, second verse same as the first. Mr. President, members of the Legislature, this is a bad bill. It is not in accord with principles of wise or even competent legislating. There have been words expressed about alcohol; then a comparison, which is inappropriate, will be drawn to marijuana. We know, and Senator Harms pointed it out yesterday, that some universities are known for binge drinking and the University of Nebraska was one of the worst. We know that there are young people, and even some older people, who have died from alcohol overdoses. There is not on record anywhere a single person dying of a drug overdose as a result of using marijuana. We all are familiar with the staggering statistics that relate to how many deaths, serious injuries, how much property damage is wreaked upon society as a result of the driving while under the influence of alcohol of certain people who imbibe in the devil's brew. There is no basis for saying that because the penalty for alcohol is more severe than the penalty for marijuana, therefore, marijuana's penalty ought to be changed, no basis whatsoever. I'd like to get some assistance from Senator Karpisek, the introducer of this ill-conceived bill. [LB844]

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

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, is there an amount of alcohol which, if a person driving a vehicle is found to have in his or her blood, it would be deemed a violation of the law and that person would be deemed to be driving under the influence? [LB844]

SENATOR KARPISEK: Yes, sir. [LB844]

SENATOR CHAMBERS: Senator Karpisek, do you happen to know what that amount is? [LB844]

SENATOR KARPISEK: I think it's .08. [LB844]

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SENATOR CHAMBERS: You're right. Now suppose somebody has .12. Is that a more severe crime... [LB844]

SENATOR KARPISEK: Yes, Senator, it is. [LB844]

SENATOR CHAMBERS: ...of driving under...what is that called? Isn't that just DUI also? [LB844]

SENATOR KARPISEK: I don't know what the correct wording is. I guess I know the slang of it, it's the...I can't think of that right now either, Senator. [LB844]

SENATOR CHAMBERS: But here's what I'm asking you. Let's not deal with those specific percentages. [LB844]

SENATOR KARPISEK: Okay. [LB844]

SENATOR CHAMBERS: If a person has .08, he or she can be charged with driving under the influence. If a person has .20, that person can be charged with driving under the influence. Both of them would be charged with driving under the influence. Is that true? [LB844]

SENATOR KARPISEK: True. [LB844]

SENATOR CHAMBERS: Now there's nothing in the statute which says anything about the volume of alcohol you have in your system determining the nature of the offense, is there? It's just DUI. [LB844]

SENATOR KARPISEK: Well, Senator, I think that there is; if you're over a certain amount that the penalties are higher. [LB844]

SENATOR CHAMBERS: We'll have that checked out, and I'm sure you've got some people on the floor who will work with you on that. But I'm just trying to see where you are on this. [LB844]

SENATOR KARPISEK: Okay. [LB844]

SENATOR CHAMBERS: You're aware that when we are dealing with small amounts of marijuana there is not the same concern as when somebody has a large enough amount to be deemed in the business of delivering, selling, peddling, or whatever. Do you agree with that? Large amounts of marijuana are considered to be more serious offenses than smaller? [LB844]

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SENATOR KARPISEK: Yes, large amounts are, yes. [LB844]

SENATOR CHAMBERS: Are you aware that the reason marijuana was decriminalized was because so many people were being locked up for trifling amounts of marijuana? Are you aware of that having been the case? [LB844]

SENATOR KARPISEK: I'm aware that you were involved in that. (Laugh) So, yes... [LB844]

SENATOR CHAMBERS: Yes, not using marijuana, but... [LB844]

SENATOR KARPISEK: No, no, no,... [LB844]

SENATOR CHAMBERS: ...but decriminalizing it. All right. [LB844]

SENATOR KARPISEK: ...the decriminalization, which, Senator Chambers, I have...the committee amendment has done. We are not criminalizing it any more in my...in the amendment. [LB844]

SENATOR CHAMBERS: I'm not saying you're criminalizing. I'm just having an exchange with you so that we can discuss various aspects of the bill. [LB844]

SENATOR KARPISEK: Okay, thank you. Sorry. [LB844]

SENATOR CHAMBERS: Now suppose a person has an open container of alcohol. You're talking about minors, primarily. Isn't that the concern you had in bringing your bill? [LB844]

SENATOR KARPISEK: That is the main concern, but not the whole concern. [LB844]

SENATOR CHAMBERS: If a person has a container of alcohol and it contains six ounces of alcohol, is that offense called having an open container, or minor in possession? [LB844]

SENATOR KARPISEK: Minor in possession, if you're under 21. [LB844]

SENATOR CHAMBERS: Suppose there is a container with 32 ounces of alcohol and that container is open. What is that offense called? [LB844]

SENATOR KARPISEK: The same offense. [LB844]

SENATOR CHAMBERS: If you have one ounce or less of marijuana, that is one offense, and if you have more than that it becomes another offense, a higher level or

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higher grade of offense, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: So alcohol is not even treated the same way as marijuana right now, because you can have far more alcohol than marijuana and have a lesser charge brought against you than if you had an equal amount of marijuana. Isn't that true? [LB844]

SENATOR KARPISEK: No, you won't have a lesser offense, and alcohol is legal. [LB844]

SENATOR CHAMBERS: If you have a certain amount of alcohol in an open container in a vehicle, it doesn't matter how much alcohol you have in that container, does it? [LB844]

SENATOR KARPISEK: No, it doesn't, but it's more than the penalty for any amount of marijuana. [LB844]

SENATOR CHAMBERS: But let us go further. If you have more than a certain number of ounces of marijuana, it rises to a higher level of offense than minor in possession of an open container. Isn't that true? [LB844]

SENATOR KARPISEK: No, it does not, Senator. [LB844]

SENATOR CHAMBERS: Are you aware that there graded levels of offense based on the amount of marijuana that a person possesses? [LB844]

SENATOR KARPISEK: Yes, I am aware of that, but none of it gets to the...unless it's over a pound of marijuana, then you go to a felony. [LB844]

SENATOR CHAMBERS: Now could a person have an amount of alcohol by weight of a pound in a vehicle in an open container and that not be a felony? [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: Yes, a person can. [LB844]

SENATOR KARPISEK: Well, if you're intoxicated. [LB844]

SENATOR CHAMBERS: In an open container, and you are not the container. If you have... [LB844]

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SENATOR KARPISEK: Oh, I'm sorry. I thought you meant can you get a felony. [LB844]

SENATOR CHAMBERS: If you have an open container of alcohol in your car... [LB844]

SENATOR KARPISEK: No, it doesn't matter if it's 100 gallons, I guess. [LB844]

SENATOR CHAMBERS: Okay. But you can have over a pound of marijuana and that is a felony. Right? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Even if you are youngster, correct? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: So here is where you can have far more alcohol, but it is not as serious an offense as having a lesser amount of marijuana than that alcohol. Isn't that true? [LB844]

SENATOR KARPISEK: That is true, and I will say because it's a legal substance. [LB844]

SENATOR CHAMBERS: But it is not legal to possess it in an open container, is it, in a vehicle? [LB844]

SENATOR KARPISEK: It is unless you're in a vehicle. [LB844]

SENATOR CHAMBERS: Are you willing then to raise the penalty for... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: ...that amount of alcohol to a felony if it's in an open container in a vehicle, because it's illegal to have it in a vehicle? Are you willing to do that? [LB844]

SENATOR KARPISEK: I don't know. It would depend how high we go, I guess. [LB844]

SENATOR CHAMBERS: But you'd be willing to do that. Is that true? [LB844]

SENATOR KARPISEK: I'd be willing to look at it, Senator. We'd have to decide how big of a canister you're talking about. [LB844]

SENATOR CHAMBERS: Thank you, Senator. That's all I'd ask you, Senator Karpisek.

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And I'm going to continue along this line. Remember, the only reason you are looking at this bill is because he wants to make the penalty for marijuana equivalent to that for alcohol, but he does not want to make the penalty for having illegal alcohol the same as illegal marijuana. A pound for a pound, make them the same. But he's not interested in that. He does not want to offend the people who are using alcohol... [LB844]

PRESIDENT SHEEHY: Time, Senator. [LB844]

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

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the opening to FA182 to AM1784. Members wishing to speak on the floor: Senator Chambers, followed by Senator Harms, and Senator Karpisek. Senator Chambers. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. I'm going to continue along the line that I had started, but I'm going to digress for a moment at this point. When the Legislature was trying to criminalize, for young people, having certain amounts of alcohol in their possession, I fought it. They wanted to say that if a young person were within close proximity of alcohol, that person would be deemed to be in possession of it. And I fought and defeated those types of bad bills. And they wanted to say, take driver's licenses for certain things that were not violative of the amount of alcohol a person could have in his or her system. What I had said we would do is offer and adopt an amendment that would punish adults the same way that it would punish young people for the same type of activity. And the reason I was going to do that, when you have adults, these people are older, they are more mature, they have greater experience, yet you want to punish and make more culpable those who are less culpable based on their youth, lack of maturity, and lack of experience. So the law had been turned on its head. Those who were more culpable were punished less harshly than those who were less culpable. So this Legislature spends a lot of time directing harsh punishments against the vulnerable, against those whom they feel they cannot control. There are parents who cannot manage their children and they come to the Legislature to try to get harsh punishments enacted, to get the Legislature to criminalize certain conduct that their children engage in because they cannot deal with their children. They bring large quantities of prescription drugs into their homes, the parents do. And now these children are getting these drugs, using them, and taking them to school, and this is happening in the white, suburban areas. But it's not viewed the same way as marijuana. Now there is a reason that young people do the things they do, just like there is a reason that older people do the things that they do. These younger people have problems, there are issues underlying their conduct which are never addressed. You look at the symptom. They have these keg parties, so you put a harsher punishment and you go after the ones who supply the kegs, which you ought to do. But the aim is to get at the young people. Senator Karpisek brought this bill because he wants to punish harshly young people who may use marijuana. He has not been able to

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demonstrate and he cannot, because there are no studies he can cite, which indicate there has been an epidemic of marijuana use among young people. When he talked about the lacing of marijuana with other drugs--well, somebody did, probably Senator Harms--that is irrelevant to what we're talking about here. If he's going to talk about the drug culture and how people who sell drugs try to get the biggest bang for their buck, that is an entirely different matter. The amounts of marijuana that we are addressing are not amounts that would be found in possession of somebody who is possessing with the intent to sell or to deliver. We are talking about junkies. We're talking about... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: ...users. And in the old days, before we decriminalized marijuana, many people with small amounts of marijuana were filling the jails. And something more sinister was happening: Police officers would address these hopheads...arrest these hopheads, as they were called, these junkies, and turn them into snitches and let them know, if you can get me a certain number of offenses, in other words find people who are committing these drug crimes, I'll let you go. But they keep a record of the fact that the person had been arrested, because if he or she awakens to how dangerous it is to snitch and decides not to do it anymore, then the cop says, you're going to jail. And when you go to jail, I'm going to tell them you're a snitch, and you're the one who did this. There have been cases in Nebraska dealing with the way young people have been tricked into snitching by law enforcement. Then law enforcement wanted to break the deal, and courts wouldn't let that happen. [LB844]

PRESIDENT SHEEHY: Time, Senator. [LB844]

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

PRESIDENT SHEEHY: Senator Harms. [LB844]

SENATOR HARMS: Thank you, Mr. President, colleagues. I'd like to kind of take this conversation and focus a little bit on research. That really brings out the point that I want to have some discussion here today in regard to what they're finding in regard to the research they've done. And there's just a ton of research that's available. It talks very clearly that marijuana is harmful, marijuana destroys teenagers' minds, marijuana actually kills...eventually kills young people. Let me share some of this information with you. Studies have shown that teenagers that get started in marijuana earlier in their life are 8 times more likely to use cocaine, 15 times more likely to use heroin, 5 more times likely to have a need for treatment of abuse or dependency on any drug. The research goes on, if you want to go further. The University of...Columbia University, in the National Center for Addiction and Substance, continues to support this, continues to lay out data that makes it very clear that marijuana is harmful and dangerous; not only that, that young people who use marijuana weekly are nearly four times more likely than the

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nonusers to engage in violence. Data proves that it has occurred. A large percentage of those people who are arrested test positive because of marijuana. There was a study done in 1977 which brings out the fact that it changes young people's behavior. And I want to talk to you a little bit about this, because I think, for me, this is what the issue is about. It's about young minds, young people, leaders of the future we're allowing to be destroyed. And here's a study that was done in 1977 that said, approximately 16 times more likely than nonusers to report being arrested for larceny or theft. Their judgment is poor. They steal because they have a habit. They'll steal from their parents, their sisters or anyone that they can. More than 14 times more likely to be arrested for driving under the influence, drunkenness, liquor laws are violated. And I said yesterday the research shows that it is the gateway to...alcohol is the gateway to other drugs. And once they get hooked into this, they continue to go, they continue to use anything they can to give them that lift that they want. More than nine times more likely to be arrested on assault charges. So don't tell me that marijuana is not dangerous. Don't tell me that marijuana is not going to be harmful to you. It is. It destroys minds, it destroys people. And I think it's the responsibility of this floor, this body, to set the standards, to say to teenagers and to say to other people, we are not going to tolerate this. We can argue all we want about alcohol and amount. I really want us to focus on what the real issue here should be--that it's dangerous. We should do everything we can to discourage people from using marijuana. Studies show that if you use marijuana you have an increase in chronic coughing, bronchitis, and emphysema, even cancer of the neck and of the lungs, proven by research. Studies have shown smoking marijuana causes a variety of health problems, which I just said, including cancer, respiratory, loss of motor skills, increasing heart rate. Do you realize that using marijuana contains 400 chemicals, including harmful substances found in tobacco, 400 more chemicals than what we have in tobacco? And smoking one marijuana cigarette deposits almost four times more tar into the lungs than filtered cigarettes. [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR HARMS: Thank you. And we argued and debated over the smoking. Folks, this is more harmful. Studies show that weekly use of marijuana among teens doubles the risk of developing depression and incidence of suicide. So don't tell me, folks, that this does not have an impact on someone's life. Just take a look at the research. I mean, you can go anywhere and find the research that shows that it's dangerous. I think we need to address this issue. I think what we are trying to attempt here is to at least start to discourage it. Quite frankly, I'd go further with the legislation. Quite frankly, I think we need to say to our teenagers, this is not acceptable. If you want to destroy your life and not be a part of leadership and be the future of this country, just go ahead and smoke so you can get into that marijuana, and meth, and all the other things, and then have depression and willing to kill yourself or at least have the thoughts of doing that. What's wrong with this picture? What's wrong with this discussion? What's wrong with what we're talking about? We need to set the standards. Thank you, Mr. President.

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[LB844]

PRESIDENT SHEEHY: Time, Senator. Senator Karpisek, followed by Senator Wallman, and Senator Chambers. Senator Karpisek. [LB844]

SENATOR KARPISEK: Thank you, Mr. Lieutenant Governor, members of the body. Would Senator Chambers take a question, please? [LB844]

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

SENATOR CHAMBERS: I'll take a question and the needle, if necessary. [LB844]

SENATOR KARPISEK: (Laugh) Well, I wouldn't do that. [LB844]

SENATOR CHAMBERS: Okay. [LB844]

SENATOR KARPISEK: Senator Chambers, you keep referring to this as a bad bill. And although I agree that your amendments are trying to straighten out something that I had not right, I'd also like to point out that this is a committee amendment. Is that true? [LB844]

SENATOR CHAMBERS: You mean, what we're discussing? Yes, what we're discussing is the committee amendment. [LB844]

SENATOR KARPISEK: So that came through the committee. [LB844]

SENATOR CHAMBERS: But if you'll notice, the bill was advanced when I was absent. Had I been there, it probably wouldn't be on the floor. [LB844]

SENATOR KARPISEK: So...but that's not my fault. We... [LB844]

SENATOR CHAMBERS: Well, we're not talking about fault. We're just being factual. [LB844]

SENATOR KARPISEK: Okay. Well, we've heard a lot of talk this session about things getting out on the floor in bad form. Now my point is that this came out of committee. [LB844]

SENATOR CHAMBERS: So? [LB844]

SENATOR KARPISEK: So you're calling it a bad bill, but it came out of your committee. I don't know why you weren't there. I'm sure you had a good reason. But the way to go about this, to say that it's a bad bill, when right now all I'm trying to do is increase the

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finer that haven't been changed in over 30 years, I don't see where it can be a bad bill, other than I tried to pull alcohol in to also be able to go...a judge have them go to drug and alcohol counseling. Do you agree with that? [LB844]

SENATOR CHAMBERS: It was...well, I'm not going to try to say what your thoughts or motives were, but it was a bad bill in terms of what it was going to try to do before it came to the committee. Those on the committee who thought the bill could be salvaged attempted to put it in a form that might give it a better chance of acceptance. Nothing they could do with it would cause me to accept it. So when I say it's a bad bill, I mean beyond just the drafting problems. [LB844]

SENATOR KARPISEK: So you'd agree that the old statute was probably a bad bill, too? [LB844]

SENATOR CHAMBERS: Well, you'd have to tell me what aspects of it you're referring to. [LB844]

SENATOR KARPISEK: Well, the whole thing, I guess, since you said this is a bad bill, but it's only changing the penalties for less than one ounce. [LB844]

SENATOR CHAMBERS: Well, the way you phrased the question, Senator Karpisek, would be like telling me there's a man standing there, you say he's a bad man. Well, let's cut off his ear. Does that make him better? Well, no. So what you're saying is if you take something which is in a form that is familiar to everybody, as far as the law and the cases that have dealt with it, and you want to change it and say, all I'm doing is cutting off the ear, so doesn't that make it better? And I say, no. [LB844]

SENATOR KARPISEK: No, I didn't say better. But would you... [LB844]

SENATOR CHAMBERS: Well, does it make it... [LB844]

SENATOR KARPISEK: ...would you have rather repealed the law that was in statute rather than even leave it alone? [LB844]

SENATOR CHAMBERS: I would rather have left it alone, because I never brought legislation to repeal it or to change it. So I was satisfied with the law the way it was, because it was workable, everybody who deals in this area would be familiar with it and know what to expect. [LB844]

SENATOR KARPISEK: Have you brought other bills that changed current statute? [LB844]

SENATOR CHAMBERS: I've brought bills to change many statutes and to create new

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statutes. And were I not term limited out, I would continue to do that in the future. [LB844]

SENATOR KARPISEK: As I'm sure you will anyway because, as I said before, I'm sure you'll be back. Go ahead. [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: No, that's all right, I don't want to take all your time. [LB844]

SENATOR KARPISEK: Well, I think we've got plenty of time, Senator. (Laughter) My point is that I just don't think that the penalties are stiff enough. Take out the alcohol part of it, although that is my driving...part of my driving factor. I don't think they're stiff enough. They haven't been changed for over 30 years. A minor, right now, that would be caught with a cigarette, a tobacco cigarette could get a \$100 fine; the same minor that would be caught with a marijuana cigarette would get a \$100 fine. I don't see that that is even close to what we are trying to do here. That, to me, seems ridiculous. And again, for all of the argument that, oh, it's only a little weed, and you're picking on this person or that person, I'm just trying to make it across the board to not send the message that marijuana is not as dangerous as alcohol. [LB844]

PRESIDENT SHEEHY: Time, Senator. [LB844]

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

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

SENATOR WALLMAN: Thank you, Mr. President and members of the body. And I do appreciate Senator Karpisek's bill here and amendments because if anybody has ever went to one of Coach Brown's seminars on drug and alcohol abuse, you would realize we have a problem in Nebraska. And I would recommend anybody in the body, if he gives a seminar at his church or at a school, go listen to Coach Brown. He will tell you what marijuana does, what meth does, what coke does, what alcohol does to our youth. And as anybody knows, I'm against more mandates by the law or by the judges, but if we can protect our youth or bring this to fruition as education, Senator Karpisek has done us a favor. And I think all cigarette tax, we ban cigarettes in the state, for goodness sakes, but I think now all the tax money from cigarettes should go to education, period. I go to Colorado, what used to have a problem, and my cousin coaches there. They have drug posters all over the high school, what meth does, how it ages, how it ruins your teeth, how an 18-year-old looks like 40. And we don't do that and we should. So thank you, Senator Karpisek. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Chambers, this is your

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third time. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, this is my third time? We don't start all over today? I've spoken twice already? Okay. This is one of the reasons young people don't pay attention to old people. They can listen to this discussion, and it doesn't touch anything that relates to their life. This discussion does not talk about what might lead young people to do anything. It simply says make the punishments harsher without showing any correlation between a harsher punishment and a diminution in the usage of marijuana. If people have a problem of some kind that leads them on to drugs, putting a harsher penalty is not going to deal with it at all. I wish Senator Harms were still here. Is Senator Harms in the Chamber at least? Well, I'll have a chance to discuss with him some of his comments when he returns to his post. Senator Wallman talks about some things Coach Brown say...anybody can say that. You can pick up a book, a newspaper, articles off the Internet and find what any drug will do. That is inconsequential and it means nothing. Why don't I ever hear people on this floor talking about the underlying causes of the conduct that young people engage in, the problems that young people have in not seeing examples in their parents of how they ought to live? They cannot even look in the Legislature. Almost every invitation you all get to these lobby functions, unless they're in a state building, will talk about alcohol, a happy hour, a cash bar. You've got to have liquor or you cannot have a social event. Then you're going to pontificate in the way you do on this floor. That is what's hypocritical. Senator Harms over there reading his paper, and I wish he were here so that I could question him on what he said. I could pick up a piece of paper and say, studies show that men 5 feet 8 have more sex than men 5 feet 10. And everybody around here, because you're silly, will say, wow, studies say. What study? Whose study? When Senator Karpisek...Senator Harms talks about these statistics, he certainly doesn't mean as many young people use marijuana as tobacco. He didn't give us any concrete numbers. He talked about driving under the influence and mentioned drunkenness. That's alcohol. That's not marijuana. So how many young people do you think would listen to what's being said here and pay any mind to it whatsoever? They say those old fogies don't know anything, that's why I don't listen to them; they wanted to try to get me off drugs by putting a skillet out there and saying this skillet is drugs, then crack an egg in it and say that egg is your brain. And that's supposed to make them get off drugs because drugs will fry their brain like an egg frying in a skillet. And too many young people have seen people that they know use these drugs and they have not turned into dope fiends, killers, or any of the things Senator Harms talked about. They have seen with their own eyes. They've experienced it in their own lives. But you're going to stand here and read from a piece of paper and say this is the way it is and their experience tells them, no, it's not. That's not to say people are not harmed by marijuana or tobacco. Tobacco is a drug and it kills more people than marijuana. He's talking about cancer of the neck. You get all types of cancers from tobacco products, and people die from them at a greater rate than is caused by anything else he can talk about that people use as a substance. [LB844]

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PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: So we are going to be on this a long time. And I'm not going to be swayed by these goody-goody two shoes, moralistic arguments about this shouldn't be and that shouldn't be when you cannot give a concrete reason. And if you don't say something that's going to have an impact on those whose conduct you want to influence, you're not going to influence their conduct. And if they steal now to get marijuana when the penalty is \$100, they'll have to steal more to pay a \$400 fine, huh? Crazy. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Mr. Clerk, do you have an announcement on your desk? [LB844]

CLERK: I do, Mr. President. Thank you. Education Committee will meet at 10:50 today under the north balcony; that's the Education Committee at 10:50. [LB844]

PRESIDENT SHEEHY: Senator Wightman, followed by Senator Schimek and Senator Ashford. Senator Wightman. [LB844]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I do rise in support of LB844. I think the amendment probably has some basis as well. Quite frankly, I agreed with Senator Chambers yesterday that this should be discretionary with the court; that it shouldn't be mandatory probably in any case that the court has to order that they attend the drug court. I think the judge is far more able to determine this. And I understand that Senator Karpisek has an amendment would do that. His amendment may well be cleaner than Senator Chambers' as far as pinpointing what he wants to do with that amendment. So if for no other reason, and I think Senator Karpisek alluded to this, is that when it hasn't been changed in 30 years as far as the fine, we're not doing any more probably than keeping pace with inflation. I'm not sure how strongly I would have supported this bill had we left the jail sentences in as the bill was originally proposed, I'm not sure that would be helpful, but I do think to put the fines up to a level that they are equivalent with at least minor in possession. I'll concede that right now alcohol is considered legal as far as people that are over 21 years of age. And so the penalty is higher, but there's been a penalty here in the past. And so all we're doing, it seems to me, is probably keeping pace with the times and making the penalty equivalent to what it was 30 years ago. But I will support his amendment to require that any education would be subject to discretion of the district or county judge and not mandatory. With that, I probably will not speak further on this issue, but do intend to support LB844 if it's amended in such a manner. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Schimek. [LB844]

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SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I intend to continue supporting this bill. I did not like the original bill because I thought it was asking for filling our prisons, and I'm not sure I think that marijuana is that serious a problem, in spite of some things Senator Harms just said. But having said all that, as a courtesy I'm going to give the remainder of my time to my senior senator, Senator Chambers. [LB844]

PRESIDENT SHEEHY: Senator Chambers, about 4 minutes, 20 seconds. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President, and thank you, "Junior." Members of the Legislature, these are the kind of issues that let people take the measure of us. Nobody likes drug use so what are you going to say? Increase the penalty and everybody has got to say they're for it. You won't see increase the penalty for alcohol on adults. You're not going to do it because adults can defend themselves. Children are viewed as the enemy. They're unruly, they're uncontrollable and, in short, they're just like a lot of you all were--just like you. I'm not in favor of increasing penalties just to increase penalties and that is what Senator Karpisek told you his intent is. Senator Harms is talking about things that Senator Karpisek was not even interested in. He doesn't even care whether marijuana is that harmful. What he wants to do is make the penalties the same. That is not a rational basis for legislating. Now if we were talking about comparable drugs, take powder cocaine and crack cocaine, and you're going to make the punishment for one ten times that of the other when there is no basis in the chemical makeup, the impact it has on people, but rather you're looking only at who you perceive uses one rather than the other. That is not a valid basis for having that kind of disparity. We're not talking about a disparity of that kind. We're talking about two entirely different substances. People on marijuana have not been involved in these traffic accidents that we read about. You read about children going to keg parties where they serve beer and perhaps other liquor, and they are the ones who jump in these cars and drive above the speed limit or just crazily and kill and injure people. It is alcohol, not marijuana. You don't want to raise the penalty for alcohol misuse on everybody. You again look at the young people so you can now give them a record, and you like that. Then when they have problems in later life, you say, oh, Jesus Christ, that was a mistake. Senator Carlson, as backward as the United States government has been, as idiotic as they have been in this so-called drug war, even they came to their senses. They had said that anybody with a drug conviction, even for marijuana, could not be eligible for federal aid, going to school and so forth, and they couldn't get in the military. [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: Are you all aware that the government has changed that? The government has changed that position with reference to convictions for marijuana. Why? Because they're past this nonsensical, exaggerated argument of the type we're hearing today. People who use marijuana are not drug fiends. I am not justifying the use

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of marijuana. Tobacco is a far worse, more dangerous drug than marijuana. It kills more people. It ruins more families. It causes greater burdens on society. And, Senator Wallman, cigarettes were not banned in Nebraska. There is just a ban on smoking them in certain places. You can still buy them because those who are in the tobacco industry have the money. But now they're seeing... [LB844]

PRESIDENT SHEEHY: Time, Senator. [LB844]

SENATOR CHAMBERS: ...that in Maryland where tobacco is a cash crop and a crop that has bailed out Maryland... [LB844]

PRESIDENT SHEEHY: Time, Senator. [LB844]

SENATOR CHAMBERS: ...they're now talking about...excuse me? [LB844]

PRESIDENT SHEEHY: Time. [LB844]

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

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

SENATOR ASHFORD: Thank you, Mr. President. I don't want to belabor all the points that have been made. But I just want to reflect on what Senator Karpisek said about what the committee had been trying to do here. We did have a lengthy discussion once Senator Karpisek decided he was going to prioritize this bill. We revisited the bill to see if we could put it in a shape that we felt reflected or balanced the variety of the opinions that are out there: Senator Schimek's opinion, Senator Chambers wasn't there at the very time we voted it out, but certainly his views on these issues. And the committee decided, upon reflection, that the penalty provisions for less than an ounce and for paraphernalia possession did not justify anything other than a fine. The decision was made to increase the fine primarily because of the length of time that had elapsed since the fines had been raised. Also just I think Senator Chambers has corrected this for the record, but the issue of the drug court or alcohol court really was not addressed by the committee. We left the language in Senator Karpisek's bill in the committee amendments identically...we didn't...in an identical manner. We didn't change that language. So if there is further...are further amendments on that, those provisions, we certainly would be happy to address those. But we did not address that issue in the committee. But just in conclusion, I think we...our effort here was to try to balance some competing interests and policies that have been out in this Legislature for years. We discussed these issues years ago when I was here, the same exact issues. Senator Chambers makes a point that he's made for as long as I've known him, and it's a point that needs to be considered, and we tried to consider it in our committee deliberations. With that, Mr. President, I would also urge the adoption of the committee amendments.

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Thank you. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Are there additional members wishing to speak on FA182? Seeing none, Senator Chambers, you're recognized to close. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, I see that Professor Harms has returned, and I would like to ask him a question or two, if he would yield. [LB844]

PRESIDENT SHEEHY: Senator Harms, would you respond to some questions? [LB844]

SENATOR HARMS: Senator Chambers, I'd be very happy to. [LB844]

SENATOR CHAMBERS: Senator Harms, you mentioned studies. Would you cite one of the studies from which you derived your information? [LB844]

SENATOR HARMS: Absolutely, Senator. Got enough time? [LB844]

SENATOR CHAMBERS: I said one of them. [LB844]

SENATOR HARMS: Sure. The National Drug and Control Strategy Annual Report; Marijuana Potency Monitoring Project, University of Missouri; U.S.... [LB844]

SENATOR CHAMBERS: And... [LB844]

SENATOR HARMS: ...Department of Justice. I can go on forever if you... [LB844]

SENATOR CHAMBERS: Well, what qualification do those people have? Anybody can put a name or a title on a party...I meant a part of their school. [LB844]

SENATOR HARMS: Because they're experts in the field. It's the same argument you and I would have. What knowledge do you have to do the research or areas? [LB844]

SENATOR CHAMBERS: But I'm dealing with the study that you're giving us. Who is a part of that outfit at Missouri, if you know? [LB844]

SENATOR HARMS: I don't know. [LB844]

SENATOR CHAMBERS: There could be students who did some of the research. Is that correct? [LB844]

SENATOR HARMS: In this case, I doubt that very much. [LB844]

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SENATOR CHAMBERS: But there could be. Students do do research... [LB844]

SENATOR HARMS: Well, there could be, but I'd say I don't think there probably is in these kinds of situations. And even if they are, graduate students are wonderful. They're bright, they're articulate. What's wrong with that? [LB844]

SENATOR CHAMBERS: But, Senator Harms, all I did was ask you, isn't it possible that students did some of the research. [LB844]

SENATOR HARMS: Well, that's possible. [LB844]

SENATOR CHAMBERS: Okay. [LB844]

SENATOR HARMS: Thank you. [LB844]

SENATOR CHAMBERS: Now the other one, the next one that you went to was from the Justice Department. Is that correct? [LB844]

SENATOR HARMS: U.S. Department of Justice, um-hum. [LB844]

SENATOR CHAMBERS: Now are you aware that the...is the FBI under the Department of Justice, if you know? [LB844]

SENATOR HARMS: I believe it is. [LB844]

SENATOR CHAMBERS: Are you aware that much of the so-called forensic work that the FBI laboratory was doing has been totally discredited and they're looking at cases that have been decided on the basis of work, forensic work, done by that laboratory? If you're not, I don't want you to say that you are. [LB844]

SENATOR HARMS: I'm not, Senator, but I would... [LB844]

SENATOR CHAMBERS: Okay. [LB844]

SENATOR HARMS: ...let me just tell you this so we can have this conversation, okay? We can argue all we want about this aspect. But there are so many studies, so many different studies, Senator, that point to the very thing that I've been talking about. It's really hard to deny this. [LB844]

SENATOR CHAMBERS: But you're on my time. I'm not through... [LB844]

SENATOR HARMS: That's good. [LB844]

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SENATOR CHAMBERS: Okay. Give me some positive numbers instead of just saying more people on marijuana are likely to do this or that, compared to what? [LB844]

SENATOR HARMS: Well, compared...well, let me see if I can find that here, Senator. [LB844]

SENATOR CHAMBERS: Okay, any one of the examples. [LB844]

SENATOR HARMS: Okay. Well, here's one that said that more than half, and I don't know the exact number, but that would be 53.3 percent of daily marijuana users also are dependent on other drugs and abuse. Now I can go into that study and I could find that for you if you would like to have me do that. [LB844]

SENATOR CHAMBERS: Now would you read that again--53 percent of... [LB844]

SENATOR HARMS: Fifty-three point three percent of daily marijuana users were also dependent on or abused alcohol or other illicit drugs compared to those who were nonusers. Now that's a... [LB844]

SENATOR CHAMBERS: Where would they get that information? How do they know how many people daily use marijuana? [LB844]

SENATOR HARMS: Well, that came from...let me...if you'd like to look it up, I'll give you the place--U.S. Department of Health and Human Services National Household Survey of Drug Abuse, 1977. [LB844]

SENATOR CHAMBERS: No, I'm not going to look it up. You brought it to us, but since this is my time, we can go into that more because we're going to be on these issues. Thank you. [LB844]

SENATOR HARMS: You're welcome. [LB844]

SENATOR CHAMBERS: Members of the Legislature, when you look at these studies, you have to do some questioning. Those of you all who were in college now have been told, don't just take a general statement and accept it. Where do they get the information about the number of daily marijuana users anyway? Do they have people who tell them, I use marijuana and I also use heroin and I also use cocaine and I also use alcohol? When they talk about these statistics, these surveys, these polls, they all have to be taken with a grain of salt. But Americans are so accustomed to accepting things uncritically... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

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SENATOR CHAMBERS: ...they will go along with it. And this is why I say many of the things that are stated as gospel on this floor and in other forums where grown people and old people talk are things that don't accord with the experience of the young audience they're talking to. Those young people say, I don't know what they're talking about. Maybe where they came from that's the way it is, but that's not the way it is here. So what we need to get back to is whether or not we are legislating in a way that is wise, competent, and appropriate. All that we're doing with Senator Karpisek's bill is raising a penalty. We're not addressing anything in the way of a problem that society faces. Nothing that society faces as a problem will be addressed in any way... [LB844]

PRESIDENT SHEEHY: Time, Senator. [LB844]

SENATOR CHAMBERS: ...by us doing what we're doing here. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the closing. The question before the body is on the adoption of FA182 to AM1784. Senator Chambers. [LB844]

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

PRESIDENT SHEEHY: There has been 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: 25 ayes, 0 nays, Mr. President, to place the house under call. [LB844]

PRESIDENT SHEEHY: The house is under call. All unexcused senators please report to the Chamber. All unauthorized personnel please step from the floor. Senators, the house is under call. Senators, also record your presence. Senator Pedersen, Senator Fischer, Senator Nelson, Senator Lathrop, Senator Louden, Senator Friend, the house is under call. Senator Pedersen, Senator Friend, the house is under call. Senator, once all members are present, how will you wish to proceed? [LB844]

SENATOR CHAMBERS: I'll take a machine vote. [LB844]

PRESIDENT SHEEHY: All members are present and accounted for. The question before the body is on the adoption of FA182 to AM1784. Senator Chambers has requested a machine vote. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB844]

CLERK: 31 ayes, 1 nay, Mr. President, on adoption of Senator Chambers' amendment

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to the committee amendment. [LB844]

PRESIDENT SHEEHY: FA182 is adopted. The call is raised. Mr. Clerk, do you have items for the record? [LB844]

CLERK: I do, Mr. President, thank you. Your Committee on Natural Resources, chaired by Senator Loudon, reports LB1164 indefinitely postponed. Revenue, chaired by Senator Janssen, reports LB895 to General File with amendments. Business and Labor Committee, chaired by Senator Cornett, reports LB495 to General File and LB1020 indefinitely postponed. Health and Human Services, chaired by Senator Johnson, reports LB308 to General File with amendments; LB738, LB796, LB972, all to General File with amendments; and LB1074 indefinitely postponed. An announcement, Mr. President, Health Committee will meet in Room 2022 at 11:00 for an Executive Session. And additional reports: General Affairs Committee reports LB...chaired by Senator McDonald, reports LB689 to General File; LB993, General File; LB1103, General File; LB996, General File with amendments. That's all that I have, Mr. President. (Legislative Journal pages 716-723.) [LB844 LB1164 LB895 LB495 LB1020 LB308 LB738 LB796 LB972 LB1074 LB689 LB993 LB1103 LB996]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will proceed to the next amendment to committee amendment. [LB844]

CLERK: Mr. President, Senator Chambers would move to amend the committee amendments with FA183. (Legislative Journal page 710.) [LB844]

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA183. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, you did two things on that vote. You reinstated language that Senator Karpisek would have stricken. The language you reinstated would restore discretion to the judge in determining whether people involved in these matters should attend a certain course. That puts the law back where it was. So now I'm moving to page 8 in lines 10 and 12 where new language is inserted and I'm going to strike that. In lines 10 and 12...10 through 12, this is the language: "if a judge determines that attending such a course is in the best interest of the individual defendant." The problem is that when you go to the next page, you see where it is mandatory that a judge will do this. What I'm doing in three steps is what perhaps could have been done in one. But there is so much skepticism about what I do on these bills that I have to take it in small bites, and that's what I'm doing. If this amendment I'm offering is adopted, if the next amendment that I offer is adopted, we will have dealt entirely with the attempts of Senator Karpisek to deal with when somebody is going to be required to attend one of these courses that will tell you how terrible alcohol and other drugs besides tobacco, I presume, are. So this

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amendment would go to page 8 and it would strike new language that was inserted to try to get us back to where we ought to be based on the amendment we just adopted. That's the first thing you did. You restored the law to where it should be. The second thing you did was denied me the opportunity to take some more time. Because if you had not accepted the amendment, I could have made a motion to reconsider, and that would have given me at least an hour and a half or more. But that having failed, I will now go to this amendment. Remember, what I'm doing with my three amendments will not touch or alter any penalty that Senator Karpisek is trying to change. If that were my intent, I would state it. These amendments are not going to any of that. I'm dealing only with what obviously is a drafting misstep. Senator Karpisek has acknowledged it so that's why I'm not leaning on him and continuing to beat that horse. It's not necessary. But I'm using the opportunity that the offering of these amendments will give me to discuss other issues that are very pertinent to this legislation, very relevant, if you prefer that word. Nobody yet, other than myself, has talked about underlying causes of conduct. That is difficult. People don't have answers. When they were coming, and by "they" I mean people who were opposed to these keg parties, coming to the Judiciary Committee to penalize these adults who would provide the kegs and do other things, I talked then about how that legislation addresses in no way whatsoever what it is that will lead young people to engage in risky behavior. It's risky to their personal health. It is risky if they consume the alcohol and drive in a vehicle. It is risky if they get caught and are prosecuted for it--a triple whammy. Those of you who have had children, when has your child ever been deterred from doing something because you say, if you do that you'll go to hell? It don't work because they look at you and say, now you...they don't say it to you because you'd probably hit them and try to, pardon the expression, knock the hell out of them. They say, now you tell me that if I do this I'm going to hell. Now you've been in church longer than I have. You know about God and you know about hell, and you're doing something every day that will send you to hell and you ain't worried about hell. Why should I worry about it? You know more than I do. You're lying to me about this like you lie to me about so many things. So I'll sit here and I'll just tune you out. And when you get that lecture tone in your voice, I say, yes, sir; yes, sir; yes, sir, and I know what inflection to put in my voice. Then you go away saying, um-hum, I sure got over on him. And the kid is saying, I sure got over on him and will go and do the exact same thing again, the exact same thing again. You are not going to modify people's conduct for the better through threats and the infliction of harsh punishments. In England they had a practice that they called caning. It was really beating, cruel vicious beating of boys especially. And they found out, Senator Harms, through studies, I'm not discounting all studies. I'm saying some the findings may be more probative than others. For example, if you were talking about the people who were locked up in prison and you've got this discrete group and you can ask them what you did, that would be more significant. I'm not saying the study is not worth anything. But they did take studies in England of people who wound up committing murders and those who wound up being hanged even. And they found out that the ones who committed murders, by and large, were those who had had the harshest punishments inflicted on them at home and

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in school. The boys who were always caned became habituated to pain and it didn't mean anything at all. They took their licking. And what it did do was harden them and desensitize them because if this could be done to them by somebody under whose control they were, then they'd go out and use violence in their life. They were taught to use violence by the violence inflicted on them. Senator Carlson can tell you if I'm lying when I say the book said, render not evil for evil, but rather overcome evil with good. If somebody smites you on the one cheek, don't smite him back. You've heard it said by them of old time, an eye for an eye and a tooth for a tooth. That was crazy. That was violence multiplying violence. I'm giving you a different way, a better way, a more difficult way. But if you can do it, you will make things different and better if only insofar as your conduct because you will not commit an act of violence. If he smites you on the one cheek, offer him the other also. And you might say that won't make anybody do anything. But will it stop you from committing an act of violence? If it does, that is one less act of violence in the world. And to the extent that that is true, the world has been improved. If you got a coat and he takes your coat, give him your cloak also. Is that in the book, Senator Carlson? Say amen. He's nodding. Yes, it's in the book. And if a man forces you, Senator Carlson, if he forces you to go one mile with him, how many miles should you go? Twain, Mark Twain. If he forces you to go one mile, go with him twain. In other words, you are not going to diminish violence by inflicting violence. You are not going to teach a tiger not to eat raw meat by feeding that tiger all the raw meat that tiger can eat. So when you raise children on a diet of violence, disrespect, dehumanization, and humiliation, you might can make them behave a certain way while they're in your presence because they don't want to go through that. But they're going to be unleashed on the world and they're going to do all kinds of things. And you're going to say, gee, I don't know why;... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: ...I raised my child right. What do you mean you raised your child right? I beat him, I handcuffed him to the wall, I denied him food, I sent him to bed without eating. And the people look at you like you are Marquis de Sade or Jack the Ripper because that is not the way you're going to positively influence children for the better. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the opening of FA183 to AM1784. Members wishing to speak are Senator Karpisek, followed by Senator Chambers. Senator Karpisek. [LB844]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I should have spelled out maybe a little better last time that Senator Chambers' amendments are fine with me and they do get it back to where we intended the bill. And I will reiterate that I also have an amendment up behind his that would do the same things if we would just get to that and we could do that much quicker. But as you know, that is not the intention.

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Senator Chambers says that I am not worried about what this does to the kids; I just want to make more of a fine. What do you think I want the fine for, Senator Chambers? For them to think about it so they don't do it. Money plays a big part of my life. Speeding--if I'm going to speed to get here and I'm going to have to get a ticket and pay it, I slow down a little bit. That is the whole point of this bill, Senator Chambers, is to try to get our kids not to start on the path. That is why I tried in the first place to make it the same as alcohol. I don't think they should start on alcohol either. That is my intent. I don't want our kids to start down that path. I've seen it. I've seen it much too often. In my business, Senator, we hire high school kids. I've seen some of their friends go down the wrong path. I've seen what happens to them. It's not good. That's why I'm bringing this bill. To make more money for the state or school or wherever it goes, that is not the intention. The intention is to make them stop and think and not do it. By you saying that tobacco is more harmful than marijuana, I don't know. I guess I'd like to see some studies on that. I can't go there. I think that is ludicrous, that is...I just can't understand it. It goes into your lungs. It's not filtered. Who knows what all goes into it when they're growing it, when they're chopping it up, whatever they do with it? I don't know. So to say that it is less harmful than tobacco and not to say that tobacco is not harmful, I think...I remember was that last week we had this discussion. Of course it's harmful. It's just as harmful, if not more harmful. I think that we just had a terrible incident happen in Omaha at Von Maur. What I've heard, that young man was on marijuana, had smoked marijuana that morning. So to say that they just sit down and go to sleep and eat Cheetos is not true. That is not the case. I don't want people going down this path. And obviously, if I could make it stronger I would. I tried. I'm trying to come back, make it more reasonable I guess, not in my mind, I don't think not in Senator Harms's mind. But that's...you got to take what you can get. If fines aren't anything or if jail isn't anything, any sort of a punishment or a diversion, then why is... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR KARPISEK: ...minor in possession a Class III misdemeanor? If that was the case, then maybe that should be a \$100 fine also. And I know, Senator Chambers, you're going to say because alcohol is worse. I can't go there either. I think they're at least one equal to the other. I'm still looking for more statistics, but I don't think that I'll find any that you'll say are good enough. The one I handed out was signed by the American Psychiatric Association, Academy of Child and Adolescent Psychiatry, Society of Addiction Medicine, Asian Community Mental Health Services, Association for Medical Education and Research in Substance Abuse, Institute for Behavior and Health, Incorporated, National Asian American Pacific Islander Mental Health Association. That is the one that said marijuana... [LB844]

PRESIDENT SHEEHY: Time, Senator. [LB844]

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

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

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Karpisek a question or two. [LB844]

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

SENATOR KARPISEK: Of course. [LB844]

SENATOR CHAMBERS: Senator Karpisek, in all your reading, did you come across the literature that talks about the medicinal benefits of marijuana? Did you come across any of that? [LB844]

SENATOR KARPISEK: Yes, I did. [LB844]

SENATOR CHAMBERS: Are you aware that there are doctors, respectable doctors, respected doctors, oncologists, those who are specialists in cancer who say that marijuana will assist people on cancer in the way that no other drug will do? It would help them through these various treatments that they have to go through. It will cut down their nausea and illness and vomiting. Had you read of any things like that being the case? [LB844]

SENATOR KARPISEK: Yes, I have, Senator. [LB844]

SENATOR CHAMBERS: So marijuana can serve a medicinal function. Tell me any report you've ever read where tobacco serves a medicinal function. It doesn't exist, does it? [LB844]

SENATOR KARPISEK: Probably not. [LB844]

SENATOR CHAMBERS: All right, so tobacco is worse. But here's the point that I want to get to with you. The federal government under George Bush has decided to get on the hobby horse and say that marijuana cannot be used, period. If a state enacts a law that allows it to be used for medicinal purposes, the federal law can be invoked to bring criminal charges against the physician and against the person who uses it and the person who supplies it. Does that make sense to you, even though that's what Bush's administration says it will do, even though the federal law allows that? The fact that it's in the law, does that mean it's rational land that it's beneficial or could the law be wrong? [LB844]

SENATOR KARPISEK: There are many laws that are wrong. [LB844]

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SENATOR CHAMBERS: So I want to establish first of all that marijuana does have a medicinal value. Senator Karpisek, you said when you first brought this bill that you wanted to make the penalty for marijuana the same as these alcohol penalties against young people. I remember you saying that even if you've forgotten it. Do you remember you said that? [LB844]

SENATOR KARPISEK: Yes, and that was the intention. [LB844]

SENATOR CHAMBERS: Right. So when all this other stuff comes in, that's irrelevant. That's not why you brought the bill. So if I knock the legs out from under that invalid argument, then you're going to jump to another one and say but this is why. Here is what I wish...that's all I will ask you at this point. Thank you, Senator Karpisek. [LB844]

SENATOR KARPISEK: Thank you, Senator. [LB844]

SENATOR CHAMBERS: You've been very straightforward. People are aware, whether they are experts or not, that if a person has a habit and especially if it's at the level of an addiction. You might can lock that person in a room and keep him or her from the substance which the habit is based on or the addiction. You can dry them out so to speak. But you have not cured the addiction. You have not broken the habit. You have prevented them from indulging in the addiction or the habit. Until a person makes of his or her mind that the bottom has been reached, a change has to occur and I'm ready to make it, you are not going to do anything as far as helping that person with his or her addiction. Look at all these simple, addle-minded young actors and actresses and older people who are always going into drug rehab. They go there to avoid certain social consequences, sometimes legal consequences. Their addiction is not addressed. They are still addicts when they come out. So all of this talk about a harsher penalty means nothing and it's not going to touch the problem or cause anybody not to use marijuana who uses it now. Senator Karpisek, for your information, when all of these enhancements of penalties... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: ...against young people were before this body, I was the one who resisted them. I said you always want to take out after these young people. You don't want to do anything to the adults who know better and do worse because they can defend themselves. I tell them that I'm not going to low rate these young people. I'm not going to put them down and tell them they're worthless because there are enough other people who do that. The preacher does it; the teacher does it; their parents will do it; the legislators will do it. They need somebody who is going to tell them, you do have some intrinsic worth. Even if you're on the wrong path now, there is something in you worthy of being salvaged and it's up to you to do it, and then you explain to them what these things are. But to say, if you do this, I'm going to knock you down. And if you wake up

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and I ask you are you going to do it and you say, yeah, I'm going to do it, then I'm going to knock you down again, you'll knock them down, you will hurt them, but you're not going to cure or help them. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. (Visitors introduced.) Continuing, members wishing to speak on FA183: Senator Chambers, followed by Senator Carlson and Senator Karpisek. Senator Chambers, this is your third time. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. I'm going to continue on this bill talking about the things that I think we ought to be addressing--not statistics, Senator Karpisek; not studies, Senator Harms, but the young people who are in our midst. And I don't just mean in this room. In this city, in this state, in communities all over this state, whether a child lives in what would be considered by some a thriving metropolis like Omaha, they call it the Big O or whatever, or a semi-thriving metropolis, Senator Wallman, such as Lincoln, or a semi-metropolis two steps removed such as Grand Island or Scottsbluff, there are issues that people have when they're young. They are being told by others who have control over them: Do this, don't do that. And many times they're told, do it because I told you to do it. And if you don't do it, then I'm going to punish you. When the only reason you can give to somebody for their doing something or other is that punishment is to be avoided, it's not going to work, it's not going to last. Senator Carlson, it's difficult for a man to rear children. Especially is it difficult, or could be, for a man to rear a daughter. I never was harsh with my daughter. And I told her that I would give her the best advice and instruction that I could, but I was not going to follow her around to see what she did. I was not going to enlist other kids in the neighborhood as snitches. I was not going to put a manacle on my wrist, the other one on her wrist and a chain connecting them and I'm going to drag her around everywhere I go or I'm going to follow her everywhere she goes. I said, I'm going to trust you. And I know that old people get fooled and you can fool me. But I don't want you to feel you have to lie to me. Because when you come home, I'm not going to ask you things that will make you lie if because I know how young women might do I'm aware that you might have done it. I want you to understand that what I'm telling you is in your best interest. Don't do it because I tell you to do it. And if you go the other way and you make a mistake, I'm the one you can always come back to. And you're not going to get preached at, you're not going to be lectured, you're not going to be called names, you're not going to be slapped or anything else. I'm your father and my job is to be a father, to first of all try to be an example, then to explain to you everything I tell you I think you ought to do that you may not want to do, why you ought to do it. And then when you get older and out from under this roof, you're going to find out that what I told you was the right thing. I won't tell anybody how to rear their children. I didn't whip my children. I didn't threaten them. I didn't raise my voice at them. I didn't raise my hand to their mother, never raised my voice to her. They never saw me do anything toward their mother or toward them that was inappropriate. And another

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thing I told my daughter, I will never lay violent hands on you. You will get out of this house and you're going to get older and you're going to deal with some crazy males. You're going to think they're great, but they're not. But here's what I want you to be able to say if any of them wants to put his hands on you, my father didn't put his hands on me like that and neither are you. Don't let a man strike you. Don't let a man be violent with you. You're better than that. We don't know what our children are going to do. They might let it go in one ear... [LB844]

PRESIDENT SHEEHY: One minute [LB844]

SENATOR CHAMBERS: ...and out the other. My responsibility as a parent was not to make my children do anything, but to offer them the guidance that I thought was appropriate, that might help them get through the world with as little mishap as possible. But if they stumbled, then I wanted them to know that was not the end of the world. And that's why when we come to this kind of mess that we have before us in the Legislature and I don't hear one word about the children and what they confront in this society and the problems they have that we didn't have, we didn't have an Internet. We didn't see sexual acts on cable, simulated sex in the theater, everywhere you turn. We did not confront that. So when we talk about how things were when we were growing up, it is totally irrelevant, except insofar as that there are temptations that will reach out and grab young people. And old people ought to understand because we were there and some of us did worse things than they will ever think about doing. But we pretend that we didn't so we can't... [LB844]

PRESIDENT SHEEHY: Time, Senator. [LB844]

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

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

SENATOR CARLSON: Mr. President and members of the Legislature, knowing that we're spending some time here, I thought I'd get involved a little bit. And, Senator Karpisek, I'd like to ask a question if you would yield. [LB844]

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

SENATOR KARPISEK: Yes. [LB844]

SENATOR CARLSON: On this amendment, FA183, that refers to page 8, in striking lines 10 through 12, earlier in line 8, "shall be assigned" but only "if a judge determines that attending such a course is in the best interest of the individual defendant." But you are okay with Senator Chambers' amendment? What's wrong with this? [LB844]

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SENATOR KARPISEK: Well, I thought that the "shall" and "if" would be all right. But Senator Chambers has much more knowledge about that than I do. As I said, I did not mean to take any of the authority away from the judge. So when Senator Chambers gets through his three amendments, that's what he will do. My amendment next up would also do the same thing. [LB844]

SENATOR CARLSON: Okay, thank you for your response to that. [LB844]

SENATOR KARPISEK: Thank you. [LB844]

SENATOR CARLSON: And I'd like to address a couple of questions to Senator Chambers, if I could. [LB844]

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

SENATOR CHAMBERS: Yes, I will. [LB844]

SENATOR CARLSON: Senator Chambers, I listened to your testimony extensively this morning, and quite a bit earlier you made some kind of a statement that people take it as gospel. What does that mean? [LB844]

SENATOR CHAMBERS: Well, to most people the term "gospel" refers to something that is true. So if you use the expression "they take it as gospel," they will accept it as true without any evidence. [LB844]

SENATOR CARLSON: Okay. I agree with you there, and I just appreciate your using of the term "gospel" referring to truth. Now, Senator Chambers, why does...you talked about medicinal value. Why does a person take medicine? [LB844]

SENATOR CHAMBERS: You mean in general? [LB844]

SENATOR CARLSON: Yes. [LB844]

SENATOR CHAMBERS: To either cure or treat an ailment. [LB844]

SENATOR CARLSON: There's a good reason...there needs to be a good reason for taking medicine. Would you agree? [LB844]

SENATOR CHAMBERS: I agree. [LB844]

SENATOR CARLSON: And you would agree that just because medicine is good for a certain condition doesn't make it good for other conditions or just to be taken haphazardly. [LB844]

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SENATOR CHAMBERS: I would agree with the statement as you have laid it out.
[LB844]

SENATOR CARLSON: Okay. Thank you. You also talked a little bit earlier and mentioned the importance of addressing the cause of bad behavior, not just addressing bad behavior, and I agree with that. You even mentioned parents in your statement. And then I appreciated what you said just before I got up to speak here and you talked about your daughter. And as I'm sitting there listening to that, I think very definitely young people want boundaries. But your daughter and my daughter in boundaries, they want to make sure that we love them. I don't have any question about you on that. Also our daughters want to make sure and they want to be confident that we have their best interest at heart. And if they believe that, they're going to accept whatever discipline we may have in the way that it's supposed to be accepted to make them a better person and to lead them down the right path. And I appreciated your testimony on that. So wanted this opportunity just to join in the conversation a little bit, and I'll listen to the rest of the debate. Thank you. [LB844]

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

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I do just want to say again that Senator Chambers' amendments are very much like my amendment after. The first amendment is number one, the second amendment number two, and the third amendment number three in mine. I will pull those, my amendment, if we get to it, if Senator Chambers' go through. I just wanted to try to bring it and have it there in case Senator Chambers had a change of mind and would just like to skip over his, which I wasn't expecting. I do feel that there has to be somewhere that we have enough of a punishment to try to get people to do things. We have toughened our DWI laws. Do they work? Not as well as they should, but they're working better than they did before. We have toughened many other laws to try to get people to stop doing something. We just passed a smoking ban for goodness' sake. I guess I draw a little bit of a distinction there between the two of those. We're telling people that they can't smoke in their own business or have their customers smoke in their own business, but it's okay to smoke marijuana. Again, I can't...I just can't see that that even makes sense to me. I know that, Senator Chambers, you and I are wired much differently. That's obvious. And I would have to say that most of the time I would say that you're right. But on this one I just can't go there. We're talking about just because marijuana has some medicinal value that it has to be better than tobacco? Tobacco doesn't cause you to go shoot someone, I don't think. There may be some sort of study on that. I doubt it. We just need to try to keep kids on the straight and narrow. They've got enough things to try to pull them down. We want them to be productive members of society. And if they're not, I'll be the first one in here to fight for them then to try to get them what they need. I think if we do a little bit of prevention here that we can save some cure in the long run. Other than money, I don't

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know--what else can you do? Senator Schimek doesn't want to send them to jail because the jails are already too full. I can't argue with that point that they are too full. I don't know what else to do. We talk about one point that I passed out--the mom in Omaha that taught her four-year-old daughter how to smoke marijuana. In my opinion, she must think that marijuana is okay; it won't hurt her; it will make her sleep. I think that we all know that that isn't the case. Maybe some things like this, at least just bringing it up and talking about it, maybe it will help some of those situations. A four-year-old and a two-year-old smoking marijuana--I don't think that any of us could even imagine anything like that, but it happened in our own state. I guess at the end of the day what I want is to have alcohol and marijuana treated the same, as... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR KARPISEK: ...Senator Chambers brought up. But I didn't have just one reason for bringing this bill. I don't think there's any one reason that any bill is brought up. There are numerous reasons. I don't think the law, as it stands now, is fair. I don't think it deals with the way society is today. And I just don't think it's the way that we should keep going. That is why I brought the bill and that is why I will continue to fight for it and to stand out here and get schooled a little bit by Senator Chambers. Thank you, Mr. President. [LB844]

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

SENATOR LANGEMEIER: Mr. President, I'd yield my time to Senator Chambers. [LB844]

PRESIDENT SHEEHY: Senator Chambers, you're yielded 5 minutes. [LB844]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Langemeier. Senator Karpisek made some statements. He did hand around an article that headline...it's headlined "Child tells Omaha police how she used marijuana." And he's correct--the article says she was four. He said how bad it is to have four-year-old and two-year-old children using marijuana. Had he read the article that he gave us, he would see this line: Police have no evidence that the two-year-old boy actually used marijuana. So you see how people make these general statements when they're inaccurate. His statement is inaccurate based on the article he gave us. Many statements about marijuana fall into the same category. When I mentioned the medicinal values of marijuana, it was for the purpose of demonstrating that this is not a substance which has no socially redeeming value. The studies that are cited are all designed to show that marijuana is a terrible thing and all the harm that it causes. I have not said smoking marijuana is good. I have not said smoking tobacco is good. We're talking about the establishments of penalties for conduct which society is going to say is inappropriate. The only time a person is punished for imbibing alcohol is when it's done

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in a way that violates the law. So there can be an illegal use of a legal substance. Senator Karpisek mentioned that this boy who shot those people at Von Maur had used marijuana before he did that. I haven't seen where anybody said that smoking marijuana caused him to do it. They talked about medication that he was on which he had stopped taking. He was under psychiatric care. He was receiving counseling. So there were underlying problems that had nothing to do with marijuana. But you see how people will jump and they will make the fact that he smoked marijuana the cause of all those people being shot. Again, a misstatement, a misrepresentation, but people will swallow it because it goes in line with what they want to have believed. Many things are accepted and believed which are not true. Senator Karpisek is not looking at the reality of this situation. Nobody who would oppose his amendment is doing it on the basis of saying that marijuana use is okay. He doesn't see me offering an amendment to make it all right to use marijuana. I'm talking about the penalties and there are penalties right now in the law for marijuana use. This is not a situation where we have no penalty. Senator Karpisek reminds me of the people who in attacking my opposition to the death penalty will say, well, Senator Chambers doesn't think murderers ought to be punished. That shows how silly these people are and why I don't even discuss it with them. They don't know enough for me to have a discussion with them. Senator Karpisek is showing himself to be very ill-informed on this issue. People who use marijuana are punished now. There are penalties now. I'd like to ask Senator Karpisek a question or two. [LB844]

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

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, where would a person get...what is the fine...before I get to that, did you say that money...having to pay money in the form of a fine might have an impact on the use of marijuana by young people? [LB844]

SENATOR KARPISEK: Yes. [LB844]

SENATOR CHAMBERS: Okay. And you think they'll know what the penalty is for this. [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR KARPISEK: They do now. [LB844]

SENATOR CHAMBERS: Do they...do you know the penalty for speeding? [LB844]

SENATOR KARPISEK: Well, it depends. [LB844]

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SENATOR CHAMBERS: How many people do you think know what the punishment is for conduct that they know is against the law? [LB844]

SENATOR KARPISEK: Senator Chambers, not very many,... [LB844]

SENATOR CHAMBERS: I know. [LB844]

SENATOR KARPISEK: ...but I know most young adults do know what the fine is. [LB844]

SENATOR CHAMBERS: You don't know that. How do you know that? How many... [LB844]

SENATOR KARPISEK: Because I talk to them. [LB844]

SENATOR CHAMBERS: How many did you...you live in Wilber, don't you? [LB844]

SENATOR KARPISEK: I... [LB844]

SENATOR CHAMBERS: How many young adults live in Wilber? [LB844]

SENATOR KARPISEK: Oh, gosh, probably... [LB844]

SENATOR CHAMBERS: 30? [LB844]

SENATOR KARPISEK: ...500. [LB844]

SENATOR CHAMBERS: 1,200. [LB844]

SENATOR KARPISEK: 500. [LB844]

SENATOR CHAMBERS: And that...your world is so narrow that that's all the young adults. And you didn't even talk to all of them, did you? [LB844]

SENATOR KARPISEK: I don't just stay in Wilber. [LB844]

SENATOR CHAMBERS: Did you talk... [LB844]

SENATOR KARPISEK: I tend to get around a little bit. [LB844]

SENATOR CHAMBERS: Did you talk to all those young people, those young adults in Wilber? [LB844]

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SENATOR KARPISEK: No, I didn't poll each and every one. [LB844]

SENATOR CHAMBERS: Okay, so you're just making a statement off the top of your head to... [LB844]

SENATOR KARPISEK: No. [LB844]

SENATOR CHAMBERS: ...coincide with what you're talking about. [LB844]

SENATOR KARPISEK: No. The ones I talked to knew. [LB844]

SENATOR CHAMBERS: Well, how many did you talk to? [LB844]

SENATOR KARPISEK: Oh, gosh, I suppose I've talked to a couple hundred. [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 FA183? Seeing none, Senator Chambers, you're recognized to close. [LB844]

SENATOR CHAMBERS: Mr. President, members of the Legislature, we have young people in this Chamber, there are young people who watch our deliberations, and they probably shake their head and say, if I answered questions on an exam the way these people are talking, I'd flunk. On the legislative floor, you don't have to know what you're talking about. You don't even have to listen. I'm talking about Senator Karpisek and he's over there lollygagging. Senator Karpisek ought to hear what I'm saying about him. Now he jumps out of his chair and I didn't even ask him to stand up. See, when you don't pay attention you're completely out of the game. Senator Karpisek has talked to, he said, and I'll take his word for it, 200 young adults in Wilber and all of them knew the penalty for marijuana usage. That's what he said and I'll accept it. If you put...if there are 1,200 and he talked to 200 and you knock the two zeros off and you have 2 over 12, 2 goes into 2 once; 2 goes into 12, 6. One-sixth equals what percentage? Senator Karpisek wouldn't tell us. Would it be 16 2/3?. Is 1/6, 16 2/3? Okay. Now he talked to that small a percentage of the number of people in Wilber and draws a conclusion. One reason on this amendment it doesn't matter whether people listen or not, which they're not doing, Senator Karpisek agrees with it. I'm doing in three steps what could have been done in one. But I want the opportunity to discuss other things, and I would have run out of time if I had offered it in one amendment. There are still other aspects of the bill with which I disagree, and those aspects relate to the penalties. And what Senator Karpisek and I are going to do is handle it like an auction. I'd like to ask Senator Karpisek a question.

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[LB844]

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

SENATOR KARPISEK: Yes, I will. [LB844]

SENATOR CHAMBERS: Senator Karpisek, what is the maximum penalty under any of the provisions in your bill? What's the maximum amount anybody would have to pay? [LB844]

SENATOR KARPISEK: On the less than one ounce, Senator? [LB844]

SENATOR CHAMBERS: Yes. [LB844]

SENATOR KARPISEK: The least, \$300. [LB844]

SENATOR CHAMBERS: The most, the maximum. [LB844]

SENATOR KARPISEK: The most, \$500. [LB844]

SENATOR CHAMBERS: Okay. So then we could start out at \$500 and I want to change that penalty, I could offer an amendment to make it \$490, right? Then \$480, right? [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: And we can get our 8 hours and you think you can get 33 votes for cloture, right? [LB844]

SENATOR KARPISEK: Right. [LB844]

SENATOR CHAMBERS: And what's going to happen to the bills after yours if we get cloture on that one? Can they all get cloture too? Or don't you worry about that? [LB844]

SENATOR KARPISEK: Sure, I do worry about that, Senator. [LB844]

SENATOR CHAMBERS: And will you vote cloture on every bill that we'll consider this session? [LB844]

SENATOR KARPISEK: No, probably depends what they are. [LB844]

SENATOR CHAMBERS: Oh, but you want them to vote cloture for you, but you're not willing to go out on the limb for them. Right? [LB844]

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SENATOR KARPISEK: Oh, I didn't say all. I said not all of them. [LB844]

SENATOR CHAMBERS: Uh-huh. Would... [LB844]

SENATOR KARPISEK: Maybe like yours. [LB844]

SENATOR CHAMBERS: Would you vote cloture for all of those...the bills of everybody who votes cloture for you, just those bills? [LB844]

SENATOR KARPISEK: No, not if I didn't agree with the bill. [LB844]

SENATOR CHAMBERS: Oh, so you're asking for what you're not willing to give, huh? [LB844]

SENATOR KARPISEK: Hey, if they don't agree with my bill they don't have to. [LB844]

SENATOR CHAMBERS: But all they're agreeing with you on is shutting me up. All you'd be agreeing with them on is shutting me up. [LB844]

SENATOR KARPISEK: No, not at all. [LB844]

SENATOR CHAMBERS: So you wouldn't agree to shut me up if you didn't agree with their bill. [LB844]

SENATOR KARPISEK: Correct. [LB844]

SENATOR CHAMBERS: Oh. Thank you, Senator Karpisek. Members of the Legislature, this amendment is trying to get us back to where the law ought to have been when it comes to the judge having discretion as to whether people who violated certain alcohol, well, certain drug offenses,... [LB844]

PRESIDENT SHEEHY: One minute. [LB844]

SENATOR CHAMBERS: ...who have committed certain offenses will have to take certain courses. This is the second step in that three-step process, and I'm asking that it be adopted. I will ask for a call of the house, Mr. President, and I will accept a machine vote. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. There has been a request for a call of the house. The motion before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB844]

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CLERK: 28 ayes, 0 nays, Mr. President, to place the house under call. [LB844]

PRESIDENT SHEEHY: The house is under call. All unexcused senators please report to the Legislative Chamber. All unauthorized personnel please step from the floor. The house is under call. Senators, please record your presence. Senator Lautenbaugh, would you please check in. Senator Chambers, all members are present. The motion before the body is on the adoption of FA183 to AM1784. We will record by machine vote. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB844]

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

PRESIDENT SHEEHY: FA183 is adopted. The call is raised. We'll proceed to the next amendment, Mr. Clerk. [LB844]

CLERK: Mr. President, Senator Chambers would move to amend with FA184. (Legislative Journal page 710.) [LB844]

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA184. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this is step three. It will strike language that is found in lines 4 and 5 on page 9. That language is, "and be assigned to attend a course as prescribed in section 29-433." That section that they cross-referenced left it discretionary with the judge. This existing law without this language is mandatory. It tells that a person who violates a certain provision of law shall be guilty of a Class III misdemeanor. But for some reason, additional language was added here. All this original law that we have on page 9, beginning in line 1, would do is to establish the nature or the name of the offense. The existing law says any person violating this specific section shall be guilty of a Class I misdemeanor. The second sentence: Any person violating any of the provisions of, and it gives other sections, shall be guilty of a Class III misdemeanor. If you adopt my amendment, it will put that law right back where it is and just tell you the name of the offense for violating certain provisions of law. You will not have added language that has nothing to do with naming this offense. The language that I'm striking is totally in discord as far as the original existing language of the law. And Senator Karpisek agrees with this amendment. If you added this language, you are adding to a penalty. A Class I misdemeanor has listed in the statute what the punishment is for any Class I misdemeanor. There is already in statute a statement of what a Class III misdemeanor will draw by way of a punishment. They're adding this new language which modifies what happens when you're guilty of a Class I misdemeanor, when you're guilty of a Class II misdemeanor under the existing law. And that is not the way it should be done. And Senator Karpisek recognizes that. So when this amendment is adopted, we will

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restore Section 53-180.05 to its existing status in the law. The contradictory references to whether or not a person will be referred to a certain course of instruction by a judge will then be taken out of this bill altogether. The only thing with reference to that matter will be found on page 6 in lines 13 through 15. This is the language we reinstated and this is all that will exist with reference to what a judge is going to do as far as assigning somebody to one of these courses: "if the judge determines that attending such course is in the best interest of the individual defendant." That is the existing law. That is the state of the law now with the amendment that we adopted the first time around. All the other references, namely, two, will no longer exist. Senator Karpisek then has an amendment that he's going to offer, and I'm going to have to review that to see how it will tie into the law that he's offering us, or the amendment, in view of what we have done here already. He has said that what he wants to do...well, I'll let him say what he wants to do. I don't want to misstate it. All that mine would do is strike some language which ought not to have been there. And I need time, and part of the time, I will tell Senator Karpisek, between now and tomorrow when we come back or whenever this bill comes up again, I'm going to review his amendment. I don't like it. I don't like the bill. But he and I will talk to make sure that it accomplishes what he wants to do in light of the condition of the bill as it has been amended. I told him that in none of my amendments am I trying to trick him or mislead him. I'm being as direct and straightforward as I can. And that's what I've done with reference to the amendments and the other things that I've said. I mean all of them. But I'm not trying to put him in a position where he may inadvertently do the opposite of what he's trying to do or harm what it is he's trying to do. I want him to put his best foot forward. If I'm going to fight with somebody, Senator Karpisek, I don't want him to have a broken right shoulder, a dislocated left shoulder, and be amputated at the right knee and he's hobbling around on one left foot and he got three toes missing and a sprained ankle and he can't use either arm and I'm going to fight him. No, I won't, not just because I don't want to seem cruel, but suppose he finds a way to whip me? (Laugh) So I'm not going to use any subterfuge on you. This amendment I do think ought to be adopted. How we got to where we are in terms of these conflicting statements is not really that important because I'll tell you one reason, in addition to wanting to kill his bill, that I'm doing this. On the floor of the Legislature we can do a lot of corrective work. We have to pay attention. This that I'm doing is simple. None of the issues is complex. But there will be other bills where complexity is going to be a part of the mix and you'll have to pay more attention. And people shouldn't say immediately, well, this should have been done in committee and so forth and so on. I might even say that, but that's a tactic of mine. The fact is that when something comes out on the floor it belongs to all of us. We all should participate in the lawmaking process, but I know we're not. The fact that others won't, Senator Carlson, does not make me feel that I should not. One thing that never happened to me in church when I saw those hypocrites, I never said that because they are hypocrites and wrongdoers that justifies me. It just let me know I can't do like they do. My standard of right and wrong affects me, whether anybody lives up to what they say they believe in or not. But if they set up what they say is a standard they believe in,

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and if they're going to proselytize and evangelize, then I want them to practice what they preach first. And then what they have still may not make sense, but at least that element of hypocrisy is not a part of it. They genuinely believe what they have is good and they want to share it. But they shouldn't be like the Jehovah's Witnesses who come around early in the morning bawling on your door and talking to you about all kind of nonsense. How much time do I have, Mr. President? [LB844]

PRESIDENT SHEEHY: One minute, twenty seconds. [LB844]

SENATOR CHAMBERS: I will say this and then we probably will have to get out of here for the day, and I know parting is such sweet sorrow, but there was an attack made against a religion and a federal judge said, it's not for this court or any other court to deal with the merits, the flaws, and fallacies of any religion because you'd infringe on people's religion, meaning they can believe anything they want to as long as they're not hurting others. So when I talk the way that I do on religion, take it for what it's worth. When I talk about what's best for children, I mean every word of that and I'm as right as rain. Thank you, Mr. President. [LB844]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Mr. Clerk, do you have items for the record? [LB844]

CLERK: I do, Mr. President. Your Committee on Education, chaired by Senator Raikes, reports LB1157 to General File with committee amendments attached. The Transportation and Telecommunications Committee, chaired by Senator Fischer, reports LB786 to General File with amendments; LB1051, General File with amendments; LB1068, General File with amendments; and LB1069 and LB1091 indefinitely postponed. Retirement Systems Committee, chaired by Senator Synowiecki, reports LB1143 to General File; LB329 indefinitely postponed, as is LB937 and LB938. Mr. President, I have confirmation reports from the Transportation and Telecommunications Committee; Senator Karpisek, an amendment to LB844 to be printed. An announcement, Mr. President: There will be a meeting of the Revenue and Appropriations Committee together today at 1:00 in Room 1524; Appropriations and Revenue at 1:00. Senator Langemeier would like to add his name to LB606 as cointroducer. (Legislative Journal pages 724-731.) [LB1157 LB786 LB1051 LB1068 LB1069 LB1091 LB1143 LB329 LB937 LB938 LB844 LB606]

And I have a priority motion, Mr. President. Senator Engel would move to adjourn until Thursday morning, February 28, at 9:00 a.m. []

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, February 28, 2008, at 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned. []