

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

Floor Debate
May 15, 2015

[LB173 LB173A LB176 LB196 LB226 LB259A LB259 LB265 LB268 LB320A LB325 LB390
LB468A LB547A LB547 LB581A LB599 LB607 LB607A LB619 LB623 LB629A LB643A
LB643]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE EIGHTY-FIRST DAY OF OUR ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN TODAY IS SENATOR KRIST. PLEASE RISE.

SENATOR KRIST: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU. I CALL TO ORDER THE EIGHTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, RECORD.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: CORRECTIONS TO THE JOURNAL?

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

SPEAKER HADLEY: MESSAGES, REPORTS, ANNOUNCEMENTS?

ASSISTANT CLERK: TWO ITEMS, MR. PRESIDENT: A REPORT OF REGISTERED LOBBYISTS FOR THE CURRENT WEEK ALONG WITH AN ANNOUNCEMENT THAT VARIOUS AGENCY REPORTS HAVE BEEN FILED ELECTRONICALLY AND ARE AVAILABLE THROUGH THE LEGISLATURE'S WEB SITE. THAT'S ALL I HAVE THIS MORNING. (LEGISLATIVE JOURNAL PAGE 1661.)

SPEAKER HADLEY: MR. CLERK, WE WILL START WITH SELECT FILE.

ASSISTANT CLERK: MR. PRESIDENT, ON LB268, THERE ARE E&R AMENDMENTS. (ER85, LEGISLATIVE JOURNAL PAGE 1228.) [LB268]

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SPEAKER HADLEY: SENATOR HANSEN. SENATOR CHAMBERS, I DO HAVE...SENATOR CHAMBERS, WILL YOU...ON THE E&R AMENDMENTS? [LB268]

SENATOR CHAMBERS: YES, MR. PRESIDENT. I MOVE ADOPTION OF THE E&R AMENDMENTS TO LB268. [LB268]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS TO LB268. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE AMENDMENTS ARE ADOPTED. [LB268]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB268, THE FIRST AMENDMENT I HAVE IS FROM SENATOR McCOY. THAT IS AM722. I HAVE A NOTE HE WISHES TO WITHDRAW THAT AND SUBSTITUTE AM1286. (LEGISLATIVE JOURNAL PAGE 1662.) [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS, GOOD MORNING. I DON'T EMBARK ON THIS LIGHTLY, BUT PREPARE FOR A LONG DISCUSSION ON THIS ISSUE THIS MORNING BECAUSE I HAVE A LOT TO SAY, AS DO OTHERS. THE AMENDMENT YOU SEE BEFORE YOU I'M EXTREMELY SERIOUS ABOUT, AND I WILL PUSH IT TO A VOTE, AND I'LL PUSH IT TO A RECONSIDER VOTE IF IT FAILS. THE AMENDMENT YOU SEE BEFORE YOU, AM1286, IS TO PUT THE ISSUE OF THE DEATH PENALTY TO A VOTE OF THE PEOPLE AS A CONSTITUTIONAL AMENDMENT BECAUSE ON AN ISSUE OF THIS SEVERITY, THE PEOPLE OF NEBRASKA DESERVE THE OPPORTUNITY TO WEIGH IN. YES, THEY SENT 49 OF US HERE TO DO THE PEOPLE'S BUSINESS, AND WE DO. BUT ON ISSUES OF GRAVE IMPORT, TIME AFTER TIME AFTER TIME IN THE HISTORY OF THE LEGISLATURE, WE HAVE SENT MEASURES TO THE PEOPLE FOR THEIR INPUT AS THE SECOND HOUSE IN THE GREAT STATE OF NEBRASKA. AND THAT'S WHAT THIS AMENDMENT IS. THE PEOPLE OF NEBRASKA DESERVE THE OPPORTUNITY TO WEIGH IN ON WHETHER OR NOT THEY BELIEVE THAT WE SHOULD KEEP THE DEATH PENALTY FOR THOSE WHO HAVE COMMITTED THE MOST HEINOUS CRIMES AGAINST OUR FELLOW NEBRASKANS, UNSPEAKABLE CRIMES OF ATROCITY, PERPETRATED AGAINST INNOCENT NEBRASKANS, BOTH BEFORE THESE INDIVIDUALS WERE IN PRISON, AND THEN CONTINUED MURDERS WHILE THEY WERE IN PRISON. I WANT TO READ TO YOU THIS MORNING, TO BEGIN WITH, SOME VERY POIGNANT WORDS THAT WERE SENT TO ME BECAUSE THIS

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STRIKES NEAR AND DEAR TO ME, ESPECIALLY WITH THE MARINERO CASE THAT DOUGLAS COUNTY IN OMAHA HAS FACED IN THE LAST WEEK AND A HALF. THE SECOND MURDER IN THIS CASE HAPPENED IN MY DISTRICT, DISTRICT 39, BARELY TWO MILES FROM WHERE MY FAMILY AND I LIVE. LET ME ASK SOME OF YOU, I KNOW THERE'S A FEW IN THIS BODY THAT HAVE GRANDCHILDREN, NIECES, NEPHEWS, GREAT-NIECES, NEPHEWS, CHILDREN. MY WIFE AND I HAVE A FOUR-YEAR-OLD. SHE IS ABOUT TO TURN FIVE. HER NAME IS TESS. I MISSED THE FIRST HOUR AND A HALF YESTERDAY MORNING BECAUSE TESS HAD HER PRESCHOOL GRADUATION. WE LOVE HER TO DEATH. I CAN'T IMAGINE WHAT WENT THROUGH THAT CHILD'S MIND TO BE THROWN OFF A BRIDGE, TO DROWN IN THE WATERS OF THE ELKHORN RIVER. DOUGLAS COUNTY ATTORNEY DON KLEINE IS PRESSING, GOING FOR THE DEATH PENALTY IN THIS CASE, IN THE MY OPINION, AS HE SHOULD. I WANT TO READ TO YOU WORDS THAT WERE SENT TO ME AND WHY THIS ISSUE IS SO IMPORTANT TO ME AND WHY I WILL SPEND EVERY MOMENT I HAVE TO, TO KEEP THIS ISSUE IN FRONT OF THE LEGISLATURE AS LONG AS I'M HERE. IF ONLY LIFE IN NEBRASKA WERE LIKE IT'S SUPPOSED TO BE FOR EVERY MAN, WOMAN, AND CHILD--CAREFREE HOURS ON THE PLAYGROUND, STEPPING OFF A SCHOOL BUS, STARTING YOUR PAPER ROUTE, STOPPING BY THE BANK, SITTING IN YOUR FAVORITE CHAIR AT HOME IN THE EVENING IN YOUR ROBE. BUT FOR NEBRASKANS WHO WERE JUST DOING THOSE ORDINARY THINGS, THE GOOD LIFE SUDDENLY STOPPED AND SCREECHED TO A VIOLENT END. THEY BECAME MURDER VICTIMS, SUBJECTED TO AGONIZING SUFFERING, PANIC, PAIN, AND IN THE COLD DARK SILENCE OF DEATH. THE 19 NEBRASKANS MURDERED BY THE 11 DEATH ROW INMATES WERE SHOT IN THE HEAD AT CLOSE RANGE, EXECUTION STYLE. THEY WERE SERIOUSLY INJURED BUT DENIED MEDICAL TREATMENT, SO THAT THEY DIED IN INCREDIBLE PAIN. SEVERAL WERE ABDUCTED. NONE HAD A CHANCE TO SAY GOOD-BYE TO THEIR LOVED ONES. THEIR BONES WERE BROKEN, THEIR THROATS WERE SLIT. THEY WERE DROWNED, THEY WERE STRANGLERED, THEY WERE SKINNED ALIVE. THEY WERE RAPED AND SODOMIZED. AND THEN TO TRY TO CONCEAL THE EVIDENCE OF THE MURDER, MANY OF THEM WERE BURIED IN SHALLOW GRAVES IN REMOTE AREAS, HAD THEIR BODY PARTS CUT OFF, AND ONE THREE-YEAR-OLD BOY WAS EVEN PARTIALLY FED TO A DOG. NOW WE HAVE THE ADDED SPECTER OF THE BEAUTIFUL YOUNG MOTHER, ANDREA KRUGER, PULLED OUT OF HER SUV ON HER WAY HOME FROM WORK IN NORTHWEST OMAHA, SHOT DEAD, AND LEFT IN THE STREET, AND THREE OTHER VICTIMS OF NIKKO JENKINS, AWAITING A POSSIBLE DEATH SENTENCE. AND WE HAVE THE HORRIBLE HAUNTING, UNBELIEVABLE RECENT TRAGEDY, THE YOUNG MAN FROM EL SALVADOR WHO STABBED AND CLUBBED HIS MOTHER TO DEATH RIGHT BEFORE MOTHER'S DAY, STUFFED HIS BABY BROTHER IN A DUMPSTER AND THEN DROPPED HIS FOUR-

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YEAR-OLD BROTHER INTO THE SPRING SWOLLEN ELKHORN RIVER. CAN YOU IMAGINE THE LITTLE BOY STRUGGLING FOR HIS LIFE AGAINST THE CURRENT, GRASPING FOR THE BRUSH ALONG THE BANK, ULTIMATELY GIVING UP TO THE COLD DARK REALITY OF DEATH. IF TEARS DON'T SPRING TO YOUR EYES AND YOU DON'T CHOK UP AT THIS, I DON'T KNOW WHAT WILL MAKE YOU. HE WAS FOUR YEARS OLD. IT'S THE STUFF OF EVERY ONE OF OUR WORST NIGHTMARES. YOU READ ABOUT THESE MURDERS, AND YOU HEAR THE PLEAS FOR JUSTICE FROM THE VICTIM'S SURVIVORS, AND REALIZE THAT WE, AS CIVILIZED HUMAN BEINGS MADE IN GOD'S IMAGE, HAVE GOT TO RESPOND IN THE MOST POWERFUL, SOLEMN, COMPASSIONATE WAY. WE MUST DELIVER A PUNISHMENT THAT MAKES IT CRYSTAL-CLEAR JUST HOW MUCH WE VALUE, RESPECT, AND MOURN THE INNOCENT HUMAN LIVES THAT WERE SO BRUTALLY VIOLATED AND TAKEN IN THESE DEATH ROW MURDERS. LOOK INTO THE BEAUTIFUL, INNOCENT FACES. STAND UP FOR BEAUTIFUL, INNOCENT LIFE BY KEEPING THE DEATH PENALTY ULTIMATE PUNISHMENT THAT FITS THE ULTIMATE CRIME. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SENATOR KRIST, YOU'RE RECOGNIZED [LB268]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. AND GOOD MORNING, NEBRASKA. I WILL DO WHAT I DID LAST TIME ON THIS SUBJECT. I EXPECT WE'LL BE HERE FOR FOUR HOURS. I WILL SPEAK ONCE. I WILL TELL YOU WHERE I'M AT AND THEN I WILL GIVE YOU A STORY THAT I HOPE YOU TAKE TO HEART AND TAILOR YOUR WORDS CAREFULLY TODAY BECAUSE OF IT. I'M A CONVICTED PRO-LIFE PERSON WHO BELIEVES IN LIFE FROM CONCEPTION TO NATURAL DEATH. I DON'T BELIEVE IN VENGEANCE. VENGEANCE IS THE LORD'S. THAT'S WHERE I'M AT. I'M SURE MANY OF YOU ARE WHERE YOU ARE AND NO MATTER HOW MANY STORIES YOU HEAR TODAY, OR HOW MANY PEOPLE STAND UP AND TELL YOU FACTUAL ACCOUNTS OF WHAT HAPPENED, I'M PRETTY SURE YOU'RE NOT GOING TO CHANGE YOUR VOTE. BUT I WAS IN THE CHAIR WHEN WE DISCUSSED THIS LAST AND I RECEIVED MANY ANGRY E-MAILS AND PHONE CALLS BECAUSE THERE WERE KIDS OF ALL AGES IN THOSE BALCONIES, LISTENING TO THE GRUESOME DETAILS THAT SOME OF MY COLLEAGUES DECIDED TO GO OVER AND OVER AND OVER. THEY WERE MOTHERS, THEY WERE GRANDMOTHERS, THEY WERE FATHERS. THERE WAS EVEN A CHILD. SO, AS WE TALK ABOUT THIS TODAY, REALIZING THAT WE ARE ALL ON DIFFERENT SIDES OF THIS ISSUE AND WE WILL EITHER VOTE RED OR GREEN, BE CONSIDERATE, NOT JUST TO THE CHILDREN IN THE BALCONY BUT TO THE HUNDREDS AND MAYBE THOUSANDS OF KIDS WHO MAY BE WATCHING IT AT HOME OR ON NET.

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WE CROSSED THE LINE IN CIVILITY SEVERAL TIMES THIS YEAR TRYING TO MAKE A POINT ON THIS FLOOR. TAILOR YOUR COMMENTS, PLEASE. BE CONSIDERATE. WE ALL KNOW THE DETAILS. WE READ THE PAPERS. WE'VE ALL GOTTEN THE E-MAILS FROM PEOPLE WHO ARE TRYING TO CONVINCING US ONE WAY OR THE OTHER. THIS IS A VERY SOLEMN ISSUE. YOU HAVE YOUR MIND MADE UP, I'M SURE. WORDS MEAN SOMETHING. THANK YOU, COLLEAGUES. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB268]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. YOU KNOW, WE TALKED AT GREAT LENGTH ABOUT THIS ISSUE ON GENERAL FILE, AND IT'S PRETTY OBVIOUS WE'RE GOING TO GO THE DISTANCE TODAY. I FOR ONE...I WAS ONE OF THOSE THAT SENATOR KRIST WAS TALKING ABOUT THAT WAS TALKING ABOUT THE GRUESOME THINGS THAT WERE DONE, AND I CAN'T DO THAT ANYMORE. YOU KNOW, I CONSIDER MYSELF...OR I GUESS I USE TO, AS WE CALLED IN THE MILITARY, YOU KNOW, THAT HE'S PRETTY HARD, THAT YOU COULD GO THROUGH A LOT OF STUFF. BUT WHEN YOU STARTED READING THAT, ALL OF A SUDDEN IT GETS PRETTY REAL OF THE SAVAGERY THAT THESE PEOPLE COMMITTED. AND I CAN'T SAY WHETHER THERE WERE KIDS IN THE BALCONY OR NOT, BUT THE FACT OF THE MATTER IS THESE SAVAGES MURDERED INNOCENT KIDS, INNOCENT CHILDREN. THESE...THIS GENTLEMAN...I USE...I SHOULDN'T EVEN USE THAT TERM "GENTLEMAN." THIS MAN MURDERED PEOPLE IN OMAHA. SO, YOU HEAR ABOUT THAT. AND AS SENATOR BEAU McCOY SAID, WHAT WOULD HAPPEN IF THAT WAS YOUR CHILD? YOU KNOW, THE BOYS WE'RE WATCHING NOW, IF THAT WAS...IF THAT WAS SEAN THAT HE THREW OVER THE BRIDGE, I WOULD DO ONE, I WOULD WANT TO DO EVERYTHING IN MY POWER TO FIND THAT MAN AND PUT A BULLET RIGHT BETWEEN HIS EYES. AND THAT'S VENGEANCE, AND THAT'S THE FIRST THING THAT WE...THAT'S THE FIRST REACTION THAT WE TAKE. BUT WE'RE HERE TO SEE THAT JUSTICE IS DONE AND JUSTICE IS CARRIED OUT. AS SENATOR CHAMBERS REMINDED US YESTERDAY IN A BIBLE VERSE, TO DO JUSTICE, TO LOVE MERCY AND TO WALK HUMBLLY WITH MY GOD, WHICH IS MICAH 6:8. YOU KNOW, SOME PEOPLE IN HERE DON'T BELIEVE IN JUSTICE, I THINK. BUT HERE IS WHAT...HERE'S WHAT'S GOING TO HAPPEN IF WE DON'T. I HAD A LONG TALK, OH, A YEAR OR SO AGO WITH A FORMER PRISONER IN THE STATE PENITENTIARY AND HE MADE IT CLEAR TO ME THAT THERE IS A SYSTEM OF JUSTICE WITH INSIDE THE WALLS OF THE PRISON, AND THAT'S WHAT WE SAW IN TECUMSEH, THAT THEY CARRIED OUT THEIR OWN SYSTEM OF JUSTICE SINCE WE COULDN'T DO IT. THERE'S A BIBLE VERSE, ECCLESIASTES 8:11, SAYS WHEN THE SENTENCE

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FOR A CRIME IS NOT QUICKLY CARRIED OUT, PEOPLE'S HEARTS ARE FILLED WITH SCHEMES TO DO WRONG. THAT'S EXACTLY WHAT HAPPENED IN TECUMSEH. IT'S TO THE POINT THAT THEY ARE CARRYING OUT THEIR OWN SYSTEM OF JUSTICE, WHETHER WE AGREE OR DISAGREE. ANOTHER EVENT THAT HAPPENED WAS WHAT SENATOR McCOY TALKED ABOUT WITH THIS MARINERO IN OMAHA. LET ME POINT OUT NOW, THERE WERE MANY ARGUMENTS... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR SCHNOOR: THANK YOU...ABOUT HOW WE CANNOT CARRY OUT THE DEATH PENALTY. OUR LEADERSHIP HAS TAKEN CARE OF THAT AS YOU HAVE SEEN IN THE PAPERS. THEY HAVE DONE EXACTLY WHAT WE HAVE ASKED THEM TO DO AND EXACTLY WHAT THE PEOPLE HAVE ASKED THEM TO DO, THAT THE SYSTEM IS NOW BEING FIXED BY OUR LEADERS. MAYBE WE OUGHT TO USE THAT EXAMPLE WHEN WE TALK ABOUT OTHER SITUATIONS TO GIVE OUR LEADERS, OUR NEWLY ELECTED REPRESENTATIVES AND OUR NEWLY APPOINTED REPRESENTATIVES, GIVE THEM A CHANCE TO FIX THE SYSTEM AS GOVERNOR RICKETTS AND OUR ATTORNEY GENERAL HAS JUST PROVEN TO US THAT THEY ARE CAPABLE OF DOING. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR SCHNOOR: THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR. SENATOR McCOY, YOU'RE RECOGNIZED. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. YOU KNOW, I RAN ACROSS A QUOTE IN THE WEE HOURS LAST NIGHT. AS LIKE SOME OF YOU, DIDN'T SLEEP A WHOLE LOT BEFORE WE TOOK THIS DEBATE UP AGAIN, AS I DON'T EVERY TIME WE FACE THIS ISSUE IN MY SEVEN YEARS IN THE LEGISLATURE. AND I THINK IT'S PARTICULARLY IMPACTFUL THIS MORNING. AND THAT QUOTE IS, THE DEAD CANNOT CRY OUT FOR JUSTICE, IT IS THE DUTY OF THE LIVING TO DO SO FOR THEM. I'M GOING TO SAY THAT AGAIN. THE DEAD CANNOT CRY OUT FOR JUSTICE, IT IS THE DUTY OF THE LIVING TO DO SO FOR THEM. THAT'S WHAT WE'RE HERE TODAY ABOUT. AND I WOULD GENTLY REMIND OUR CHAIRMAN OF OUR EXEC BOARD, SENATOR KRIST, WHO STOOD UP A MOMENT AGO TO TALK ABOUT THE TONE AND THE CIVILITY AND THE HEINOUS NATURE OF THESE CRIMES, I WOULD REMIND HIM AND, IN SO DOING, THE REST OF THE BODY THAT

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THIS ISN'T THE STUFF OF FICTION, MEMBERS AND THE PEOPLE OF NEBRASKA. THIS IS THE COLD, HARD REALITY OF WHAT THESE INDIVIDUALS HAVE DONE. IT MIGHT BE TOUGH TO READ IT. IT MIGHT BE TOUGH TO HEAR IT. HOW ABOUT IF YOU WERE THE VICTIM THAT HAD TO LIVE THROUGH IT AND THAT VICTIM'S FAMILY AND THAT VICTIM'S COMMUNITY? I'D ALSO REMIND SENATOR KRIST, AS I DID SO OFF THE MICROPHONE, BECAUSE I'VE SEEN IT HAPPEN IN MY SEVEN YEARS IN THIS BODY, WE CAN CLEAR THE GALLERIES AT ANY MOMENT. I SAW SPEAKER FLOOD DO IT ON THIS ISSUE. THE SPEAKER OF OUR LEGISLATURE HAPPENS TO BE SITTING IN THE CHAIR THIS MORNING AND HE HAS EVERY PREROGATIVE TO DO SO. YES, I HAVE FOUR CHILDREN UNDER 12. WOULD I WANT THEM TO HEAR AND SEE WHAT WE'RE TALKING ABOUT TODAY TO PRESERVE AS MUCH OF THEIR INNOCENCE AS POSSIBLE? NO. BUT WE WEREN'T CALLED HERE, WE WEREN'T ELECTED TO TALK ABOUT NICE THINGS. WE'RE HERE TO LEGISLATE, TO DEAL WITH THE ISSUES OF THE DAY, AND THIS MAY BE THE PREEMINENT ISSUE, IN MY VIEW, THAT WE FACE AS LEGISLATORS. SO, JUST SO EVERYBODY IS CLEAR, IF WE GET TO A POINT THAT WE DO HAVE CHILDREN IN THE BALCONY, I WILL ASK WHOEVER IS IN THE CHAIR TO CLEAR THE GALLERIES BECAUSE WE'RE NOT GOING TO SHY AWAY FROM TALKING ABOUT WHAT HAPPENED WITH THESE CRIMES, WHAT THE PEOPLE ON DEATH ROW HAVE DONE, AND WHAT THE PEOPLE WHO COULD END UP ON DEATH ROW HAVE DONE. WE CAN'T, BECAUSE IF WE DON'T, WHO WILL? WHO WILL SPEAK OUT FOR THE VICTIMS? WHO SPEAKS OUT FOR THEIR FAMILIES? WHO SPEAKS OUT FOR JUSTICE IF WE DON'T? DO YOU THINK ANY OF US WANT TO READ THROUGH WHAT HAPPENED IN THESE CRIMES? IN 2009, WHEN WE MOVED FROM THE ELECTRIC CHAIR TO LETHAL INJECTION, I SAW VETERAN SENATORS WHO HAD TO EXCUSE THEMSELVES TO GO THROW UP BEFORE THEY READ WHAT THEY WERE GOING TO READ, WHO HAD TO KEEP A BOX OF KLEENEX... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR McCOY: ...AT THEIR DESK BEFORE THEY STOOD UP TO TALK. NOBODY WANTS TO HAVE THIS DISCUSSION. ALL OF US WANT TO LIVE IN A SOCIETY WHERE WE LOVE EACH OTHER, WE CARE ABOUT EACH OTHER, AND THESE KIND OF CRIMES DON'T HAPPEN. BUT WE ARE FALLEN HUMAN BEINGS, AND THEY DO HAPPEN. IT'S OUR DUTY AS A LEGISLATURE TO ANSWER THE CALL AND TO DO WHAT WE CAN TO PREVENT THEM FROM HAPPENING AGAIN AND TO CARRY OUT JUSTICE ON THOSE WHO PERPETRATED THEM. THANK YOU, MR. PRESIDENT. [LB268]

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SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB268]

SENATOR KINTNER: WELL, THANK YOU VERY MUCH, MR. PRESIDENT. I, TOO, DID NOT SLEEP MUCH LAST NIGHT. AND THIS IS A VERY SERIOUS ISSUE FOR EVERYBODY IN OUR STATE, FOR BOTH SIDES OF THIS DEBATE. THIS IS VERY, VERY SERIOUS. IT'S VERY IMPORTANT TO OUR STATE. AS YOU KNOW, IT'S IMPORTANT TO THE GOVERNOR, WHO IS CHARGED WITH RUNNING OUR STATE GOVERNMENT. IT'S IMPORTANT TO OUR ATTORNEY GENERAL. IT'S IMPORTANT TO OUR COUNTY ATTORNEYS. IT'S IMPORTANT TO OUR SHERIFFS AND LAW ENFORCEMENT. IT'S VERY IMPORTANT TO THE VICTIMS' FAMILIES THAT JUSTICE BE DONE. AND ABOVE ALL MAYBE, IT'S VERY IMPORTANT TO OUR CONSTITUENTS THAT WE HAVE A DEATH PENALTY, THAT WE USE IT IN A TIMELY FASHION, AND THAT IT BE ADMINISTERED FAIRLY. SENATOR KRIST SAID SOMETHING, VENGEANCE IS THE LORD'S, AND THE LORD HAS GIVEN GOVERNMENT THE DUTY TO EXACT VENGEANCE. NOW, VENGEANCE IS NOT, YOU KNOW, GRAB SOMEONE AND STRING THEM UP ON A TREE. THERE'S DUE PROCESS, AND THE BIBLE, YOU KNOW, TALKS ABOUT ORDERLY GOVERNMENT. BUT WE, AS INDIVIDUALS, ARE NOT TO SEEK VENGEANCE. WE ARE TO TURN THE OTHER CHEEK. THE GOVERNMENT SEEKS JUSTICE, NOT US. SO WHEN YOU'RE WRONGED BY SOMEBODY, YOU DON'T GO OUT AND HANDLE IT YOURSELF. WE HAVE A GOVERNMENT THAT DOES THAT. IT'S SANCTIONED BY GOD, IT'S SANCTIONED BY THE BIBLE, AND WE ARE CHARGED WITH ADMINISTERING JUSTICE. THE BIBLE HAS GIVEN CIVIL GOVERNMENTS THE SWORD. GOD HAS GIVEN CIVIL GOVERNMENTS THE SWORD AND HE EXPECTS US TO USE IT IN CAPITAL CASES. AND THAT'S CONSISTENT THROUGH THE NEW TESTAMENT AND OLD TESTAMENT. I ONLY BRING THAT UP BECAUSE SENATOR KRIST STARTED AND QUOTED THE BIBLE AND I WANTED TO MAKE SURE WE WERE CLEAR EXACTLY WHAT IT IS. WE DON'T BRING THIS UP EVERY YEAR. AS A MATTER OF FACT, I DON'T THINK SENATOR McCOY OR MYSELF OR ANYONE WHO SUPPORTS THE DEATH PENALTY HAS EVER BROUGHT UP ANYTHING TO DO WITH THE DEATH PENALTY. THIS GETS SHOVED DOWN OUR THROATS EVERY YEAR BY, I THINK, WELL-MEANING PEOPLE THAT WANT TO GET RID OF IT. SO, YES, WE'RE GOING TO GO THROUGH THE CONSEQUENCES OF EVILDOERS, BAD PEOPLE, PEOPLE WHO COMMIT HEINOUS AND HORRIBLE ACTS. WE ARE NOT A STATE THAT EXECUTES TWO OR THREE EVERY MONTH. WE ARE VERY JUDICIOUS IN HOW WE USE IT, AND WE DON'T USE IT VERY OFTEN. BUT WE HAVE 11 PEOPLE ON DEATH ROW AND THERE'S NOT A PERSON AROUND IN THIS CHAMBER THAT I KNOW OF, ANYWHERE, THAT CHALLENGES THEIR INNOCENCE. THERE'S NO DOUBT THAT THEY ARE HEINOUS MURDERERS WHO DID TERRIBLE, TERRIBLE

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THINGS, AND LEFT A WAKE OF TRAGEDY IN THE LIVES OF THEIR COMMUNITIES.
[LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR KINTNER: SO WE ARE CHARGED WITH MAKING SURE WE HAVE A FAIR AND JUST DEATH PENALTY. I THANK GOVERNOR RICKETTS FOR ADMINISTRATIVELY MOVING FORWARD, BECAUSE WE HAVE A LAW ON THE BOOKS AND IT NEEDS TO BE ENFORCED, AND HE IS ADMINISTRATIVELY MOVING FORWARD SO THAT WE CAN CARRY OUT THE DEATH PENALTIES OF PEOPLE THAT HAVE BEEN CONVICTED, HAVE HAD THEIR DUE PROCESS, HAVE HAD THEIR APPEALS, AND HAVE RUN OUT OF APPEALS. AND THAT IS WHERE WE ARE RIGHT NOW. AND WE OWE IT TO THE PEOPLE OF THIS STATE, AND WE OWE IT TO THE VICTIMS OF THESE HEINOUS MURDERERS... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR KINTNER: ...TO GIVE THEM JUSTICE. THANK YOU, MR. PRESIDENT.
[LB268]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. (DOCTOR OF THE DAY INTRODUCED.) THOSE IN THE QUEUE ARE SENATOR CHAMBERS, BRASCH, RIEPE, SCHNOOR, McCOY, AND OTHERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED.
[LB268]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I'M NOT GOING TO GET INVOLVED IN THE BACK AND FORTH. THEY JUST WANT TO TAKE THE TIME AND THEY'RE ENTITLED TO THAT. BUT I DID HAND YOU SOME MATERIAL FROM VICTIMS' FAMILIES, AND THEY LISTENED AS THEIR FAMILY'S SITUATION WAS GONE OVER AGAIN AND AGAIN AND THEY TALKED ABOUT THE TRAUMA, THE PAIN THAT IT CAUSED THEM. THEY'RE IN THE GALLERIES AND THEY HAVE THE RIGHT TO BE HERE. AND THE WISH AND THE HOPE THAT THEY EXPRESSED, AND THERE WAS TESTIMONY FROM ONE OF THE FAMILY MEMBERS AT THE JUDICIARY COMMITTEE WHO SAID IF SHE COULD GO BACK AND REDO THIS, SHE WOULD NOT SEEK A DEATH PENALTY BUT, RATHER, LIFE IN PRISON, BECAUSE THE FAMILY HAS BEEN SUFFERING ALONG WITH THESE 30 YEARS OF BACK AND FORTH APPEALS OF THE PERPETRATOR WHO, BY THE WAY, NOW HAS TERMINAL BRAIN CANCER. BUT FORMER LANCASTER COUNTY DISTRICT JUDGE RONALD REAGAN HAD TESTIFIED BEFORE THE JUDICIARY COMMITTEE AND HE SAID THE

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JUDGES THAT HE HAD TALKED TO HAVE ALL EXPRESSED THE WISH THAT THE LEGISLATURE WOULD SOMETIME ABOLISH THE DEATH PENALTY. THE JUDGES DON'T LIKE IT. AND AS FOR GOING THROUGH ALL THESE CASES, I HANDED OUT SOME INFORMATION TO SHOW THAT COUNTY ATTORNEYS THROUGH PLEA BARGAINS RELEASE PEOPLE FROM THE POSSIBILITY OF RECEIVING THE DEATH PENALTY. ONE OF THEM, A PROSECUTOR FROM GRAND ISLAND WHO TESTIFIED IN FAVOR OF THE DEATH PENALTY UNTIL A DOUBLE MURDERER MADE IT LIKELY THAT HIS COUNTY WOULD HAVE TO UNDERGO THE EXPENSE OF A DEATH PENALTY CASE. SO HE ALLOWED THE MAN TO PLEAD NO CONTEST OR GUILTY TO THE SECOND MURDER WHICH WAS COMMITTED OUT OF AMBUSH WITH A HIGH VELOCITY RIFLE, SHOOTING A LAWYER IN THE BACK, AS HE HAD PREVIOUSLY SHOT HIS WIFE IN THE BACK. AND HE WAS ALLOWED TO PLEAD TO BOTH OF THEM AND RECEIVED A LIFE SENTENCE BECAUSE THE COUNTIES INVOLVED DID NOT WANT THE EXPENSE. AND ONE OF THE COUNTY ATTORNEYS I DISCUSSED IN THE MATERIAL I HANDED OUT, OR IT INCLUDED THE DISCUSSION SO YOU COULD SEE THE DETAILS OF THOSE CASES. THE FAMILY MEMBERS WERE VERY DISTRESSED AND ONE HAD WRITTEN A LETTER TO THE EDITOR, WHICH I DID HAND OUT. AND THE COMMENT I MADE WAS IF PEOPLE HAD A SHRED OF DECENCY, THEY WOULD LISTEN TO WHAT THESE FAMILY MEMBERS HAVE SAID. THEY'RE NOT BEING DONE A FAVOR. THERE WERE VICTIMS' FAMILIES, THE DAY THAT THE DEATH PENALTY WAS DISCUSSED BEFORE THE JUDICIARY COMMITTEE, WHO HELD A PRESS CONFERENCE IN THE ROTUNDA, AND THEY HAD SIGNATURES FROM 25 MEMBERS OF VICTIMS' FAMILIES WHO WANTED THE DEATH PENALTY ABOLISHED; OTHERS SIGNED THE PAPER AT THE JUDICIARY COMMITTEE HEARING. THERE IS NOTHING I COULD SAY TO CHANGE THE MIND OF ANYBODY WHO WANTS TO SEE THE STATE TAKE A LIFE, BUT I WILL TELL YOU THIS. NEBRASKA HAS NOT PROCURED THESE DRUGS. NO COMPANY IN AMERICA PRODUCES SODIUM THIOPIENTAL. THERE IS NONE THAT WILL BE EXPORTED BY EUROPEAN COMPANIES. SO THE GOVERNOR IS GOING TO HAVE TO SHOW AND ESTABLISH WHERE THESE DRUGS COME FROM. RIGHT NOW, THEY DON'T KNOW. THEY DON'T HAVE THEM IN THEIR POSSESSION. THE MOST ONE OF THE ATTORNEY GENERAL'S EMPLOYEES COULD SAY IS, HE WAS TOLD THAT THEY'RE LEGAL. AND IF AND WHEN THEY GET THEM, THEY WILL SEND THEM TO AN INDEPENDENT LABORATORY TO HAVE THEM TESTED. SO THE... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR CHAMBERS: ...TIMING OF THIS ANNOUNCEMENT IS VERY PROBLEMATIC. THEY DO NOT HAVE THE DRUGS. WHEN YOU IMPLEMENT SOMETHING LIKE THIS, YOU UNLEASH A WHOLE NEW SERIES OF APPEALS THAT

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WILL START AT THE STATE LEVEL, GO THROUGH THE FEDERAL LEVEL, AND MAY HAVE TO MAKE SEVERAL RERUNS, AS HAPPENS WITH THESE CASES. SO, THE ATTORNEY GENERAL AND THE GOVERNOR HOPED THAT THEY COULD MISLEAD MEMBERS OF THE LEGISLATURE INTO THINKING THAT THESE DRUGS WERE HERE, THAT THERE WILL BE THE ISSUANCE OF DEATH WARRANTS BY THE NEBRASKA SUPREME COURT. BUT I GUARANTEE YOU THAT IS NOT GOING TO HAPPEN. THE GOVERNOR KNOWS IT'S NOT GOING TO HAPPEN, THE ATTORNEY GENERAL KNOWS IT'S NOT GOING TO HAPPEN, AND EVEN THE MEDIA IN THEIR REPORTING HAVE RAISED SIMILAR TYPE QUESTIONS. BUT I EXPECT THAT THOSE WHO VOTED FOR THIS BILL ON GENERAL FILE WILL DO SO AGAIN. SO, IN THE SAME WAY THAT SENATOR KRIST MADE HIS POSITION CRYSTAL-CLEAR, I WILL ANSWER QUESTIONS, BUT I WILL NOT PARTICIPATE FURTHER. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB268]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF AM1286, AND I DO NOT SUPPORT LB268. I BELIEVE THAT WE DO NEED TO HAVE THIS PUT ON THE BALLOT, BECAUSE IN OUR DISTRICT THE E-MAILS, THE LETTERS, THE PHONE CALLS HAVE BEEN OVERWHELMING IN SUPPORT OF THE DEATH PENALTY. WITH 36,000 INDIVIDUALS, YES, I DO HAVE A SMALL GROUP THAT ARE AGAINST IT, BUT MOST, THE MAJORITY, OVERWHELMINGLY HAVE ASKED TO KEEP THE DEATH PENALTY. MANY OF THEM HAVE STORIES TO SHARE. SOME FROM NORFOLK, NEBRASKA, AND WE HAVE HEARD THE DETAILS OF THAT. AND I DO AGREE THAT IF SOMEONE WAS WATCHING WITH CHILDREN, THIS IS NOT A TIME TO HAVE THE CHILDREN LISTENING. IF THERE ARE TOURS IN HERE TODAY, I HOPE THE GUIDES DO NOT BRING THEM TO THE BALCONY. BUT WE ARE TALKING ABOUT CRIMINALS OF THE MOST HORRIFIC MEASURE THAT RELENTLESSLY, CRUELLY TOOK THE LIFE OF SOMEONE INNOCENT. CAPITAL PUNISHMENT HAS A PLACE, AND THIS IS IT. THE AMENDMENT THAT SAYS: CAPITAL PUNISHMENT SHALL BE AVAILABLE PUNISHMENT FOR THE CRIME OF FIRST-DEGREE MURDER IN THIS STATE. THE LEGISLATURE SHALL CARRY OUT THE INTENT OF THIS CONSTITUTIONAL AMENDMENT BY APPROPRIATE LEGISLATION. THAT IS THE RIGHT THING TO DO. I, TOO, HAVE GRANDCHILDREN. ONE JUST CELEBRATED

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THEIR TENTH BIRTHDAY, TOMMY. AND THE LITTLE...AND THEY GO IN AGE ALL THE WAY FROM SIX MONTHS, SIX YEARS, SEVEN YEARS. AND I PRAY DAILY FOR THEIR WELL-BEING, FOR THEIR SAFETY. AND I HOPE THE LAWS OF THIS STATE AND OTHER STATES WILL PROTECT THEM. LAST MONTH I SHARED I HAVE AN E-MAIL FROM A CONSTITUENT WHO SURVIVED A BLOODY RAPE, NEAR MURDER. IT WAS INTENT TO MURDER. BUT BY THE GRACE OF GOD, HER HUSBAND WAS NOT KILLED. THE PERSON PLEA BARGAINED, BASICALLY READY TO COME OUT AND JOIN US IN SOCIETY BECAUSE THE MURDER DID NOT GO THROUGH. AT THAT TIME, HE THREATENED TO COME BACK AND DO IT AGAIN AND FINISH THE JOB. THERE ARE INDIVIDUALS OUT THERE THAT DO NOT HAVE THE CAPACITY TO HAVE GOOD JUDGMENT OF RIGHT AND WRONG. THIS IS WHERE GOOD AND EVIL DOES EXIST, AND THERE IS EVIL IN THE HEARTS OF THOSE WHO WOULD RELENTLESSLY TAKE THE LIFE OF A CHILD. WE'RE HERE TO PROTECT THOSE KIDS. WE'RE HERE TO PROTECT THOSE CITIZENS. THERE'S A WEB PAGE THAT SAYS SENATORS' DUTIES. ONE OF THE DUTIES IS TO MAKE...HELP MAKE WRONGS RIGHT. AND THIS IS SOMETHING WRONG TO THE HIGHEST DEGREE. MR. SPEAKER, I WOULD LIKE TO YIELD THE REMAINING OF MY TIME TO SENATOR McCOY. [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 1.05. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR COASH YIELD, PLEASE? [LB268]

SPEAKER HADLEY: SENATOR COASH, WILL YOU YIELD TO A QUESTION? [LB268]

SENATOR COASH: YES, I WILL. [LB268]

SENATOR McCOY: THANK YOU, SENATOR. DO YOU SUPPORT AM1286? [LB268]

SENATOR COASH: I DO NOT. [LB268]

SENATOR McCOY: WHY NOT? [LB268]

SENATOR COASH: SENATOR McCOY, WE HAVE A MULTITUDE OF PENALTIES IN OUR STATUTES, AND I DON'T THINK IT'S GOOD PRACTICE TO PUT EVERY CHANGE IN A PENALTY TO THE VOTE OF THE PEOPLE. [LB268]

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SENATOR McCOY: BUT THIS WOULD NOT BE EVERY CHANGE, THIS WOULD BE THE ULTIMATE PUNISHMENT, THE DEATH PENALTY, FOR THE WORST OF WORST. I KNOW YOU'VE SUPPORTED THE PEOPLE OF NEBRASKA VOTING ON OTHER IMPORTANT ISSUES IN FRONT OF THEM. WHY WOULD THIS BE ANY DIFFERENT? [LB268]

SENATOR COASH: WELL, I THINK THIS SETS A DIFFERENT PRECEDENT WHEN WE ARE ASKING THE PEOPLE OF NEBRASKA TO SUPPORT A CHANGE IN A PENALTY. I THINK IF WE GO DOWN THIS ROAD, WE'RE GOING TO BE ASKING THEM TO CHANGE PENALTIES ON OTHER CRIMES AND I DON'T THINK THAT'S GOOD POLICY. [LB268]

SENATOR McCOY: THANK YOU, SENATOR COASH. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR COASH, AND THANK YOU, SENATOR McCOY. THOSE IN THE QUEUE ARE SENATORS RIEPE, SCHNOOR, McCOY, BLOOMFIELD, JOHNSON, AND OTHERS. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB268]

SENATOR RIEPE: MR. PRESIDENT, SENATORS AND VIEWERS, I RISE THIS MORNING BECAUSE I SPOKE OF GRUESOME DETAILS WHILE THE BILL WAS IN GENERAL FILE BECAUSE WE MUST UNDERSTAND THE ACTIONS OF THESE HEINOUS MURDERERS. SENATOR McCOY SAID IF NOT US ELECTED REPRESENTATIVES, THEN WHO? NOT MY VOTE ALONE, BUT THE VOTE OF MANY. IN DISTRICT 12, THE MAJORITY OF MY VOTERS, AND THE MAJORITY OF THOSE THAT I HAVE RECEIVED CALLS FROM, HAVE BEEN IN SUPPORT OF MAINTAINING THE DEATH PENALTY. I ALSO, LAST MONDAY NIGHT, I MET WITH THE RALSTON POST OF THE VETERANS, AND THEY WERE OVERWHELMINGLY IN SUPPORT OF RETAINING THE DEATH PENALTY. YES, THOSE ARE ISOLATED GROUPS, BUT THEY ARE GROUPS, THEY ARE CITIZENS OF THIS GREAT STATE. I WANT TO GO BACK TO MY REMARKS THAT I MADE ON GENERAL FILE BECAUSE I FEEL LIKE I HAVE BEEN CRITICIZED FOR THOSE REMARKS. AND I WOULD LIKE TO REMIND THIS CHAMBER THAT WHEN MY REMARKS WERE MADE ON RECORD, I ASKED THAT THE CHAMBER BE VACATED OF ALL CHILDREN. I ASKED THAT THE TELEVISIONS BE MUTED. AND I ALSO WANT TO REMIND PEOPLE THAT ALL OF THIS INFORMATION IS ON THE NIGHTLY NEWS, BOTH AT 5:00 OR 6:00. IT ALSO APPEARS IN THE PAPER. THESE CHILDREN AND INDIVIDUALS WHO FIND THIS INTENSELY CONCERNING ARE EXPOSED TO IT, IF THEY'RE EXPOSED TO ANYTHING IN

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PARTICULAR. I ALSO WANT TO STAND IN SUPPORT OF SENATOR McCOY'S AMENDMENT THAT WE DO TAKE THIS TO THE PEOPLE BECAUSE I THINK THIS IS SO SERIOUS THAT THE PEOPLE DO DESERVE A VOTE. I, TOO, AM PRO-LIFE, BUT I'M ALSO PRO-DEATH. I BELIEVE IT'S THE DIFFERENCE BETWEEN INNOCENCE AND EVIL. ON THE ONE HAND, I STAND IN SUPPORT OF THE INNOCENCE PROJECT TO EXPAND AVAILABILITY OF DNA TESTING, AND I HAVE SIGNED ON WITH SENATOR PANSING BROOKS A BILL THAT WAS PASSED. AND I HAVE ALSO BEEN A SUPPORTER, A FINANCIAL SUPPORTER OF THE INNOCENCE PROJECT. MY DEATH PENALTY STANCE IS RESERVED FOR THE MOST HEINOUS MURDERS. I REFUSE TO CALL THEM HEINOUS CRIMES. THESE MURDERERS ARE NOT WORTHY OF THE...TO BREATHE THE AIR WE BREATHE, TO EAT OUR FREE FOOD FOR A LIFETIME, TO RECEIVE OUR FREE AND EVER-EXPENSIVE HEALTHCARE, NOR TO LIVE IN OUR FREE HOUSING. THEY DO NOT DESERVE TO BE AMONG US. I RESERVE MY COMMITMENT TO THE DEATH PENALTY TO THE WORST OF THE WORST. I THINK SENATOR SCHNOOR DESCRIBED THEM AS SAVAGES, AND THAT MIGHT HAVE BEEN BECAUSE HE'S A POLITE GENTLEMAN. MR. PRESIDENT, I WOULD YIELD ANY TIME BACK TO SENATOR McCOY. THANK YOU. [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 1:43. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR RIEPE. YOU KNOW, SENATOR CHAMBERS TALKS ABOUT VICTIMS' GROUPS THAT AREN'T IN FAVOR OF...AND VICTIMS' FAMILIES WHO AREN'T IN FAVOR OF THE DEATH PENALTY. THAT'S TRUE, JUST AS THERE IS A DIFFERENCE OF OPINION IN THIS BODY ON THIS ISSUE. THIS ISN'T CUT AND DRIED. THAT'S WHY WE'RE HERE THIS MORNING. BUT I WANT TO READ TO YOU PART OF A STORY AND SOME COMMENTS THAT WAS IN THE WORLD-HERALD EIGHT YEARS AGO ALMOST, TOOK PLACE IN SENATOR SCHEER'S DISTRICT,... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR McCOY: ...THE TOWN WHERE I WENT TO COLLEGE, AT NORTHEAST COMMUNITY COLLEGE. VIVIAN TUTTLE: VIVIAN TUTTLE'S DAUGHTER WAS KILLED IN A NORFOLK BANK ROBBERY IN SEPTEMBER 26, 2002, AND VIVIAN IS IN FAVOR OF THE DEATH PENALTY. I WON'T HAVE TIME TO GO THROUGH THIS ENTIRE ARTICLE, BUT VIVIAN TALKS ABOUT THE BIRTHDAYS, THE ANNIVERSARIES, THE GRADUATIONS, THE CHRISTMASES, THE FOURTH OF JULYs THAT THEIR FAMILY DOESN'T HAVE HER DAUGHTER TO BE THERE FOR, AND

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THAT IS WHY SHE'S IN FAVOR OF THE DEATH PENALTY. AND THERE ARE MANY LIKE HER. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB268]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I GUESS IF I HAVE TO DISAGREE WITH SENATOR McCOY ON ONE THING, IT'S HIS COMMENT ABOUT THIS BEING CUT AND DRY, AND IT IS. THIS IS CUT AND DRY TO ME. I...I STAND IN FAVOR OF THE DEATH PENALTY AND AGAINST THIS REPEAL. THERE IS NO QUESTION IN MY MIND WHAT WE SHOULD BE DOING. WHAT IS...WHAT IS, I DON'T KNOW, FRIGHTENING OR WHAT THE RIGHT WORD IS I WANT TO USE THAT SOMETHING THIS SERIOUS, THE MOST SERIOUS ISSUE IN MY OPINION THAT WE WILL TALK ABOUT, WE'RE CHARGED TO MAKE A DECISION ON, THAT THE SENATORS WON'T EVEN ALLOW OUR ELECTED...EXCUSE ME...OUR...THE PEOPLE...OUR CITIZENS A CHANCE. YOU KNOW, THE MOST DEMOCRATIC PROCESS WE CAN PUT THIS TO, TO LET THE PEOPLE VOTE ON IT AND LET THEM DECIDE WHETHER THIS SHOULD CONTINUE OR NOT. SO, YOU KNOW, IT IS AS SENATOR KRIST HAD SAID, IT'S A SOLEMN DAY IN HERE, YOU KNOW. IT'S A DARK DAY, YOU KNOW, LITERALLY AND FIGURATIVELY. BUT I JUST GOT A...I GOT A POSTCARD IN THE MAIL FROM ONE OF THE BOYS IN OUR HOME, SO THAT DEFINITELY BRIGHTENED MY DAY, BUT I REALIZED WHO WE'RE FIGHTING FOR. BECAUSE THAT'S WHAT WE'RE DOING, WE'RE FIGHTING. WE TOOK AN OATH TO UPHOLD...I DON'T THINK THE "DEFEND" WORD WAS IN THERE, BUT THAT'S THE WORD THAT ALWAYS STICKS TO MY MIND BECAUSE THAT'S THE OATH I TOOK SEVERAL YEARS AGO AND TOOK IT OVER AND OVER TO UPHOLD AND DEFEND THE CONSTITUTION OF THE UNITED STATES AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC. AND I WILL LIVE BY THAT OATH UNTIL THE DAY THAT I DIE. AND I WILL FIGHT FOR THE PEOPLE IN THIS STATE NOW IN A DIFFERENT MANNER STANDING UP HERE. I WILL FIGHT FOR CONSTITUTIONALITY, WHICH WE WILL ALSO HEAR TODAY. I WILL FIGHT FOR THOSE THAT CAN'T FIGHT FOR THEMSELVES. AND, YOU KNOW, IF I'M GOING TO STAND UP HERE AND SAY I UNDERSTAND WHAT THOSE FAMILIES ARE GOING THROUGH, YOU WON'T HEAR THAT, BECAUSE I DO NOT. I CAN'T BEGIN TO COMPREHEND IN THE LEAST BIT WHAT THEY'RE GOING THROUGH. AND I'M NOT GOING TO STAND UP HERE AND SAY THAT I'M GOING TO PRAY FOR THEM EITHER BECAUSE THAT'S ONE OF THE MOST MISUSED TERMS I'VE EVER HEARD. IT'S A FEEL-GOOD TERM THAT A LOT OF PEOPLE USE AND MOST PEOPLE DON'T TAKE SERIOUS. BUT THIS IS...THIS IS VERY CUT AND DRY FOR ME OF WHERE I STAND. AND WE WILL FIGHT THIS TO THE END. [LB268]

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SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR SCHNOOR: THANK YOU, SIR. AND JUST, YOU KNOW, I WILL CONTINUALLY REMIND PEOPLE WHAT HAS HAPPENED SINCE GENERAL FILE AND NOW WHAT WE HAVE SEEN HAPPEN IN OUR STATE, NONE OF THEM GOOD. WELL, I MAY TAKE THAT BACK. THE ONE STEP THAT OUR GOVERNOR AND OUR ATTORNEY GENERAL HAS TAKEN OF MAKING THESE DRUGS AVAILABLE AND FINDING THEM AND PROCURING THEM AND PROVING THAT WE CAN CONTINUE OUR SYSTEM OF JUSTICE, THAT IT IS THERE. SO, I GUESS IN THE VERY SIMPLEST OF TERMS, LET'S FIX THE PROBLEM AND NOT THROW IT OUT BECAUSE THAT'S WHAT WE'RE DOING. WE'RE NOT GIVING... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR SCHNOOR: THANK YOU, SIR. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR. THOSE IN THE QUEUE: SENATOR McCOY, BLOOMFIELD, JOHNSON, KINTNER, CRAIGHEAD, AND OTHERS. SENATOR McCOY, YOU'RE RECOGNIZED. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. I WANT TO CONTINUE BRIEFLY ABOUT WHERE I WAS. VIVIAN TUTTLE REACHED OUT TO ME ON THIS ISSUE. AGAIN, HER DAUGHTER WAS SLAIN IN THE BANK SHOOTING IN NORFOLK IN 2002. I'M SURE SHE'S REACHED OUT TO SENATOR SCHEER. MY GUESS IS SENATOR SCHEER PROBABLY KNOWS HER PERSONALLY; I DO NOT. BUT, YOU KNOW, ONE OF THE BRIGHT SPOTS OUT OF A HORRIFIC TIME FOR THEIR FAMILY, EACH YEAR ON THE ANNIVERSARY OF HER DAUGHTER LOSING HER LIFE AT THE HANDS OF THOSE WHO SIT ON DEATH ROW, SOME OF THOSE INDIVIDUALS SIT ON DEATH ROW HERE IN NEBRASKA, ONE OF THIS LADY'S WHO PERISHED DAUGHTERS CHOSE TO HAVE THE ABILITY OF A FEW DAYS LEEWAY AND CHOSE TO HAVE A CESAREAN SECTION AND HAVE A GRANDDAUGHTER BORN ON THE ANNIVERSARY OF THE BANK SHOOTING SO THAT THEIR FAMILY HAD SOMETHING GOOD TO THINK ABOUT ON THAT DAY INSTEAD OF SOMETHING AWFUL. THAT'S THE RESILIENCY OF THE HUMAN SPIRIT. BUT, EVEN IN SPITE OF THAT RESILIENCY, THIS FAMILY WANTS JUSTICE. AND I'LL TALK ABOUT IT IN A LATER AMENDMENT COMING UP THIS MORNING, BUT THAT'S WHY FORMER SENATOR AND FORMER SPEAKER OF THIS LEGISLATURE, MIKE FLOOD, ALWAYS STOOD, ALWAYS, IN FAVOR OF THE DEATH PENALTY, BECAUSE YOU KNOW WHAT, MADISON COUNTY SPENT OVER A MILLION DOLLARS IN TAXPAYER RESOURCES

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TO CARRY OUT JUSTICE ON THOSE WHO PERPETRATED THOSE CRIMES ON RESIDENTS OF THEIR COUNTY. WHAT DO WE SAY TO THOSE TAXPAYERS? THIS ISSUE IS ONE THAT I FEEL VERY STRONGLY ABOUT, AND ONE THAT I'LL CONTINUE TO FIGHT FOR. THIS ISSUE DESERVES TO GO TO A VOTE OF THE PEOPLE. WOULD SENATOR NORDQUIST YIELD TO A QUESTION, PLEASE? [LB268]

SPEAKER HADLEY: SENATOR NORDQUIST, WILL YOU YIELD? [LB268]

SENATOR NORDQUIST: YES. [LB268]

SENATOR McCOY: THANK YOU, SENATOR. I KNOW YOUR LIGHT IS ON, SO I'M ASSUMING YOU'RE INTENDING TO SPEAK. I KNOW YOU AND I PROBABLY SEE, AT LEAST ACCORDING TO WHAT'S HAPPENED IN YOU AND MY SEVEN YEARS IN THE LEGISLATURE, A DIFFERENT...WE HAVE DIFFERING OPINIONS, I SHOULD SAY, ON THIS ISSUE. BUT I'M GOING TO ASK YOU, AS ONE WHO HAS FOUGHT VERY HARD TO PUT MEASURES TO A VOTE OF THE PEOPLE, DO YOU SUPPORT AM1286? [LB268]

SENATOR NORDQUIST: I DO NOT. [LB268]

SENATOR McCOY: AND WHY WOULD THAT BE, SENATOR? [LB268]

SENATOR NORDQUIST: I THINK THIS IS AN ISSUE THAT IS EXTREMELY COMPLEX. IT INVOLVES A VERY DETAILED AND COMPLEX LEGAL SYSTEM THAT MANY OF US DON'T HAVE OUR HANDS AROUND. WE HAVE OVER...WE'VE HAD OVER, I DON'T KNOW WHAT THE TIME LINE IS, BUT IN THE 1,450 MURDERS IN OUR STATE, ONLY 31 HAVE BEEN...HAVE LED TO A SENTENCE OF DEATH. HALF OF THOSE HAVE BEEN REVERSED AND ONLY THREE EXECUTIONS SINCE 1973. THIS IS AN ISSUE THAT I THINK TAKES A LOT OF TIME TO UNDERSTAND THE INTRICACIES OF, AND ISN'T...ISN'T RIGHT FOR BEING PUT ON THE BALLOT ON A SIMPLE YES OR NO QUESTION. [LB268]

SENATOR McCOY: THANK YOU, SENATOR. WELL, THERE YOU HAVE IT, MEMBERS. THERE IS...THERE IS, AND THAT'S CERTAINLY SENATOR NORDQUIST IS COMPLETELY ENTITLED TO HIS OWN OPINION. BUT HERE IS HOW I INTERPRET IT, MY INTERPRETATION OF WHAT HE JUST TOLD YOU. THAT THE PEOPLE OF NEBRASKA AREN'T SOPHISTICATED ENOUGH TO UNDERSTAND WHETHER OR NOT... [LB268]

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SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR McCOY: ...THE DEATH PENALTY DESERVES TO REMAIN IN NEBRASKA. WELL, I VEHEMENTLY DISAGREE WITH THAT VIEWPOINT. THE PEOPLE OF NEBRASKA ARE SMART ENOUGH TO HAVE SENT YOU AND I HERE. THEY'VE BEEN SMART ENOUGH TO SEND US HERE TO CARRY OUT THE PEOPLE'S BUSINESS. I THINK THEY'RE PLENTY SMART ENOUGH TO MAKE A DECISION ON WHETHER OR NOT THEY WANT THE DEATH PENALTY IN THEIR STATE, THE SAME WAY THEY'VE MADE A DECISION ON AN ISSUE THAT SENATOR NORDQUIST CARES VERY DEEPLY ABOUT, THE MINIMUM WAGE. AND HE SAID TO THE PEOPLE, THIS DESERVES TO GO TO THE PEOPLE OF NEBRASKA SO THE PEOPLE OF NEBRASKA CAN DECIDE. WELL, GUESS WHAT? WE'RE GOING TO TAKE UP AN ISSUE HERE LATER ON TODAY ABOUT THE MINIMUM WAGE FOR YOUNG WORKERS. SO, WERE THE PEOPLE OF NEBRASKA NOT SOPHISTICATED ENOUGH TO MAKE A DECISION IN THAT ISSUE? WE'VE ASKED THE PEOPLE OF NEBRASKA TO MAKE A DECISION ABOUT WHETHER MARRIAGE IS BETWEEN ONE MAN AND ONE WOMAN. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR McCOY: EXCUSE ME, MR. PRESIDENT, IS THAT TIME? [LB268]

SPEAKER HADLEY: YES. THANK YOU, SENATOR McCOY. [LB268]

SENATOR McCOY: THANK YOU. [LB268]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB268]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THE MEMBERS OF THIS BODY CAN LOOK AROUND AND SEE, BUT TO THE PEOPLE WATCHING OR LISTENING AT HOME, IT IS AN APPROPRIATELY DARK CLOUDY DAY OUTSIDE WHICH MAKES IT DARK IN THE CHAMBER, AND THAT IS AS IT SHOULD BE. I THINK EVERYONE KNOWS I HAVE STRUGGLED WITH THIS ISSUE. I HAVE REACHED A DECISION. IT IS A DIFFERENT DECISION THAN IT WOULD HAVE BEEN HAD I VOTED ON GENERAL FILE. AT THAT POINT, I WOULD HAVE VOTED TO REPEAL THE DEATH PENALTY. AFTER THE EVENTS THAT HAVE TAKEN PLACE, NOT ONLY HERE IN NEBRASKA BUT ACROSS THE COUNTRY, I HAVE TO CHANGE THAT POSITION BACK TO WHERE I HAVE HISTORICALLY, RELUCTANTLY, BEEN. WE HAD INDIVIDUALS TRAVEL FROM ARIZONA TO TEXAS IN AN ATTEMPT TO

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MURDER A BUNCH OF PEOPLE. WERE SOMETHING LIKE THAT TO HAPPEN SUCCESSFULLY IN OMAHA, OR LINCOLN, OR ANYWHERE ELSE IN THE STATE, I WOULD WANT THE DEATH PENALTY ON THE TABLE. WE HAD TWO POLICE OFFICERS IN LOUISIANA MURDERED. IN THAT CASE ALSO, I THINK THE DEATH PENALTY NEEDS TO BE ON THE TABLE. WE HAD TWO INMATES KILLED AT TECUMSEH. COLLEAGUES, IF YOU ARE IMPRISONED FOR LIFE WITHOUT PAROLE WHAT KEEPS YOU FROM COMMITTING MORE CRIMES, SUCH AS MURDER, WHILE YOU ARE IN PRISON IF THE POSSIBILITY OF THE DEATH PENALTY IS NOT THERE? I DON'T COME TO THIS DECISION EASILY. I'M NOT GOING TO QUOTE THE BIBLE. PEOPLE ON BOTH SIDES OF THE ISSUE WILL; I WILL NOT. BUT AT THE END OF THE DAY, I WILL BE VOTING TO KEEP THE DEATH PENALTY ON OUR BOOKS AS AN ALTERNATIVE FOR THE MOST HEINOUS OF CRIMES AND AS A DETERRENT, THOUGH THAT EFFECTIVENESS HAS SLIPPED DUE TO ITS LACK OF USE FOR THE LAST 17 YEARS. I'M TOLD THE DRUGS ARE NOW AVAILABLE. I DON'T KNOW THAT. SENATOR CHAMBERS SEEMS TO THINK THEY ARE NOT. I HAVE YET, IN MY LIFE EXPERIENCE IN THE LEGISLATURE, KNOWN SENATOR CHAMBERS TO OUT AND OUT LIE TO ME, SO HE FIRMLY BELIEVES THAT THEY ARE NOT AVAILABLE. AGAIN, NOT AN EASY DECISION. SHOULD WE KICK IT OFF TO THE PEOPLE OF NEBRASKA? OF ALL THE E-MAILS I'VE GOTTEN, A GOOD SHARE OF THEM ASK US TO DO THAT. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WILL PROBABLY SUPPORT THIS AMENDMENT TO LET THE PEOPLE OF NEBRASKA DECIDE, BUT IF THAT FAILS, I WILL BE VOTING TO MAINTAIN THE DEATH PENALTY. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR JOHNSON, YOU'RE NEXT. [LB268]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. I'VE STATED TO MY CONSTITUENTS MY POSITION. MY POSITION THAT I STATED WAS TO REPEAL. THE REASONS I GAVE WAS THE SYSTEM IS JUST SIMPLY NOT WORKING, TOO MUCH TIME, TOO MUCH STRESS, TOO MANY APPEALS, 30 YEARS. I LISTENED TO THE PEOPLE, THE TESTIMONY OF THE PEOPLE THAT CAME IN, THE VICTIMS' FAMILIES, AND I UNDERSTAND THE STRESS THEY GO THROUGH. WE DON'T HAVE...AT THAT TIME WE DIDN'T HAVE THE DRUG TO PERFORM THE LETHAL INJECTION. SO, THAT'S WHY I SAID, OKAY, MAYBE WE SHOULD REPEAL WHAT WE

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HAVE. LET OUR NEW SYSTEM THAT WE'RE WORKING ON PLAY OUT. GOT A NEW DIRECTOR, NEW ADMINISTRATION, WE'RE CHANGING SOME OF OUR LEGAL TERMINOLOGY AS WHAT IS DIFFERENT TYPES OF FELONIES AND WHAT MIGHT FALL INTO CERTAIN CATEGORIES. I DON'T UNDERSTAND ALL OF THAT, BUT I THINK THERE'S GOT TO BE ONE OUT THERE THAT HANDLES THE WORST OF THE WORST. AND I THINK MAYBE THEY MIGHT DESERVE A DIFFERENT TYPE OF A PENALTY OTHER THAN LIFE IN PRISON. LAST NIGHT I...OR YESTERDAY AFTERNOON I WAS INFORMED THAT LB268 WAS GOING TO BE ON THE AGENDA TODAY. I KNEW IT WAS COMING UP. GOT HOME, DIDN'T HEAR IT ON THE EARLY NEWS, BUT I DID HEAR IT ON THE LATE NEWS THAT THE NEW ADMINISTRATION HAS FOUND THE DRUGS. AT THIS POINT, I'M GOING TO ACCEPT THAT, THAT THEY HAVE. THAT WILL FIX MAYBE PART OF THE PROBLEM THAT I'VE SEEN. WE'VE RELIED ON OUR NEW ADMINISTRATION TO FIX SOME THINGS IN OUR SYSTEM WITH A LOT OF NEW DIRECTORS WHERE I FELT THAT WE NEED TO GIVE THOSE NEW DIRECTORS, THE NEW ADMINISTRATION, THE NEW SYSTEM TIME TO PROVE THEMSELVES AND MAKE SOME OF THOSE CHANGES. I'M OPPOSED TO THE AMENDMENT, AM1286. THE LORD WILLING, ALL 49 OF US WILL BE BACK HERE AGAIN NEXT YEAR AND MAYBE THAT'S THE TIME, AFTER WE'VE SEEN, MAYBE THOUGHT THROUGH A LITTLE MORE WHAT WE'VE DONE THIS YEAR, HOW WE'VE REACTED TO THINGS, FIND OUT HOW OUR CONSTITUENTS HAVE REACTED. WE'LL HAVE SIX MONTHS OUT, I CALL IT, OUT IN THE COUNTRY OR OUT IN THE FIELD TALKING TO THEM. BUT I'M NOT GOING TO QUOTE THE BIBLE BUT I WILL SAY THIS, THAT THE LORD WORKS IN MYSTERIOUS WAYS. AND WHEN I WOKE UP THIS MORNING, I FELT THAT. MAYBE WE DO HAVE PART OF THE PROBLEM FIXED. MAYBE WE'RE HEADING IN THE RIGHT DIRECTION. MAYBE WE SHOULD WAIT UNTIL NEXT YEAR TO TAKE THIS UP AGAIN. I WILL CONTINUE TO LISTEN TO THE DEBATE ON LB268. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR JOHNSON. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB268]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. I WANT TO TALK ABOUT A MURDERER FROM MY DISTRICT, LADDIE DITTRICH, AND HE LIVES IN UNION. BUT HE IS...WAS PICKED UP IN OTOE COUNTY, STILL IN MY DISTRICT. AND WE'LL GO THROUGH WHY THAT IS. BUT IT REALLY CAME FULL CIRCLE FOR ME WHEN I FIGURED I HAD KNOCKED ON HIS DOOR. HE WASN'T HOME. I WENT BACK AND CHECKED THE RECORDS, HE WASN'T HOME. BUT I KNOCKED ON A MURDERER'S DOOR TO ASK FOR HIS VOTE. AND THAT WAS REALLY SOMETHING FOR ME BECAUSE YOU DON'T THINK OF IT HAPPENING IN YOUR DISTRICT. IT ALWAYS HAPPENS IN OMAHA OR OUT WEST OR SOMEWHERE ELSE. IT JUST DOESN'T SEEM

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TO HAPPEN IN MY DISTRICT AS MUCH AS I THINK IT HAPPENS ELSEWHERE, WHETHER IT DOES. SO, HE WAS ORIGINALLY CONVICTED IN 1973 OF BURGLARY AND FIRST-DEGREE MURDER FOR HIS INVOLVEMENT IN THE STABBING OF AN OMAHA MAN. HE RECEIVED A LIFE SENTENCE. REMEMBER, WE'RE TALKING LIFE SENTENCE HERE, RIGHT? ALL THE PEOPLE THAT WANT TO REPEAL DEATH PENALTY, THEY WANT A LIFE SENTENCE. AND THAT WAS 4/15/82. NO, EXCUSE ME, ON 4/15/82, HE WAS CONVICTED OF ESCAPE FOR WALKING AWAY FROM THE COMMUNITY WORK RELEASE PROGRAM, AFTER IT WAS DISCOVERED HE SHOULD HAVE BEEN ELIGIBLE...HE SHOULD NOT HAVE BEEN ELIGIBLE FOR WORK RELEASE. SO, HERE WE HAVE A GUY SERVING LIFE IN PRISON AND HE'S ON WORK RELEASE. AND THEY FINALLY PICK HIM UP WHEN HE WALKS AWAY FROM IT BECAUSE HE'S NOT DUMB. HE KNOWS HE'S NOT GOING ANYWHERE. AND HE WAS INFORMED HE'D BE RETURNED TO PRISON. HE RECEIVED ANOTHER CONSECUTIVE ONE-YEAR SENTENCE FOR ESCAPE, BUT HE'S ALREADY DOING A LIFE TERM SO IT DOESN'T MATTER. WELL, HE WAS SENTENCED BY THE PARDON...HE WAS PARDONED BY THE PARDON BOARD ON 4/9/13. AND HIS SENTENCE WAS COMMUTED FROM LIFE TO 80 YEARS TO LIFE...FROM LIFE TO LIFE...TO 80 YEARS TO LIFE. THERE WE GO. THE PRIMARY ARGUMENT AT THE PARDON BOARD'S HEARING, WELL, HE WAS NOT DIRECTLY INVOLVED IN THE STABBING OF THE VICTIM AND HIS CO-CONSPIRATORS HAVE BEEN OUT OF PRISON FOR OVER A DECADE. IT WAS ARGUED THAT HE SHOULD HAVE BEEN RELEASED 20 YEARS AGO IF HE HAD NOT RECEIVED THE ESCAPE CONVICTION, WHICH WAS PORTRAYED AS THE DEPARTMENT'S RESPONSIBILITY FOR MISTAKENLY PLACING HIM ON WORK RELEASE. SO, IT WASN'T HIS FAULT THAT HE WALKED AWAY FROM SOMETHING; IT WAS THEIR FAULT FOR PUTTING HIM ON IT. YOU GOT TO LOVE ATTORNEYS. THERE WERE CONCERNS ABOUT HIS LATEST RELEASE AS MR. DITTRICH DID NOT...DID HAVE A RATHER EXTENSIVE MISCONDUCT HISTORY WHILE IN PRISON, RECEIVING 95 MISCONDUCT REPORTS OVER 40 YEARS HE WAS INCARCERATED, INCLUDING 7 IN THE LAST 5 YEARS. HE WAS SUBSEQUENTLY PAROLED BY THE PAROLE BOARD ON 5/22/14. THE PAROLE BOARD HAD RECOMMENDED THAT HE COMPLETE ANGER MANAGEMENT PRIOR TO RELEASE, BUT HE DID NOT COMPLETE IT. HE WAS THEN ARRESTED IN OTOE COUNTY ON 11/23/14 FOR THIRD-DEGREE SEXUAL ASSAULT ON A CHILD, INVOLVING A TEN-YEAR-OLD GIRL, AND IS CURRENTLY BEING HELD IN OTOE COUNTY PENDING RESOLUTION OF THE CASE. OBVIOUSLY, HIS PAROLE WAS REVOKED. WELL, HERE YOU GO, FOLKS, LIFE IN PRISON. WE HAVE A PAROLE BOARD THAT LET HIM OUT. HE WENT OUT AND RAPED A TEN-YEAR-OLD GIRL, AND HE IS BEING HELD RIGHT NOW, OTOE COUNTY. HE'S BEING PROSECUTED DOWN THERE AND THAT IS WHAT LIFE IMPRISONMENT CAN OFTEN MEAN. WHEN YOU HAVE A PAROLE BOARD, ALL BETS CAN BE OFF. [LB268]

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SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: SENATOR CRAIGHEAD, YOU ARE RECOGNIZED. [LB268]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I'D LIKE TO READ AN ARTICLE THAT WAS IN THE WALL STREET JOURNAL ON APRIL 15 OF THIS YEAR. IT'S CALLED "CAPITAL PUNISHMENT WORKS," AND IT'S WRITTEN BY ROY ADLER AND MICHAEL SUMMERS WHO ARE PROFESSORS AT PEPPERDINE UNIVERSITY: RECENT HIGH-PROFILE EVENTS HAVE REOPENED THE DEBATE ABOUT THE VALUE OF CAPITAL PUNISHMENT IN A JUST SOCIETY. THIS IS AN IMPORTANT DISCUSSION BECAUSE THE TAKING OF A HUMAN LIFE IS ALWAYS A SERIOUS MATTER. MOST COMMENTATORS WHO OPPOSE CAPITAL PUNISHMENT ASSERT THAT AN EXECUTION HAS NO DETERRENT EFFECT ON FUTURE CRIMES. RECENT EVIDENCE, HOWEVER, SUGGESTS THAT THE DEATH PENALTY, WHEN CARRIED OUT, HAS AN ENORMOUS DETERRENT EFFECT ON THE NUMBER OF MURDERS. MORE PRECISELY, OUR RECENT RESEARCH SHOWS THAT EACH EXECUTION CARRIED OUT IS CORRELATED WITH ABOUT 74 FEWER MURDERS THE FOLLOWING YEAR. FOR ANY SOCIETY CONCERNED ABOUT HUMAN LIFE, THAT TYPE OF EVIDENCE IS SOMETHING THAT SHOULD BE TAKEN VERY SERIOUSLY. THE STUDY EXAMINED THE RELATIONSHIP BETWEEN THE NUMBER OF EXECUTIONS AND THE NUMBER OF MURDERS IN THE U.S. FOR THE 26-YEAR PERIOD FROM 1979 TO 2004 USING DATA FROM PUBLICLY AVAILABLE FBI SOURCES. IN THE EARLY 1980s, THE RETURN OF THE DEATH PENALTY WAS ASSOCIATED WITH THE DROP IN THE NUMBER OF MURDERS. IN THE MID TO LATE 1980s, WHEN THE NUMBER OF EXECUTIONS STABILIZED AT ABOUT 20 PER YEAR, THE NUMBER OF MURDERS INCREASED. THROUGHOUT THE 1990s, OUR SOCIETY INCREASED THE NUMBER OF EXECUTIONS AND THE NUMBER OF MURDERS PLUMMETED. SINCE 2001, THERE HAS BEEN A DECLINE IN EXECUTIONS AND AN INCREASE IN MURDERS. IT IS POSSIBLE THAT THE CORRELATED RELATIONSHIP COULD BE MERE COINCIDENCE SO THE WALL STREET JOURNAL DID A REGRESSION ANALYSIS ON THE 26-YEAR RELATIONSHIP. THE ASSOCIATION WAS SIGNIFICANT AT THE .00005 LEVEL, WHICH MEANT THE ODDS AGAINST THE PATTERN BEING SIMPLY A RANDOM HAPPENING ARE ABOUT 18,000 TO 1. FURTHER ANALYSIS REVEALED THAT EACH EXECUTION SEEMS TO BE ASSOCIATED WITH 71 FEWER MURDERS IN THE YEAR THAT THE EXECUTION TOOK PLACE. WHILE IT IS CLEAR THAT THE NUMBER OF MURDERS IS INVERSELY CORRELATED TO THE NUMBER OF EXECUTIONS, IT IS DANGEROUS TO INFER CAUSAL RELATIONSHIP THROUGH

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CORRELATIVE DATA. CAUSATION CAN BE A TWO-WAY STREET, BUT NOT IN THE CASE OF CAPITAL PUNISHMENT. IT MAY BE LOGICAL THAT MORE EXECUTIONS COULD LEAD TO FEWER MURDERS, BUT IS NOT AT ALL LOGICAL THAT FEWER MURDERS COULD LEAD TO MORE EXECUTIONS. A SECOND DIFFICULTY WITH STRONG CORRELATIVE DATA IS THAT OF TIMING. CAUSES SHOULD COME BEFORE EFFECTS, SO THEY CORRELATED EACH YEAR'S EXECUTION TO THE FOLLOWING YEAR'S MURDERS AND FOUND THE RESULTS TO BE EVEN MORE DRAMATIC. THE ASSOCIATION WAS SIGNIFICANT AT THE .00003 LEVEL, WHICH MEANT THE ODDS AGAINST THE RANDOM HAPPENING ARE LONGER THAN 34,000 TO 1. EACH EXECUTION WAS ASSOCIATED WITH 74 FEWER MURDERS THE FOLLOWING YEAR. DIE-HARD CAMPAIGNERS AGAINST CAPITAL PUNISHMENT COULD ARGUE THAT THERE MIGHT YET BE A THIRD VARIABLE, SUCH AS A STRONGER POLICE PRESENCE OR POPULATION SHIFT TO URBAN AREAS, RELATED TO EACH OF THE OTHER TWO VARIABLES. SUCH A VARIABLE MIGHT EXIST, BUT UNTIL IT CAN BE IDENTIFIED, IT IS SUGGESTED THAT THE SIMPLEST SOLUTION IS PROBABLY THE ACTUAL SOLUTION. WE KNOW THAT FOR WHATEVER REASON THERE'S A SIMPLE BUT DRAMATIC RELATIONSHIP BETWEEN THE NUMBER OF EXECUTIONS CARRIED OUT AND A CORRESPONDING REDUCTION IN THE NUMBER OF MURDERS. THE CONCLUSION THAT EACH EXECUTION CARRIED OUT IS ASSOCIATED WITH THE SAVING OF DOZENS OF INNOCENT LIVES CREATES AN EXTRAORDINARILY DIFFICULT MORAL DILEMMA FOR THOSE WHO CAMPAIGN AGAINST THE DEATH PENALTY. UNTIL NOW, THOSE ACTIVISTS COULD LOOK INTO THE EYES OF A CONVICTED KILLER,... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR CRAIGHEAD: THANK YOU...HEAR HIS OR HER SAD STORY, WORK TIRELESSLY TO SET ASIDE THE EXECUTION AND, WITH THAT GOAL ACCOMPLISHED, FEEL GOOD ABOUT THEMSELVES FOR HAVING SAVED A LIFE. THIS DATA SUGGESTS THAT THE MORAL EQUATION IS NOT NEARLY THAT SIMPLISTIC, AND NOW SEEMS THAT THE PROPER QUESTION TO ASK GOES FAR BEYOND THE OBVIOUS ONE OF, DO WE NOW SAVE A LIFE OF THE CONVICTED CRIMINAL? THE MORE PROPER QUESTION SEEMS TO BE, DO WE SAVE THIS PARTICULAR LIFE AT A COST OF THE LIVES OF DOZENS OF FUTURE MURDER VICTIMS? THAT IS A MUCH MORE DIFFICULT MORAL DILEMMA WHICH DESERVES WIDE DISCUSSION IN FREE SOCIETY. COLLEAGUES, I ASK YOU TO THINK ABOUT VOTING AGAINST LB268. THANK YOU VERY MUCH. THANK YOU, MR. PRESIDENT. [LB268]

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SPEAKER HADLEY: THANK YOU. SENATOR NORDQUIST, YOU'RE RECOGNIZED.
[LB268]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. YOU KNOW THOSE WHO LIVE IN GLASS HOUSES PROBABLY SHOULDN'T THROW STONES. WOULD SENATOR McCOY YIELD TO A QUESTION? [LB268]

SPEAKER HADLEY: SENATOR McCOY, WILL YOU YIELD? [LB268]

SENATOR McCOY: YES. [LB268]

SENATOR NORDQUIST: SENATOR McCOY, CAN YOU REMIND ME, HOW MANY CONSTITUTIONAL AMENDMENTS TO GIVE THE VOTERS THE ABILITY TO DECIDE ON THE ISSUE OF GAMBLING HAVE YOU VOTED FOR IN YOUR TIME IN THE LEGISLATURE? [LB268]

SENATOR McCOY: NONE. [LB268]

SENATOR NORDQUIST: THANK YOU. SENATOR McCOY, DO YOU THINK YOU'RE SMARTER THAN THE VOTERS ON THAT ISSUE? [LB268]

SENATOR McCOY: NO, I DO NOT. [LB268]

SENATOR NORDQUIST: THANK YOU, SENATOR McCOY. WHY HAVE YOU NOT ALLOWED THE VOTERS TO HAVE A VOICE ON THAT ISSUE? [LB268]

SENATOR McCOY: BECAUSE OF ONE SIMPLE REASON, SENATOR NORDQUIST, MONEY. LAS VEGAS HAS THE ABILITY TO COME IN ON THE ISSUE OF GAMBLING AND SPEND TENS OF MILLIONS OF DOLLARS TO GET THEIR WAY AND OVERWHELM ANYTHING THAT THE GRASS-ROOTS NEBRASKA EFFORTS COULD BE AGAINST EXPANSION OF GAMBLING. THERE WOULD BE NO SUCH EFFORT TO PUT THE VOTE...DEATH PENALTY TO A VOTE OF THE PEOPLE. [LB268]

SENATOR NORDQUIST: THANK YOU, SENATOR McCOY. OBVIOUSLY SENATOR McCOY, FROM THOSE COMMENTS, DOESN'T THINK NEBRASKANS ARE SMART ENOUGH TO WEED THROUGH THAT ONSLAUGHT OF LAS VEGAS MONEY AND COME TO A DECISION ON THEIR OWN. ALSO FROM HIS VOTES SO FAR, HE HAS

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CHOSEN TO BE ON THE SIDE OF UNDERMINING THE VOTERS' WILL ON THE MINIMUM WAGE. SO, FOR HIM TO STAND UP HERE AND SAY THAT THOSE OF US THAT DON'T WANT THIS ISSUE TO GO TO THE VOTE OF THE PEOPLE, TO SAY WE DON'T THINK THE VOTERS ARE SMART ENOUGH, JUST FLIES IN THE FACE OF HIS TRACK RECORD HERE IN THE LEGISLATURE. YOU KNOW, THE CONCERN I HAVE HERE IS ABOUT THE ARBITRARY NATURE OF THE APPLICATION OF THE MINIMUM...OR OF THE DEATH PENALTY. AS I STATED WHEN SENATOR McCOY ASKED ME A QUESTION, SINCE 1973, WE'VE HAD 1,450 MURDERS IN NEBRASKA; 235 OF THOSE WERE FIRST-DEGREE CONVICTIONS, QUOTE UNQUOTE, AS SOME PEOPLE LIKE TO SAY HERE, THE WORST OF THE WORST. ACCORDING TO OUR STATUTE, FIRST-DEGREE MURDER CONVICTIONS CERTAINLY WOULD BE THE WORST OF THE WORST. BUT OUT OF THAT 235, OR ONLY 16 PERCENT OF THE MURDERS, 103 OF THEM WERE CHOSEN TO BE CASES WHERE PROSECUTIONS SOUGHT THE DEATH PENALTY--ONLY 7 PERCENT OF ALL MURDERS. THIRTY-ONE OF THOSE RESULTED IN DEATH SENTENCES--ONLY 2 PERCENT OF THE MURDERS. THIRTEEN SENTENCES WERE REDUCED BY THE COURT, TEN ON APPEAL. FOUR INDIVIDUALS DIED IN PRISON, AND ONE WERE FREE. ONLY 3 INDIVIDUALS, 3 MURDERERS, OUT OF 100...OR OUT OF 1,450 MURDERS IN NEBRASKA, LESS THAN A PERCENT OF ALL MURDERS ENDED UP IN AN EXECUTION SINCE 1973. WE'VE HEARD PEOPLE IN THIS BODY SAY WE HAVE TO IMPLEMENT THE DEATH PENALTY FOR THE WORST OF THE WORST. WELL, WHAT DO YOU SAY TO THE FAMILIES WHO HAVE BEEN VICTIMS OF HEINOUS CRIMES WHO ARE NOT GETTING A DEATH SENTENCE? ARE YOU SAYING THEIRS ARE NOT THE WORST OF THE WORST? HOW ABOUT THE FAMILY OF THE 14-YEAR-OLD GIRL IN McCOOK THAT WAS MURDERED AND HAD HER BODY BURNED AND THAT ENDED UP IN A LIFE SENTENCE? WAS THAT NOT A HEINOUS CRIME? WAS THAT NOT ONE OF THE WORST OF THE WORST? I CERTAINLY THINK IT IS. SO WHY ARE WE PICKING AN ARBITRARY NUMBER OF LESS THAN...WHAT DID I SAY, LESS THAN 2 PERCENT OF ALL MURDERS END UP IN A DEATH SENTENCE? WE ARE NOT PICKING THE WORST OF THE WORST HERE, FOLKS. IT IS EXTREMELY ARBITRARY. AND THAT'S THE CONCERN I HAVE THAT THE VICTIMS' FAMILIES WHOSE CASES DON'T END UP IN A DEATH SENTENCE, WE'RE SAYING, YEAH, YOUR CASE ISN'T THE WORST OF THE WORST, WHEN, IN FACT, IT VERY MUCH IS. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR NORDQUIST: I ALSO WANT TO JUST READ A FEW STATISTICS, AND THERE ARE A NUMBER OF OTHER CASES THAT WE COULD TALK ABOUT AND MAYBE AT SOME OTHER TIME ON THE MIKE I'LL READ SPECIFIC CASES, OTHER SPECIFIC HEINOUS CASES, GRUESOME MURDER CASES WHERE THEY DIDN'T END

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UP IN A DEATH SENTENCE. BUT THE FACTS...WE HEARD SOME DISCUSSION ON GENERAL FILE ABOUT THE FISCAL IMPACTS, AND I THINK IT'S IMPORTANT TO LOOK AT THOSE AS WELL. OBVIOUSLY, IT DOESN'T RISE TO THE MORAL LEVEL OF GOVERNMENT TAKING A LIFE, BUT IT DOES HAVE SOME IMPACT. AND NEBRASKA'S FORMER SOLICITOR GENERAL AND THE STATE'S CHIEF DEATH PENALTY ATTORNEY TOLD THE LEAGUE OF WOMEN VOTERS OF LANCASTER COUNTY IN 2008, THE DEATH PENALTY'S COMPLEXITY AND FINALITY MAKE IT MUCH MORE COSTLY THAN LIFE WITHOUT PAROLE. CAPITAL PUNISHMENT IS A BLOATED GOVERNMENT PROGRAM THAT HAS CLOGGED OUR COURTS, DELAYED JUSTICE FOR VICTIMS' FAMILIES, AND DEVoured MILLIONS OF TAX DOLLARS. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR NORDQUIST. THOSE IN THE QUEUE: SENATOR BRASCH, PANSING BROOKS, SCHEER, HANSEN, MORFELD, AND OTHERS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB268]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES. AGAIN, I SUPPORT AM1286. I DO BELIEVE THAT WE SHOULD TAKE THIS TO THE BALLOT BECAUSE, OVERWHELMINGLY, NEBRASKANS DO NOT CONDONE MURDER. THEY DO NOT CONDONE THE CRIMES THAT HAVE OCCURRED AT THE HANDS OF A MURDERER. I AM PRO-LIFE, PRO INNOCENT LIFE. AS SENATOR CHAMBERS SAID YESTERDAY, AN EGG PLUS SPERM EQUALS A HUMAN BEING. AND AS OTHER SENATORS TALKED THIS MORNING ABOUT HOW DIMLY LIT IT IS IN HERE, IF YOU LOOK AROUND AND YOU SEE ALL OF OUR LIGHTS, TO MAKE THIS REAL, IF THOSE WERE CANDLES, ONE FOR EACH OF THOSE WHO LOST THEIR LIFE AT A HAND OF A MURDERER, WE WOULDN'T HAVE ENOUGH CANDLES. I CHECKED WITH THE ATTORNEY GENERAL'S OFFICE. THERE ARE HUNDREDS OF INNOCENT VICTIMS WHO ARE MURDERED. IT IS NOT A CRIME TO PUNISH A MURDERER. NO ONE DESERVES TO DIE UNEXPECTEDLY AT THE HANDS OF SOMEONE WHO WOULD VIOLATE THEM, DISMEMBER THEM, TORTURE THEM, TO THE POINT WHERE THEY TAKE THEIR LAST BREATH IN TERROR. THESE ARE NOT INDIVIDUALS WHO WE ARE PUTTING TO DEATH BY MURDER, WE ARE PUTTING THEM TO DEATH BY JUSTICE. AND I BELIEVE THAT IF THE NEBRASKANS WENT TO THE POLLS, THEY WOULD VOTE THAT THEY DO NOT

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CONDONE MURDER AND THAT THESE MURDERERS SHOULD JUSTLY BE PUT TO DEATH. I GIVE THE REST OF MY TIME TO SENATOR BEAU McCOY. [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 2:30. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BRASCH. I WANT TO UPDATE MEMBERS ON SOMETHING THAT I WAS JUST ALERTED TO LESS THAN FIVE MINUTES AGO. DOUGLAS COUNTY ATTORNEY'S OFFICE JUST RELEASED THE PRELIMINARY AUTOPSY REPORTS ON THE FIVE-YEAR-OLD YOUNG MAN WHO PERISHED IN MY DISTRICT: HAD NO OTHER SIGNS OF INJURY OR TRAUMA. HE WAS DROWNED, HE WAS THROWN OVER THE BRIDGE AND DROWNED. CAN YOU IMAGINE WHAT THAT MUST HAVE BEEN LIKE TO HAVE YOUR OLDER BROTHER DO THAT TO YOU AFTER YOU WATCHED HIM BEAT YOUR MOTHER TO DEATH AND LEAVE YOUR YOUNGER BROTHER IN A DUMPSTER OUTSIDE OF AN APARTMENT? HE'S YET TO BE TRIED IN A COURT BUT THE DEATH PENALTY WILL BE PRESSED FOR. AND, YES, HE'S INNOCENT UNTIL PROVEN GUILTY, AS ANYONE IS IN AMERICA BECAUSE THAT'S OUR JUSTICE SYSTEM. AND IN RESPONSE TO SENATOR NORDQUIST I WOULD SAY THIS VERY SIMPLY. LET'S NOT BE HYPOCRITICAL HERE. JUST THE OTHER DAY ON A PREVIOUS PIECE OF LEGISLATION WE ALL HEARD THIS UPSWELLING OF, LET'S TRUST THE JUDGES TO MAKE THE RIGHT DECISION. WELL, SENATOR NORDQUIST, A THREE-JUDGE PANEL HAS TO MAKE THE DECISION ON CASES OF LIFE OR DEATH. A JURY HAS TO MAKE THAT DETERMINATION. YES, THERE ARE HEINOUS CRIMES, THOSE THAT HAVE BEEN COMMITTED THAT THOSE INDIVIDUALS AREN'T ON DEATH ROW. THAT'S WHY WE HAVE A JUSTICE SYSTEM, MEMBERS. WE DON'T MAKE THAT DETERMINATION; THE COURTS DO. THEY'RE A SEPARATE AND EQUAL BRANCH OF GOVERNMENT. AND A JURY MAKES THAT DETERMINATION, NOT THE 49 MEMBERS OF THE LEGISLATURE. SO WE CAN TALK ABOUT OTHER CRIMES AND THEY'RE JUST AS AWFUL, BUT THE COURTS MADE A DETERMINATION IN THOSE CASES AND THOSE INDIVIDUALS DON'T SIT ON DEATH ROW. THERE ARE 11 INMATES WHO SIT ON DEATH ROW, NOT ONE OF THEM CLAIMS TO BE INNOCENT. [LB268]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR BRASCH AND SENATOR McCOY. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB268]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB268. I WASN'T ABLE TO BE HERE BECAUSE I WAS OUT OF TOWN DURING THE DEBATE ON GENERAL FILE. SO I JUST WANT TO GET A COUPLE OF THINGS ON

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THE RECORD. WE'RE THE ONLY WESTERN DEMOCRACY TO RETAIN THE DEATH PENALTY. IT'S NOT A DETERRENT. IT'S BEEN PROVEN TIME AND AGAIN THAT THE COST TO REPEAL...THE COST FOR REPEATED APPEALS AND DELAYS FAR OUTWEIGHS THE COSTS OF THE DEATH PENALTY. THE FAULTY METHODS HAVE RESULTED IN INSTANCES OF TORTURE. WE HAVE 19 DIFFERENT PROCEEDINGS WITH HUNDREDS OF HOURS OF PREPARATION. WE CAN'T EVEN FULLY STAFF OUR PRISONS AND WE'RE PUTTING PEOPLE OFF TO HUNDREDS OF HOURS SPENT ON TRYING TO KILL SOMEBODY? FURTHER, IT'S RACIALLY DISCRIMINATORY. THERE'S ALWAYS THE FEAR OF MISTAKEN EXECUTION. THE BEATRICE SIX IS AN INDICATION OF THAT. AND YOU'LL SAY, WELL, NONE OF THEM WERE KILLED, THEY WEREN'T GIVEN THE DEATH PENALTY. BUT THEY WERE THREATENED WITH THE DEATH PENALTY SO THEY PLED. AND ONLY BECAUSE ONE OF THE BEATRICE SIX MAINTAINED HIS INNOCENCE WERE THEY THEN ABLE TO GO BACK AND TEST HIS DNA PURSUANT TO THE LAW THAT WE HELPED THIS YEAR. BUT OTHERWISE, THEY'D STILL BE THERE. AND THEY COULD HAVE BEEN CHARGED WITH THAT BECAUSE OF THE WAY THAT THEY...BUT THEY PLED GUILTY. SO IT'S BEING USED AS A HAMMER. JOANNE TAYLOR WAS TOLD, YOU WILL NEVER SEE YOUR SON AGAIN, YOUR CHILD AGAIN. YOU NEED TO PLEAD OR YOU'RE GOING TO GET THE DEATH PENALTY. REALLY? SO WE SPENT MILLIONS OF DOLLARS TO PAY THOSE PEOPLE OFF. THE MORAL AND RELIGIOUS DICHOTOMY OF KILLING PEOPLE IN ORDER TO TEACH PEOPLE NOT TO KILL, THAT'S SUCH AN INTERESTING FORM OF EDUCATION. AS A PARENT, LET'S SEE, I'M GOING TO HIT YOU TO TEACH NOT TO HIT. I'M GOING TO KILL YOU TO TEACH NOT TO KILL. THAT'S JUST BAD MENTALITY. LIFE IS SACRED. THIS IS STATE-SANCTIONED MURDER. RETIRED DISTRICT JUDGE REAGAN SAID IN OUR HEARING, THE DEATH PENALTY DOESN'T WORK, IT'S NOT A DETERRENT, RETRIBUTION AND REVENGE ARE NOT A VIABLE REASON FOR CONTINUING THE DEATH PENALTY. AND THEN HE GAVE THE VERY INTERESTING EXAMPLE. JOUBERT IN OMAHA DROVE FIVE MILES TO KILL...HIDEOUSLY KILL THAT YOUNG NEWSPAPER BOY. HE COULD HAVE DRIVEN TWO MILES TO IOWA AND INSTEAD HE DROVE FIVE. IF HE HAD DRIVEN THE TWO MILES TO IOWA, THERE WOULD HAVE BEEN NO DEATH PENALTY. SO, AGAIN, WHERE'S THAT DETERRENT? ONE OTHER REALLY IMPORTANT THING THAT WE HEARD WAS FROM ONE OF THE VICTIM'S FAMILY, MIRIAM KELLE. SHE TALKED ABOUT HOW HER BROTHER, JAMES, WAS TORTURED BY MICHAEL RYAN, AND HE WAS SENTENCED TO DEATH. BUT HER POINT WAS THERE'S NO CLOSURE. A SENTENCE OF DEATH IS ALSO A SENTENCE OF DEATH TO THE VICTIMS' FAMILIES AS WELL. SHE HAD A NOTEBOOK THAT HAD TO BE AT LEAST A FOOT THICK. AND SHE SAID DON'T YOU WANT TO KNOW WHAT'S IN THIS NOTEBOOK? [LB268]

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SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR PANSING BROOKS: THIS NOTEBOOK HAS ALL THE APPEALS, ALL THE NEWSPAPER ARTICLES, ALL THE THINGS THAT WERE BROUGHT INTO THIS TIME AND TIME AGAIN ON EVERY APPEAL. EVERY TIME THAT YOU WANT...THAT AN APPEAL IS MADE OR THAT SOME OTHER MOTION IS MADE, THE FAMILY IS INVOLVED. VICTIMS, SHE SAID,...THE VICTIM'S FAMILY ARE TREATED LIKE PAWNS IN THE SYSTEM. IF WE PUT THEM AWAY FOR LIFE, IT'S OVER, THEY DON'T GET TO HAVE REPEATED APPEALS. THE REASON THEY GET REPEATED APPEALS IS TO MAKE SURE THAT WE AREN'T ERRONEOUSLY KILLING SOMEBODY. THINK OF THE COSTS OF THAT. IN THE NEWSPAPER SHE TALKED ABOUT HOW THIS TRAUMA IS BEING USED FOR POLITICAL GAIN. AND ARE THERE HIDEOUS CRIMES? YES. SHOULD WE PUT THEM AWAY FOREVER? DEFINITELY. DEFINITELY. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. THOSE IN THE QUEUE: SENATOR SCHEER, HANSEN, MORFELD, SULLIVAN, BAKER, AND OTHERS. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB268]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I RISE IN OPPOSITION OF LB268, WHICH I DID ON GENERAL FILE AS WELL. AND I WASN'T NECESSARILY GOING TO SPEAK TO THIS POINT, BUT SENATOR PANSING BROOKS BROUGHT UP THE POINT THAT VICTIMS' FAMILIES BECOME VICTIMS. THEY ARE. THEY'RE A VICTIM THE MINUTE A LOVED ONE LOSES THEIR LIFE. BUT WHAT I KEEP HEARING IS THAT IT'S A DYSFUNCTIONAL SYSTEM, THAT THERE'S TOO LONG A PERIOD BETWEEN THE CRIME, AND THAT IT'S NOT WORKING. WE CAN'T HAVE IT BOTH WAYS. IF WE WANT TO HAVE A SYSTEM...AND I MIGHT ADD, WE DO NOT HAVE, NOR HAVE WE EVER HAD, AN INSTANCE OF ANYONE BEING EXECUTED IN THE STATE OF NEBRASKA THAT WAS INNOCENT. WE DO HAVE A MULTITUDE OF APPEAL PROCESSES. BUT HOW CAN WE BLAME THE SYSTEM WE PUT IN PLACE TO PROTECT THOSE THAT ARE INNOCENT AND THEN SAY IT'S THE PROBLEM? WE CAN'T TALK OUT OF BOTH ENDS OF OUR MOUTH. IF WE PUT APPEALS IN TO STOP THOSE THAT ARE TRULY INNOCENT FROM LOSING THEIR LIFE FOR SOMETHING THEY DIDN'T DO, THEN IT'S WORKING. IT IS WORKING. IS IT AS EXPEDIENT AS SOME OF US WOULD LIKE TO HAVE? PROBABLY NOT. IN MY AREA, WE'VE HAD

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SOME VERY GRUESOME LOSSES OF LIFE. THEY'RE DOCUMENTED. THEY'RE ON FILM. THERE'S NOT A QUESTION IF SOMEBODY DID IT. BUT THEY STILL RECEIVE THE SAME RIGHTS, THE SAME PRIVILEGES, THE SAME APPEALS AS SOMEBODY THAT WE'RE NOT QUITE AS SURE. IS IT GOING TO TAKE TIME? ABSOLUTELY, BUT IT SHOULD TAKE TIME. IT IS A VERY SERIOUS DECISION ON THE PART OF THE STATE TO FINALLY PUT SOMEONE TO DEATH FOR SOMETHING THAT THEY'VE DONE. BUT I WOULD MAINTAIN THAT CONSEQUENCE SHOULD STILL BE AVAILABLE IN THE STATE OF NEBRASKA. SENATOR NORDQUIST, WOULD YOU ANSWER A QUESTION, PLEASE? [LB268]

SPEAKER HADLEY: SENATOR NORDQUIST, WILL YOU YIELD? [LB268]

SENATOR NORDQUIST: YES. [LB268]

SENATOR SCHEER: SENATOR NORDQUIST, AND CORRECT ME IF I'M MISTAKEN, BUT WHEN YOU WERE ON THE MIKE THE PREVIOUS TIME YOU TALKED ABOUT HEINOUS MURDERERS THAT WERE NOT RECEIVING THE DEATH PENALTY. IS THAT CORRECT? [LB268]

SENATOR NORDQUIST: THAT'S CORRECT. [LB268]

SENATOR SCHEER: SO AM I TO ASSUME THEN THAT YOU SUPPORT THE DEATH PENALTY BUT HAVE NOT A BROAD ENOUGH STATUTE TO ENCOMPASS THOSE THAT ARE COMMITTING HEINOUS ACTS? [LB268]

SENATOR NORDQUIST: NO, I THINK WE SHOULD HAVE A MUCH MORE CONSISTENT POLICY OF LOCKING UP ALL OF THOSE SENTENCED TO FIRST-DEGREE MURDER TO... [LB268]

SENATOR SCHEER: OKAY, BUT THAT'S NOT WHAT YOU SAID, SENATOR. YOU SAID THAT WE WERE NOT BEING CONSISTENT BECAUSE THERE WERE MORE HEINOUS ONES. [LB268]

SENATOR NORDQUIST: RIGHT. [LB268]

SENATOR SCHEER: AND THE IMPLICATION WAS THAT YOU SUPPORTED THE DEATH PENALTY IN THOSE CASES THAT WERE NOT GIVEN THE DEATH PENALTY. [LB268]

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SENATOR NORDQUIST: THAT WAS NOT THE IMPLICATION, SENATOR SCHEER.
[LB268]

SENATOR SCHEER: OKAY, THANK YOU VERY MUCH. [LB268]

SENATOR NORDQUIST: THANK YOU. [LB268]

SENATOR SCHEER: WE HAVE TO BE CONSISTENT AND I THINK WE ARE
CONSISTENT. WE ARE AS CONSISTENT AS THE COURTS WILL ALLOW US TO BE. I
THINK WE CAN FIND... [LB268]

SPEAKER HADLEY: TIME...ONE MINUTE, SENATOR, ONE MINUTE. [LB268]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I THINK WE COULD FIND
VARIATIONS IN PENALTIES REGARDLESS IF IT IS A SPEEDING TICKET OR CAPITAL
PUNISHMENT CASE AND ANYWHERE IN BETWEEN. WE'RE ALL HUMANS, JUDGES
ARE HUMANS. EACH JUDGE HAS THE OPPORTUNITY TO TAKE THE ACTIONS AND
THE CONSEQUENCES INTO PLAY AT THE TIME OF SENTENCING. THERE ARE
DIFFERENCES TO EVERYTHING. I'M NOT AN ATTORNEY. I'M NOT GOING TO TRY
TO STAND HERE AND TELL YOU WHAT THOSE DIFFERENCES MIGHT BE. BUT THIS
IS A DIFFICULT SITUATION. IT IS A DIFFICULT DECISION AND I'LL TALK ABOUT
THAT IN MY NEXT TIME UP. BUT, FOLKS, WE SHOULD BE LISTENING. AND IT
CONCERNS ME THE DISCUSSION WE'RE HAVING TODAY, IN LOOKING AROUND, IS
BEING WITNESSED BY LITERALLY HALF OF OUR BODY. IT DESERVES BETTER, IT
TRULY DOES. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER. SENATOR HANSEN, YOU'RE
RECOGNIZED. [LB268]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TODAY IN SUPPORT OF
LB268. THIS IS MY FIRST TIME SPEAKING ON THE BILL, AS I CHOSE NOT TO ON
GENERAL FILE. AND EVEN TODAY I WAS SITTING BACK AND TRYING TO
CONTEMPLATE MY REMARKS ON THIS BILL BECAUSE, WHILE I'M DEFINITELY
COMMITTED IN MY SUPPORT TO ABOLISH AND REPEAL THE DEATH PENALTY, IT'S

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A TOUGH ENOUGH ISSUE TO TALK ABOUT THAT I EVEN TOOK SOME EXTRA TIME TODAY TO THINK ABOUT WHAT I'M GOING TO SAY. BUT THERE WERE TWO THINGS THAT WERE SAID ON THE FLOOR TODAY THAT I KIND OF JUST WANTED TO RESPOND TO IN GENERAL. THE FIRST WAS ABOUT THE WILL OF THE PUBLIC. I CAUGHT THE TAIL END; I APOLOGIZE FOR NOT HAVING THE WHOLE COMMENT. BUT THERE WAS A COMMENT TO THE REMARKS THAT THE WILL OF THE PUBLIC IS OVERWHELMINGLY IN FAVOR OF KEEPING THE DEATH PENALTY. I WILL SAY, IN MY DISTRICT I ASKED MY STAFF TO GET ME THE UPDATED TALLY OF CONSTITUENTS. AS OF THIS MORNING, IT WAS 50 IN FAVOR FOR REPEAL OF THE DEATH PENALTY, 4 IN FAVOR OF KEEPING IT. NOW, I'M ABSOLUTELY WILLING TO BELIEVE THAT DIFFERENT PARTS OF THE STATE AND OUR DIFFERENT DISTRICTS AND EACH OF US PERSONALLY ALL HAVE DIFFERENT VIEWS AND DIFFERENT GROUPS OF PEOPLE WHO FEEL DIFFERENTLY AND BELIEVE DIFFERENTLY. SO I UNDERSTAND THAT WHAT I RECEIVED IN MY OFFICE MIGHT BE VERY DIFFERENT THAN SOMEONE IN THE PANHANDLE OR SOMEONE REPRESENTING NORTHEAST NEBRASKA RECEIVES. I ABSOLUTELY UNDERSTAND AND BELIEVE THAT. BUT I DEFINITELY DO NOT THINK THAT IT'S CLEAR-CUT THAT THE PUBLIC SUPPORTS KEEPING THE DEATH PENALTY. YOU KNOW, FURTHER, I, AS A CANDIDATE, A YEAR AGO WAS ASKED IN THE JOURNAL STAR AND ON DOORSTEPS HOW I FELT ABOUT THE DEATH PENALTY. AND I WAS HONEST AND I SAID I WOULD SUPPORT ITS REPEAL AND THAT IS WHAT I'M DOING WHEN I WAS HERE. AND THE PEOPLE OF MY DISTRICT SAW FIT TO ELECT ME KNOWING THAT. SO I WANTED TO ADDRESS THAT ISSUE. SECONDLY, THERE WAS...EARLY ON THERE WAS A MOMENT OF...IT WAS SAID THAT SOME PEOPLE ON THIS FLOOR OR IN THIS CHAMBER MIGHT NOT BELIEVE IN JUSTICE. AND I JUST WANTED TO...AND I DON'T KNOW IF THAT SENATOR ATTEMPTED TO INCLUDE ME AS A SUPPORTER OF THE DEATH PENALTY REPEAL AND A COSIGNER OF THAT BILL IN HIS REMARKS. I'M NOT NECESSARILY SURE WHO HE WAS REFERRING TO, BUT I JUST WANT TO RISE UP IN DISAGREEMENT. I ABSOLUTELY DO BELIEVE THAT ALL 49 OF US BELIEVE IN JUSTICE. I BELIEVE BOTH THE SUPPORTERS OF THIS BILL AND THE OPPONENTS OF THIS BILL BELIEVE IN JUSTICE. HOWEVER, AS JUSTICE IS AN IDEA IN OUR SOCIETY THAT WE CAN DEBATE, WHAT IS JUSTICE? WHAT IS A JUST RESPONSE TO A CERTAIN ACTION? YOU KNOW, I UNDERSTAND PEOPLE WHO BELIEVE THAT THE DEATH PENALTY FOR HEINOUS MURDERERS IS JUST. I CAN UNDERSTAND WHERE THEY'RE COMING FROM. I UNDERSTAND PEOPLE WHO FEEL THAT THE DEATH PENALTY IS NEVER JUST IN ANY CIRCUMSTANCE. I UNDERSTAND PEOPLE WHO FEEL THAT THE DEATH PENALTY BEING APPLIED INCORRECTLY TO AN INNOCENT PERSON IS SO UNJUST THAT IT OUTWEIGHS ANY JUSTICE THAT COULD POSSIBLY BE DONE IN A CORRECT APPLICATION. AND I'M SURE THERE'S OTHER VIEWPOINTS THAT I'M NOT SUMMARIZING RIGHT HERE.

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BUT I JUST WANTED TO RISE UP AND ADDRESS THOSE TWO POINTS. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR HANSEN. THOSE IN THE QUEUE: SENATORS MORFELD, SULLIVAN, BAKER, KINTNER, GROENE, AND OTHERS. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB268]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. I RISE IN OPPOSITION TO SENATOR McCOY'S AM1286. AND I THINK SENATOR NORDQUIST HIGHLIGHTED I THINK THE HYPOCRISY OF THE STATEMENT, OH, YOU DON'T BELIEVE IN THE VOTERS AND WHETHER OR NOT THEY'RE SMART ENOUGH TO MAKE CERTAIN DECISIONS ON THE BALLOT, PARTICULARLY IN THE SENSE THAT HE VOTED FOR LB599, WHICH THAT'S HIS PREROGATIVE. BUT IF YOU'RE GOING TO MAKE THOSE STATEMENTS, I ASK THAT WE AT LEAST BE CONSISTENT AND PRINCIPLED ABOUT THEM. IN ANY CASE, I DO WANT TO DISCUSS A LITTLE BIT ABOUT THE PRESS RELEASE THAT WAS SENT BY THE GOVERNOR'S OFFICE YESTERDAY AND SOME OF THE LEGAL ISSUES SURROUNDING DRUGS AND ALSO NOTE THAT LB268 IS ABOUT ELIMINATING THE DEATH PENALTY AS A FORM OF PUNISHMENT. THE FACT THAT THESE DRUGS ARE AVAILABLE DOES NOT CHANGE THIS DEBATE ANY MORE. IT'S NOT SIMPLY THE DRUGS ARE AVAILABLE SO WE SHOULDN'T HAVE LB268. THERE ARE VARIOUS FORMS--SENATOR KINTNER INTRODUCED I BELIEVE AN AMENDMENT TO ENACT THE FIRING SQUAD AS A FORM OF EXECUTION-- THERE'S VARIOUS FORMS OF EXECUTION THAT CAN TAKE PLACE. LB268 IS ABOUT WHETHER OR NOT WE HAVE EXECUTIONS IN THE FIRST PLACE. SO THE FACT THAT DRUGS ARE AVAILABLE TO ME IS REALLY JUST KIND OF A MOOT POINT IN TERMS OF LB268. BUT I DO WANT TO DISCUSS A LITTLE BIT ABOUT SOME OF THE LEGAL RAMIFICATIONS AND SOME OF THE ISSUES WITH THOSE DRUGS BEING AVAILABLE NOW AND THE STATE HAVING POSSESSION OF THEM. FIRST, IT IS NOT ALL THAT CLEAR THAT THE STATE IS GETTING ITS DRUGS FROM A REPUTABLE SOURCE. THE STATE'S PRESS RELEASE ACTUALLY SAID THEY'LL BE GETTING THE SODIUM THIOPENTAL FROM HARRIS PHARMA. THAT IS THE SAME NAME AS A MIDDLEMAN WHO'S TOLD A SWISS PHARMACEUTICAL COMPANY A FEW YEARS AGO THAT HE WAS USING FREE SAMPLES IN HOSPITALS IN ZAMBIA, I BELIEVE, ONLY TO END UP SELLING THEM TO NEBRASKA FOR USE IN EXECUTIONS. IF THE SOURCE IS NOT REPUTABLE THERE ARE SERIOUS QUESTIONS AS TO THE SAFENESS OF THE DRUGS AND AS TO WHETHER THE DRUG SOURCE WILL REMAIN AVAILABLE. AND AS I'LL GET DOWN TO, THERE'S ALSO CONSTITUTIONAL QUESTIONS THEN. AND GIVEN THE ORIGIN OF THE SODIUM THIOPENTAL, IT IS UNCLEAR AS TO WHO IS MAKING IT. THERE IS A GOOD CHANCE THAT IT COMES FROM A COMPOUNDING PHARMACY. AND WHILE

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THAT'S NOT DEFINITE YET, BASED ON THE PRESS RELEASE, IT APPEARS PROBABLE AND THE STATE HASN'T SAID ANYTHING TO SUGGEST OTHERWISE. AND WE ARE PREPARING A LETTER TO RECEIVE THAT INFORMATION FROM THE STATE AS WE SPEAK. IT'S IMPORTANT TO NOTE THAT COMPOUNDING PHARMACIES ARE LICENSED TO DISPENSE DRUGS BUT NOT TO MANUFACTURE THEM. AND, CONSEQUENTLY, THEY OFTEN LACK THE BASIC INFRASTRUCTURE NECESSARY TO PRODUCE STERILE, POTENT, SAFE DRUGS. COMPOUNDING PHARMACIES OFTEN ALSO USE ACTIVE PHARMACEUTICAL INGREDIENTS FROM COMPLEX, UNSECURED SUPPLY CHAINS THAT CAN BE DIVERTED THROUGH GRAY MARKETS MAKING IT DIFFICULT OR IMPOSSIBLE TO VERIFY WHETHER THE INGREDIENTS IN THE SPECIFIC PRODUCTION LOTS CONFORM TO FDA REQUIREMENTS, WHICH CREATE MORE LEGAL ISSUES. SO EVEN IF THE STATE HAS ACCESS TO THE DRUGS, IT IS HARDLY CLEAR THAT THOSE DRUGS ARE SAFE OR EVEN PURPORT TO BE WHAT THEY PURPORT TO BE. EVEN IF THE DRUGS ARE SAFE, AND THAT'S A HUGE IF, THE SAFETY AND CONSTITUTIONALITY OF LETHAL INJECTION BASED ON CASE LAW PROCEDURE HINGES ON HOW IT IS ADMINISTERED. THE STATE'S THREE-DRUG PROCEDURE USES POTASSIUM CHLORIDE, WHICH EVERYONE AGREES CAUSES EXCRUCIATING PAIN IF IMPROPERLY ANESTHETIZED. WHETHER THE INMATE IS PROPERLY ANESTHETIZED DEPENDS ON NUMEROUS FACTORS. AN OBVIOUS ONE IS WHETHER THE STATE HAS A RELIABLE ANESTHETIC DRUG--IN MY PREVIOUS CONVERSATION ABOVE--BUT THE STATE ALSO NEEDS TO SET THE CATHETER PROPERLY INTO THE INMATE'S VEINS, DETERMINE THE INMATE'S ANESTHETIC DEPTH BEFORE INJECTING THE SECOND AND THIRD DRUGS, USE PROPER EQUIPMENT, HAVE CONTINGENCY PLANS, AND ETCETERA. [LB268 LB599]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR MORFELD: LITIGATION IS ALMOST CERTAIN TO ENSUE ABOUT THE CONSTITUTIONALITY OF THE STATE'S LETHAL INJECTION PROCEDURE, JUST AS IT HAS IN THE PAST, IF THIS MOVES FORWARD. AND THAT WILL COST THE STATE PLENTY MORE MONEY. AND FINALLY, AS I SUGGESTED ABOVE, EVEN IF THE DRUG PROVIDER IS REPUTABLE AND HAS SAFE DRUGS, THAT DOESN'T MEAN IT WILL ALWAYS BE THERE IN THE FUTURE. DRUG PROVIDERS FOR EXECUTIONS CAN OR HAVE CHANGED THEIR MINDS OR STOPPED PRODUCING THE DRUGS IN QUESTION. SO AT BEST, THIS IS A SHORT-TERM SOLUTION. BUT I WANT TO REMIND THE BODY THAT THIS IS NOT ABOUT WHETHER WE HAVE ACCESS OR AVAILABILITY OF METHODS OF EXECUTION, BUT WHETHER OR NOT WE SHOULD HAVE EXECUTION AT ALL AS A FORM OF PUNISHMENT AS A STATE. AND I REMAIN OPPOSED TO THE DEATH PENALTY, IN SUPPORT OF LB268,... [LB268]

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SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR MORFELD: ...AND OPPOSED TO AM1286. THANK YOU, MR. PRESIDENT.
[LB268]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SENATOR SULLIVAN,
YOU'RE RECOGNIZED. [LB268]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I'M QUITE SURE THAT I'M NOT UNLIKE NEARLY ALL OF US IN THIS CHAMBER. WE HAVE CONSTITUENTS ON BOTH SIDES OF THIS ISSUE. AND I HAD A PARTICULARLY VOCAL INDIVIDUAL WHOM I TALKED TO ON THE PHONE A FEW WEEKS AGO AFTER I CAST MY VOTE ON GENERAL FILE REMINDING ME THAT HE RECALLED WHEN I WAS RUNNING FOR ELECTION, HE WAS QUITE SURE THAT I TOLD HIM THAT I WAS FOR THE DEATH PENALTY AND THAT APPARENTLY I HAD CHANGED MY MIND. AND I SAID, I DIDN'T QUITE REMEMBER THAT CONVERSATION WITH HIM A NUMBER OF YEARS AGO BUT, YES, I HAD CHANGED MY MIND. BUT IT WAS DONE WITH A LOT OF SOUL SEARCHING AND A LOT OF CAREFUL CONSIDERATION. AND I ASK MYSELF, WHO AM I TO JUDGE? AND I ASK ABOUT OUR JUDICIAL SYSTEM. I'M AN IMPERFECT INDIVIDUAL. I THINK THERE'S SOME IMPERFECTIONS IN OUR JUDICIAL SYSTEM. TO THINK THAT OVER THE LAST 30-PLUS YEARS, OVER 150 PEOPLE NATIONWIDE WHO HAVE BEEN ON DEATH ROW HAVE BEEN EXONERATED DUE TO FLAWED EVIDENCE OR TESTIMONY, PROSECUTORIAL MISCONDUCT, SOME OF THAT'S HAPPENED HERE IN NEBRASKA. AND THE REALITY IS WE DO HAVE AN INEXACT, INCONSISTENT PROCESS WHERE DECISIONS ARE MADE IN DETERMINING WHETHER OR NOT AN INDIVIDUAL SHOULD BE PLACED ON DEATH ROW. CLEARLY, I RECOGNIZE THE HEINOUS CRIMES THAT THESE INDIVIDUALS HAVE COMMITTED. THEY DESERVE THEIR INCARCERATION. BUT AT THE END OF THIS ALL, TO ME IT'S A VERY PERSONAL DECISION AND IT GOES BEYOND LISTENING TO MY CONSTITUENTS. HOWEVER, I DO LISTEN TO THEM. BUT IN THAT PROCESS, I FOUND SOME OF THAT DISTURBING AS WELL. IN SOME OF THE CONVERSATIONS AND SOME OF THE PHONE CALLS THAT HAVE COME INTO MY OFFICE, IT SORT OF REMINDED ME OF WHAT SENATOR COASH SAID WHEN HE WITNESSED OR WAS IN THE CROWD AND THE CROWD MENTALITY THAT WAS EXHIBITED WHEN WE HAD THE LAST PERSON EXECUTED IN NEBRASKA. BUT IN SOME OF THOSE PHONE CALLS THAT CAME INTO MY OFFICE, IT LITERALLY SOUNDED LIKE THEY WERE SITTING IN A BAR PASSING THE CELL PHONE AROUND, CALLING IN AND INDICATING THEIR SUPPORT OF THE DEATH PENALTY. I FIND THAT DISTURBING AS WELL. LET'S NOT TAKE THIS LIGHTLY, FOLKS. AND WHAT SATISFACTION DO WE HAVE FROM

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REVENGE, BECAUSE I'VE HEARD THAT COMMENT MADE ON THE FLOOR IN THIS DISCUSSION AS WELL? WHAT SATISFACTION, WHAT SOLACE, WHAT CLOSURE DO WE SEE WHEN ANOTHER LIFE IS TAKEN, BECAUSE IN ALL ITS FRAILTIES AND ALL ITS SHORTCOMINGS AND ALL THE EVIL THINGS THAT IT DOES, AT THE END OF THE DAY, HUMAN LIFE IS SACRED. SOMETIMES WE ALL FALL BACK ON QUOTES OR PASSAGES OR WHATEVER THAT SPEAK TO WHAT WE'RE FEELING. AND I RAN ACROSS ONE BY A LONG-AGO AUTHOR, VICTOR HUGO. SO, YOU SAY SOCIETY MUST EXACT VENGEANCE? SOCIETY MUST PUNISH? WRONG ON BOTH COUNTS. VENGEANCE COMES FROM THE INDIVIDUAL; PUNISHMENT COMES FROM GOD. I STAND AGAINST AM1286. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR SULLIVAN: I STAND IN FAVOR OF LB268, BUT NOT LIGHTLY. AND ON A FINAL NOTE, I MUST SAY, BECAUSE THIS A PHONE CALL THAT I HAD WITH THIS INDIVIDUAL A FEW WEEKS AGO ASKED ME HOW I WOULD RESPOND TO SENATOR McCOY'S AMENDMENT. MAYBE THAT IS SOMETHING THE CITIZENS WILL HAVE TO DO. BUT, FOLKS, WE ARE HERE TO MAKE THESE VERY UNCOMFORTABLE, THOUGHT-PROVOKING, HEART-WRENCHING DECISIONS. AND I SUGGEST THAT WE HAVE TO GO THROUGH THIS PROCESS AND MAKE OUR DECISION AND MAKE OUR CHOICE NOW. AND IF THE CITIZENS DISAGREE WITH IT, THEN THEY CAN LAUNCH THE PETITION DRIVE TO CARRY FORTH AN INITIATIVE TO CHANGE IT. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. SENATOR BAKER, YOU ARE RECOGNIZED. [LB268]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I AM SUPPORTING LB268. ALL MY LIFE I'VE BEEN OKAY WITH THE DEATH PENALTY. AND IF THIS LEGISLATIVE SESSION ENDS WITHOUT THE REPEAL OF THE DEATH PENALTY I WON'T SUFFER THE HEARTBURN THAT SOME OTHERS IN THIS CHAMBER MIGHT. EVERYONE WHO GETS UP AND SPEAKS ON THIS ISSUE CLAIMS THAT THEY HAVE HEARD OVERWHELMINGLY FROM HIS OR HER DISTRICT PATRONS, THEY SUPPORT HIS OR HER POSITION. I FIND THAT ODD AND PERHAPS CONVENIENT. CONTACTS FROM MY DISTRICT 30, BY A GOOD MARGIN, TELL ME THEY FAVOR REPEAL OF THE DEATH PENALTY. AND THAT IS NOT COUNTING THE DOZENS OF BOILERPLATE POSTCARDS OPPOSING THE DEATH PENALTY. I'M JUST AT A POINT NOW WHERE I SIMPLY DON'T THINK WE NEED THE DEATH PENALTY. I HAVEN'T PERSONALLY VISITED OUR PRISONS IN RECENT YEARS AS WE'VE TALKED ABOUT NEEDED

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PRISON REFORM. THE PICTURE OF PRISON LIFE IN NEBRASKA IS FAR FROM THAT OF COUNTRY CLUB LIVING. LIFE IN PRISON WITHOUT PAROLE IS A PROPER AND VIABLE ALTERNATIVE TO THE DEATH PENALTY, IN MY MIND. THAT IS WHAT I SAID IN MY CAMPAIGN FOR THIS OFFICE. SOME OF YOU HAVE CITED BIBLICAL JUSTIFICATIONS FOR KEEPING THE DEATH PENALTY. IF YOU BELIEVE IN HEAVEN AND HELL, DO YOU THINK THE PEOPLE WE PUT TO DEATH CAN GO TO HEAVEN OR ARE THEY HEADED STRAIGHT TO HELL? IN YOUR RELIGIOUS BELIEFS, DO YOU THINK THAT ANY HUMAN BEING IS BEYOND REDEMPTION? HAVE YOU EVER HEARD OR READ ABOUT A PERSON ON DEATH ROW FINDING FAITH? I GIVE YOU A QUOTE FROM CADDYSHACK, MY ALL-TIME FAVORITE MOVIE. JUDGE SMAILS TO DANNY NOONAN: I'VE SENTENCED BOYS YOUNGER THAN YOU TO THE GAS CHAMBER. DIDN'T WANT TO DO IT; I FELT I OWED IT TO THEM. THAT SEEMS TO BE THE CHARACTER OF SOME OF THE CONVERSATION WE'RE HAVING HERE. IF THE PRIMARY BILL BEFORE US WAS THE CONTENT OF AM1286, I WOULD VOTE FOR IT. PUTTING THE MATTER TO A VOTE OF THE PEOPLE WOULD NOT BE A BAD IDEA. HOWEVER, I WILL VOTE AGAINST AM1286 IN ORDER TO BE ABLE TO VOTE ON LB268 AS IT IS, WHICH I FAVOR. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR BAKER. SENATOR KINTNER, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB268]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. IT'S BEEN INTERESTING LISTENING. I ALSO AGREE WITH SENATOR SCHEER THAT ALL THE SENATORS ARE NOT HERE--MAYBE THEY'RE WATCHING IT ON TV--BUT THIS IS THE MOST IMPORTANT ISSUE THAT WE'RE GOING TO DECIDE HERE. AND A COUPLE THINGS I WANTED TO HIT ON. FIRST OF ALL, THIS IS A ISSUE THAT WILL DEFINE YOU, ESPECIALLY IF YOU'RE A FRESHMAN. THIS IS ONE OF THE ISSUES THAT PEOPLE CARE ABOUT. THIS IS AN ISSUE THAT WILL NOT GO AWAY, NO MATTER WHAT WE DO TODAY. IT WILL BE AN ISSUE IN THE '16 ELECTION, IT WILL BE AN ISSUE IN THE '18 ELECTION AND MAYBE BEYOND. AND THERE WILL BE PEOPLE RUNNING THAT ARE FOR THE DEATH PENALTY AND THERE WILL BE PEOPLE IN THE RACE WHO ARE AGAINST THE DEATH PENALTY. AND THE LAST POLLS I'VE SEEN IN OUR STATE WERE PROBABLY ABOVE 65 PERCENT STATEWIDE. IF YOU TAKE LINCOLN OUT OF THAT, IT'S PROBABLY ABOVE 70 PERCENT. IT WASN'T EVEN AN ISSUE IN MY CAMPAIGN. I THINK I HAD ONE PRO REPEAL PERSON ASKED ME WHERE I STOOD. I LOOKED HIM IN THE EYE AND SAID, I SUPPORT THE DEATH PENALTY, AND THAT TOOK CARE OF THAT. SO PEOPLE DON'T EVEN...THEY TAKE IT FOR GRANTED THAT WE HAVE IT. SO YOU'RE DEFINING YOURSELF ON A LOT OF IMPORTANT VOTES THIS WEEK. YOU'RE DEFINING WHO YOU ARE. AND THE DAYS WHEN YOU COULD COME HERE AND VOTE ONE WAY AND DO SOMETHING

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ELSE IN YOUR DISTRICT OR OVER THE INTERNET HAS CHANGED ALL THAT. SO IF WE, AS A BODY, ARE GOING TO GO AGAINST THE WILL OF THE PEOPLE OF THIS STATE, WE'D BETTER HAVE A DARNED GOOD REASON. THEY WILL HOLD US ACCOUNTABLE. THERE IS NO DOUBT IN MY MIND THAT THE PEOPLE OF THIS STATE HAVE BEEN SCRATCHING THEIR HEAD THIS YEAR WATCHING US AND LOOKING AT THE ISSUES WE'RE SPENDING TIME ON, AND THEY'RE JUST AMAZED THAT WE ARE SPENDING TIME ON SOME OF THE THINGS WE'RE SPENDING TIME ON. AND YOUR GOOD VOTE FOR THE BUDGET AND YOUR GOOD VOTE TO PUT TWO MORE PEOPLE ON THE CORN BOARD AND YOUR VOTE ON A ZONING BILL AND YOUR VOTE FOR AN INSURANCE BILL, ALL GOOD WORK. BUT YOUR CONSTITUENTS ARE NOT GOING TO HOLD YOU ACCOUNTABLE FOR THAT. YOU'RE DOING THE RIGHT JOB ON THOSE THINGS, BUT THAT'S NOT WHAT THEY LOOK AT. THEY LOOK AT WHERE YOU ARE ON TAXES, THEY PROBABLY LOOK AT WHERE YOU ARE ON ABORTION, ALTHOUGH YOU'LL NEVER HAVE TO VOTE ON IT IN THIS BODY, AT LEAST FOR THIS NEXT YEAR PROBABLY. AND THEY PROBABLY, AT LEAST FROM HERE ON OUT, ARE GOING TO LOOK AT WHERE YOU ARE ON THE DEATH PENALTY AND YOU'RE GOING TO HAVE TO ANSWER TO THAT. AND I HAVE NO PROBLEM WHEN I'M BACK IN MY DISTRICT AND THE VAST, VAST MAJORITY OF PEOPLE IN LEGISLATIVE DISTRICT 2 SUPPORT THE DEATH PENALTY, NOT EVERYBODY. THERE'S PASSIONATE PEOPLE ON THE OTHER SIDE. I RESPECT THAT. BUT THIS ISN'T EVEN CLOSE. THIS ISN'T EVEN...IF YOU'RE THINKING IT'S CLOSE TO FIFTY-FIFTY, YOU'RE NOT OUT IN YOUR DISTRICT ENOUGH. SO ANYWAY, THAT'S WHAT'S GOING TO HAPPEN WITH THIS. YOU'RE GOING TO DEFINE YOURSELF TODAY BY THIS VOTE. AND LET ME TELL YOU SOMETHING ELSE. I KNOW WHEN YOU GOT HERE SOME PEOPLE JUST SAID, HEY, A CLOTURE VOTE, IT'S JUST A PROCEDURAL THING, IT DOESN'T REALLY MATTER. YOU COULD VOTE FOR CLOTURE AND THEN TURN AROUND AND VOTE AGAINST THE BILL. HOGWASH. IT DOESN'T WORK THAT WAY. CLOTURE IS THE VOTE... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR KINTNER: ...THAT MATTERS. THAT IS...ARE WE AT ONE? [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR KINTNER: OKAY, THANK YOU. OKAY. CLOTURE IS THE VOTE THAT MATTERS. AND IF YOU THINK YOU CAN SNEAK A CLOTURE VOTE AND SAY, HEY, I SUPPORT THE DEATH PENALTY. NO. CLOTURE IS THE ONE THAT MATTERS. AND YOU WILL BE HELD ACCOUNTABLE FOR HOW YOU VOTE ON CLOTURE, MAKE NO

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MISTAKE ABOUT IT. AND I WANT TO BE HELD ACCOUNTABLE FOR HOW I VOTE ON CLOTURE. I WANT TO BE HELD ACCOUNTABLE FOR HOW I VOTE FOR EVERY SINGLE BILL WHICH, BY THE WAY, IS WHY I POST EVERY SINGLE VOTE I CAST ONLINE, BECAUSE I WANT TO BE HELD ACCOUNTABLE. I WANT PEOPLE TO KNOW WHAT I'M DOING. I DON'T HAVE TO HIDE FROM THE VOTERS. I DON'T HAVE TO HIDE WHERE I STAND BECAUSE WHERE I STAND, IN THIS CASE, FOR THE DEATH PENALTY, IS FIRMLY WITH THE MAJORITY OF PEOPLE, NOT ONLY IN LEGISLATIVE DISTRICT 2 BUT ACROSS NEBRASKA. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. THOSE IN THE QUEUE: SENATORS GROENE, BOLZ, CRAIGHEAD, NORDQUIST, BLOOMFIELD, AND OTHERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB268]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I STAND IN OPPOSITION TO LB268 AND IN AGREEMENT WITH AM1286. LET ME TELL YOU THE PROCESS. I DON'T KNOW IF IT'S BEEN SAID HERE ABOUT HOW YOU END UP ON THE DEATH ROW. THE PROSECUTOR STATES HE IS GOING FOR THE DEATH PENALTY. TWENTY-FOUR PROSPECTIVE JURORS ARE CALLED. THE PROSECUTION AND THE DEFENSE CAN DISMISS SIX. TWELVE RANDOM JURORS ARE PICKED. THAT'S ME AND YOU, IT'S THE AVERAGE NEBRASKAN. THEY'RE NOT PROFESSIONAL JURORS. THEY MIGHT HAVE DIFFERENT VIEWS WHEN THEY'RE ON THAT PANEL, ON THE DEATH PENALTY WHEN THEY SIT. THEY HEAR THE EVIDENCE. THE 12 JURORS HEAR ALL THE EVIDENCE. AT THE END OF THE DAY, ALL 12 MUST FIND GUILT OR INNOCENT. THEY'RE NOT RULING ON THE DEATH PENALTY, JUST THAT THE CRIME WAS COMMITTED. THEN THEY RECONVENE TO EXAMINE A LIST OF MITIGATING FACTORS: PREMEDITATION, WAS IT HIDEOUS, OTHER FACTORS. THEN THEY MUST RULE...ALL 12 MUST RULE AGAIN THAT THE MITIGATING LIST FITS THE ADVANCEMENT OF THE PURSUIT OF THE DEATH PENALTY. THEN THE PRESIDING JUDGE--IT COULD HAVE BEEN A RANDOM JUDGE--HAD DIFFERENT VIEWS WHEN HE SAT THERE ON THE DEATH PENALTY. HE THEN SITS WITH TWO OTHER DISTRICT JUDGES, APPOINTED RANDOMLY, PICKED BY THE CHIEF OF THE SUPREME COURT. THOSE THREE JUDGES THEN DECIDE--LOOKING AT ALL THE EVIDENCE AGAIN--IF THE DEATH PENALTY IS WARRANTED. THAT'S A PRETTY HARD JUMP. AND IT'S UNANIMOUS. IF ONLY TWO VOTE FOR IT, THEN THEY MUST, MANDATORY, GIVE THEM A LIFE SENTENCE. "PROSECUTAL" OR AS THEY SAY, TAMPERING STUFF, I DON'T THINK THAT WOULD SURVIVE THIS PROCESS. WE'RE TALKING ABOUT THE MOST EVIL OF THE EVIL THAT END UP ON DEATH ROW. I'VE SAID HERE BEFORE, SOCIETY HAS A RESPONSIBILITY TO PROTECT INNOCENTS FROM EVIL, A CIVILIZED SOCIETY DOES. YOU CAN TALK TO ME ABOUT THE BIBLE. I CAN FIND THE DEATH PENALTY IN THERE. I CAN ALSO TELL YOU THAT

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THE SHORT YEARS YOU LIVE ON THIS LIFE ISN'T COMPARABLE TO ETERNITY, SO THOSE OF YOU WHO THINK VALUE ANOTHER YEAR OR TWO ON THIS PLANET OVER ETERNITY HAVEN'T FIGURED OUT WHAT THE BIBLE IS ALL ABOUT. BUT WHILE WE'RE HERE, WE MUST PROTECT INNOCENTS. WE, AS A SOCIETY, SEND SOLDIERS OFF TO WAR KNOWING THE CONSEQUENCES, WE TAKE THAT RISK. AND THOSE PEOPLE KNOW THAT RISK. WE TELL POLICEMEN THEY MUST DEFEND US AND RISK THEIR LIVES AND THEY TAKE THAT RISK. THESE INDIVIDUALS KNEW THE LAW, KNEW THE RISK, AND THEY ACCEPTED IT. DEATH IF THEY DO THE HIDEOUS CRIME THAT SURVIVES THIS PROCESS OF RANDOM PEOPLE ON A JURY, RANDOM JUDGES BEING PICKED, AND UNANIMOUS VOTES. AT ANY TIME THAT JURY OR THOSE JUDGES COULD SAY IN THE MIDDLE OF THE NIGHT, I DON'T WANT TO DO THIS. I'M GOING TO GIVE HIM LIFE IMPRISONMENT. BUT THEY DIDN'T, THEY'VE SEEN THE EVIDENCE. IT WASN'T ON TELEVISION, THEY'VE SEEN THE REAL STUFF. AND THEY SAID, THIS IS HIDEOUS. [LB268]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB268]

SENATOR GROENE: THIS INDIVIDUAL NEEDS TO DIE. THEY DIDN'T WORRY ABOUT IF IT WAS A DETERRENT, IF THE PROCESS WOULD MAKE A DETERRENCE. THEY DID NOT WORRY ABOUT THIS FELLOW LIVING IN LIFE AND MAYBE GETTING OUT LATER. THEY SAID, THIS INDIVIDUAL WAS SO EVIL AND WE NEED TO PROTECT INNOCENTS AND HE MUST DIE. I CAN LIVE WITH THAT. I CAN SLEEP WELL AT NIGHT. THAT CRIMINAL MADE HIS CHOICE WHEN HE DID THE CRIME. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB268]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. IN 1994, I WAS 15. I WAS DRIVING DOWN HIGHWAY 2 WITH MY DAD AND WE DROVE PAST THE NEBRASKA STATE PENITENTIARY. AND THERE WAS QUITE A PUBLIC DEMONSTRATION RELATED TO THE EXECUTION OF "WILI" OTEY. AND MY DAD AND I HAD A CONVERSATION ABOUT WHAT WAS HAPPENING AND ABOUT THIS ISSUE AND I SAID, DAD, I DON'T SUPPORT THE DEATH PENALTY. AND HE SAID, I DIDN'T KNOW THAT. WHY DO YOU THINK THAT, KATE? AND I SAID, I DON'T THINK THAT HUMANS ARE CAPABLE OF HAVING A 100 PERCENT FAIR SYSTEM. AND IN THE 20 YEARS SINCE, I'VE LEARNED MORE ABOUT THIS ISSUE AND I'VE RESEARCHED THIS ISSUE. AND THE EVIDENCE PROVES THAT THERE ARE INJUSTICES AND INEQUALITIES WRAPPED INTO OUR SYSTEM. WE ARE, IN FACT, AS WAS SAID EARLIER ON THE FLOOR

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TODAY, FALLEN HUMAN BEINGS. AND THERE ARE WAYS OUR SYSTEM IS FALLING AND FAILING. EVIDENCE FROM A REPORT ENTITLED, VERY ACADEMICALLY, "THE DISPOSITION OF DEATH PENALTY CASES OF NEBRASKA CAPITAL AND NONCAPITAL HOMICIDE CASES, A LEGAL AND EMPIRICAL ANALYSIS" ILLUSTRATES INEQUALITIES THAT ARE STATISTICALLY SIGNIFICANT BASED ON FACTORS, INCLUDING GEOGRAPHY AND THE SOCIOECONOMIC STATUS OF THE VICTIM. WE ALSO SEE FLAWS, PROBLEMS, AND INEQUALITIES IN OUR CURRENT CRIMINAL JUSTICE SYSTEM. WITH IMPROVED POLICY, NIKKO JENKINS COULD HAVE BEEN COMMITTED TO THE LINCOLN REGIONAL CENTER. THAT IS A FLAW. THAT IS A FAILURE. THAT IS SOMETHING THAT WE SHOULD RESPOND TO AND DO BETTER. THERE ARE STRATEGIES THAT WE CAN USE THAT DO NOT REQUIRE THE TAKING OF HUMAN LIFE TO BETTER PROTECT THE PUBLIC SAFETY. PERHAPS THE MOST IMMINENT ISSUE IN MY MIND RELATED TO FLAWS OR CHALLENGES WITHIN OUR DEATH PENALTY SYSTEM IS THE PURCHASE OF THE DRUGS THAT WERE ANNOUNCED BY THE RICKETTS ADMINISTRATION YESTERDAY. THESE THREE DRUGS ARE A POTENTIAL COMBINATION THAT COULD LEAD TO CHALLENGES WHEN THE EXECUTION ACTUALLY OCCURS, SOMETHING AKIN TO CRUEL AND UNUSUAL PUNISHMENT. AND THE REASON I HAVE THIS CONCERN IS THAT FIRST, SODIUM THIOPENTAL HAS BEEN USED IN PREVIOUS EXECUTIONS THAT HAD SIGNIFICANT PROBLEMS. NOTABLY ANGEL DIAZ IN 2006 REQUIRED A SECOND INJECTION. SECOND, THIS PARTICULAR DRUG, WHICH IS THE ANESTHETIZING DRUG, THE DRUG THAT TAKES AWAY THE PAIN, THE NEXT DRUG IS THE PARALYZING DRUG, AND THE THIRD DRUG IS THE LETHAL DRUG. WITHOUT THE APPROPRIATE ANESTHETIZING DRUG, THE INDIVIDUAL SUFFERS AND FEELS PAIN. AND IF THAT PERSON HAS NOT BEEN GIVEN THE APPROPRIATE PARALYZING DRUG, HE OR SHE MIGHT NOT EVEN BE ABLE TO ARTICULATE THAT HE OR SHE IS IN THAT DEPTH OF PAIN. THIS IS CRUEL AND UNUSUAL. AND IT IS MY UNDERSTANDING THAT SODIUM THIOPENTAL HAS NOT BEEN FDA APPROVED. THE MOST RECENT INFORMATION THAT I HAVE FOUND THAT A FEDERAL DISTRICT COURT JUDGE STATED THAT THIS DRUG WAS IMPROPERLY SOURCED AND IS NOT AN APPROPRIATE DRUG TO BE UTILIZED. SO I THINK WHEN WE LOOK AT... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR BOLZ: ...ALL PIECES OF THIS SYSTEM, THINGS HAVE NOT CHANGED SINCE 1994 WHEN I ORIGINALLY STARTED THINKING ABOUT THIS ISSUE AND WORRYING ABOUT THIS ISSUE. WE ARE NOT PERFECT. WE ARE NOT A FULLY FAIR AND JUST SOCIETY. AND WHEN IT COMES TO THE ULTIMATE CONSEQUENCES, I CANNOT ABIDE BY THE IDEA THAT WE WOULD SENTENCE

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SOMEONE TO DEATH AND IMPLEMENT THAT DEATH BASED ON ANYTHING OTHER THAN FAIRNESS AND EQUALITY. COLLEAGUES, I DO NOT SEE THAT IN OUR SYSTEM. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR BOLZ. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB268]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM1286 AND OPPOSED TO LB268. IT WAS MENTIONED EARLIER THAT THIS WAS ABOUT REVENGE. THIS IS NOT ABOUT REVENGE. REVENGE AND RETRIBUTION ARE NOT THE SAME THING. RETRIBUTION IS IMPERSONAL AND BALANCED. IT MEANS BALANCING A WRONG THROUGH PUNISHMENT, REFLECTING THE WILL OF THE PEOPLE. REVENGE, ON THE OTHER HAND, IS PERSONAL, EMOTIONAL, INFLAMMATORY. IT REFLECTS ONE PERSON'S OFTEN SELFISH WILL, NOT THAT OF A WHOLE SOCIETY. THE DEATH PENALTY IS SOCIETY'S RETRIBUTION FOR A HEINOUS CRIME THAT IS AN OFFENSE AGAINST THE DIGNITY OF THE CITIZENS AS A GROUP OF CIVILIZED PEOPLE. EVEN THOUGH, OF COURSE, WE VALUE AND LISTEN TO THE FAMILY MEMBERS DEVASTATED AS LIVING VICTIMS OF A DEATH PENALTY MURDER, WE DO NOT REPRESENT THEM IN THE PROSECUTION AND IMPOSITION OF THE SENTENCE. INSTEAD, THE REAL PLAINTIFFS ARE THE ENTIRE SOCIETY. WITH A HEINOUS MURDER, WE, THE PEOPLE, HAVE BEEN COLLECTIVELY OFFENDED. IT IS IMPORTANT TO STAND UP FOR THE DIGNITY AND SACREDNESS OF HUMAN LIFE AS A COMMUNITY OF CITIZENS AND TO INSIST ON THE ULTIMATE PENALTY FOR THE ULTIMATE CRIME AGAINST HUMANITY. I YIELD THE REST OF MY TIME TO SENATOR McCOY. [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 3:30. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR CRAIGHEAD. YOU KNOW, WE ALL ARRIVE AT EITHER BEING IN FAVOR OR AGAINST CAPITAL PUNISHMENT FOR A VARIETY OF REASONS, THE SAME WAY WE ALL ARRIVE AT OUR POSITION ON WHETHER OR NOT...OR OUR POSITION ON ABORTION THE VERY SAME WAY. YOU KNOW, PROBABLY LIKE MANY OF YOU WHO...THOSE OF YOU WHO ARE IN FAVOR OF CAPITAL PUNISHMENT, AS I AM, I'M ALSO VERY STRONGLY PRO-LIFE, GET ASKED, WELL, HOW CAN THE TWO COEXIST? I JOTTED SOME NOTES ON THIS AND I WANT TO READ THEM TO YOU. IT IS A MATTER OF GUILT AND INNOCENCE. THOSE WHO ARE PUT TO DEATH BY THE STATE UNDER CAPITAL PUNISHMENT HAVE GONE THROUGH THE JUSTICE SYSTEM AND HAVE BEEN FOUND GUILTY OF A CRIME DESERVING OF THE DEATH

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SENTENCE. THEY'VE GONE THROUGH OUR JUSTICE SYSTEM. THEY'VE BEEN TRIED BY A COURT. CHILDREN ABORTED AT THE CHOICE OF THEIR MOTHERS, OVER 170,000 IN NEBRASKA TO DATE, HAVE COMMITTED NO CRIME AND ARE KILLED WITHOUT THE BENEFIT OF ANY DUE PROCESS. THEY ARE WHOLLY AND ALTOGETHER INNOCENT. IT IS COMPLETELY CONSISTENT TO SUPPORT THE DEATH PENALTY FOR THOSE WHO HAVE BEEN FOUND GUILTY OF MURDER WHILE ALSO SUPPORTING LIFE. WHEN IT COMES TO THE QUESTION OF KILLING INNOCENT CHILDREN, IT IS UNJUST DEATH THAT PRO-LIFERS LIKE MYSELF ARE OPPOSED TO. THAT IS HOW I SEE THESE TWO ISSUES. AND I FIND IT REMARKABLE--WHILE ANYONE IS FREE TO HAVE THEIR OWN OPINION, WE ALL ARE--I FIND IT REMARKABLE THAT THERE WOULD BE THOSE WHO WOULD STAND UP ON THIS FLOOR AND SAY THEY ARE AGAINST CAPITAL PUNISHMENT BUT ABSOLUTELY IN FAVOR OF ABORTION. HOW COULD YOU BE AGAINST THE CARRYING OUT OF JUSTICE, THE CARRIAGE OF JUSTICE AGAINST THOSE...

[LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR McCOY: ...WHO ARE GUILTY AND WHO HAVE BEEN CONVICTED OF A CRIME, BUT YET AT THE SAME TIME OKAY WITH THE MURDER OF INNOCENT LIFE? THESE ARE GUILTY ON DEATH ROW WHO HAVE BEEN CONVICTED IN A COURT OF THEIR PEERS, WHO PERPETRATED ALMOST UNIMAGINABLE CRIMES AGAINST THEIR FELLOW NEBRASKANS. BUT WHO'S GOING TO SPEAK UP FOR THE FIVE-YEAR-OLD THAT WAS THROWN OFF THE BRIDGE? WHO'S GOING TO SPEAK UP FOR THE INNOCENT UNBORN LIFE? THERE'S NO QUESTION WHETHER THEY'RE INNOCENT OR NOT. I DON'T THINK ANY OF US ARE GOING TO QUESTION THAT. WE'VE YET TO EXECUTE ANYONE WHO WAS INNOCENT IN NEBRASKA AND I BELIEVE WE WON'T GOING FORWARD. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR CRAIGHEAD AND SENATOR McCOY. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB268]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT. I'M GOING TO SPEAK UP FOR THE FIVE-YEAR-OLD WHO ACTUALLY...THE ENTIRE FAMILY LIVED TEN BLOCKS FROM MY HOUSE AT 18TH AND DORCAS; WE'RE AT 6TH AND DORCAS. IT HITS CLOSE TO HOME. I'M GOING TO STAND UP FOR THEM. I'M GOING TO STAND UP AND MAKE SURE THAT THAT INDIVIDUAL THAT COMMITTED THAT CRIME IS LOCKED IN JAIL FOR THE REST OF HIS LIFE AND NEVER SEES THE LIGHT OF DAY. THAT'S WHAT I'M GOING TO DO. BUT I'M GOING TO STAND UP EQUALLY FOR THE

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FAMILIES WHO HAVE ALSO BEEN VICTIMS OF HEINOUS CRIMES WHO...SENATOR GROENE USED THE TERM, MOST EVIL OF EVIL. I'VE HEARD, WORST OF THE WORST. WELL, I DON'T KNOW HOW MUCH WORSE YOU GET THAN A 2009 A CASE OUT OF DAKOTA COUNTY WHERE A GENTLEMAN, MELECIO CAMACHO, BROKE INTO A TRAILER, VAGINALLY AND ANALLY RAPED A TWO-YEAR-OLD AND SUFFOCATED HER. THAT'S PRETTY BAD. WOULD SENATOR GROENE YIELD TO A QUESTION? [LB268]

SPEAKER HADLEY: SENATOR GROENE, WILL YOU YIELD? [LB268]

SENATOR GROENE: YES. [LB268]

SENATOR NORDQUIST: SENATOR GROENE, DID YOU HEAR THE DESCRIPTION THAT I JUST SAID? [LB268]

SENATOR GROENE: YES, I DID. [LB268]

SENATOR NORDQUIST: DO YOU THINK THAT'S THE MOST EVIL OF EVIL? [LB268]

SENATOR GROENE: YES. BUT I DON'T KNOW ALL OF THE DETAILS, SIR, BUT YOU MIGHT SURPRISE ME WITH ONE HERE. [LB268]

SENATOR NORDQUIST: OKAY. THANK YOU, SENATOR GROENE. THAT WAS A LIFE SENTENCE. THAT FAMILY IS BEING TOLD BY PROPONENTS OF THE DEATH PENALTY HERE, THAT THAT CASE IS NOT THE WORST OF THE WORST. WE RESERVE THE DEATH PENALTY FOR THE WORST OF THE WORST. AND WHAT HAPPENED TO THAT KID, THAT TWO-YEAR-OLD, WAS NOT THE WORST OF THE WORST, APPARENTLY, ACCORDING TO THE PROPONENTS OF THE DEATH PENALTY. ANOTHER CASE IN DOUGLAS COUNTY IN 2012, A GENTLEMAN AND TWO OTHERS BEAT THEIR FATHER TO DEATH, HUNG THE MOTHER AND AN EIGHT-YEAR-OLD SON. BODIES WERE DRUG TO THE MISSOURI RIVER AND THREW THE BODIES INTO THE RIVER. THE BODIES WOULDN'T SINK. THEY TOOK THEM BACK OUT, SLIT THE BODIES AND THREW THEM BACK INTO THE RIVER-- LIFE SENTENCE, NOT THE WORST OF THE WORST, APPARENTLY. A 2013 CASE OUT OF ANTELOPE COUNTY, A DOUBLE HOMICIDE. A GENTLEMAN SHOT HIS EX-GIRLFRIEND'S HUSBAND AND THEN BEAT HER TO DEATH WITH THE GUN THAT HE HAD SHOT THE HUSBAND WITH AND THEN STARTED THE TRAILER ON FIRE. ACCORDING TO SOME, THAT'S NOT THE WORST OF THE WORST. ANOTHER ONE IN

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DOUGLAS COUNTY, WITH A PACKAGE OF COCAINE SITTING IN THE OFFICE IN NORTH OMAHA, IN A NORTH OMAHA BODY SHOP. TWO GENTLEMEN WITH HANDGUNS TOOK THE SHOP OWNER, TIED THE SHOP OWNER AND ANOTHER GENTLEMAN...TIED THE MEN'S HANDS WITH COMPUTER WIRES, BAGGED THEIR HEADS, ORDERED THEM TO THE FLOOR, AND SHOT THEM EXECUTION STYLE, NOT THE WORST OF THE WORST. WE CAN GET TO A POINT WHERE WE HAVE A CONSISTENT POLICY THAT ISN'T ARBITRARY WHERE WE'RE NOT SAYING SOME CASES ARE THE WORST OF THE WORST AND OTHERS AREN'T. WE CAN HAVE A CONSISTENT POLICY OF LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE. SOMEBODY TALKED, I BELIEVE SENATOR CRAIGHEAD MAYBE PREVIOUSLY ON THE MIKE, SOME STATISTICS ABOUT THE DETERRENCE FACTOR. WELL, THE FACTS OF THE MATTER IS--AND I HAVE STATISTICS SINCE 2008--AND EVERY YEAR SINCE 2008, THE MURDER RATE IN STATES THAT HAVE THE DEATH PENALTY IS CONSISTENTLY HIGHER THAN THE MURDER RATES IN STATES WITHOUT THE DEATH PENALTY. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR NORDQUIST: AND THEN FINALLY...AND I CAN'T LET IT GO THAT SENATOR KINTNER STOOD ON THE FLOOR DURING THIS DEBATE AND MADE A SPEECH ABOUT HOW THIS IS GOING TO AFFECT YOUR NEXT CAMPAIGN, HOW THIS IS GOING TO BE A VOTE THAT'S GOING TO HANG OVER YOU. FOLKS, THIS IS A VOTE THAT GETS TO THE CORE OF WHO WE ARE AS INDIVIDUALS, OUR MORAL COMPASS, WHO WE ARE AS A SOCIETY. LITERALLY HOLDING THE LIFE, GUILTY OR NOT, THE LIFE OF A HUMAN CREATED IN THE IMAGE OF GOD IN OUR HANDS AS A STATE, AS A SOCIETY. THAT CONVERSATION SHOULD BE COMPLETELY VOID OF ANY DISCUSSION OF POLITICAL CAMPAIGNS OR POLITICAL RETRIBUTIONS. YOU DIDN'T WORK SO HARD AND RUN FOR OFFICE TO COME DOWN HERE, STICK YOUR FINGER IN THE AIR, AND TAKE AN EASY POLITICAL VOTE. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR NORDQUIST: THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR NORDQUIST. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB268]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. NEBRASKA, TO SHOW THE CONFLICT THAT IS GOING ON WITHIN THIS BODY, UNDERSTAND, WE HAD A

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SENATOR...A WELL-INTENDED SENATOR STAND UP AND MAKE THE STATEMENT THAT IT WASN'T ABOUT THE DRUGS AND THEN SPEND FIVE MINUTES TALKING ABOUT THE DRUGS. THIS IS A DECISION THAT WE ALL WRESTLE WITH; NONE OF US TAKE IT LIGHTLY. AND I AM INCLINED TO INVOLVE EVERY VOTER IN THE STATE OF NEBRASKA IN THIS DECISION BECAUSE I THINK THAT'S MAYBE WHERE THE TOUGH DECISIONS NEED TO GO. AND FURTHERMORE, I THINK IF THE PEOPLE OF THIS STATE SPEAK CLEARLY ONE WAY OR ANOTHER ON THIS ISSUE, PERHAPS THE PEOPLE COMING AFTER ME WON'T HAVE TO WRESTLE WITH IT FOR A FEW YEARS. MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR SCHNOOR. [LB268]

SPEAKER HADLEY: SENATOR SCHNOOR, YOU'RE YIELDED 3:22. [LB268]

SENATOR SCHNOOR: THANK YOU, SIR. WHAT SENATOR BLOOMFIELD SAID IS TRUE. WE TALKED ABOUT THE DRUGS, THAT THAT SHOULDN'T BE A FACTOR. BUT YET, THAT WAS SEVERAL OF THE ARGUMENTS USED ON GENERAL FILE, THAT WE CAN'T EXECUTE ANYBODY BECAUSE WE DON'T HAVE THE DRUGS. WE TALKED ABOUT A SYSTEM OF TRUST WHICH, I BELIEVE, SENATOR JOHNSON SAID AND OUR GOVERNOR AND ATTORNEY GENERAL ARE PROVING THAT, THAT THEY ARE WORKING TO FIX THE SYSTEM. BUT IT'S MY...I GUESS MY IMPRESSION THAT SENATOR NORDQUIST DOES NOT TRUST OUR SYSTEM BY HIS COMMENTS. WE TALKED ABOUT WHETHER THE THREAT OF THE DEATH PENALTY WORKS OR DOESN'T WORK. I BELIEVE THAT IT DOES. ALTHOUGH WE CAN ARGUE THIS FOREVER, THE BEATRICE SIX WAS PROOF OF THAT. AND THEN OUR SYSTEM PROVED ITSELF BY EXONERATING THEM, THAT IS IF I HAVE THE RIGHT TERM, I'M NOT SURE. BUT WE TALKED ABOUT THE COST AND THE NUMBER OF APPEALS FROM OUR ATTORNEY GENERAL IN NEBRASKA. LET'S USE NEBRASKA FACTS: FOR NONCAPITAL OFFENSES FROM 2003 TO 2014, 5,943 APPEALS; FOR CAPITAL OFFENSES, 34. SO IF WE WANT TO TALK STATISTICS, LET'S USE THAT. THAT'S HOW MANY APPEALS THERE HAVE BEEN FOR NONCAPITAL OFFENSES AND ONLY 34 APPEALS FOR THOSE ON DEATH ROW, JUST 34. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR SCHNOOR: THANK YOU. SO THERE'S ALWAYS A LOT OF MISINFORMATION PUT OUT. SO IF YOU DON'T BELIEVE ME, DO YOUR RESEARCH. LIKE SENATOR CHAMBERS ALWAYS SAYS, DO YOUR RESEARCH AND FIND OUT WHERE THE TRUTH LIES AND THEN MAKE YOUR JUDGMENT AND YOUR DECISION ACCORDINGLY. BUT I DO BELIEVE IN OUR SYSTEM OF JUSTICE. AND

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THERE'S A LOT OF WORDS SAID HERE THAT WE ARE ALL FALLEN AND THAT BECAUSE OF THAT, OUR SYSTEM ISN'T PERFECT. AND IT IS NOT. IT WILL NEVER BE. DOESN'T MATTER WHAT WE DO HERE, OUR SYSTEM WILL NOT BE PERFECT BECAUSE WE'RE HUMAN BEINGS. BUT LET'S FIX THE PROBLEM INSTEAD OF THROWING IT AWAY. AND LET'S LET OUR JUSTICE SYSTEM CONTINUE TO WORK. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR SCHNOOR: THANK YOU, SIR. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD AND SENATOR SCHNOOR. THOSE IN THE QUEUE: SENATORS BURKE HARR, STINNER, SCHEER, PANSING BROOKS, HUGHES, CAMPBELL, AND OTHERS. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB268]

SENATOR HARR: THANK YOU. I'M GOING TO FOLLOW UP A LITTLE BIT ON WHAT SENATOR SCHNOOR SAID BECAUSE THE DRUGS DO MATTER AND WE STILL DON'T HAVE THE DRUGS. I HAD A CONSTITUENT CALL ME ON THE WAY DOWN THIS MORNING, A SELF-DESCRIBED ARCHAIC CONSTITUENT, WHO SAID, WHO CARES ABOUT THE DRUGS? LET'S BRING BACK SPARKY AND LET THEM RIDE THE LIGHTNING. WELL, YOU KNOW, THIS ISN'T A JOKE, FOLKS. BUT HE KIND OF FELT LIKE MAYBE IT WAS. BUT THE DRUGS ARE IMPORTANT. THERE ARE THREE DRUGS THAT ARE USED. THE FIRST IS TO PARALYZE...OR, EXCUSE, TO NUMB; THE SECOND IS TO PARALYZE; AND THE THIRD IS TO STOP THE HEART AND IT'S BURNING YOU FROM THE INSIDE OUT. IT'S VERY PAINFUL. I THINK EVERYONE WOULD CONCEDE THAT, HENCE THE FIRST TWO DRUGS. AND SO NOW WE FIND OUT THE DAY BEFORE THAT PERHAPS, PERHAPS, WE HAVE A DRUG. WE HAVE THE DRUGS WE NEED. WE DON'T HAVE THEM YET. AND I DON'T KNOW A LOT ABOUT IT AND NOT A LOT WAS TOLD TO US. AND I GUESS I WOULD WANT TO SEE...MR. SPEAKER, WOULD SENATOR McCOY YIELD TO SOME QUESTIONS? [LB268]

SPEAKER HADLEY: SENATOR McCOY, WILL YOU YIELD? [LB268]

SENATOR McCOY: YES. [LB268]

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SENATOR HARR: OKAY. THANK YOU, SENATOR. DO WE HAVE POSSESSION OF THESE DRUGS YET? [LB268]

SENATOR McCOY: WELL, SENATOR HARR, I DON'T PRESUME TO SPEAK FOR THE GOVERNOR'S OFFICE. SO I DON'T KNOW ANYTHING MORE THAN YOU DO FROM NEWS ACCOUNTS AND FROM THE PRESS RELEASE FROM THE GOVERNOR'S OFFICE. [LB268]

SENATOR HARR: OKAY. SO YOU DON'T KNOW IF WE DO OR DON'T? [LB268]

SENATOR McCOY: I DON'T KNOW ANYTHING MORE THAN WHAT'S BEEN REPORTED IN THE NEWSPAPER AND PRESS ACCOUNTS. AND FROM MY UNDERSTANDING, WE HAVE POSSESSION OF ONE OF THE THREE DRUGS... [LB268]

SENATOR HARR: OKAY. [LB268]

SENATOR McCOY: ...AND THE OTHER TWO HAVE BEEN ORDERED AND PAID FOR AND WE'RE AWAITING DELIVERY. I DON'T KNOW ANYTHING DIFFERENT THAN YOU DO. [LB268]

SENATOR HARR: OKAY. SO YOU DON'T KNOW WHEN WE CAN EXPECT TO TAKE POSSESSION OF ANY OF THE DRUGS IF WE DON'T HAVE THEM? [LB268]

SENATOR McCOY: I DON'T KNOW ANYTHING MORE THAN YOU ON THAT. NO, I DON'T HAVE AN ANSWER TO THAT. [LB268]

SENATOR HARR: OKAY. AND LET ME ASK YOU, THE PAPER MENTIONED A HARRIS PHARMA. ARE YOU FAMILIAR WITH THAT COMPANY? [LB268]

SENATOR McCOY: I AM NOT. [LB268]

SENATOR HARR: OKAY. DO YOU KNOW HOW MANY EMPLOYEES THEY HAVE? [LB268]

SENATOR McCOY: I HAVE NO IDEA, SENATOR HARR. [LB268]

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SENATOR HARR: OKAY. DO YOU KNOW, DID WE EVER TRY TO PURCHASE FROM THEM BEFORE, THE STATE? [LB268]

SENATOR McCOY: I DO NOT KNOW THE ANSWER TO THAT QUESTION. [LB268]

SENATOR HARR: OKAY. DO YOU KNOW IF THEY HAVE MORE THAN ONE OR MORE THAN TWO EMPLOYEES? [LB268]

SENATOR McCOY: SENATOR HARR, YOU ALREADY ASKED ME THAT QUESTION. SO, FOR THE SAKE OF BEING REPETITIVE, I DON'T KNOW. [LB268]

SENATOR HARR: AND YOU DON'T KNOW, DO YOU? OKAY. AND YOU DON'T KNOW IF THEY ACTUALLY PRODUCE THE DRUGS OR IF THEY'RE A MIDDLEMAN, DO YOU? [LB268]

SENATOR McCOY: I DON'T KNOW ANYTHING MORE THAN YOU DO, SENATOR. [LB268]

SENATOR HARR: OKAY. [LB268]

SENATOR McCOY: AND IT'S MY UNDERSTANDING THAT OTHER THAN THE NAME, I DON'T BELIEVE ANY PRESS ACCOUNT HAS LISTED WHETHER THEY ARE A COMPOUNDER... [LB268]

SENATOR HARR: OKAY, THANK YOU. [LB268]

SENATOR McCOY: ...OR WHETHER THEY ARE A PHARMACEUTICAL COMPANY IN THE DEFINITION OF ONES THAT YOU...THE DEFINITION YOU OR I OR OTHERS MAY HAVE. [LB268]

SENATOR HARR: OKAY. AND YOU DON'T KNOW IF THESE DRUGS HAVE BEEN FDA APPROVED THAT THEY ALLEGEDLY PURCHASED? [LB268]

SENATOR McCOY: I DON'T KNOW THE ANSWER TO THAT QUESTION, SENATOR HARR, BUT I WOULD... [LB268]

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SENATOR HARR: OKAY, THAT'S GREAT. THAT'S ALL I WANTED. THANK YOU. SO, FOLKS, HERE WE GO. [LB268]

SENATOR McCOY: WELL, SENATOR HARR, IF YOU'RE GOING TO ASK ME A QUESTION,... [LB268]

SENATOR HARR: HEY, MY TIME. [LB268]

SENATOR McCOY: ...I'D BE HAPPY TO ANSWER. [LB268]

SENATOR HARR: YOU DID ANSWER IT. THANK YOU. [LB268]

SPEAKER HADLEY: CONTINUE, SENATOR HARR. [LB268]

SENATOR HARR: THANK YOU, MR. SPEAKER. YOU KNOW, THIS IS A PROBLEM, FOLKS. WE DON'T KNOW ANYTHING ABOUT THE DRUGS. WE HAVE ONE PRESS RELEASE OUT THERE. THAT'S IT. WE DON'T KNOW WHERE THE DRUGS CAME FROM. WE DON'T KNOW WHAT DRUGS THEY ARE. WE DON'T KNOW HOW THEY WERE FORMED. WE DON'T KNOW WHO MADE THEM. WE DON'T KNOW WHO THIS MIDDLEMAN IS OTHER THAN...WELL, WE DO KNOW HE'S A MIDDLEMAN THAT WE PURCHASED FROM BEFORE. HE'S AN ARMY OF ONE OR AT LEAST HE WAS THE LAST TIME. WE DON'T KNOW WHEN THESE DRUGS EXPIRE. WE DON'T KNOW WHEN WE PLAN TO TAKE POSSESSION OF THEM, BUT YET THEY'RE DOING SOMETHING. THAT'S NO DIFFERENT THAN ME BUYING A LOTTERY TICKET AND SAYING, I WON. THERE ARE A COUPLE OF THINGS IN BETWEEN, THERE'S A DRAWING, BUT I WON. DON'T WORRY ABOUT IT. THERE ARE A LOT OF IFS AND BUTS AND A LOT OF APPEALS AND A LOT OF DUE PROCESS THAT NEEDS TO OCCUR BECAUSE, I'LL TELL YOU WHAT, THEY DON'T MAKE THIS DRUG IN THE UNITED STATES. THERE'S A REASON... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR HARR: ...THEY DON'T MAKE THIS DRUG IN THE UNITED STATES. AND WHERE THEY DO MAKE IT IN EUROPE, IT'S NOT INTENDED FOR DEATH. AND WHERE IT IS MADE IN EUROPE, THOSE COMPANIES DO NOT WANT THAT COMING TO THE UNITED STATES TO BE USED FOR DEATH. SO TO SAY WE HAVE A PURCHASE AGREEMENT, A LOT OF...MY GRANDMOTHER USED TO ALWAYS TELL ME, A LOT OF SOUP IS SPILLED BETWEEN THE BOWL AND THE MOUTH. AND I

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THINK THAT'S VERY APPROPRIATE HERE. JUST BECAUSE WE HAVE A PURCHASE AGREEMENT DOES NOT MEAN WE HAVE THE DRUGS. THERE ARE A LOT OF QUESTIONS. AND WE HAVE AN ISSUE OF TRANSPARENCY RIGHT NOW. WE DON'T KNOW THE ANSWERS. SENATOR McCOY FREELY ADMITS HE DOESN'T HAVE THE ANSWERS, WHERE THEY CAME FROM, HOW THEY WERE PRODUCED, HOW SAFE THEY ARE. ONE OF THE DRUGS, THE ONE THAT NUMBS PAIN, BETTER BE FDA APPROVED. BECAUSE IF IT DOESN'T WORK, YOU'RE GOING TO HAVE A PERSON WHO'S PARALYZED AND BURNED FROM THE INSIDE OUT--VERY PAINFUL. WE'VE GOT TO MAKE SURE THAT DRUG WORKS,... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR HARR: ...THAT IT'S SAFE, THAT IT'S FDA APPROVED. AND A LOT OF THESE COMPOUNDS AREN'T. [LB268]

SPEAKER HADLEY: SENATOR STINNER, YOU'RE RECOGNIZED. [LB268]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I'VE NOW LISTENED TO TWO LONG DEBATES ON THIS SUBJECT AND HAVE LISTENED INTENTLY TO THE "FORs" AND THE "AGAINSTs," LB268. SORRY, MY EYESIGHT ISN'T THAT GOOD. I'VE ALSO REFLECTED ON CONSTITUENT'S E-MAILS BACK AND FORTH AND I UNDERSTAND HOW CONTENTIOUS THIS ISSUE IS. AND THE MORE I THINK ABOUT IT THE MORE I FEEL LIKE AM1286 MIGHT BE AN ANSWER IN TAKING THIS TO THE VOTE OF THE PEOPLE. SO I BELIEVE THAT I WILL SUPPORT AM1286 WHEN WE TAKE THE VOTE. BUT I DID WANT TO MENTION THE FACT, THAT AS A LOT OF PEOPLE HAVE NOTED, I DID NOT VOTE ON THE DEATH PENALTY REPEAL IN THE FIRST ROUND OF DEBATE. I'M VERY CONFLICTED ON THIS ISSUE. I CAN STILL VIVIDLY REMEMBER HOW I FELT WHEN TWO UGLY, HORRENDOUS MURDERS WERE COMMITTED IN MY DISTRICT. I CAN STILL FEEL THE ANGER AND THE SORROW FOR THE VICTIMS AND THE FAMILY MEMBERS OF THESE CRIMES. IT STILL, TO THIS DAY, SICKENS ME TO THINK OF WHAT HAPPENED. AND I DO REMEMBER MYSELF SAYING, THANK GOD WE HAVE A DEATH PENALTY. I WAS LOOKING AND HOPING FOR THE ULTIMATE PENALTY TO BE IMPOSED. I STILL BELIEVE IN MY HEART THAT CERTAIN ACTS ARE SO TERRIBLE THAT THEY VIOLATE OUR SOCIAL CONSCIENCE AND MERIT THE ULTIMATE PENALTY. AND I ALSO BELIEVE THAT THE PUNISHMENT MUST BE IN PROPORTION TO THE CRIME FOR JUSTICE TO BE SERVED. SO IN MY HEART, I FAVOR THE DEATH PENALTY. BUT AS YOU KNOW, I HAVE AN ANALYTICAL SIDE OF ME THAT PUTS THINGS ON A LEDGER. AND ON

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ONE SIDE, JUST VERY SHORTLY, THERE IS THE 32 STATES, THE U.S. GOVERNMENT, U.S. MILITARY HAVE THE DEATH PENALTY AVAILABLE. THE U.S. SUPREME COURT, THE NEBRASKA SUPREME COURT HAVE NEVER QUESTIONED THE CONSTITUTIONALITY OF THE DEATH AS A CRIMINAL PUNISHMENT IN CASES MEETING THE REQUIREMENTS OF NEBRASKA'S CURRENT STATUTE. THE DEATH PENALTY SHOULD BE MAINTAINED BECAUSE IT IS A DETERRENT. AND I'VE READ THE STUDIES ON THE DETERRENT SIDE OF THINGS AND THEY MAINTAIN THAT IT SAVES LIVES. AND I'VE READ A COUPLE OF PUBLIC OPINION POLLS RELATIVE TO THIS. AND THEN I ALSO GET THE OTHER SIDE OF THE ARGUMENT: MISTAKES HAVE BEEN MADE; THE COSTS ARE GREAT, BOTH IN THE INITIAL HEARING AND THE APPEALS PROCESS; THERE ARE GREATER COSTS FOR THE DEATH PENALTY THAN LIFE IN PRISON; THAT JUSTICE IS NOT APPLIED EQUALLY ON A COUNTY-BY-COUNTY BASIS; AND WE DON'T EXECUTE PEOPLE ANYWAY. I ALSO UNDERSTAND THE CHURCHES HAVE WEIGHED IN, SOME OF THEM ON BOTH SIDES. AND THERE HAVE BEEN MANY DELAYS IN THE PROCESS AND THAT HAS BEEN HARMFUL TO THE VICTIMS' FAMILIES. AND I GET ALL OF THOSE BULLET POINTS, BUT FOR ME IT REALLY COMES DOWN TO HOW WE VALUE LIFE. AND I'M NOT TALKING ABOUT THE FOLKS ON DEATH ROW, I'M TALKING ABOUT THE INNOCENT LIVES THAT WERE TAKEN. WHEN A CRIME REACHES THIS LEVEL, WHAT IS OUR PROPORTIONATE RESPONSE AND WHAT SHOULD IT BE? I BELIEVE IT'S REALLY IMPORTANT FOR THE STATE TO COMMUNICATE IN ITS STRONGEST TERMS THE VALUE THAT IT PLACES ON HUMAN LIFE. SAID DIFFERENTLY, DO WE DIMINISH THE VALUE OF HUMAN LIFE IF WE DO AWAY WITH THE DEATH PENALTY? AND THAT'S MY STRUGGLE AND I DO BELIEVE THIS IS PROBABLY ONE OF THE BIGGEST VOTES THAT I WILL MAKE, CERTAINLY THIS SESSION, AND MAYBE EVEN THROUGH MY LEGISLATIVE CAREER. I YIELD THE REST OF MY TIME TO SENATOR McCOY. [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 59 SECONDS. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR STINNER. I WOULD AGREE WITH SENATOR NORDQUIST IN ONE THING, THIS DOES GET TO THE CORE OF WHO WE ARE AS NEBRASKANS, EACH AND EVERY ONE OF US. THAT'S WHY I THINK THIS NEEDS TO GO TO THE VOTE OF THE PEOPLE. THIS IS THIS IMPORTANT OF AN ISSUE; IT'S LITERALLY LIFE AND DEATH. NEBRASKANS DESERVE TO WEIGH IN ON THIS ISSUE. IT'S AT THE CORE OF WHO WE ARE, IT'S AT THE CORE OF EACH ONE OF OUR BELIEFS IN LIFE AND THE SANCTITY OF IT. THAT'S WHY I BRING THIS AMENDMENT TODAY. THANK YOU, MR. PRESIDENT. [LB268]

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SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SENATOR SCHEER, YOU ARE RECOGNIZED. [LB268]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I THINK SENATOR STINNER SAID IT CORRECTLY, TO THE EXTENT THAT WE'RE ALL CONFLICTED ON THIS VOTE. PART OF THE REASON IS, THIS IS ONE OF THE FEW VOTES THAT WE DON'T GET TO MANIPULATE, WE DON'T GET TO MASSAGE, WE DON'T GET TO CHANGE BY AMENDMENT THE SEVERITY OR THE BROADNESS. IT'S YES OR NO. ANY OTHER BILL, MAYBE WE REDUCE THE FISCAL IMPACT. MAYBE WE REDUCE THE TIMING. MAYBE WE MAKE IT A PILOT. MAYBE WE DO A LOT OF DIFFERENT THINGS. BUT THIS, WE DON'T GET THAT OPPORTUNITY. IT'S YES OR NO. AND AS I WAS THINKING ABOUT THE BILL I THOUGHT, WELL, MAYBE THERE'S A WAY THAT IT COULD BE A WIN-WIN FOR INDIVIDUALS TO THE EXTENT THAT MAYBE IT SHOULD BE MODIFIED BECAUSE I GOT TO THINKING, WHAT ABOUT OUR PEOPLE THAT PROTECT US? WHAT ABOUT THE POLICEMEN, THE STATE PATROLMEN, THE RESCUE SQUAD THAT COMES TO AN APARTMENT WHEN IT'S BEEN CALLED, COMES TO A HOME FOR THAT MATTER? AND I KNOW SENATOR CHAMBERS DOESN'T LIKE PROTECTIVE THINGS FOR SMALL GROUPS. BUT, BY GOSH, YOU KNOW THEY'RE OUT THERE TO PROTECT US. THEY'RE PUTTING THEIR LIVES AT RISK. BUT THEN I THINK ABOUT, FOR EXAMPLE, JUST THIS LAST WEEKEND, A FIVE-YEAR-OLD LITTLE BOY, AND THAT HIT REALLY CLOSE TO ME BECAUSE I'VE GOT A TWO-YEAR-OLD GRANDSON. AND I'VE GOT TO TELL YOU, IF SOMETHING LIKE THAT HAPPENED TO MY GRANDSON, I DON'T KNOW WHAT I WOULD DO. HE DIDN'T KNOW HOW TO SWIM. MY LITTLE TODDLER DOESN'T KNOW HOW TO SWIM. I CAN'T IMAGINE THE DEATH THAT YOUNG CHILD HAD OR THE CALLOUSNESS OF THE INDIVIDUAL. SO I'M TRYING TO DETERMINE WHO IS IT THAT WE ARE GOING TO PROTECT WITH THE DEATH PENALTY? SHOULD IT ONLY BE POLICEMEN? SHOULD IT BE ONLY THE VULNERABLE, THOSE THAT CAN'T PROTECT THEMSELVES, THE OLD, THE VERY YOUNG? AND I GUESS THE ANSWER TO ME IS EVERY LIFE IS WORTH SAVING. AND IF IT IS PRECALCULATED, IT IS INTENTIONAL, IT IS HEINOUS, WE HAVE A SYSTEM SET UP IN PLACE THAT PROTECTS THOSE CRIMINALS AND GIVES THEM THE ABILITY TO APPEAL. AND I THINK EVERY LIFE THAT IS TAKEN IN THAT MANNER SHOULD HAVE THE OPPORTUNITY FOR THAT PENALTY TO BE IMPOSED. IT'S SERIOUS STUFF, IT'S SERIOUS TIMES, IT'S A SERIOUS VOTE. NONE OF US ARE TAKING THIS LIGHTLY AT ALL. I'M SURE THOSE THAT ARE NOT WITHIN THE BODY ARE LISTENING. IT'S HARD TO LISTEN TO. IT'S HARD TO THINK ABOUT. WE ALL HAVE TO MAKE THAT DECISION. BUT I DO THINK ABOUT THE POLICE OFFICERS. I DO THINK ABOUT THE STATE PATROL, BECAUSE EVERY TIME I WALK OUT THE BACK HALLWAY... [LB268]

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SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR SCHEER: ...THERE'S ALWAYS SOMEBODY THERE...THANK YOU, MR. SPEAKER...THERE'S ALWAYS ONE OF THE STATE PATROL THERE PROTECTING US. LOOK BEHIND YOU, GENTLEMEN. THERE'S ALWAYS A STATE PATROLMAN AT THE BACK. HE'S HERE TO PROTECT US. HE PUTS HIS LIFE AT RISK. SHE PUTS HER LIFE AT RISK. WE'VE HAD FEMALE OFFICERS AS WELL. I THINK IF ONE OF THOSE WERE KILLED IN THE LINE OF DUTY, CERTAINLY THAT ULTIMATE CONSEQUENCE SHOULD TAKE EFFECT. I'M NOT READY TO GIVE IT AWAY SIMPLY BECAUSE, FOR WHATEVER REASON, WE HAVEN'T BEEN ABLE TO FIND THE RIGHT MECHANISM TO USE. IT'S CALLED JUSTICE. IT'S A PENALTY. IT'S A CONSEQUENCE. IT SHOULD BE MAINTAINED. THANK YOU, MR. SPEAKER. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB268]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I AGREE WITH SENATOR SCHEER. IF IT WERE MY OWN CHILD, I'D WANT TO LASH OUT. I'D WANT TO DO EVERYTHING I COULD TO HURT THAT PERSON WHO HURT MY CHILD. I ACTUALLY FELT A LITTLE BIT THAT WAY YESTERDAY IN OUR VOTES BUT THAT'S SOMETHING ELSE. FORTUNATELY, WE HAVE COURTS AND JURIES AND JUDGES WHO HELP US TO CREATE OUR JUSTICE SYSTEM, WHO HELP US TO HAVE MORE REASONABLE LAWS. EACH OF US, WHEN WE ARE THREATENED OR HURT OR OUR FAMILIES ARE HURT, WOULD REACT MUCH MORE STRONGLY THAN THOSE OF US WHOSE FAMILIES WEREN'T QUITE HURT. SO, YES, WE DO WANT TO LASH OUT, WE DO WANT TO PROTECT OUR FAMILIES, WE DO WANT TO PROTECT OUR SOCIETY FROM HIDEOUS, HORRIBLE MURDERERS AND PEOPLE THAT WOULD DO HARM TO OUR FAMILIES, NEIGHBORS, AND COMMUNITIES. BUT I'D LIKE TO SPEAK JUST BRIEFLY TO THE DRUG THAT SUPPOSEDLY WE NOW HAVE AVAILABLE. IN THE ATLANTIC THIS MONTH, THERE'S AN ARTICLE THAT TALKS ABOUT THE WHOLE ISSUE AND SAID THAT U.S. STATES TRYING TO CARRY OUT THE DEATH PENALTY WERE NOW BLOCKED FROM BUYING DRUGS, NOT JUST FROM ENGLAND BUT FROM ALL OVER EUROPE, SO THEY LOOKED EVEN FARTHER AFIELD. IN LATE 2010 A COMPANY IN MUMBAI, KAYEM PHARMACEUTICALS, RECEIVED AN E-MAIL FROM THE NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. OFFICIALS THERE WANTED AN ANESTHETIC THAT KAYEM MADE MOSTLY FOR CLIENTS IN ANGOLA, SODIUM THIOPENTAL. KAYEM SOLD NEBRASKA 500 VIALS, ENOUGH FOR MORE THAN 80 EXECUTIONS. SOON AFTER THAT, FOA'S BOSS WROTE THE COMPANY TO EXPLAIN HOW NEBRASKA PLANNED TO USE ITS PRODUCT. WHEN SOUTH DAKOTA OFFICIALS TRIED TO PLACE AN ORDER, KAYEM JACKED THE

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PRICE 900 PERCENT TO \$20 A VIAL, HOPING THAT THAT COST WOULD DISSUADE THEM. IT DIDN'T. SOUTH DAKOTA BOUGHT 500 VIALS. KAYEM STOPPED SELLING THE DRUGS TO THE U.S. IMMEDIATELY AFTER THAT. NEBRASKA ALSO TURNED TO A MIDDLEMAN NAMED CHRIS HARRIS--SAME ONE THAT WE'RE NOW USING--WHO CONTACTED ANOTHER COMPANY CALLED NAARI THAT MADE SODIUM THIOPENTAL IN INDIA. WHEN NEBRASKA PRISON OFFICIALS LATER ANNOUNCED THAT THEY'D OBTAINED SODIUM THIOPENTAL FROM NAARI, THE FIRM CEO WAS LIVID. HE WROTE TO THE CHIEF JUSTICE OF THE NEBRASKA SUPREME COURT SAYING HE'D BEEN DUPED. NAARI HAD SUPPLIED HARRIS WITH VIALS OF THE DRUG ONLY BECAUSE HARRIS HAD OFFERED TO GET IT REGISTERED FOR THE FUTURE SALE IN ZAMBIA WHERE THERE IS A HUGE NEED FOR CHEAP SURGICAL DRUGS. THE CEO WROTE THAT HARRIS WAS "NOT AUTHORIZED TO SELL THE PRODUCT" TO NEBRASKA AND THAT NAARI WAS "DEEPLY OPPOSED TO THE USE OF THE MEDICINES IN EXECUTIONS." HE DEMANDED THAT THE VIALS BE RETURNED. THEY WERE NOT. I WANT US TO ALL ASK OURSELVES, HOW SURE ARE WE OF THIS CLAIM? DO WE KNOW WHAT WILL HAPPEN UNDER THE FDA? THERE HAVE BEEN ATTEMPTS TO GET LETHAL INJECTION DRUGS IN THE PAST AND LEGAL BATTLES BETWEEN THE DEPARTMENT OF CORRECTIONAL SERVICES AND DRUG MANUFACTURERS THAT INSIST THAT THE DEPARTMENT HAS NO RIGHT TO THEIR PRODUCTS. SO THIS NEW SOURCE IS THE SAME SOURCE THAT WE HAD BEFORE AND WE HAD LOTS OF LEGAL PROBLEMS WITH THAT. THERE'S BEEN A REQUEST SENT TO THE STATE FOR THE HISTORY AND THE DETERMINATION OF WHERE THIS DRUG IS BEING PROCURED,... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR PANSING BROOKS: ...THE POTENCY OF THE DRUG, THE PURITY OF THE DRUG, AND THE PROTOCOL. SO JUST BECAUSE WE ALL OF A SUDDEN IN THE ELEVENTH HOUR RECEIVE A MESSAGE THAT, OH, WE HAVE THE DRUG, I WOULD ARGUE THAT THAT DOESN'T NECESSARILY MEAN THAT WE ARE NOT GOING TO HAVE CONTINUING PROBLEMS. SO, AGAIN, THE SANCTITY OF LIFE AND KILLING PEOPLE TO TEACH PEOPLE NOT TO KILL PEOPLE--WHAT A TWISTED VIEW OF JUSTICE. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB268]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I SUPPORT AM1286, BUT I AM OPPOSED TO LB268. I APPRECIATE THE

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PHILOSOPHICAL DEBATE THAT WE HAVE ON THIS ISSUE. THIS IS NOT ONE THAT I TAKE LIGHTLY AND I AM SURE ALL OF MY COLLEAGUES DO NOT TAKE IT LIGHTLY EITHER. I APPRECIATE THE OPINIONS THAT EVERYONE HAS EXPRESSED ON THIS ISSUE THIS MORNING. IT REINFORCES TO ME THE VALUE THAT WE HAVE AS INDIVIDUALS AND OUR SYSTEM OF GOVERNMENT, THAT WE HAVE THE OPPORTUNITY TO HAVE DEBATE ON LITERALLY LIFE AND DEATH ISSUES. THERE ARE VERY PASSIONATE PEOPLE ON BOTH SIDES OF THIS ISSUE. WE HAVE ALL GOTTEN A LOT OF COMMUNICATION, BE IT E-MAIL, PAPER, PHONE CALLS FROM THOSE BOTH OPPOSED TO THE DEATH PENALTY AND THOSE IN FAVOR. AND THERE ARE PEOPLE WHO WE PROBABLY WOULD LIKE TO BE LESS ENTHUSIASTIC ON BOTH SIDES OF THAT ISSUE. BUT THAT'S OUR JOB. AS ELECTED STATE OFFICIALS THIS IS WHY WE'RE HERE, TO SIFT THROUGH THAT CHATTER AND THE EXTREMES ON BOTH SIDES OF AN ISSUE AND GET TO THE FACTS, NOT TO RULE WITH OUR HEARTS, BUT TO USE OUR HEADS. WE CAN BE EMOTIONAL ON THIS ISSUE, BUT WHEN IT COMES DOWN TO IT WE'VE GOT TO USE OUR BRAINS. THAT IS A VERY CRITICAL POINT. THE VAST MAJORITY OF THE PEOPLE IN NEBRASKA I DON'T THINK ARE COMFORTABLE STANDING UP AND CLAIMING IN PUBLIC, ON TV, ON THE RADIO THEIR POSITION ON THE DEATH PENALTY. THAT'S OUR JOB. WE EACH REPRESENT 35,000, 36,000, 37,000 PEOPLE IN OUR DISTRICTS. THEY SEND US HERE TO REPRESENT THEM. I DON'T CLAIM TO REPRESENT EVERY SINGLE PERSON IN MY DISTRICT ON THIS ISSUE, BUT THE VAST MAJORITY OF THE INDIVIDUALS IN MY DISTRICT DO SUPPORT THE DEATH PENALTY. I AM VERY CONFIDENT OF THAT FACT. BUT YET, THEY'RE NOT WILLING TO MAKE THAT PUBLIC, THEY WILL TELL ME IN PRIVATE. AND WE'RE NOT PERFECT. WE MAKE MISTAKES. WE ARE HUMAN. AND THAT PROCESS THAT WE GO THROUGH, THE APPEAL PROCESS, THAT'S WHY WE HAVE CHECKS AND BALANCES. WE ARE PROVIDING THE TOOL FOR OUR ADMINISTRATIVE BRANCH AND OUR JUDICIAL BRANCH TO CARRY OUT THIS LAW. AND THE FACT THAT THERE ARE ADDITIONAL CHECKS AND BALANCES GIVES ME COMFORT THAT WE ARE NOT GOING TO MAKE A MISTAKE MOVING FORWARD. WE HAVE APPEALS COURT, IT HAS TO GO THROUGH THE STATE SUPREME COURT, IT GETS APPEALED TO THE U.S. SUPREME COURT, AND THE GOVERNOR MAKES THE ULTIMATE DECISION. SO THERE ARE A CONSIDERABLE AMOUNT OF CHECKS AND BALANCES. A LOT OF THE QUESTIONS AS TO WHY WE DON'T USE IT, WHY IT TAKES SO LONG, WE DON'T HAVE THE DRUGS TO USE CURRENTLY, TO ME, THOSE ARE ROADBLOCKS THROWN UP BY OPPONENTS OF THE DEATH PENALTY. WHEN IT COMES TO TOUGH ISSUES... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

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SENATOR HUGHES: ...WE USE THE TOOLS THAT WE HAVE TO TRY AND CONVINCING OUR COLLEAGUES AND OUR VOTERS ULTIMATELY TO AGREE WITH OUR ASSESSMENT. AND THE AMOUNT OF APPEALS THAT HAVE BEEN GRANTED ARE A DELAYING TACTIC USED BY THOSE OPPOSED TO THE DEATH PENALTY TO DRAW OUT THE SYSTEM, TO DRAW OUT THE TIME. THE CHANGES IN METHOD OF EXECUTION THAT WE HAVE TO HAVE A SPECIFIC SET OF DRUGS...TO ME, WHEN YOU'RE DEAD YOU'RE DEAD. I DON'T THINK WE NEED TO MAKE IT PAINLESS. IT ONLY NEEDS TO BE QUICK. I'M GLAD THE GOVERNOR HAS PROCURED THE DRUGS THAT WE NEED. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR HUGHES: THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR HUGHES. SENATOR CAMPBELL, YOU ARE RECOGNIZED. [LB268]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I WANT YOU TO KNOW THAT MY COMMENTS ARE PROBABLY NOT AS GOOD AS SENATOR NORDQUIST'S, BECAUSE I ALSO WROTE DOWN SENATOR KINTNER'S POINT: THE ISSUE WILL DEFINE YOU AS A FRESHMAN. I'M ONE OF THOSE PEOPLE THAT STRUGGLED AS A CANDIDATE WITH THIS ISSUE. WASN'T BROUGHT UP BUT ONCE. I ANSWERED THE QUESTION. AND WHEN I CAME TO THE LEGISLATURE, THE VERY FIRST TIME THIS WAS DISCUSSED I SUPPORTED THE DEATH PENALTY. AND WHILE I'M ONE OF THOSE PEOPLE THAT TRIES VERY HARD NOT TO DWELL ON THE VOTES I MAKE HERE--I MAKE A VOTE, I'VE MADE A DECISION, I MOVE ON--BUT THAT WAS ONE VOTE THAT KEPT COMING BACK TO ME OVER AND OVER AND OVER. AND I ASKED MYSELF, GENTLEMEN, I ASKED MYSELF OVER AND OVER AGAIN IF THE VOTE THAT I HAD MADE WAS THE RIGHT VOTE. AND I SPENT TIME AND I WENT BACK AND I READ ALL THE FILES, ALL THE E-MAILS, ALL THE LETTERS, AND I CAME TO THE CONCLUSION THAT, IN THE END, MY PERSONAL FAITH CONVICTION LED ME TO A POSITION OF SUPPORTING THE REPEAL OF THE DEATH PENALTY. FOR ME, THIS ISSUE SHOULD NOT AND WILL NOT DEFINE ME POLITICALLY, BUT IT DOES DEFINE MY PERSONAL BELIEFS. AND, COLLEAGUES, I BELIEVE THAT OUR CONSTITUENTS WANT MORE THAN ANYTHING ELSE FROM US IS TO BE HONEST AND FORTHRIGHT ABOUT THE CONVICTIONS WE HOLD AND OUR ETHICAL STANDARDS. AND WHEN WE WALK AWAY FROM THIS SERVICE, I WANT TO BE DEFINED BY THOSE CONVICTIONS, NOT MY POLITICAL STANCE. THANK YOU. [LB268]

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SPEAKER HADLEY: THANK YOU, SENATOR CAMPBELL. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB268]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'VE NOT WEIGHED IN ON THIS EITHER ON GENERAL FILE, AND I QUESTION WHETHER I SHOULD TODAY OR NOT, BUT THIS HAS BEEN A JOURNEY FOR ME AS WELL, AND I REALLY APPRECIATE WHAT SENATOR CAMPBELL JUST SAID. I HAVE UTMOST RESPECT FOR THOSE REMARKS AND APPRECIATE THEM VERY MUCH. AS I WAS CAMPAIGNING--SEEMS LIKE A LONG TIME AGO, BUT IT WAS JUST SIX MONTHS AGO OR LESS--PEOPLE WOULD ASK ME, WHAT'S YOUR POSITION ON ABORTION, WHAT'S YOUR POSITION ON THIS AND THAT. AND THE DEATH PENALTY WOULD COME UP. AND I THINK IF YOU CHECK THE PAPERS, YOU WOULD FIND THAT I DID NOT HAVE A POSITION AND I STRUGGLED WITH THIS ISSUE. AND I STRUGGLED WITH THIS ISSUE BECAUSE ALL MY LIFE I'VE BEEN A PRO-DEATH PENALTY PERSON UNTIL ABOUT THREE YEARS AGO. AND THREE YEARS AGO I STARTED TO THINK ABOUT RUNNING FOR THIS POSITION, AND I STARTED...AND I UNDERSTOOD THAT THIS WAS GOING TO COME UP, AND IT HAS COME UP FOR MANY YEARS. SO THE PROCESS I WENT THROUGH WAS I TALKED TO RELIGIOUS LEADERS, NOT JUST PASTORS, BUT I TALKED TO LEADERS OF DENOMINATIONS. I TALKED TO MY CONSTITUENTS AND I TOLD THEM THAT I STRUGGLED WITH THIS BECAUSE I'M PRO-LIFE AND HOW CAN YOU BE PRO-LIFE AND THEN TAKE SOMEONE'S LIFE? AND I ALSO VISITED ONE-ON-ONE WITH FAMILIES THAT WERE VICTIMS, THEY'RE VICTIMS THAT LOST A LOVED ONE TO A HEINOUS CRIME. FOUR FAMILIES I VISITED WITH, AND EVERY ONE OF THEM ASKED ME TO DO WHAT I COULD TO REPEAL THE DEATH PENALTY. WE CAN TALK ABOUT THE MONEY, YOU KNOW. WE CAN TALK ABOUT WHETHER OR NOT WE HAVE THE DRUG. BUT THE BOTTOM LINE IS, AT THE END OF THE DAY, WE HAVE TO LIVE WITH OURSELVES. AND I HOPE THAT WHEN WE GET DONE WITH THIS DEBATE, WE CAN HANDLE THIS JUST LIKE WE DO EVERY OTHER DEBATE. WE CAN WALK AWAY AND SAY, HEY, I SUPPORT YOUR POSITION, I DON'T AGREE WITH IT, BUT LET'S MOVE ON TO THE NEXT SUBJECT. THAT'S NOT EASY TO DO, BUT I'VE SEEN IT DONE MANY TIMES ALREADY IN MY SHORT PERIOD HERE. AND I THINK THAT'S WHAT I LIKE ABOUT THE UNICAMERAL SYSTEM THAT WE HAVE. FOR THOSE THAT KEEP THROWING DAGGERS AT ME FROM A RELIGIOUS PERSPECTIVE, THAT'S...THAT I STRUGGLE WITH MORE THAN ANYTHING, BECAUSE I'M A PRETTY STRONG CHRISTIAN MYSELF. AND I DON'T KNOW THE BIBLE LIKE MANY PEOPLE DO, BUT I DO KNOW THAT IT SAYS, "THOU SHALT NOT KILL." IT'S A COMMANDMENT. IT ALSO SAYS, "JUDGE NOT AND BE NOT JUDGED." SO MY OPINION SHOULDN'T BE JUDGED, JUST LIKE I SHOULDN'T JUDGE SOMEONE ELSE'S. WE'RE ELECTED TO MAKE TOUGH DECISIONS. AS I THINK

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ABOUT THAT, I THINK ABOUT THE FACT THAT THE GUY I BELIEVE IN, JESUS, DIED ON A CROSS, AND AS HE WAS DYING, IN HIS LAST HOURS, THE GUY NEXT TO HIM WAS DYING AS WELL, AND HE WAS A HARDENED CRIMINAL. AND HE SAID TO JESUS, "FATHER, FORGIVE THEM, FOR THEY KNOW NOT WHAT THEY DO." AND WHAT DID JESUS SAY TO THEM...BACK TO HIM? "TODAY YOU'LL BE WITH ME IN PARADISE." SO I DON'T BELIEVE WE HAVE THE ABILITY TO MAKE THIS DECISION. AND THAT REALLY SOLIDIFIED MY POSITION ON WHERE I'M AT TODAY. SO, COLLEAGUES, I HOPE WE CAN END THIS... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR KOLTERMAN: ...IN A CORDIAL WAY, LIKE WE HAVE EVERYTHING ELSE. I DON'T PLAN TO VOTE FOR AM1286 BECAUSE OUR CONSTITUENTS ELECTED US TO MAKE TOUGH DECISIONS LIKE THIS, AND I WOULD HOPE THAT WE CAN MAKE THE DECISION. AND AT THE END OF THE DAY, WHEN IT'S OVER, WE WALK OUT OF HERE AND WE CONTINUE TO WORK ON THE OTHER TOUGH DECISIONS THAT WE HAVE AHEAD OF US. THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR KOLTERMAN. THOSE IN THE QUEUE: SENATOR HANSEN, RIEPE, BAKER, GROENE, WILLIAMS, AND OTHERS. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB268]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I AGAIN RISE IN SUPPORT OF LB268 AND AS A COSPONSOR OF THE BILL. I'M APPRECIATIVE OF THE GENERAL TONE TODAY. THIS IS A VERY SOMBER DISCUSSION AND A VERY IMPORTANT ONE, AS WE ALL KNOW AND WE'VE ALL RECOGNIZED. I SEE NOW THAT AS WE'RE APPROACHING THE FOUR-HOUR MARK, OR AT LEAST ATTEMPTING TO GET TO THE FOUR-HOUR MARK, I APPRECIATE THAT BOTH SIDES HAVE BEEN GETTING UP AND SHARING THEIR THOUGHTS AND HOW THEY VIEW THIS ISSUE, AND IT'S SUCH AN IMPORTANT ISSUE THAT I WAS REFLECTING ON THIS. I WENT DOWN TO MY OFFICE FOR A FEW MINUTES AND WAS REFLECTING ON THIS DOWN THERE, THAT AMONG THE DEBATES WE'VE HAD, THIS IS ONE WHERE WE ARE TRULY HEARING BOTH SIDES, AND THE CORE BELIEFS OF BOTH SIDES IN A BACK-AND-FORTH...THROUGH FOR AN EXTENDED PERIOD OF TIME. AND I DO APPRECIATE THAT. AND I APPRECIATE HOW STRONGLY THIS MEASURE, THIS BILL, THIS IDEA, THIS PROPOSAL AFFECTS EVERYONE. I WILL SAY I WANTED TO JUST COME UP FOR A MOMENT AND KIND OF REFRAME AND REMIND PEOPLE OF THE DEBATE. THERE'S BEEN A LOT OF TIMES WHERE WE'RE GOING BACK AND FORTH ON VARIOUS SIDE ISSUES, CONNECTED ISSUES, BUT THE AVAILABILITY AND THE

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PROCESS OF DRUGS, COURT CASES, PROCESSES, SPECIFIC FACTS, HISTORY, PAST STATEMENTS, AND WHAT HAVE YOU. AND THAT WE OFTEN SEEM, SOMEONE MAKES A POINT AND THEN THERE'S A REBUTTAL TO A REBUTTAL TO A REBUTTAL TO A REBUTTAL. AND THEN IT'S KIND OF UNCLEAR WHAT POINT EACH SIDE IS TRYING TO MAKE AT ANY POINT. AND THAT'S ALL FAIR AND I BELIEVE MOST OF THIS HAS BEEN DONE VERY CIVILLY, SO I APPRECIATE THAT. BUT I JUST WANTED TO REMIND FOLKS THAT WHEN WE START TALKING ABOUT THE SIDE ISSUES, WHEN WE START TALKING ABOUT THE IMPACT APPEALS HAVE OR THE NUMBER OF APPEALS OR THE HISTORY NEBRASKA HAS WITH ATTEMPTING TO OBTAIN OUR CURRENT EXECUTION DRUGS, THAT'S NOT AN ATTEMPT TO MASK, THAT'S NOT AN ATTEMPT TO DERAIL, THAT'S NOT AN ATTEMPT TO OTHERWISE MISLEAD THE DEBATE. I DO BELIEVE THAT'S A CHALLENGE OF KIND OF PERSPECTIVES AND FACTS AND INFORMATION THAT DOES NEED TO BE SHARED. YOU KNOW, THERE ARE SOME THINGS THAT I'VE HEARD ON THE FLOOR TODAY THAT I THINK, PERSONALLY, I THINK ARE WRONG. THERE ARE SOME THINGS THAT I THINK TODAY THAT ARE PROBABLY UNINTENTIONAL BUT MISSTATEMENTS OF FACTS AND MISINTERPRETATIONS OF STATISTICS. AND CERTAINLY I COULD SPEND A LOT OF TIME WRITING THEM ALL DOWN AND REBUTTING THEM. AS OF YET, I'VE CHOSEN NOT TO. AND I'M SURE THERE'S FOLKS ON THE OTHER SIDE, AND I'VE SEEN FOLKS ON THE OTHER SIDE, ATTEMPT TO DO THAT AS WELL. I JUST, AGAIN, WANTED TO GET UP AND KIND OF REMIND EVERYBODY. I BELIEVE FOR THE MOST PART...I THINK MANY OF US, ESPECIALLY THROUGH THE FIRST ROUND OF DEBATE AND THE MANY YEARS THIS HAS BEEN ON OUR MINDS AND THE MANY YEARS THIS HAS COME UP, AND FOR THOSE NEW MEMBERS THE MANY TIMES IT CAME UP DURING REELECTION-- I CERTAINLY KNOW IT CAME UP A FAIR AMOUNT OF TIMES DURING MY ELECTION--THAT I'D BE SURPRISED IF THERE ARE MANY MINDS BEING CHANGED ON THE FLOOR TODAY. I'D ALSO BE SURPRISED IF THERE WERE EXACTLY ZERO MINDS, BUT I IMAGINE THERE MAY BE ONE OR TWO PERSONS TRYING TO COME TO A FINAL DECISION OR REEVALUATING THEIR FIRST DECISION. SO WITH THEM, I WOULD JUST ENCOURAGE THEM TO MAYBE EVEN JUST TAKE A MOMENT TO WALK THE HALLS, STEP OUT OF THE CHAMBER AND THINK ABOUT THE CORE ISSUES. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR HANSEN: YOU KNOW, WE'RE TALKING ABOUT ISSUES...THANK YOU, WE'RE TALKING ABOUT ISSUES OF LIFE AND DEATH. WE'RE TALKING ABOUT ISSUES OF JUSTICE. WE'RE TALKING ABOUT ISSUES OF FAIRNESS. AND I WOULD JUST IMPLORER ALL OF THEM TO GO BACK TO THEIR CORE BELIEFS AND VIEW

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THEM HOW THEY VIEW THE WORLD AND TRY AND FIGURE OUT HOW THAT ALIGNS WITH THE ISSUE OF THE DEATH PENALTY. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR HANSEN. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB268]

SENATOR RIEPE: MR. PRESIDENT, THANK YOU. AND MY FELLOW SENATORS AND MEMBERS OF THIS AUGUST GROUP, ALONG WITH THE VIEWERS THAT WE HAVE WITH US, I WANTED TO TALK A LITTLE BIT. I FIND NO JOY AND I FIND NO SENSE OF POWER IN SUPPORTING THE DEATH PENALTY. THE DEATH PENALTY IS NOT, I REPEAT, NOT ABOUT COST. IT'S NOT ABOUT THE PROSECUTION COST. IT'S NOT ABOUT THE ACCOMMODATION COST. BUT FOR THESE HEINOUS MURDERERS, MUCH HAS BEEN DISCUSSED ABOUT THAT COST AND HOW IT WOULD BE LESS EXPENSIVE, IF YOU WILL, TO HOUSE THEM FOR THE BALANCE OF THEIR LIFE. LET'S TALK ABOUT THE HEALTHCARE COST, AND I FEEL THAT AS A RECOVERING HOSPITAL ADMINISTRATOR FOR 30-SOME YEARS, I DO HAVE SOME EXPERIENCE IN THAT ARENA. THESE HEINOUS MURDERERS ARE ENTITLED TO THE COMMUNITY STANDARD OF CARE WITH FIRST DOLLAR COVERAGE--CERTAINLY A BETTER HEALTHCARE PLAN THAN ANY OF US HAVE. THE WORST OF THE WORST GET THE BEST OF THE BEST. FOR EXAMPLE, IN THE APPROPRIATIONS COMMITTEE THERE WAS AN INCREASE OF OVER \$8 MILLION PUT INTO THIS BUDGET FOR THE INCARCERATION OF PRISONERS. ALSO, A HEINOUS MURDERER IS ELIGIBLE FOR HEPATITIS, WHICH IS \$161,000 A YEAR. THERE IS A NEW DRUG OUT FOR MELANOMA. THAT'S \$150,000 A YEAR. THERE ARE MULTIPLE OTHER DRUGS THAT ARE COMING ON TO THE MARKET THAT ARE MULTIMILLION-DOLLAR DRUGS BY THE TIME YOU GET THROUGH IT. I GUESS A QUESTION WOULD HAVE TO BE ASKED, TOO, MY FELLOW SENATORS, IS THESE INDIVIDUALS WOULD BE ELIGIBLE FOR HEART TRANSPLANT, KIDNEY TRANSPLANTS, PROBABLY EACH OF THOSE AT \$200,000, \$250,000 A GO; KNEE REPLACEMENTS, \$55,000 EACH; HIP REPLACEMENTS, \$60,000 TO \$80,000 EACH. I RECALL THAT IN THE DISCUSSION ABOUT THE HELMET LAW, THE COST OF \$4.5 MILLION SPENT AT A PLACE, I THINK MADONNA REHAB CENTER WAS CITED, WOULD BE THE COST TO TAKE CARE OF THESE INDIVIDUALS WITH LONG-TERM HEALTHCARE NEEDS. LIKE THE REST OF US, OBVIOUSLY THEY GROW OLD IF THEY'RE ON A LIFE SENTENCE. WELL, THE COSTS ARE NOT THE SIGNIFICANT PIECE. WE COULD EASILY SPEND \$4.5 MILLION, AS I SAID, AS THE NUMBER. SO IF YOU REALLY WANT TO GET DOWN AND TALK ABOUT THE COST, MY SENSE IS, YES, APPEAL PROCESSES ARE APPROPRIATE. BUT DON'T ARGUE TO ME THAT IT'S LESS EXPENSIVE TO KEEP THEM INCARCERATED RATHER THAN OTHER OPTIONS, IF

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YOU WILL. MR. PRESIDENT, I WOULD ALSO LIKE TO SPEND JUST A LITTLE BIT OF TIME HERE, BECAUSE WE'RE TOLD THAT THE END OF THE DEATH PENALTY IS CRUEL AND UNUSUAL PUNISHMENT. ABOUT TWO WEEKS AGO, THREE MURDERERS WHO WERE SERVING LIFE SENTENCES IN THE STATE OF IOWA ASKED GOVERNOR BRANSTAD TO COMMUTE THEIR SENTENCES. THEY CLAIMED THAT LIFE SENTENCE...A LIFE SENTENCE IS A CRUEL AND UNUSUAL PUNISHMENT. SO HERE WE GO. ALL OF A SUDDEN THE DEATH PENALTY IS CRUEL AND UNUSUAL. NOW LIFE SENTENCE IS CRUEL AND UNUSUAL. WILL SOCIETY REACH A POINT WHERE A HEINOUS MURDER IS SIMPLY NO MORE THAN A MISDEMEANOR? MR. PRESIDENT, IF I HAVE ANY TIME, I'D LIKE TO YIELD THAT TO SENATOR McCOY. [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 1:00. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR RIEPE. I WANT TO BRING UP A COUPLE OF POINTS THAT I THINK ARE IMPORTANT. WE'VE TALKED A LOT, I BELIEVE RIGHTFULLY SO, ABOUT BRINGING IN TOP TALENT FROM AROUND THE COUNTRY THAT GOVERNOR RICKETTS HAS CHOSEN TO HEAD UP IMPORTANT STATE AGENCIES. AND WE'VE TALKED ABOUT, AD NAUSEAM ON THE FLOOR, THE IMPORTANCE OF TRUSTING THIS FRESH BLOOD, THIS NEW TALENT IN OUR STATE AGENCIES, AND I AGREE. BUT YET TODAY, THERE ARE THOSE WHO STAND IN OPPOSITION TO AM1286 AND SOUND AS IF THEY DON'T TRUST OUR NEW DIRECTOR OF THE DEPARTMENT OF CORRECTIONS. THEY DON'T TRUST THE DEPARTMENT OF CORRECTIONS TO BE ABLE TO APPROPRIATELY CARRY OUT THE DEATH PENALTY. SO WHICH IS IT, MEMBERS? DO WE TRUST DIRECTOR FRAKES AND THE DEPARTMENT OF CORRECTIONS TO BE ABLE TO HANDLE AN EXECUTION, CARRY OUT JUSTICE, OR DON'T WE? WE VOTED. I DIDN'T, BUT THE LEGISLATURE VOTED TO MOVE MEDICAL MARIJUANA ON TO SELECT FILE,... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR McCOY: ...TRUSTING THE NEW CEO OF HHS... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR McCOY: IS THAT TIME, MR. PRESIDENT? [LB268]

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SPEAKER HADLEY: YES. [LB268]

SENATOR McCOY: THANK YOU. [LB268]

SPEAKER HADLEY: SENATOR BAKER, YOU'RE RECOGNIZED. [LB268]

SENATOR BAKER: ME? [LB268]

SPEAKER HADLEY: YES, SENATOR BAKER. [LB268]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. TWO FORMER STUDENTS OF MINE HAVE SPENT TIME ON DEATH ROW, ONE IN NEBRASKA AND ONE IN WYOMING. THAT'S PERSONALLY HURTFUL. I STARTED OUT TEACHING IN CENTRAL CITY. A YOUNG MAN NAMED RANDY REEVES WAS IN ONE OF MY SCIENCE CLASSES. RANDY IS A NATIVE-AMERICAN, ADOPTED AND RAISED BY A WONDERFUL FAMILY OF THE QUAKER FAITH. THE RANDY REEVES THAT I KNEW WAS A GREAT KID, NEVER HAD A MORE POLITE AND RESPECTFUL STUDENT. HIS BEHAVIOR WAS EXEMPLARY. A FEW YEARS LATER RANDY COMMITTED A HORRIBLE CRIME. HE MURDERED A FRIEND OF THE FAMILY. RANDY WAS FOUND TO HAVE AN EXTREMELY HIGH ALCOHOL CONTENT IN HIS BLOODSTREAM, AND HAS NEVER HAD ANY RECOLLECTION OF WHAT HE HAD DONE. IF MEMORY SERVES ME CORRECTLY, RANDY WAS ON DEATH ROW 13 YEARS AND THEN LATER THE COURTS REMOVED HIM FROM DEATH ROW AND HE'S SERVING LIFE IN PRISON. I'M GLAD FOR THAT. I NEVER WANTED HIM TO BE EXECUTED. WE KEEP TALKING ABOUT NEEDING TO KEEP THE DEATH PENALTY FOR THE WORST OF THE WORST, THE MOST EVIL OF EVIL. I WILL NEVER THINK THAT RANDY REEVES FITS INTO THAT CATEGORY OF THE MOST EVIL OF EVIL. DID HE COMMIT A TERRIBLE CRIME? APPARENTLY HE DID. JUSTICE SYSTEM FOUND HIM GUILTY. FOR ALL I KNOW, THAT ONE HORRIBLE THING WAS ALL THAT RANDY REEVES EVER DID THAT WAS TERRIBLY WRONG IN HIS ENTIRE LIFE, OUTSIDE OF ABUSING SUBSTANCES. WORST OF THE WORST, MOST EVIL OF EVIL, MONSTER? I DON'T THINK SO. MY OTHER FORMER STUDENT ON DEATH ROW WAS, IN MY OPINION, SIMPLY HAPLESS. HIS FAMILY WAS DIRT POOR. THEY STRUGGLED. THEY LIVED A HAND-TO-MOUTH EXISTENCE. THEY LIVED THAT PROVERBIAL LIFE OF QUIET DESPERATION. HAPLESS? CERTAINLY. WORST OF THE WORST? I DON'T KNOW ABOUT THAT. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR BAKER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB268]

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SENATOR GROENE: THANK YOU, MR. PRESIDENT. I KNOW SOME OF US, WE ALL DO, TAKE THIS JOB VERY SERIOUSLY. BUT I WOULD LIKE TO REMIND YOU WE'RE NOT SITTING IN A JUROR'S BOX. WE ARE NOT JUDGING INNOCENCE OF A CRIME OR GUILT. WE ARE DECIDING POLICY HERE. OUR PERSONAL VIEWS ON THE DEATH PENALTY SHOULD NOT COME INTO PLAY, BECAUSE WE ARE NOT SITTING IN THE JURY'S BOX. WE'VE NOT BEEN PICKED BY THE DEFENSE AND THE PROSECUTION TO SIT THERE. OUR JOB HERE IS TO DO POLICY. SOME OF US MAY SOME DAY BE PICKED FOR THAT JURY. THAT IS WHEN WE DECIDE DEATH OR LIFE IMPRISONMENT. TODAY WE CHOOSE POLICY. I ALSO HEARD ABOUT THE DRUGS. IT'S NOT A CONCERN OF MINE. OUR CONCERN IS DO WE HAVE A DEATH PENALTY. THOSE 11 ON THE DEATH ROW KNOW THEY ARE UNDER THE SENTENCE OF DEATH, EVERY DAY, LIKE THE REST OF US, WAKE UP. WE DON'T KNOW IF WE'LL WAKE UP. WE DON'T KNOW IF WE'LL LIVE THAT DAY. THEY ARE DOING THE SAME. QUITE FRANKLY, IT DOESN'T BOTHER ME THAT THEY ARE CONCERNED RUNNING TO THE NEWSPAPER OR TRYING TO FIND OUT IF WE HAVE THE DRUGS OR NOT, JUST AS THEY LACKED CONCERN FOR THEIR VICTIMS. BUT THAT IS NOT OUR CONCERN HERE, EITHER. OUR POLICY IS WHAT WE ARE CONCERNED ABOUT: DO WE HAVE THE OPTION FOR THAT JURY TO DECIDE, FOR THAT THREE-JUDGE PANEL, LIFE IMPRISONMENT, INNOCENCE, DEATH? WE GIVE OURSELVES TOO MUCH IMPORTANCE SOMETIMES. WE'RE NOT HERE TO SAVE THE WORLD. WE'RE TO DO POLICY. WE'RE TO GIVE THAT OPTION TO THE DAKOTA COUNTY JURY. I WASN'T THERE, OF THE EXAMPLE SENATOR NORDQUIST SAID; THAT JURY WAS. WE DON'T KNOW THE MITIGATING CIRCUMSTANCES; THAT JURY DID. YOU CAN'T SUM UP ANY CASE IN A SENTENCE OR ONE QUESTION. THAT JURY SITS FOR HOURS AND DELIBERATES. TWELVE OF THEM MUST ALL SAY YES. THEN THEY MUST TURN AROUND AND SAY AGAIN, 12 OF THEM, THAT IT WARRANTS THE DEATH PENALTY. THEN THREE JUDGES, THEN A SUPREME COURT CHIEF, WHAT HIS VIEW ON THE DEATH PENALTY COMES INTO PLAY. WHO DOES HE PICK FOR THE OTHER TWO JUDGES, BESIDES THE PRESIDING JUDGE? THEN THOSE THREE JUDGES MUST UNANIMOUSLY DECIDE. DON'T ASK ME A QUESTION LIKE IS THAT HEINOUS CRIME WITH ONE SENTENCE? I WASN'T THERE. THAT JURY IS, AND WE MUST GIVE THAT JURY AND OUR STATE THE OPPORTUNITY TO DECIDE. AND THE OTHER THING IS THAT DAKOTA COUNTY OR ANY COUNTY OR ANY JUDGE, PROSECUTOR WHO DECIDES THE DEATH PENALTY, AFTER I SAT DOWN I THINK IT WAS SENATOR SCHNOOR SAID, THEN YOU'VE GOT THE APPEAL PROCESS. NOW YOU'VE GOT LAWYERS AND JUDGES IN LINCOLN, OR WHEREVER IT'S HEARD, WHEREVER THAT PRISONER IS HELD, TECUMSEH, DECIDING IF THE JURY IN DAKOTA COUNTY DID THE RIGHT THING. BECAUSE THE APPEAL, I DON'T BELIEVE--MAYBE I'M WRONG, CORRECT ME, SENATOR SCHUMACHER OR SENATOR SEILER--IF THE APPEAL HAPPENS IN THE SAME COUNTY OR IF IT DOES

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IN THE DISTRICT WHERE THAT PERSON IS PRESIDING AND APPEALS TO THAT COURT. I WOULD THINK IT'S PROBABLY IN THAT DISTRICT. THE CHECKS AND BALANCES ARE THERE. WE'RE NOT A PERFECT SOCIETY. WE MUST DEFEND INNOCENCE. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR GROENE: THAT'S ALL WE CAN DO WITH POLICY. WE'RE TALKING POLICY HERE. NOBODY IS ASKING YOU TO PULL THE LEVER. BUT DON'T JUDGE THAT JURY AND DON'T MAKE THE DECISION FOR THAT JURY. THEY ARE THE ONES THAT HEAR THE EVIDENCE. THOSE JUDGES HEAR THE EVIDENCE. YOU READ YOUR BIBLE THE WAY YOU WANT TO READ IT, I WILL READ MINE. YOU PICK AND CHOOSE WHAT YOU WANT TO DO, BUT THAT ISN'T THE DEBATE HERE. YOU PICK YOUR RELIGIOUS LEADER THAT YOU WANT TO LISTEN TO AND I'LL PICK MY CONSCIENCE AND THE GOD THAT GAVE IT TO ME. BUT DON'T TELL ME WHICH POLICY WE SHOULD DO STATEWIDE BECAUSE OF YOUR PERSONAL VIEWS. WE ARE TALKING POLICY HERE. WE ARE NOT PLAY ACTING, WATCHING A REALITY SHOW, DECIDING IF THAT SHOULD BE DEATH OR NOT. JUST KEEP YOUR FOCUS ON POLICY. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR GROENE. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB268]

SENATOR WILLIAMS: THANK YOU, MR. SPEAKER. AND GOOD AFTERNOON, EVERYONE. THIS HAS BEEN I THINK PROBABLY THE MOST DIFFICULT WEEK THAT WE HAVE HAD THIS SESSION. WE'VE LOOKED AT PRISON REFORM, MEDICAL MARIJUANA, DRIVER'S LICENSES FOR DREAMERS, GAS TAX OVERRIDE, DISCRIMINATION IN THE WORKPLACE, AND NOW THE DEATH PENALTY. BUT I AM OPPOSED TO AMENDMENT AM1286 BECAUSE I BELIEVE IT IS OUR JOB TO MAKE THESE DECISIONS. THESE ARE HARD DECISIONS. THESE ARE DIFFICULT DECISIONS. BUT WE ARE THE ONES, AND I WAS FORTUNATE ENOUGH ON JUDICIARY COMMITTEE, WE ARE THE ONES THAT HEARD ALL THE TESTIMONY AT THE HEARING. WE ARE THE ONES THAT HAVE HEARD ALL OF THE DEBATE ON THIS FLOOR. WE ARE THE ONES THAT HAVE TALKED TO AND READ ARTICLES ABOUT THE OUTCOMES THAT WE ARE TALKING ABOUT WITH THE POLICY THAT SENATOR GROENE JUST TALKED ABOUT. SO EVEN THOUGH IT'S A HARD DECISION, I BELIEVE IT'S OUR DECISION. I THINK IT'S TOO EASY TO JUST PASS IT OFF TO THE VOTER AND SAY, WOW, I DIDN'T HAVE TO MAKE THAT DECISION. I DON'T LOOK FORWARD TO MAKING THIS DECISION BUT I WILL MAKE THIS

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DECISION. I MENTIONED THIS ON GENERAL FILE WHEN I TALKED ON THIS ISSUE THE ONE TIME THAT I TALKED, AND THIS WILL BE THE ONLY TIME I TALK ON THIS ISSUE TODAY, THAT THIS IS ONE OF THE ISSUES THAT EVERYONE HAS AN OPINION ON. WHETHER THEY SAT IN THAT HEARING ROOM AND HEARD ALL OF THE WITNESSES THAT TESTIFIED FOR REPEAL OF THE DEATH PENALTY AND ONE WITNESS THAT TESTIFIED FOR KEEPING THE DEATH PENALTY, THEY HAVE THAT OPINION. BUT AT THE END OF THE DAY, IT'S OUR RESPONSIBILITY TO PUSH GREEN OR PUSH RED. WE DON'T GET TO NUANCE THE DISCUSSION WHEN YOU PUSH RED OR GREEN. WE DON'T GET TO THINK UP DIFFERENT FACTS: IF IT WAS THIS WAY THIS IS WHAT I WOULD FEEL, AND IF IT WAS THIS WAY I MIGHT FEEL DIFFERENTLY. WE PUT THAT ALL TOGETHER AND IN ONE INSTANT PUSH RED OR GREEN, JUST LIKE SOMEONE, IF WE MAINTAIN THE DEATH PENALTY, IN ONE INSTANT WILL PUSH A RED BUTTON TO EXECUTE SOMEONE. I'LL JUST TELL YOU, I CAN'T DO THAT. I CANNOT DO THAT. DOES THAT EMBARRASS ME? NO. DOES THAT MAKE ME PROUD? NO. IT MAKES ME MATT. THAT'S ME. THAT'S WHERE I AM ON THIS ISSUE. WE HAVE AN ALTERNATIVE. WE HAVE AN ALTERNATIVE THAT RECOGNIZES PUBLIC SAFETY CAN BE TAKEN CARE OF BY LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE. THAT ISN'T TURNING SOMEBODY LOOSE. THAT ISN'T GIVING THEM A FREE RIDE. THAT IS LOCKING THEM UP AND THROWING AWAY THE KEY FOR THE REST OF THEIR LIFE. WE CAN GET INTO ALL THE STATISTICS: ONLY 72 PEOPLE HAVE BEEN SENTENCED TO DEATH; WE'VE ONLY EXECUTED 23; WE HAVEN'T EXECUTED ANYONE FOR MORE THAN 18 YEARS. BUT THE BOTTOM LINE IS RED OR GREEN. I DON'T PRETEND NOR DO I WANT TO INFLUENCE... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR WILLIAMS: ...ANY OF THE OTHER SENATORS IN THEIR FINAL DECISION ON THIS. IT'S PERSONAL. YOU WILL LIVE WITH THIS DECISION AS I WILL LIVE WITH THIS DECISION, RED OR GREEN. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR WILLIAMS. SENATOR NORDQUIST, YOU'RE RECOGNIZED. AND THIS IS YOUR THIRD TIME. [LB268]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT, MEMBERS. JUST A BRIEF COMMENT: I KNOW SENATOR HARR AND SENATOR MORFELD HAVE EXTENSIVELY TALKED ABOUT THE STATE ACQUIRING DRUGS FOR CARRYING OUT THE DEATH PENALTY, THE ANNOUNCEMENT THAT CAME REALLY ALMOST AT THE ELEVENTH HOUR LAST NIGHT BEFORE THIS DEBATE. YOU KNOW, JUST

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LOOKING BACK, SENATOR CONRAD AND I SENT A FOIA REQUEST TO THE ATTORNEY GENERAL BACK THE LAST TIME THERE WAS SOME PRONOUNCEMENT THAT WE HAD OBTAINED THE APPROPRIATE DRUGS TO CARRY IT OUT, AND THAT WAS YEARS AGO, AND HERE WE ARE TODAY WITH STILL THE INABILITY TO CARRY IT OUT. SO IF ANYONE IS USING THAT AS SOME SORT OF RATIONALE TO MOVE FORWARD WITH IT, CLEARLY THIS IS JUST GOING TO SET OFF ROUNDS AND ROUNDS OF LITIGATION. WITH THAT, I'D YIELD MY TIME TO SENATOR CHAMBERS. [LB268]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:09. [LB268]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR NORDQUIST. MR. PRESIDENT, THE FIRST THING I WANT TO DO IS CORRECT TWO MISSTATEMENTS THAT HAVE BEEN MADE. IT HAS BEEN SAID THAT NEBRASKA HAS NOT EXECUTED ANYBODY UNJUSTIFIABLY. A MAN NAMED MARION IN THE '90s RECEIVED A FORMAL PARDON BY THE NEBRASKA BOARD OF PARDONS BECAUSE THEY EXECUTED HIM INAPPROPRIATELY BECAUSE THE MAN HE ALLEGEDLY KILLED TURNED UP ALIVE IN KANSAS. ANOTHER STATEMENT WAS MADE THAT NOBODY CURRENTLY ON DEATH ROW HAS SAID HE'S INNOCENT. JOHN LOTTER HAS MAINTAINED HIS INNOCENCE FROM THE FIRST DAY HE WAS LOCKED UP, SO THAT'S ANOTHER MISSTATEMENT. SENATOR SCHNOOR READ SOMETHING THAT THE ATTORNEY GENERAL SAID ABOUT THE MINUSCULE COST OF MAINTAINING THESE APPEALS IN DEATH CASES. WELL, SOMEBODY WHO'S AGAINST THIS BILL, INADVERTENTLY, I'M SURE, ACKNOWLEDGED THAT MADISON COUNTY ITSELF SPENT MORE THAN A MILLION DOLLARS ON A DEATH PENALTY CASE. AND I'D VENTURE TO SAY IT'S CONSIDERABLY MORE. AND I WOULD ALSO SAY THAT IT WOULD TAKE A LOT OF CASES IN MADISON COUNTY TO RUN UP A COST IN EXCESS OF A MILLION DOLLARS. SO ALL OF THOSE ARE MISSTATEMENTS. THE GOVERNOR, THE ATTORNEY GENERAL HAVE MISLED THE LEGISLATURE BY SAYING THEY PROCURED THOSE DRUGS. THEY DON'T HAVE THE DRUGS. AND I'M GOING TO SAY THEY WON'T GET DRUGS THAT THEY'RE GOING TO BE ABLE TO USE LEGALLY IN THIS STATE. THAT IS A DODGE AND A HEDGE, AND IT'S WHY THEY WAITED UNTIL THE DAY BEFORE THIS DEBATE TO BRING UP THE FACT THAT THEY HAVE BEEN SEEKING THESE DRUGS AND MAKING ALL THESE AGREEMENTS BEFORE. THEY HAVE BEEN DISINGENUOUS. AND IT MIGHT WORK WITH SOME PEOPLE, BUT I THINK THOSE WHO VOTED FOR THIS BILL ON GENERAL FILE WILL CONTINUE TO DO SO. THE NEBRASKA SUPREME COURT STATED WHEN THEY STRUCK DOWN THE ELECTRIC CHAIR...BY THE WAY, THE STATE CAN HAVE A HIGHER STANDARD WHEN IT'S INTERPRETING THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION THAN THAT OF THE U.S.

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SUPREME COURT. THE U.S. SUPREME COURT NEVER RULED THAT THE ELECTRIC CHAIR WAS CRUEL AND UNUSUAL PUNISHMENT BUT THE NEBRASKA SUPREME COURT, EXERCISING THEIR PREROGATIVE TO HAVE A HIGHER STANDARD. THE FEDERAL COURT SET THE MINIMUM RULE THAT THE ELECTRIC CHAIR IS UNCONSTITUTIONAL. THEY HAD SCIENTIFIC EVIDENCE AND POINTED OUT THAT THERE IS CONSIDERABLE PAIN, THAT DEATH IS NOT INSTANTANEOUS, THAT A JOLT MAY STOP THE HEART BUT AN ADDITIONAL JOLT WILL RESTART IT AS THOUGH DEFIBRILLATORS DO. SO A PERSON MAY LITERALLY BE KILLED AND BROUGHT BACK TO LIFE SEVERAL TIMES DURING THE COURSE OF AN ELECTROCUTION. THAT WAS ESTABLISHED SCIENTIFICALLY. BUT WHAT THE COURT SAID WAS THAT THE COURT IN THE STATE, IN TAKING A LIFE, EVEN WHEN IT MAY CONSTITUTIONALLY AND LAWFULLY DO SO, DOES NOT HAVE THE RIGHT TO STOOP TO THE LEVEL OF THE CRIMINAL IN EXECUTING A SENTENCE. SO EVEN WHILE... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR CHAMBERS: ...TAKING A LIFE, IT IS NOT FREE TO USE CRUEL AND UNUSUAL METHODS. FOR THE INFORMATION OF MY COLLEAGUES, LETHAL INJECTION WAS INVENTED BY THE NAZIS. SO I GUESS SOME PEOPLE FEEL THE NAZIS WERE NOT ALL BAD. OKLAHOMA SAID THEY WERE GOING TO USE NITROGEN GAS BECAUSE THAT'S HUMANE. A JEWISH PERSON OBJECTED AND SAID AFTER WHAT HAPPENED DURING THE HOLOCAUST, IT IS INAPPROPRIATE TO SUGGEST THAT GASSING PEOPLE IS A HUMANE WAY TO TAKE HUMAN LIFE. SO WHEN SERIOUS PEOPLE LOOK AT THESE ISSUES THEY ARRIVE AT SERIOUS CONCLUSIONS, AND MORE WEIGHT SHOULD BE GIVEN TO THOSE THAN THE SLOGANS AND THE FLIPPANT REMARKS. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BRASCH, YOU'RE RECOGNIZED. AND THIS IS YOUR THIRD TIME. [LB268]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES. MOMENTS AGO I HEARD CONCERNS EXPRESSED ABOUT THE COMPANY, QUESTIONS ABOUT THE COMPANY. IT WAS ALSO STATED THAT WE DON'T KNOW IF THIS IS FDA APPROVED. WE DON'T KNOW THE POTENCY. WE DIDN'T KNOW THE EFFICACY. ARE THERE PROBLEMS WITH IT? WHAT'S GOING TO HAPPEN HERE? I HEARD THAT ON THE FLOOR BEING ASKED BY MANY ON MEDICAL MARIJUANA. THAT'S NOT FDA APPROVED. WE DON'T KNOW THE POTENCY. WE DON'T KNOW WHO'S MAKING IT. WE DON'T KNOW ANYTHING ABOUT THE COMPANIES. BUT

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IT'S OKAY TO GIVE TO KIDS AND THOSE WITH CHRONIC AILMENTS. AND IT'S NOT OKAY TO GIVE SOMETHING NOT APPROVED TO ANYONE. BUT TODAY WE'RE TALKING ABOUT A MURDERER, A CRIMINAL, AND AGAIN THOSE QUESTIONS DO REMAIN. BUT THEY SHOULD BE ALSO ASKED WHEN WE'RE TALKING ABOUT LEGALIZING A MEDICAL MARIJUANA: WHO'S MAKING IT? HOW STRONG IS IT? WHAT ARE THE EFFECTS? WHY ISN'T IT FDA APPROVED? THERE'S A LOT OF QUESTIONS. I WILL YIELD THE REST OF MY TIME TO SENATOR McCOY. [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 3:40. [LB268]

SENATOR McCOY: THANK YOU, SENATOR BRASCH. AND I WOULD LIKE TO CONTINUE WITH WHERE I LEFT OFF, AND IT DOVETAILS INTO WHAT SENATOR BRASCH JUST SAID. YOU KNOW, WE'VE TALKED A LOT ABOUT THE FAITH WE ARE PUTTING IN THE FRESH BLOOD AND THE NEW PERSPECTIVES AND THE NEW IDEAS IN A NUMBER OF KEY AGENCIES IN STATE GOVERNMENT WITH THIS NEW GUBERNATORIAL ADMINISTRATION. WE HAD SO MUCH CONFIDENCE IN OUR NEW LEADERSHIP AT HEALTH AND HUMAN SERVICES THAT WE VOTED A BILL PAST GENERAL FILE TO PUT HHS IN THE POSITION OF REGULATING AND CONTROLLING AND DISPENSING MEDICAL MARIJUANA, THE SAME HHS DEPARTMENT THAT HAS BEEN FRAUGHT WITH ALL SORTS OF PROBLEMS, AS WE'VE ALL TALKED ABOUT FOR MANY YEARS. NOW, I HAVE EVERY CONFIDENCE TO BELIEVE THAT THE CEO OF HHS WILL DO A GREAT JOB. I HAVE NO REASON TO BELIEVE OTHERWISE. HOWEVER, YOU CAN'T HAVE IT ONE WAY OR THE OTHER. IN THE PRESS RELEASE FROM LAST NIGHT, I'LL QUOTE DIRECTOR FRAKES: THE RESPONSIBILITIES OF THE NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES ARE VARIED AND EXTENSIVE. ONE OF THOSE IMPORTANT DUTIES IS TO CARRY OUT THE ORDER OF THE COURT. IN THE PAST FEW WEEKS THE DEPARTMENT HAS BEEN ABLE TO PURCHASE THE NECESSARY DRUGS TO CARRY OUT THE DEATH SENTENCE THE INMATES HAVE RECEIVED. THE DRUGS HAVE BEEN PURCHASED. WE HAVE POSSESSION OF ONE OF THE THREE; THE OTHER TWO ARE ON THEIR WAY. I WANT TO TALK THROUGH JUST A LITTLE BIT ABOUT WHAT THE ACTUAL PROCESS IS, WHAT HAPPENS WHEN THE DRUGS ARE ACQUIRED. DEPARTMENT OF CORRECTIONAL SERVICES WILL HAVE AN INDEPENDENT LAB TEST TO TEST THE DRUGS TO ENSURE IF THEY ARE WHAT THEY PURPORT TO BE, WHAT WE'VE PAID FOR. ONCE THE TESTING IS COMPLETED, THE PROTOCOL DEMANDS THE DRUGS BE SECURED BY DEPARTMENT OF CORRECTIONAL SERVICES. THE INVENTORY OF LETHAL SUBSTANCES WILL BE REVIEWED EVERY SIX MONTHS AND ALSO UPON RECEIPT OF ANY EXECUTION ORDER FROM THE NEBRASKA SUPREME COURT. THAT IS THE PROTOCOL THAT IS LAID OUT, NOT ONLY IN RULES AND REGULATIONS BUT

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IN STATUTE. MEMBERS, I DON'T BELIEVE THAT WE CAN SAY WE DO AND WE DON'T TRUST THE NEW LEADERSHIP NOT JUST IN THE CORNER OFFICE OF THIS BUILDING, THE HIGHEST OFFICE IN THIS LAND, THE GOVERNOR OF THE GREAT STATE OF NEBRASKA, BUT ALSO THE AGENCY DIRECTORS THAT HE NOMINATED, THAT WE HAVE CONFIRMED. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR McCOY: DIRECTOR FRAKES IS SAYING, I WILL DO MY JOB; I WILL CARRY OUT WHAT COURTS HAVE DEEMED TO BE THE SENTENCE FOR THE INDIVIDUALS ON DEATH ROW. SO HOW CAN WE STAND HERE AND SAY, WELL, THAT CAN'T HAPPEN AND THAT'S GOING TO BE SOME, YOU KNOW, AMBIGUOUS METHOD IN WHICH THAT'S GOING TO HAPPEN, BUT WE'RE CONFIDENT ENOUGH TO SAY TO THE HHS CEO, GO FORTH AND DISPENSE MEDICAL MARIJUANA? REALLY? AM I THE ONLY ONE THAT SEES THE INCONSISTENCIES IN THAT? THAT'S WHY THIS HAS TO GO TO A VOTE OF THE PEOPLE. THE PEOPLE DESERVE...FOR THAT MATTER, MAYBE WE SHOULD HAVE PUT MEDICAL MARIJUANA TO THE VOTE OF THE PEOPLE. THAT'S WHY THIS SHOULD GO TO THE VOTE OF THE PEOPLE. THE PEOPLE OF NEBRASKA DESERVE TO CHOOSE WHETHER OR NOT WE HAVE THE DEATH PENALTY. [LB268]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR McCOY. SENATOR SCHNOOR, YOU'RE RECOGNIZED. AND THIS IS YOUR THIRD TIME. [LB268]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. SENATOR McCOY, YOU'RE NOT THE ONLY ONE THAT SEES THIS BECAUSE I SEE IT, TOO. AND I WANT TO GIVE YOU ANOTHER REASON WHY THIS NEEDS TO GO TO A VOTE OF THE PEOPLE. THERE'S...BEEN INFORMED THERE'S DEALS BEING MADE. WE'RE MAKING DEALS ON THE DEATH PENALTY. THAT'S THE EXTREME THAT PEOPLE WILL GO TO, TO WIN THEIR BILL. THEY WILL SELL THEIR SOUL. SO THIS NEEDS TO BE VOTED ON BY THE PEOPLE BECAUSE IT'S HARD TO SAY WHO YOU CAN TRUST IN HERE SOMETIMES. SO THAT'S WHAT'S HAPPENING, AND THE PUBLIC NEEDS TO BE AWARE OF THAT. SO THERE'S TWO GOOD, SOLID REASONS: ONE SENATOR McCOY PUT OUT AND THIS ONE. LET'S LET THE PEOPLE DECIDE BECAUSE THIS IS THE MOST SERIOUS ISSUE THAT WE WILL EVER DISCUSS HERE. SO I WILL YIELD THE REST OF MY TIME TO SENATOR KINTNER. [LB268]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE YIELDED 3:20. [LB268]

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SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I THINK THAT'S AN EXCELLENT REASON TO TAKE IT OUT OF THE HANDS OF THIS BODY AND GIVE IT TO THE PEOPLE. THANK YOU, SENATOR SCHNOOR. I THINK ONE OF THE THINGS THAT PEOPLE HAVE SAID A FEW TIMES, I AGREE WITH, IS THAT LIFE IS SACRED. AND OTHER THAN OUR RELATIONSHIP WITH GOD, THERE IS NOTHING MORE SACRED THAN LIFE. AND IF LIFE IS SO IMPORTANT, WE NEED TO DEFINE THAT IMPORTANCE WITH THE DEATH PENALTY. IF LIFE IS JUST SOMETHING ELSE, THEN WE JUST HAVE A, YOU KNOW, A REGULAR SENTENCE LIKE ANYTHING ELSE. YOU DO SOMETHING WRONG, YOU GET TIME. DO SOMETHING REALLY WRONG, YOU GET MORE TIME. YOU DO SOMETHING REALLY, REALLY WRONG, YOU SPEND YOUR WHOLE LIFE IN PRISON. BUT THIS ISN'T JUST COMMITTING A CRIME. THIS ISN'T JUST, JEEZ, IF I STEAL SOMETHING UNDER A THOUSAND IT'S A MISDEMEANOR, IF I STEAL SOME UPPER HERE IT'S A FELONY. NO, THIS ISN'T A DEGREE OF CRIMINALITY, OF HOW MUCH YOU STOLE, HOW MANY THINGS YOU DID WRONG. THIS IS TAKING A LIFE. AND IF LIFE IS SACRED, THEN WE NEED TO TREAT IT LIKE IT'S SACRED AND WE NEED TO SAY, IF YOU TAKE A LIFE AND IT'S PREMEDITATED AND WE'VE GOT WITNESSES, YOU'RE GOING TO HAVE THE DEATH PENALTY APPLIED. AND THAT NEEDS TO BE A CERTAINTY. AND I ASSURE THE PEOPLE OF THIS STATE, I AM WORKING AS HARD AS I CAN TO MAKE THAT A CERTAINTY. I WANT TO SAY ONE OTHER THING, I WANT TO ASK. ONE OF THE SENATORS SPOKE BEFORE ME AND SAID, YEAH, IT COSTS MORE TO PUT SOMEONE TO DEATH. REALLY? WELL, WHEN WE LOOK AT A BILL, WE LOOK AT A BILL, WE GET A FISCAL NOTE. EVERY BILL WE LOOK AT GETS A FISCAL NOTE. AND WE HAVE A FISCAL OFFICE WHICH WE LIKE TO CALL THE GOLD STANDARD. SO I THOUGHT IT MIGHT BE A GOOD IDEA IF I JUST GOT OUT THE FISCAL NOTES ON LB268. I'VE GOT FISCAL NOTE NUMBER ONE, FISCAL NOTE NUMBER TWO, AND FISCAL NOTE NUMBER THREE. LET'S SEE WHAT FISCAL NOTE NUMBER ONE SAYS. HMM, NO FISCAL IMPACT FROM THIS BILL. HUH, WHAT DO YOU KNOW?
[LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR KINTNER: THE SECOND ONE: NO FISCAL IMPACT ON THIS ONE. AND THIS ONE SAYS: BOARD OF PAROLE ESTIMATES NO FISCAL IMPACT. DEPARTMENT OF CORRECTIONS SAYS...ESTIMATE MINIMAL IMPACT. ATTORNEY GENERAL SAYS NO FISCAL IMPACT. AND DOUGLAS COUNTY ESTIMATES NO FISCAL IMPACT. NOW YOU GUYS ARE JUST TELLING ME YOU DON'T BELIEVE YOUR OWN FISCAL OFFICE, BUT WHENEVER YOU HAVE A BILL TO EXPAND GOVERNMENT IT'S THE GOLD STANDARD: IT'S ONLY GOING TO COST US \$4 MILLION AND LOOK AT ALL THE MONEY WE'RE GOING TO SAVE. WELL, WHEN YOU WANT TO GET RID OF THE

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DEATH PENALTY, YOU DON'T CARE ABOUT THIS STUFF. IT JUST DOESN'T MATTER, DOES IT? [LB268]

SPEAKER HADLEY: SENATOR, NO HISTORICALS AND THROWING THINGS, PLEASE. [LB268]

SENATOR KINTNER: THANK YOU VERY MUCH, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB268]

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER. AND GOOD MORNING, COLLEAGUES. THIS IS THE FIRST TIME I'VE HAD A CHANCE TO SPEAK ON THIS IMPORTANT TOPIC. AND I ACKNOWLEDGE THE IMPORTANCE OF THE DISCUSSION AND THE GRAVITY OF OUR DECISION. AND I, THEREFORE, SUPPORT LB268 AND STAND AGAINST AM1286. WHY DO I STAND AGAINST...WHY DO I SUPPORT LB268? THE DEATH PENALTY IS ADMINISTERED ARBITRARILY. IT DEPENDS ON THE QUALITY OF THE REPRESENTATION. WHO HAS THE MONEY AND WHAT YOUR RACE IS OFTEN DETERMINES THE KIND OF REPRESENTATION AVAILABLE. SUPREME COURT JUSTICE JOHN PAUL STEVENS HAS WRITTEN THAT HE REGRETS HAVING VOTED TO REINSTATE THE DEATH PENALTY AS HE HAS BEEN UNABLE TO DISCERN THE RHYME OR REASON WHY SOME FIRST-DEGREE MURDER DEFENDANTS ARE BROUGHT UP ON CAPITAL CHARGES AND THE OTHER EQUALLY OR MORE CULPABLE DEFENDANTS ARE NOT. MISTAKEN CONVICTIONS: THE DEATH PENALTY CREATES AN UNDENIABLE AND UNACCEPTABLE RISK OF EXECUTING INNOCENTS. INNOCENTS HAVE BEEN EXECUTED DUE TO JUNK FORENSIC SCIENCE, PROSECUTORIAL MISCONDUCT, LAW ENFORCEMENT MISCONDUCT, AND INEFFECTIVE LAWYERS. CAN I HAVE A GAVEL, MR. CHAIR? SINCE 1973, OVER 130 PEOPLE HAVE BEEN...WHO HAVE RECEIVED THE DEATH PENALTY HAVE BEEN EXONERATED. FROM 1973 TO 1999, THERE WAS AN AVERAGE OF THREE EXONERATIONS PER YEAR. SINCE THAT YEAR, THE AVERAGE HAS BEEN INCREASED TO FIVE, REFLECTING ADVANCES IN DNA TECHNOLOGY. SAM GROSS AT THE UNIVERSITY OF MICHIGAN LAW SCHOOL SUBMITTED A PAPER IN THE NATIONAL ACADEMY OF SCIENCE PROCEEDINGS THAT SHOWED WHEN WE LOOK AT CAPITAL CONVICTIONS, INNOCENCE GROUNDS CAN BE DEMONSTRATED AT A RATE OF 4.1 PERCENT ERROR RATE. LACK OF SUPPORT FOR DETERRENCE: THE DEATH PENALTY DOES NOT DETER. THE NATIONAL ACADEMY OF SCIENCES RECENTLY REVIEWED ALL THE STUDIES ON THIS SUBJECT AND FOUND NO EVIDENCE OF A DETERRENT EFFECT. A MAJOR RATIONALE FOR THE DEATH PENALTY IS ITS DETERRENCE AGAINST HOMICIDE,

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BUT MANY STUDIES HAVE FOUND THAT THE DEATH PENALTY IS NOT MORE OF A DETERRENCE THAN THE PROSPECT OF A LENGTHY PRISON SENTENCE. KILLING IS GENERALLY NOT A RATIONAL ACT AND OFFENSES...OFFENDERS RARELY THINK OF THE CONSEQUENCES FOR THEMSELVES OR OTHERS WHEN THEY KILL. CLOTURE FOR FAMILIES: THE LONG, DRAWN-OUT NATURE OF THE LEGAL PROCESS, AS SOMETIMES MANDATED BY THE SUPREME COURT, PREVENTS FAMILIES FROM EVER ATTAINING CLOTURE. RESOLVING A CASE QUICKLY THROUGH A LIFE SENTENCE WITHOUT POSSIBILITY OF PAROLE SENTENCE, WHICH DID NOT EXIST UNTIL RECENTLY BUT IS NOW STANDARD THROUGHOUT THE U.S., IS THE BEST WAY TO MOVE A VICTIM'S FAMILY TOWARD HEALING AND CLOTURE...CLOSURE. IN SUMMARY, THE DEATH PENALTY DOES NOTHING TO INCREASE OR ENSURE PUBLIC SAFETY, SO IT UNDERMINES THE FAIR ADMINISTRATION OF JUSTICE. I URGE THE LEGISLATURE AND THE GOVERNOR TO MOVE NEBRASKA INTO THE GROWING RANKS OF ENLIGHTENED STATES THAT HAVE DECIDED TO END THIS BARBARIC PRACTICE. THIS MORNING WE RECEIVED A POSTCARD AND IT DISCUSSES THE DEBATE ON THE DEATH PENALTY. AND IT'S FROM FEDERAL U.S. COURT JUSTICE JUDGE KOPF. AND HIS QUOTE IS: IF THE DEATH PENALTY WERE REPEALED, I WOULD SLEEP BETTER AT NIGHT. WITH THAT, MR. SPEAKER, I YIELD THE BALANCE OF MY TIME TO SENATOR MORFELD. [LB268]

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE YIELDED 56 SECONDS. [LB268]

SENATOR MORFELD: THANK YOU, SENATOR McCOLLISTER. AND THIS WILL BE BRIEF. IN REGARD TO AM1286, THERE'S MANY PEOPLE SAYING THAT WE SHOULD TAKE THIS ISSUE TO THE VOTERS; THAT THIS IS AN ISSUE THAT THE VOTERS SHOULD DECIDE. WELL, THE VOTERS SENT ME HERE TO DECIDE TOUGH ISSUES. AND I'M NOT GOING TO SHIRK MY DUTY SIMPLY BECAUSE IT'S A TOUGH ISSUE AND I'M NOT COMFORTABLE DECIDING IT MYSELF. IF THAT'S THE CASE THEN YOU SHOULD PROBABLY RESIGN. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SENATOR SCHEER, YOU'RE RECOGNIZED. AND THIS IS YOUR THIRD TIME. [LB268]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I'VE HEARD FROM THE PREVIOUS SPEAKER THAT DEATH PENALTY IS NOT A DETERRENT; MOST PEOPLE DON'T THINK ABOUT THE CONSEQUENCES. THOSE PEOPLE THAT AREN'T THINKING ABOUT THE CONSEQUENCES AREN'T THE ONES THAT ARE GIVEN A DEATH PENALTY. IN ORDER TO GET THE DEATH PENALTY, IT HAS TO BE HEINOUS, IT HAS

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TO BE PREMEDITATED. WHEN SOMEBODY COMES INTO A BANK AND THEY JUMP OVER A COUNTER AND THEY STICK A GUN TO A TEMPLE AND THEY PULL THE TRIGGER, THAT'S NOT UNINTENTIONAL, IT'S NOT UNTHOUGHT OF. THAT HAPPENED. THOSE ARE FACTS. DID HE THINK ABOUT THE PENALTY? I DON'T KNOW. BUT THERE IS A CONSEQUENCE. I WOULD LIKE THE BODY TO REMEMBER THAT THE DEATH PENALTY MAY OR MAY NOT BE A DETERRENT, BUT THE DEATH PENALTY IS THE PENALTY FOR THAT CRIME. IT REALLY HAS NOTHING TO DO WITH THE DETERRENCE. IT IS THE PENALTY FOR THE OFFENSE. IF WE WERE GOING TO GO ON THAT RATIONALE, THAT IF IT'S NOT A DETERRENT WE SHOULDN'T HAVE IT, LITERALLY WE SHOULD NOT HAVE ANY TRAFFIC VIOLATIONS ON THE BOOKS, PERIOD. WE ALL KNOW IF WE GET PICKED UP WE GOT TO PAY A FINE. WE ALL KNOW IF WE GET PICKED UP WE'RE GOING TO LOSE POINTS. WE ALL KNOW IF WE LOSE POINTS OUR INSURANCE IS GOING TO BE MORE EXPENSIVE. LOOK IN THE PAPER EVERY WEEK. YOU'RE GOING TO SEE A TON OF SPEEDERS. IT'S NOT A DETERRENT, SO WHY DO WE PICK THEM UP? WE PICK THEM UP BECAUSE IT'S AGAINST THE LAW. AND WHY DO THEY PAY THE FINE AND WHY DO THEY LOSE THE POINTS? BECAUSE IT'S THE PENALTY. THAT'S THE CONSEQUENCE. I AM PASSIONATE ABOUT THIS. THERE ARE THINGS THAT HAVE HAPPENED IN MY LIFE THAT LEAD ME TO BE VERY PASSIONATE ABOUT THIS. I DON'T KNOW I HAVE ENOUGH TIME BUT I WILL ABBREVIATE. I OFFICE WITH MY FATHER-IN-LAW. HE WENT TO THE U.S. BANK EVERY MORNING BETWEEN 9:00 AND 9:15, LIKE CLOCKWORK. THE MORNING OF THE BANK ROBBERY IN NORFOLK, FOR WHATEVER REASON, HE WAS DELAYED. HE DROVE UP TO THAT BANK THE SAME TIME THE POLICE CARS WERE PULLING IN. I PROBABLY CAME WITHIN PROBABLY 10 OR 15 MINUTES AT THE MAXIMUM OF LOSING A FATHER-IN-LAW. THAT'S PRETTY DARN CLOSE. THAT'S ABOUT AS CLOSE AS YOU CAN GET WITHOUT HAVING IT HAPPEN. THAT WAS PREMEDITATED. IT WAS PURPOSEFUL. IT IS PERSONAL. IT IS PERSONAL FOR THOSE THAT IT AFFECTS. DOES IT AFFECT EVERYONE THE SAME WAY? CERTAINLY NOT. IS IT HANDED OUT ON AN EQUAL BASIS? I DON'T KNOW. THAT'S WHAT THE SCALE OF JUSTICE IS FOR. IT'S SUPPOSED TO BE EQUAL. IF IT'S NOT, THEN LET'S FIX THE SYSTEM. YOU DON'T THROW OUT THE PENALTY; YOU FIX THE SYSTEM. DOES IT TAKE A LONG TIME? SURE DOES, BECAUSE WE HAVE A LOT OF WAYS THAT THOSE THAT ARE CONVICTED CAN APPEAL IT. AND AGAIN, ACCORDING TO SENATOR McCOLLISTER, ALL THESE PEOPLE HAVE BEEN FOUND INNOCENT. NOT ONE IN NEBRASKA, NOT WITH THE SYSTEM WE HAVE SET UP. [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

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SENATOR SCHEER: THANK YOU, MR. SPEAKER. NATIONAL STATISTICS PLAY A ROLE, BUT WE'RE IN NEBRASKA. WE HAVE TO LOOK AT NEBRASKA'S SYSTEM. THAT HAS NOT HAPPENED IN NEBRASKA. IT IS THE PENALTY FOR THE CRIME. THE PENALTY FITS THE CRIME. IT DOESN'T HAVE TO BE A DETERRENT. PENALTIES ARE PENALTIES. THIS IS GOING TO BE A VERY HARD DECISION FOR A LOT OF PEOPLE. IT'S ONE THAT WE'RE BROUGHT HERE TO MAKE. WE'LL ALL WALK OUT HERE IN ANOTHER HALF HOUR HAVING MADE THAT DECISION. IN YOUR HEARTS MAKE THE DECISION THAT'S APPROPRIATE FOR YOU. I'LL MAKE THE ONE THAT'S APPROPRIATE FOR ME. BUT MAKE IT BASED ON WHAT YOU BELIEVE, NOT ON WHAT YOU MAYBE HAVE TRADED OFF OR WHAT SOMEBODY ELSE HAS TOLD YOU TO DO. THIS IS YOUR DECISION. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR SCHEER: IT'S IMPORTANT. THANK YOU, MR. SPEAKER. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER. (VISITORS INTRODUCED.) THOSE IN THE QUEUE: SENATORS WATERMEIER, SCHUMACHER, HUGHES, CHAMBERS, PANSING BROOKS, AND OTHERS. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB268]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, NEBRASKA, EVEN THOUGH IT'S A DREARY MORNING AND A DREARY SUBJECT. I'M GOING TO SPEAK JUST SHORTLY ON THIS SUBJECT. THEN I'M GOING TO YIELD MY TIME TO SENATOR McCOY. A CIVILIZED AND RATIONAL SOCIETY REACHES A POINT IN WHICH A HOMICIDE IS SO EXTREME ON THE SPECTRUM OF EVIL THAT THE ONLY APPROPRIATE PUNISHMENT IS TO USE THE STATE'S LEGAL AND MORAL AUTHORITY TO IMPOSE THE DEATH PENALTY. DUE PROCESS RULES IN OUR LAWS RADICALLY TILT TOWARDS THE ACCUSED. IF DEATH PENALTY CASES ARE TOO SLOW AND EXPENSIVE IT'S BECAUSE WE ARE BEING CAREFUL, IT'S BECAUSE WE ARE LEANING OVER BACKWARDS TO BE FAIR TO THE CONDEMNED MURDERER. COST SHOULD NOT BE THE ISSUE IN LIFE AND DEATH MATTERS. IF A DEATH PENALTY IS JUST, THEN WE AS A SOCIETY OUGHT TO BE ABLE TO AFFORD TO DO JUSTICE. WHEN I CAME INTO THIS BODY 2.5 YEARS AGO, I WAS IN BETWEEN ON THE DEATH PENALTY. I KNEW IT WOULD PROBABLY COME UP, AND I KNEW THERE WOULD BE A DECISION TO BE MADE, AND I WAS TOLD REPEATEDLY THAT IT WILL BE DIFFICULT TO PUSH THE GREEN OR THE RED BUTTON. AND AS I LISTEN TO SENATOR WILLIAMS EARLIER DESCRIBE THAT HE COULDN'T GET TO THAT POINT TO BE ABLE TO DO IT, THAT HE WAS GOING TO

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LEAN ON THE FACT THAT HE HAD A BETTER OPTION, LIFE WITHOUT PAROLE, LET'S TALK ABOUT THAT OPTION OF LIFE WITHOUT PAROLE. WHAT DID THAT MEAN THIS WEEKEND TO TWO PEOPLE THAT LOST THEIR LIVES? I DON'T KNOW WHAT THEIR CRIMES WERE. I'VE READ JUST GENERALLY THAT THEY WERE SEX CRIMES, AND THEY MAY HAVE DESERVED WHAT THEY GOT. BUT THAT WAS NOT JUST. AND I'M TELLING YOU THAT LIFE WITHOUT PAROLE IS NOT THE END. IT'S AN EASY OUT. REMEMBER THAT. THAT IS AN EASY OUT. WHAT ABOUT THE GUARDS THAT PROTECT THOSE PEOPLE? I AM A RIGHT-TO-LIFE INDIVIDUAL. AND I BELIEVE STRONGLY IN THE RIGHT TO LIFE IN ABORTION ISSUES AND THE RIGHT TO THOSE INDIVIDUALS DOWN THERE THAT LOST THEIR LIFE. THEY WERE NOT CONDEMNED TO DEATH. SOMEONE ELSE DECIDED THAT. IT'S TOO EASY IN THIS BODY TO COME OUT AND SAY, WELL, I'LL JUST HIT THAT RED BUTTON; I'LL OPPOSE THE DEATH PENALTY. MEMBERS, IN A FEW MINUTES WE'RE GOING TO TAKE A CLOTURE MOTION VOTE. AND I WOULD URGE YOU TO VOTE RED FOR CLOTURE AND RED ON LB268. AND I WILL YIELD THE REST OF MY TIME TO SENATOR McCOY. [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 2:28. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR WATERMEIER. WOULD SENATOR CHAMBERS YIELD, PLEASE? [LB268]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB268]

SENATOR CHAMBERS: YES, I WILL. [LB268]

SENATOR McCOY: THANK YOU, SENATOR. I'M SURE YOU PROBABLY RECALL THIS, BUT IN A FEW...A FEW DAYS AGO, JUST A FEW SHORT DAYS AGO, IN FACT, I THINK IT WAS EARLIER THIS WEEK, ON SELECT FILE ON LB173, SENATOR BLOOMFIELD ASKED YOU A QUESTION. HE TALKED ABOUT A CONSTITUENT OF HIS THAT EITHER WAS GOING TO SENTENCING OR GOING TO TRIAL--I DON'T KNOW IF HE SAID EITHER ONE--FOR... [LB268 LB173]

SENATOR CHAMBERS: I REMEMBER THE QUESTION. [LB268]

SENATOR McCOY: YES. AND I THINK HE ASKED YOU, IF LB173 WAS ENACTED, WOULD IT AFFECT HIS SENTENCE. AND I WOULD WONDER IF YOU WOULD...OR I GUESS I'LL ASK YOU TO RESPOND. I THINK YOUR ANSWER WAS THAT, NO, THAT

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YOUR BILL WOULDN'T APPLY TO HIM BECAUSE HIS CRIME HAD ALREADY BEEN COMMITTED. IS THAT AN ACCURATE REMEMBRANCE OF WHAT YOU HAD SAID? [LB268 LB173]

SENATOR CHAMBERS: THE CORRECT STATEMENT OF THE LAW IS THAT A BILL OF THAT KIND, A LAW OF THAT KIND CANNOT OPERATE RETROACTIVELY. SO A CRIME MAY HAVE BEEN COMMITTED BEFORE, BUT IT MAY NOT HAVE BEEN PROCESSED FINALLY UNTIL AFTER THE PASSAGE OF THE BILL. SO YOU LOOK AT THE RETROACTIVITY OF THE BILL AND IT CANNOT AFFECT A FINAL DECISION THAT HAD BEEN MADE PRIOR TO THE EFFECTIVE DATE OF THAT LAW. [LB268]

SENATOR McCOY: THANK YOU, SENATOR. THAT WAS WHAT I HAD RECALLED, AND I APPRECIATE YOU RESPONDING TO THAT QUESTION. THE REASON I ASKED THAT QUESTION, MEMBERS, IS BECAUSE THE SAME ANSWER SENATOR CHAMBERS JUST GAVE IS APPLICABLE TO THOSE WHO SIT ON DEATH ROW. BECAUSE OF THE SEPARATION OF POWERS, HOW DO WE, AS A SEPARATE BUT EQUAL BRANCH TO THE EXECUTIVE AND JUDICIARY BRANCHES, HAVE THE POWER OR THE PREROGATIVE TO TAKE INDIVIDUALS, 11 OF THEM WHO SIT ON DEATH ROW, AND REMOVE THEM FROM DEATH ROW? THEY WERE SENT THERE BY A JURY. SENTENCED BY A JUDGE. [LB268]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR McCOY. THOSE IN THE QUEUE: SENATOR SCHUMACHER, HUGHES, CHAMBERS, PANSING BROOKS, AND OTHERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB268]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I'LL TAKE JUST A MOMENT UP-FRONT TO SAY THAT, AS FAR AS I CAN TELL, AM1286 IS A NULLITY. IT SAYS THAT CAPITAL PUNISHMENT SHALL BE AN AVAILABLE PUNISHMENT FOR THE CRIME OF FIRST-DEGREE MURDER IN THIS STATE. AVAILABLE TO WHOM? AVAILABLE, OF COURSE, TO THE LEGISLATURE. THAT DOESN'T CHANGE ANYTHING. IT'S AVAILABLE TO US. IT ANSWERS NO QUESTIONS. IT GIVES US NO DIRECTION. THEN IT TELLS US THE LEGISLATURE SHALL CARRY OUT THE INTENT OF THE CONSTITUTIONAL AMENDMENT. OUR COURTS HAVE REPEATEDLY SAID THAT IT IS IMPOSSIBLE TO DIVINE THE INTENT OF THE ELECTORATE. AND, THEREFORE, THIS GIVES US NO GUIDANCE AT ALL. BUT THE REASON I RISE AND THE REASON I WAS LATE IN PUSHING MY BUTTON IS I FIGURED THAT THERE WAS REALLY NOTHING I COULD ADD TO THE DEBATE. EVERYTHING THAT WAS GOING TO BE SAID WAS GOING TO BE SAID. AND AS SUCH, I JUST SAT THERE, LISTENING TO THE DEBATE, BECOMING RATHER

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NUMBED BY IT, STARING AT THOSE DAMN WALLS. I BEGAN TO SMELL SOMETHING, THE SMELL OF BURNING HAIR, SEE FLARES OF FLAME AS FAT DRIPPED INTO THE FLAMES, AND THOSE TERRIBLE SCREAMS AS PETTY THIEVES AND HERETICS AND MURDERERS STOOD THERE AT THE STAKE. THERE WAS A RATTLING SOUND. IT WAS THE BLADE OF THE GUILLOTINE. AND THEN A THUD AS THE HEAD DROPPED INTO THE BASKET, AND THE WARM SMELL, THE SWEET SMELL OF HUMAN BLOOD, AS THE BLOOD GUSHED FORTH FROM THE CAROTIDS INTO THE BLADE OF THE GUILLOTINE. AND THE EXECUTIONER PICKED UP YOUR HEAD, BLOOD DRIPPING, EYES GLAZING OVER, MOUTH ATTEMPTING TO SPEAK WHERE LARYNX NO LONGER WAS, I REALIZED I WAS LOOKING INTO THE PAST. DESPERATELY, I TRIED TO LOOK INTO THE FUTURE, TO SEE IF THE PAST EXISTED IN THE FUTURE, AND I SAW NOT. AND THE DISCUSSIONS THAT I'VE OFTEN HAD WITH SENATOR CHAMBERS ABOUT THE NATURE OF NATURE, THAT THINGS IN THE FUTURE EXIST AND DON'T EXIST AT THE SAME TIME AND ARE DETERMINED AT THE POINT OF OBSERVATION, DOES WHAT I SAW IN THE PAST EXIST IN THE FUTURE? AND I REALIZED FOR EACH AND EVERY ONE OF US WHEN WE PUSH THAT GREEN OR THAT RED BUTTON, WE WILL BE REVEALING IN WHICH DIRECTION DOES CIVILIZATION MARCH? THANK YOU. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB268]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I'LL YIELD MY TIME TO SENATOR McCOY. [LB268]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 4:55. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HUGHES. I'M GOING TO CONTINUE WITH WHERE I WAS IN THIS DISCUSSION. HOW IS IT ANY DIFFERENT, THE ANSWER SENATOR CHAMBERS JUST GAVE ME ABOUT THE INDIVIDUAL IN SENATOR BLOOMFIELD'S DISTRICT, WHEN HE SAID THAT BECAUSE THE CRIME HAD ALREADY BEEN COMMITTED, LB173 AND THE CHANGES IN LAW WOULD NOT AFFECT HIM? AND AS I SAID, AS I RAN OUT OF TIME, EARLIER TIME ON THE MICROPHONE, THE SAME APPLIES FOR THE 11 INDIVIDUALS THAT SIT ON DEATH ROW. HOW CAN WE IN THE LEGISLATURE REMOVE THEM FROM DEATH ROW WHEN WE DIDN'T PUT THEM THERE? THE GOOD PEOPLE OF NEBRASKA WHO SAT ON JURIES AND OUR JUDICIAL BRANCH DID. THAT'S A HUGE, HUGE ISSUE WITH THIS LEGISLATION, NOTWITHSTANDING MY OVERALL OBJECTIONS TO IT ON ALL THE GROUNDS THAT I'VE TALKED

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ABOUT TODAY. I WANT TO CONTINUE WITH A FEW OTHER THOUGHTS AND A QUOTE THAT I BELIEVE IS APPLICABLE, EVEN THOUGH THIS INDIVIDUAL WASN'T A LEADER IN AMERICA AND I BELIEVE WAS A LEADER IN A COUNTRY THAT NO LONGER HAS A DEATH PENALTY. BUT I STILL THINK THIS QUOTE CAME FROM HER HEART AND IT'S ONE THAT I THINK IS IMPORTANT. LADY MARGARET THATCHER, THE LATE MARGARET THATCHER, PRIME MINISTER OF THE UNITED KINGDOM SAID, I BELIEVE THAT THE DEATH PENALTY SHOULD BE USED ONLY VERY RARELY, BUT I BELIEVE THAT NO ONE SHOULD GO OUT CERTAIN THAT NO MATTER HOW CRUEL, HOW VICIOUS, HOW HIDEOUS THEIR MURDER, THEY THEMSELVES WILL NOT SUFFER THE DEATH PENALTY. AND I WANT TO TALK ABOUT DETERRENCE FOR A MINUTE. YOU KNOW, IT'S BEEN SAID THAT, BY SOME, THAT PERHAPS FOR GEOGRAPHIC REASONS, SOMEHOW WE CAN POSTULATE THAT DETERRENCE DOESN'T REALLY MATTER TO THOSE WHO CARRY OUT CRIMES, PARTICULARLY HEINOUS MURDERS. I DON'T AGREE. ONE THING THAT HASN'T BEEN SAID FROM THE FLOOR WHICH I THINK IS IMPORTANT IS EVEN IF THE DEATH PENALTY...JUST SUPPOSE FOR A MINUTE, HYPOTHETICALLY, EVEN IF THE DEATH PENALTY NEVER DETERRED ANOTHER MURDERER FROM CARRYING OUT A CRIME, FOR THOSE THAT HAVE BEEN CONVICTED AND WHO WOULD BE EXECUTED, IT DETERS THEM FROM CARRYING OUT ANOTHER CRIME, BECAUSE WE HAVE A NUMBER OF INDIVIDUALS ON DEATH ROW WHO HAVE COMMITTED MURDER WHILE IN PRISON. WHAT IS THE PUNISHMENT THERE IF THEY ALREADY SERVE A LIFE SENTENCE? AS SENATOR WATERMEIER JUST TALKED ABOUT THE TWO INMATES WHO WERE BRUTALLY KILLED AT TECUMSEH, AT THE STATE PRISON, WE DON'T KNOW WHO KILLED THEM YET. WE MAY NEVER KNOW. BUT LET'S JUST SUPPOSE FOR A MINUTE... [LB268 LB173]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR McCOY: ...LET'S SUPPOSE FOR A MINUTE THAT IT WAS ANOTHER INMATE WHO WAS ALREADY SERVING A LIFE SENTENCE AND WE DIDN'T HAVE THE DEATH PENALTY. LET ME ASK YOU, MEMBERS, WHAT OTHER PUNISHMENT CAN THEY RECEIVE? WHERE IS THE JUSTICE FOR THAT PERSON, THAT INMATE, WHO WAS KILLED, WHO WASN'T SENT TO PRISON AND PUT ON DEATH ROW, WHO WASN'T SENTENCED TO DEATH, NO MATTER HOW TERRIBLE AND AWFUL THEIR CRIMES MAY BE? AND CLEARLY, THE TWO INMATES WHO WERE KILLED HAD COMMITTED AND BEEN CONVICTED OF SOME TERRIBLE CRIMES. THEY WEREN'T CONVICTED AND SENTENCED TO DEATH. WHERE IS THE JUSTICE IF WE DON'T HAVE THE DEATH PENALTY FOR THOSE INDIVIDUALS? THAT'S WHY THE DEATH PENALTY HAS TO REMAIN IN NEBRASKA, IN MY VIEW. THANK YOU, MR. PRESIDENT. [LB268]

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SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB268]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN I WAS GOING TO CREIGHTON UNIVERSITY, I WROTE A LETTER TO THEN-GOVERNOR MORRISON ASKING HIM TO INTERVENE TO SPARE THE LIFE OF A MAN ON DEATH ROW. AS IT TURNED OUT, HIS DEATH SENTENCE WAS OVERTURNED BY THE COURTS. BUT ANY ISSUE THAT WAS IMPORTANT TO ME, I WOULD DO WHAT I COULD TO HAVE AN IMPACT ON IT. THERE WAS A CASE IN THIS STATE BEFORE I WAS TERM LIMITED OUT OF THE LEGISLATURE WHERE AN INMATE HAD BEEN ON DEATH ROW SO LONG HE JUST SAID HE DIDN'T WANT ANY OF HIS APPEALS TO EXIST, WANTED NOTHING FILED IN HIS BEHALF, ANYTHING PENDING HE WANTED IT WITHDRAWN AND NOTHING SHOULD BE FILED ON HIS BEHALF UNLESS HE EXPLICITLY SAID SO OR DID IT HIMSELF. THE MAN'S NAME WAS CAREY DEAN MOORE. I HAD FOLLOWED THAT CASE. I'VE LOOKED AT HOW ARBITRARILY THE DEATH PENALTY IS IMPOSED IN THIS STATE, SO I TOOK ACTION. AND TO MAKE A LONG STORY SHORT, I WROTE A LETTER TO THE NEBRASKA SUPREME COURT AND, FORTUNATELY, A REPORTER WITH THE WORLD-HERALD PUBLISHED WHAT THE LETTER WAS ABOUT. THE CHIEF JUSTICE ACKNOWLEDGED THEY GOT IT BUT SAID THEY WOULD NOT COMMENT ON IT. I'M NOT A PRACTICING LAWYER. EVEN IF I WERE, I COULD NOT HAVE REPRESENTED THAT MAN BECAUSE HE HAD REJECTED ALL LEGAL REPRESENTATION. BUT GUESS WHAT HAPPENED. IN WITHDRAWING THE DEATH WARRANT, CANCELING THE EXECUTION, THE NEBRASKA SUPREME COURT FOLLOWED AND ADOPTED THE ARGUMENTS I PUT IN MY LETTER. AND I CAN GIVE YOU THE TWO AND PUT THEM SIDE BY SIDE AND YOU CAN SEE IT, IF YOU HAVE ANY INTEREST IN THAT. THE COURT ACKNOWLEDGED THAT THEY ENTERED THE DEATH WARRANT PREMATURELY; THEREFORE, IT WOULD BE WITHDRAWN. SO I DON'T EVER GIVE UP. I WON'T GIVE UP ON TRYING TO MAKE THIS STATE MORE CIVILIZED AND HUMANE THAN IT IS AS LONG AS IT BELIEVES IN KILLING ITS CITIZENS. THAT IS WHAT A CIVILIZED PERSON SHOULD DO. AND ALTHOUGH I AND MY PEOPLE HAVE BEEN CONSIDERED SAVAGES, I WILL NOT USE THAT AS AN EXCUSE TO DO ANYTHING WRONG. I'D WEIGH OR MEASURE THE WAY I LIVE AGAINST ANYBODY IF IT CAME TO MORAL RECTITUDE. BUT THAT'S NOT WHAT I'M TALKING ABOUT. IF I WANTED AN EXCUSE TO DO WRONG, I COULD EASILY FIND IT. BUT I HAVE A CONSCIENCE, AND MY CONSCIENCE TELLS ME THAT I SHOULD SERVE THE ROLE OF A TEACHER, BY WAY OF EXAMPLE, WHENEVER I CAN DO IT. I DON'T BELIEVE THE STATE SHOULD KILL ANYBODY. I DON'T CARE WHO THE VICTIM WAS, I DON'T CARE WHO THE PERPETRATOR IS, AND I DON'T CARE THE NATURE OF THE KILLING. I EVEN WROTE A LETTER TO GEORGE WALLACE OR ONE OF THOSE

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SOUTHERN GOVERNORS TO SPARE THE LIFE OF A WHITE GUY WHO HAD KILLED A BLACK PERSON. I DON'T BELIEVE ANYBODY SHOULD BE KILLED BY THE STATE, PERIOD. MY BELIEFS ARE NOT ELASTIC, WHERE I SAY OVER HERE I BELIEVE IT, OVER THERE I DON'T. ONE OF THE SUPREME COURT JUDGES SAID THAT THE IMPOSITION AND APPLICATION OF THE DEATH PENALTY IS AS RANDOM AS BEING STRUCK BY LIGHTNING. THERE IS NOTHING TO DISTINGUISH THE CASE OF THOSE WHO RECEIVE THE DEATH PENALTY FROM THOSE WHO DO NOT. AND THAT IS THE DEFINITION OF INJUSTICE, AND THAT'S WHAT HAPPENS IN THIS STATE. SO I HEAR A LOT OF STATEMENTS THAT'S ARE MADE BY PEOPLE ON THIS FLOOR,... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR CHAMBERS: ...BUT THEY DON'T UNDERSTAND THE NATURE OF THE LAW. THEY DON'T UNDERSTAND THE OPERATION OF THE COURTS. SO THEY THINK IF THEY SPEAK WITH INDIGNATION AND SAY, I WANT THIS TO BE THE RESULT, THAT WILL BECOME THE RESULT. THE AMOUNT OF TIME IT TAKES TO PROCESS A DEATH PENALTY CASE IS NOT GOING TO BE SHORTENED BY ANYTHING THIS LEGISLATURE DOES. YOU ALL CAN HOPE THAT THOSE DEATH DRUGS ARE AVAILABLE, AND I TELL YOU THEY'RE NOT. BUT FOR THE SAKE OF DISCUSSION, LET'S SAY THAT THEY ARE. ALL YOU DO IS OPEN A BRAND-NEW AVENUE FOR APPEAL AFTER APPEAL AFTER APPEAL. AND A CASE CAN BE OVERTURNED, IN PART, AND ADDITIONAL LITIGATION BE REQUIRED. COURTS HAVE STRUCK DOWN DEATH SENTENCES WHILE LEAVING IN PLACE THE CONVICTION. SO THERE ARE NEW AVENUES THAT THE GOVERNOR AND THE ATTORNEY GENERAL... [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS, YOU'RE NEXT. [LB268]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. WITH HEARTFELT GRATITUDE AND ADMIRATION FOR THE SAME DECADES-LONG, VALIANT FIGHT FOR JUSTICE, AND THE BATTLE FOR OUR STATE TO TAKE THE HIGHER MORAL GROUND, I YIELD MY TIME TO SENATOR CHAMBERS. [LB268]

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SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:45. [LB268]

SENATOR CHAMBERS: THANK YOU, SENATOR PANSING BROOKS. THANK YOU, MR. PRESIDENT. AND AS I WAS GOING TO SAY, WHAT YOUR ATTORNEY GENERAL AND GOVERNOR HAVE DONE IN PLAYING POLITICS, IF THEY SOMEHOW OBTAIN THE DRUGS THAT WOULD BE REQUIRED UNDER THE PROTOCOL, IF THERE ARE INMATES ON DEATH ROW WHO HAVE NO APPEALS LEFT, THEY'VE BEEN GRANTED A MULTITUDE OF APPEALS NOW BECAUSE ALL OF THE QUESTIONS THAT RELATE TO WHETHER OR NOT THE DRUGS THEY ACQUIRE EVEN COMPLY AND COMPORT WITH WHAT IS REQUIRED IN THE PROTOCOL SET OUT IN THE STATUTE. FDA REQUIREMENTS: TO TRY TO EQUATE THIS WITH THE QUESTION OF MEDICAL MARIJUANA IS SO PREPOSTEROUS IT HAS NO PART IN A RATIONAL DISCUSSION OF SOMETHING AS SERIOUS AS THE DEATH PENALTY. NOBODY, EVEN THOSE WHO ARE MOST STRENUOUSLY OPPOSED TO MEDICAL MARIJUANA, HAS ALLEGED THAT IT'S TO BE USED TO TAKE THE LIFE OF A HUMAN BEING. WE'RE TALKING ABOUT LETHAL INJECTION. TO TRY TO EQUATE LETHAL INJECTION WITH MEDICAL MARIJUANA SHOWS HOW DISCONNECTED FROM REALITY PEOPLE ARE WHEN THEY DISCUSS THIS SUBJECT AND THEY WILL SAY ALMOST ANYTHING THAT OCCURS TO THEM. MY HOPE IS THAT THE 30 PEOPLE WHO VOTED FOR THIS BILL ON GENERAL FILE WILL CONTINUE TO SUPPORT IT. I DIDN'T HEAR ANYTHING THAT WAS NEW. I DIDN'T HEAR ANYTHING THAT SHOULD HAVE PROBATIVE FORCE TO SWAY SOMEBODY TO BEING FOR THE DEATH PENALTY ON SELECT FILE WHO WERE AGAINST IT ON GENERAL FILE. BUT WHATEVER HAPPENS, I WILL CONTINUE TO DO WHAT I THINK IS RIGHT. I'VE BEEN WAGING THIS BATTLE FOR BETTER THAN FOUR DECADES NOW, AND I WILL NOT STOP. I LITERALLY PULLED ONE CONDEMNED PERSON FROM THE JAWS OF DEATH AND HE REMAINS ALIVE TODAY. MAYBE WITHOUT BEING AWARE OF IT, I HAVE IMBIBED MORE OF THAT SPIRIT OF REDEMPTION AND FORGIVENESS WITHOUT MAKING ANY PROFESSION OF RELIGION THAN THOSE WHO MAKE THE LOUDEST PROFESSION, AND MAYBE I WAS SHOWING IN THE MODERN WAY HOW SOMEBODY CAN BE SPARED WHO IS LITERALLY IN THE SHADOW OF DEATH. AND SOMETIMES THAT SPARING COMES AT THE HAND OF THE ONE PEOPLE LEAST EXPECT. SO I WILL REMAIN AGAINST THE STATE KILLING ANYBODY. I HAD A NEPHEW WHO WAS VICIOUSLY MURDERED, SHOT IN THE HEAD. THEY NEVER CAUGHT THE MURDERER; THEY NEVER WILL. BUT THERE WERE SOME PEOPLE IN THE LEGISLATURE, WHEN THEY FOUND OUT HE WAS MY NEPHEW, THEY GLEEFULLY ASKED ME, HOW DO YOU FEEL ABOUT THE DEATH PENALTY NOW? I SAID, I FEEL THE SAME WAY. I'VE TOLD YOU IT DOESN'T MATTER TO ME WHO THE VICTIM IS, WHO THE PERPETRATOR IS, THE MANNER OF THE KILLING, THE STATE SHOULD NOT KILL ANYBODY. AND IF THEY EVER FIND THAT PERSON, THAT

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PERSON SHOULD NOT BE KILLED BY THE STATE. THAT'S THE KIND OF PERSON THAT I AM. WHATEVER THAT MAKES ME, THAT'S WHAT I AM AND THAT'S WHAT I SHALL REMAIN. THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. MR. CLERK, DO YOU HAVE A MOTION ON THE DESK? [LB268]

CLERK: MR. PRESIDENT, I DO. SENATOR CHAMBERS WOULD MOVE TO INVOKE CLOTURE, PURSUANT TO RULE 7, SECTION 10. [LB268]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE ACCORDED TO LB268. THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB268]

CLERK: 40 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB268]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR WATERMEIER, SENATOR KRIST, SENATOR KINTNER, HOUSE IS UNDER CALL. SENATOR McCOY. [LB268]

SENATOR McCOY: MR. PRESIDENT, I WOULD LIKE WHEN WE GET TO THE VOTE TO REQUEST A ROLL CALL VOTE IN REGULAR ORDER, PLEASE. [LB268]

SPEAKER HADLEY: REQUEST HAS BEEN FOR ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. EXCUSE ME. MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. MR. CLERK, WILL YOU PLEASE CALL THE ROLL. [LB268]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1662-1663.) 34 AYES, 14 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB268]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF AMENDMENT AM1266 TO LB268. ALL

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THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB268]

CLERK: 18 AYES, 25 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB268]

SPEAKER HADLEY: THE AMENDMENT FAILS. MEMBERS, WE WILL NOW VOTE ON ADVANCEMENT OF LB268 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. YES, FOR WHAT PURPOSE DO YOU RISE? [LB268]

SENATOR McCOY: I'D LIKE A ROLL CALL VOTE, PLEASE, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: WHICH ORDER? [LB268]

SENATOR McCOY: REGULAR. [LB268]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. [LB268]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1663.) 30 AYES, 16 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB268]

SPEAKER HADLEY: LB268 ADVANCES TO E&R FOR ENGROSSING. WE WILL NOW MOVE TO FINAL READING. MEMBERS SHOULD RETURN TO THEIR SEATS IN PREPARATION FOR FINAL READING. MR. CLERK, THE FIRST BILL IS LB599. MR. CLERK FOR ANNOUNCEMENTS. [LB268 LB599]

CLERK: VERY QUICKLY, MR. PRESIDENT, BEFORE WE PROCEED TO FINAL READING, ENROLLMENT AND REVIEW REPORTS LB623 AND LB226 TO SELECT FILE. NEW A BILL. (READ LB581A BY TITLE FOR THE FIRST TIME.) NOTICE OF HEARING FROM NATURAL RESOURCES COMMITTEE; A REFERENCE REPORT REFERRING TO LR...LEGISLATIVE RESOLUTION; CONFIRMATION REPORTS FROM GENERAL AFFAIRS COMMITTEE, A SERIES OF REPORTS. MOTIONS AND AMENDMENTS TO BE PRINTED: SENATOR McCOY TO LB176 AND TO LB619; SENATOR MORFELD TO LB390; SENATOR KRIST TO LB265. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1663-1669.) [LB623 LB226 LB581A LB176 LB619 LB390 LB265]

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SPEAKER HADLEY: MR. CLERK, WE WILL GO TO THE FINAL READING FOR THE FIRST BILL. [LB599]

CLERK: MR. PRESIDENT, JUST SOME ITEMS TO CLEAN UP. SENATOR CRAWFORD WANTS TO WITHDRAW AM1348. SENATOR CRAWFORD, IS THAT RIGHT? YES? THANK YOU. OKAY. SENATOR HANSEN WISHES TO WITHDRAW AM1296 AND AM1281. AND SENATOR RIEPE, AM1461. (READ LB599 ON FINAL READING.) [LB599]

SPEAKER HADLEY: THIS BILL THE LEGISLATURE SHALL NOT AMEND, REPEAL, MODIFY OR IMPAIR A LAW ENACTED BY THE PEOPLE BY INITIATIVE CONTEMPORANEOUSLY WITH THE ADOPTION OF THIS INITIATIVE MEASURE OR AT ANYTIME THEREAFTER, EXCEPT UPON A VOTE OF AT LEAST TWO-THIRDS OF ALL MEMBERS. SO THIS BILL WILL TAKE 33 VOTES TO PASS. ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB599 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB599]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1670.) 29 AYES, 17 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB599]

SPEAKER HADLEY: LB599 FAILS. MR. CLERK, WE WILL MOVE TO THE NEXT ITEM ON THE AGENDA. [LB599]

CLERK: MR. PRESIDENT, FINAL READING, LB320A. I HAVE A MOTION. SENATOR BOLZ WOULD MOVE TO RETURN THE BILL FOR SPECIFIC AMENDMENT, AM1655. (LEGISLATIVE JOURNAL PAGE 1658.) [LB320A]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB320A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THIS AMENDMENT REFLECTS A MINOR CHANGE, DISCUSSED WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE A CHANGE TO STAFFING PATTERNS AND AN IMPLEMENTATION DATE, AND CREATES A SMALL COST SAVINGS. I ENCOURAGE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB320A]

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SENATOR KRIST: THANK YOU, SENATOR BOLZ. SEEING NO ONE ELSE IN THE QUEUE, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR BOLZ WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1655. ALL THOSE IN FAVOR VOTE AYE...OH, I'M SORRY. THAT'S WHAT I GET FOR COMING IN THE MIDDLE. THE QUESTION IS TO RETURN THE BILL FOR AN AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB320A]

CLERK: 41 AYES, 0 NAYS, MR. PRESIDENT, TO RETURN THE BILL. [LB320A]

SENATOR KRIST: THE BILL DOES RETURN. SENATOR BOLZ, DID YOU WANT TO OPEN ON YOUR AMENDMENT? [LB320A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AGAIN, A GREEN LIGHT IS A COST SAVINGS. THANK YOU. [LB320A]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. YOU'VE HEARD THE OPENING AND CLOSING ON AM1655. SEEING NO ONE ELSE IN THE QUEUE, THE QUESTION IS THE ADOPTION OF AM1655. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB320A]

CLERK: 42 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT...OR ADOPTION OF THE AMENDMENT. [LB320A]

SENATOR KRIST: AMENDMENT IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB320A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB320A TO E&R FOR ENGROSSING. [LB320A]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. LB320A ADVANCES. [LB320A]

CLERK: MR. PRESIDENT, IF I MAY, SENATOR BOLZ, I HAVE AM1617 WITH A NOTE YOU WISH TO WITHDRAW THAT AMENDMENT. [LB320A]

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SENATOR KRIST: THAT CONCLUDES FINAL READING. AND NEXT ITEM, MR. CLERK.

CLERK: MR. PRESIDENT, A BILLS. SENATOR NORDQUIST OFFERS LB468A. (READ TITLE.) [LB468A]

SENATOR KRIST: SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB468A]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. THIS IS FUNDING CASH FUNDS OUT OF THE JUDGES RETIREMENT ACCOUNT AT \$43,000, WHICH WILL BE USED FOR SOME PROGRAMMING AND OTHER CHANGES TO ACCOMPANY THE CHANGES WE'RE MAKING TO THE JUDGES RETIREMENT PLAN. THIS IS TO HELP CARRY OUT THE ADMINISTRATIVE FUNCTION OF THAT. I'D APPRECIATE YOUR SUPPORT OF THE BILL. THANK YOU. [LB468A]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB468A]

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO MAKE A FEW ANNOUNCEMENTS. FIRST OF ALL, I WANT TO THANK EVERYBODY. THIS HAS BEEN A VERY DIFFICULT WEEK. WE'VE HAD A LOT OF VERY DIFFICULT BILLS. I THINK THE DEBATE HAS BEEN VERY CIVILIZED AND WE HAVE HAD GOOD DEBATE ON THE BILLS, SO I APPRECIATE YOUR TIME AND PATIENCE. THESE ARE IMPORTANT BILLS AND THEY ARE THE THINGS THAT WE NEED TO DEBATE FULLY. MONDAY AND TUESDAY WE'RE GOING TO START AT 9:00 IN THE MORNING. WE'RE GOING TO HAVE A 20-MINUTE STAND-AT-EASE BREAK BETWEEN NOON AND 1:00 P.M., THE SAME AS WE'VE DONE BEFORE. WE WILL HAVE A LATE-NIGHT ADJOURNMENT BECAUSE WE HAVE SOME BILLS THAT WE HAVE TO GET THROUGH. WE'RE RUNNING UP AGAINST TIMES WITH LAYOVER DAYS AND SUCH AS THAT, SO WE HAVE TO GET SOME BILLS GOING. LUNCH AND DINNER WILL BE PROVIDED FOR SENATORS, BOTH LUNCH AND DINNER. WE WILL WORK THROUGH THE DINNERTIME. WEDNESDAY WE'LL HAVE A 9:00 A.M. STARTING TIME, 20 MINUTES STAND AT EASE BETWEEN NOON AND 1:00, LUNCH PROVIDED FOR THE SENATORS, ADJOURNMENT BY 7:00 ON WEDNESDAY. THURSDAY, 9:00 STARTING TIME, NO LUNCH AND NO BREAK AT NOON, THE SAME AS WE'RE DOING TODAY, ADJOURNMENT MID- TO LATE AFTERNOON, AS WE'RE DOING TODAY. IT IS MY GOAL TODAY, IF YOU'LL LOOK AT THE AGENDA, WE HAVE BASICALLY SOME SELECT FILE BILLS. ANY BILL WITH AN AMENDMENT OTHER THAN AN E&R AMENDMENT WILL BE PASSED OVER TODAY. SO MY GOAL IS TO

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GET THROUGH LB196 TODAY. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS IF YOU WANT TO STOP OVER. THANK YOU, MR. PRESIDENT.

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. YOU'VE HEARD THE OPENING ON LB468A. SEEING NO ONE IN THE QUEUE, SENATOR NORDQUIST WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB468A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB468A]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB468A. [LB468A]

SENATOR KRIST: LB468A ADVANCES. NEXT ITEM. [LB468A]

CLERK: LB643A IS A BILL BY SENATOR GARRETT. (READ TITLE.) [LB643A]

SENATOR KRIST: SENATOR GARRETT, YOU'RE RECOGNIZED. [LB643A]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. COLLEAGUES, LB643A IS THE A BILL CATCHING UP WITH LB643. IT WON'T BE AMENDED. THE FUNDS ARE \$1.3 MILLION BEING APPROPRIATED FROM THE HHS CASH FUND FOR FISCAL YEAR 2015 TO 2016, AND \$984,000 BEING APPROPRIATED FROM THE HHS CASH FUND FOR FISCAL YEAR 2016-2017. THESE ARE ONE-TIME LOANS. THIS IS GOING TO BE REVENUE NEUTRAL. NO CASH WILL BE APPROPRIATED AFTER FISCAL YEAR 2016 AND '17. STARTING IN FISCAL YEAR 2017 TO '18, FEES AND TAXES WILL HAVE TO COVER THE COSTS AND REPAYMENT OF THE LOAN, ACCORDING TO LIZ HRUSKA IN THE FISCAL OFFICE. MANUFACTURERS WILL HAVE FIVE YEARS TO REPAY THE LOAN THROUGH THE EXCESS SALES TAX AND FEES COLLECTED. ONE HUNDRED AND SIXTY-TWO THOUSAND WILL BE APPROPRIATED FOR BOTH FISCAL YEAR 2015-16 AND FISCAL YEAR '16-17 OUT OF THE PROFESSIONAL AND OCCUPATIONAL CREDENTIALING CASH FUND. THESE APPROPRIATIONS WILL BE USED TO PAY FOR INSPECTIONS AND EXAMINATIONS, AND WILL BE REPAYED BY THE MANUFACTURERS. I ENCOURAGE YOUR GREEN VOTE. THANK YOU. [LB643A LB643]

SENATOR KRIST: THANK YOU, SENATOR GARRETT. SEEING NO ONE IN THE QUEUE, SENATOR GARRETT, YOU'RE RECOGNIZED TO CLOSE. SENATOR GARRETT WAIVES CLOSING. THE QUESTION FOR YOU IS THE ADVANCEMENT OF LB643A TO

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E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? SENATOR LARSON, FOR WHAT DO YOU RISE? [LB643A]

SENATOR LARSON: (MICROPHONE MALFUNCTION)...TO NOT VOTING. [LB643A]

SENATOR KRIST: YOU'D LIKE TO CHANGE TO NOT VOTING? PLEASE RECORD, MR. CLERK. [LB643A]

CLERK: 26 AYES, 5 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB643A. [LB643A]

SENATOR KRIST: LB643A ADVANCES. MOVING TO SELECT FILE, NEXT ITEM, MR. CLERK. [LB643A]

CLERK: MR. PRESIDENT, SENATOR HANSEN, LB173A. I HAVE NO AMENDMENTS TO THE BILL. [LB173A]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB173A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB173A TO E&R FOR ENGROSSING. [LB173A]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. BILL ADVANCES. [LB173A]

CLERK: LB629A. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB629A]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB629A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB629A TO E&R FOR ENGROSSING. [LB629A]

SENATOR KRIST: YOU HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. ADVANCES. [LB629A]

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CLERK: LB259, SENATOR. THERE ARE E&R AMENDMENTS. (ER118, LEGISLATIVE JOURNAL PAGE 1457.) [LB259]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB259]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB259. [LB259]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. ADVANCES. SENATOR HANSEN FOR A MOTION. [LB259]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB259 TO E&R FOR ENGROSSING. [LB259]

SENATOR KRIST: YOU'VE HEARD THE MOTION. THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB259]

CLERK: LB259A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB259A]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB259A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB259A TO E&R FOR ENGROSSING. [LB259A]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB259A]

CLERK: LB325, THERE ARE E&R AMENDMENTS, SENATOR. (ER125, LEGISLATIVE JOURNAL PAGE 1613.) [LB325]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB325]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB325. [LB325]

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SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB325]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB325]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB325]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB325 TO E&R FOR ENGROSSING. [LB325]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. ADVANCES. [LB325]

CLERK: LB547, SENATOR, THERE ARE E&R AMENDMENTS. (ER126, LEGISLATIVE JOURNAL PAGE 1613.) [LB547]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB547]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB547. [LB547]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB547]

CLERK: I HAVE NOTHING FURTHER ON LB547. [LB547]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB547]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB547 TO E&R FOR ENGROSSING. [LB547]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB547]

CLERK: LB547A, I HAVE NO AMENDMENTS TO THE BILL, SENATOR. [LB547A]

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SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB547A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB547A TO E&R FOR ENGROSSING. [LB547A]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB547A]

CLERK: LB607, SENATOR, I HAVE E&R AMENDMENTS FIRST OF ALL. (ER129, LEGISLATIVE JOURNAL PAGE 1632.) [LB607]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB607]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB607. [LB607]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB607]

CLERK: I HAVE NOTHING FURTHER ON LB607. [LB607]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB607]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB607 TO E&R FOR ENGROSSING. [LB607]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB607]

CLERK: LB607A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB607A]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB607A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB607A TO E&R FOR ENGROSSING. [LB607A]

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SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. [LB607A]

CLERK: LB196, THERE ARE E&R AMENDMENTS. (ER131, LEGISLATIVE JOURNAL PAGE 1632.) [LB196]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB196]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB196. [LB196]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB196]

CLERK: I HAVE NOTHING FURTHER ON LB196, SENATOR. [LB196]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB196]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB196 TO E&R FOR ENGROSSING. [LB196]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. IT ADVANCES. ITEMS FOR THE RECORD, MR. CLERK? [LB196]

CLERK: MR. PRESIDENT, AN AMENDMENT, SENATOR KINTNER TO LB268 TO BE PRINTED. (LEGISLATIVE JOURNAL PAGE 1672.) [LB268]

I HAVE PRIORITY MOTION. SENATOR MORFELD WOULD MOVE TO ADJOURN THE BODY UNTIL MONDAY, MAY 18, AT 9:00 A.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. HAVE A SAFE WEEKEND.