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Floor Debate  
February 26, 2018

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[LB78 LB158 LB275 LB285 LB295 LB310 LB345 LB439A LB472 LB477 LB480 LB486  
LB618 LB695 LB710 LB744 LB757 LB758 LB808 LB874 LB931 LB933 LB934 LB986  
LB1040 LB1041 LB1069 LB1078 LB1084 LB1132 LR317 LR326]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-third day of the One Hundred Fifth Legislative Session, Second Session. Our chaplain for today is Pastor Coral Parmenter of the Wisner United Methodist Church of Christ in Wisner, Nebraska, in Senator Brasch's district. Would you please rise.

PASTOR PARMENTER: (Prayer offered.)

SPEAKER SCHEER: Thank you, Pastor Parmenter. I call to order the thirty-third day, One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SPEAKER SCHEER: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

SPEAKER SCHEER: Thank you. And are there any messages, reports, or announcements?

CLERK: There are, Mr. President. The Committee on Agriculture, chaired by Senator Brasch, reports LB808 to General File with committee amendments attached. Health and Human Services gives notice of hearing for gubernatorial appointment. And, Mr. President, bills read on Final Reading last Friday were presented to the Governor at 12:13 last Friday. (re: LB78, LB285, LB345, LB472, LB480, LB486, LB618, LB710, LB744, LB757, LB310, LB275, LB758.) That is all that I have, Mr. President. (Legislative Journal pages 757-759.) [LB808 LB78 LB285 LB345 LB472 LB480 LB486 LB618 LB710 LB744 LB757 LB310 LB275 LB758]

SPEAKER SCHEER: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR317. Mr. Clerk, we will now proceed to the first item on the agenda. [LR317]

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CLERK: Mr. President, LB931 was a bill introduced by Senator Howard. (Read title.) The bill was introduced on January 9 of this year; at that time referred to the Judiciary Committee for public hearing. The bill was advanced to General File. There are Judiciary Committee amendments pending. (AM1849, Legislative Journal page 607.) [LB931]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Howard, you are welcome to open on LB931. [LB931]

SENATOR HOWARD: Thank you, Mr. President; and thank you members of the body. So Senator Deb Fischer used to say to my mother that there is no crying on the legislative floor. And so to my colleagues on the Judiciary Committee, I appreciate your time and patience with me when I told this story in committee, and I will do my best to honor Senator Fischer's wishes and not cry on the floor. On March 24, 2009, my sister Carrie Howard passed away from an opioid overdose. And she had had a series of car accidents, and from that she had subsequently had a series of back surgeries and was introduced to Oxycontin for the first time after a spinal fusion. My mom was serving in the Legislature, and it was a long session. And colleagues, I want you to think about how you spent your last recess day. Did you spend time with your family? Did you relax? Because in March 2009 during a long session on my mother's recess day, my mom and I were planning a funeral instead of my sister's wedding. And we were cleaning out her house instead of helping her build a home. And that is not fair. And I have always felt really fortunate that this body has been so supportive of my family and been so supportive of me working on this issue. I didn't want to, the first couple of years I was here, obviously, because I'm still like trying to be cool about it. And so LB931 is sort of our Legislature's next step in the movement to prevent the kind of heartbreak that my mother and I experienced and the kind of heartbreak that many Nebraska families are also experiencing now. So I'll tell you what LB931 does, which is my bill. It actually is a cap on the number of days that a physician can prescribe narcotic medication to a child. It seems like a logical thing, right? We wouldn't give narcotic medications to a child for more than a week, or we would try to avoid it entirely. But there are some physicians out there who are still giving a month's worth just to be on the safe side. And that means that there is a lot of the potential for diversion or overuse or misuse. Now, when I introduced LB931, I had actually worked with the (Nebraska) Medical Association. And a few days before the hearing, I was informed that they decided to come in and oppose it, which I understand, I appreciated that they told me. And so if you read on your committee statement, it shows that the Medical Association did oppose that. We have worked with them on language; they are fine now. But when they told me that they were opposing it, I actually sad texted my mom on the floor, I was so sad, because I was like, oh my goodness, what if we don't get this bill moved? And I said, I wish people could see how much Carrie had been given by physicians before she passed away. And my mom texted me back and she's like, they can. She said, I kept everything. I haven't ever had the heart to get rid of anything. And so she kept all of the pill bottles thinking that maybe some day there might be a day when somebody needed to see how

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much she had been given. In the last five months of her life, Carrie was given over 4,500 narcotic pills; almost a thousand a month, and she didn't make it through her last month. If any of you would like to see them, they're in my office, room 1012. We've had them on display for a couple of weeks now, but it is jarring to know that that was what went to one human being for the last five months of her life. I will say that LB931 mirrors the pain guidance that the Department of Health and Human Services has put out at the request of the Medical Association. It does have a sunset in 2029. My expectation is that prescribing practices will have changed and maybe we won't need this anymore. The great news is that I have had the pleasure and privilege of working with two of our colleagues on this, on opioid addiction prevention in our state, Senator Kuehn and Senator Lindstrom, and they have been faithful shepherds of legislation for the past three years. So embedded in the committee amendment is Senator Lindstrom's LB933 which requires providers to notify patients when they are giving them a prescription of how addictive narcotics can be and how dangerous they can be. And then is also embedded Senator Kuehn's LB934 which requires you to bring a form of identification when you are picking up an opioid or narcotic medication, similar to what you already have to do for Sudafed now. Colleagues, the state of Nebraska is the most dangerous place for people who want to deal drugs in opioids, and that's because of Senator Kuehn, Senator Lindstrom, myself, and this body as a whole. When my mother passed the first prescription drug monitoring program in 2011, she made a deal with Governor Heineman that we wouldn't use any state funds, that we would kind of leave it embedded in our health information exchange. And so in 2016, when all of us decided that we were going to transform prescription drug monitoring, that we were going to make sure that every doctor and every pharmacist in the state could see the medications that were going out the door and to whom, we as a body collectively changed the face of opioid addiction in the state of Nebraska. It is very rare that you will know the outcome of the work that you do here. On Thursday, I had several colleagues e-mail me an article from Pew Charitable Trust--Nebraska is one of 14 states who saw declines in their opioid addiction and opioid death rates in the country. And that is because of the work that we have done together collectively to stop this. And I'm so grateful to all of you because it means that what happened with Carrie wasn't in vain. It means that she still lives on and her memory is still important, not just to me and mom, but to everybody here. This package shifts our focus from technology into the doctor's office and at the pharmacy, so it really helps us with providers making sure that they're having that important conversation; they're thinking before they send out medication with minors and children. There will be some changes on Select, but they are minor, I promise, and they're clarifying amendments for the pharmacists and for COPIC. So in closing, I am so grateful to this body. If you ever...if you ever wonder why I'm so loyal to the Legislature, it's because you all took a Saturday and every single member of the Legislature was at my sister's funeral, including the Governor. It was so shocking, and so wonderful. When "Carrie Howard Day" came up, which is March 24, I would call Senator Fischer and say--take care of my mom. They're not of the same party and it didn't matter. And so the love that I feel for this place is borne out of that experience. I really want to thank Senator Kuehn and Senator Lindstrom, they have been wonderful partners

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in this process. And I really want to thank my mom who was talking about this issue before it was cool. Right? In 2011, it was shameful that you had a child who died from an addiction. And while it's still sad, I don't feel any shame because it means that we're doing something to help families in the future in our state. So with that, I would urge the adoption of LB931, and I appreciate all of your time and attention to this issue. Thank you, Mr. President. [LB931 LB933 LB934]

SPEAKER SCHEER: Thank you, Senator Howard. (Visitors introduced.) Senator Ebke, as Chairman of the Judiciary Committee, would you please open on the committee amendment. [LB931]

SENATOR EBKE: Thank you, Mr. Speaker. AM1849 modifies LB931 in the following ways, and there are several here, so please give us your attention. First, Section 4 incorporates most of the original language from LB931 and also adds intent language that recognizes the Nebraska pain management guidance document that was released by the Department of Health and Human Services for providers. This language speaks to starting with the lowest possible dosages and alternatives to opiates when prescribing for all ages. The amendment changes the age restriction threshold from 19 to 18 at the request of the Nebraska Dental Association. This change is to reflect that many 18-year-olds live outside of the parental home. This would be treated...they would be treated as adults and would not be impacted by the age-based prescription limitations in LB931. The amendment adds a sunset date of January 1, 2029, at the request of the Nebraska Dental Association. This will allow the Legislature to make any adjustments or changes as appropriate after 10 years. Proponents of LB931 at our committee hearing included a pediatrician, Voices for Children, the Nebraska Dental Association, and the Nebraska Hospital Association. John Massey of the Nebraska Medical Association appeared in opposition to the bill, and another pediatrician appeared in a neutral capacity. Second, Section 3 of the amendment adds provisions from LB933, introduced by Senator Lindstrom. The LB933 language would provide that practitioners must notify patients of the risks of addiction and overdose when prescribing opioids or any controlled substance listed in Schedule II of the Controlled Substances Act. Practitioners would be required to notify the patient when the substance is initially prescribed and again prior to the third prescription. A January 1, 2029, sunset clause would also apply to these provisions. LB933 was supported at hearing by the Nebraska Hospital Association and the Nebraska Dental Association. Dr. John Massey of the Nebraska Medical Association testified in opposition. Finally, Section 5 of the amendment incorporates provisions of LB934 by Senator Kuehn. That language would require individuals receiving opiate drugs to show identification. This bill was opposed at hearing by the Nebraska Medical Association and Nebraska Pharmacist Association and the AARP. In response to Nebraska Pharmacist Association testimony at hearing, the amendment adds an exception for patients, residents, and employees of healthcare facilities licensed under the Health Care Facility Act so long as the facility in question has identification procedures in place to make sure that the right people get

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the right medicine. In Executive Session, the Judiciary Committee also advanced LB933 and LB934 to make those other hearing records available, but with the intent that LB931 would be the vehicle for all three of these related proposals. On behalf of the committee, I would ask that you vote green on AM1849, the committee amendment to LB931. Thank you. [LB931 LB933 LB934]

SPEAKER SCHEER: Thank you, Senator Ebke. Mr. Clerk. [LB931]

CLERK: Mr. President, the priority motion. Senator Chambers would move to bracket the bill until April 18. [LB931]

SPEAKER SCHEER: Senator Chambers, you are welcome to open on your bracket motion. [LB931]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I always start when I'm going on one of these ventures with a quote from Abraham Lincoln: The promise being made must be kept. Last Friday I said that I would have a motion or an amendment on every bill that appears on Monday's agenda. I have those motions filed on the desk. Every one is a bracket motion. I did not say that I would try to kill any specific bill, but there's a good chance that I will kill much of the morning. And I'm going to explain what I'm doing. See, I'm a black man. I want you all to be aware of what that means. You don't know and I've tried to tell you. I'm not going to be insulted. I'm not going to be minimized by any white man or black man, but especially no white man. I'm a member of this Legislature. He can insult you all and get away with it. When I came here, all those years ago, four decades, more than four decades ago, I had determined that I would learn the rules, play by the rules, and beat the white senators at their own game, which I think I've been successful in doing to a marked degree. This is supposedly a republican form of government, not Republican Party, that means representative. Pure democracy is where the people as people make decisions, and that would be unwieldy in any society that had any numbers, so it became a representative form where groups send representatives to the governing body. That happens in this state to be the Legislature; at the county level, the county board; at the city level, the city council or whatever a smaller town would use; and then there are school boards and other representative assemblies. My understanding is based on reading white people's words, reading white people's laws, reading white people's judicial decisions. And one of the most famous cliches is--the majority rules. Well, white people like that because those who call themselves are always in the majority. Here they can pass rules to try to stop one black man; then when the rule binds them with their majority numbers, they just vote to suspend the rules so it doesn't apply to them. So I know the game. But it never crushes me because I'm allowed under the rules to find a way to get even, and I've shown that I will do that. And this morning is part of that. Not getting even with any specific

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senator, nor do I have a problem with any of these specific bills in terms of being so opposed to them that I would want to kill them. However, what happened Friday flew in the face of everything that I'd been taught by the white teachers that I had. I had white teachers only when I went to Lothrop Elementary School. I had white teachers only when I went to Tech High School. I had white teachers only when I went to Creighton University. I had white teachers only when I went to Creighton Law School. And I graduated from all those schools. The only ones I had a problem with were Creighton University because I wouldn't attend classes, but I passed all the exams and made white students look bad. But they didn't try to keep me from registering each semester, probably hoping that the harder subjects would catch up to me, but they never did. When I got to law school, I cut classes. I wouldn't attend class. I passed every exam they gave. And when teachers talked to me, I said, you can't write an exam that they'll flunk because if I can't pass it, no white student will be able to pass it. And I was the only black person at Creighton Law School. So since they saw I passed all the exams and all of my courses, they would not let me register. And that was a story that I've touched on before which I'm not going into now. I mention these things to let you know that I was educated, formally speaking, by white people. But because white people had always been so mean to me, I sought alternative ways to get information. Libraries have more books than I or anybody else could read in a lifetime. Creighton University library had many, many books. The law school also had books. And I read. And the people who wrote those books, in my mind, were smarter than anybody who taught or those people would have been authors instead of teachers. Now, having mastered what they taught me in terms of how they function in disregard of how I feel or how it impacted on me, I played by the rules and often beat them. Could frustrate them if I couldn't completely beat them. So what happened Friday that upset me so much? A voice vote was taken on the motion to adjourn. When a motion is before the body, a vote can be taken by machine, it can be taken by a vote, it can be taken by roll call. The voice vote was strongly against adjourning. Strongly. And the Speaker, who is sitting in the chair now, said the aye's have it. Even people who were watching called me. They didn't see what happened afterward because public television, they went away from everything immediately. But they called, they said, what's going on down there? One guy said, I don't think I have a hearing problem, but even if I did, the aye's didn't have it, the people who said no. I said, right, and if you would have been here, you would have seen my reaction to it. I talked to the Speaker. And I'm not going to go into everything, but he told me that a motion by senator...or an amendment by Senator Murante, the person whom I have a great amount of problem with in terms of trustworthiness, and I've said it on the floor, and I'll say it whenever I mention his name, he's trying to keep my people from being able to vote, and I have no respect for somebody who does that. I have no respect for him. He ought to let a white person do it. But at any rate, he had rushed up there with another return motion which is valid. And the bill could not be read because that motion was pending. And the Speaker told me that had he not said that the aye's have it, we would have had to stay in session and it would have gone on. That's what democracy is about. One man should not be able to thwart the will of the body. The rule that was being followed here ever since I been in this white person's legislature is that

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adjournment is by a voice vote unless somebody hastens to ask for a machine vote. The aye's did not have it. And he knew it. And he even mentioned there were other times when he had done a similar thing. I said, not like this. There was a roar of no's. He said, well, you know how that bill is, it would have gone on and on. And I said, that's tough. The body wanted to stay here. We can outvote your individual will. You put an agenda together. You have one every day. You have accustomed to people to getting out around noon. That's fine, but we can overrule the agenda, and that vote overruled the agenda, but it was thrown out. Did you say time? [LB931]

SPEAKER SCHEER: No, Senator. One minute, 5 seconds. [LB931]

SENATOR CHAMBERS: Oh, thank you. And I have my light on. So I told the Speaker; and I probably said it here when I was fulminating that he can get out of here today, but I'm going to have a motion on every bill that appears on the agenda Monday. If you look at these bills, coincidentally, ironically, maybe intentionally, I don't know, I'm not a mind reader, especially when the mind is more or less a blank tablet, I don't know why the Speaker put these bills here, but people thought they might be bills that I would support. And you all may as well get used to hearing me, because I'm going to say what I've got to say. And if you don't like it, there's the door...there's a door...and there's a door. And when you all go through these little juvenile motions of being dissatisfied with what I have to say, you ought to know now that means nothing to me. I have four children who are now grown. During the process of their growing up, I saw every juvenile... [LB931]

SPEAKER SCHEER: Time, Senator. [LB931]

SENATOR CHAMBERS: Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Kuehn, you are recognized. [LB931]

SENATOR KUEHN: Thank you, Mr. President, and good morning members of the Legislature. I rise in opposition to the bracket motion, but in full and enthusiastic support of AM1849 and LB931. I would like to say a big thank you to Senator Howard for her leadership on this issue. Her tireless less...her tireless...her ceaseless enthusiasm towards ensuring that Nebraska becomes a leader in combating opioid addiction on all fronts, both as she indicated the technological front, as well as now providers and the interaction with patients is something that should be commended. And I've really appreciated the opportunity to work with Senator Howard and Senator Lindstrom over the past several years in helping Nebraska really move to the forefront of good legislation to help prevent opioid addiction and combat the nation-wide opioid epidemic. As Senator Ebke, as Chairwoman of the Judiciary Committee, indicated in her opening on the

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committee amendment, and as Senator Howard indicated in her opening, the bill includes the provisions of my bill which requires the presence of a photo ID when taking receipt of an opioid medication; very similar to the process that has undergone one receives Sudafed, which has been very effective in Nebraska at helping reduce the inappropriate distribution of Sudafed, which can be utilized in the production of methamphetamine and is a straightforward, commonsense step to insuring that opioid medications get in the right hands of the individual to whom they were prescribed. With that, I continue to give my support to the committee amendment and to the bill. I'm happy to answer any questions relative to my specific component of the committee amendment, and encourage your green vote as we move this legislation forward to Select File. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Kuehn. Senator Lindstrom, you are recognized. [LB931]

SENATOR LINDSTROM: Thank you, Mr. President. As Chairwoman Ebke has stated, LB933, which was my bill, part of the opioid package, is a part of the Judiciary Committee amendment. The specifics of the bill basically are notification to parents and guardians on the first and third times that they are prescribed the drugs. What is interesting about coming down to the Legislature is you find allies on different issues. And this is one that also has been a personal issue for me and my family. And so a few years ago, Senator Howard and myself, Senator Howard and then her mom previous to her had been working on this issue and so this was one of those things that hit my radar pretty quick and we had discussed it and Senator Kuehn had come along. So I appreciate all the heavy lifting that the Howard family have done over the last several years. And it is such an important issue that effects many, many lives in Nebraska, whether it's opioid or alcohol addiction, most families are touched by addiction and the types of abuse that goes on there. Again, my amendment is part of the Judiciary bill and, again, it's a notification. But I just want to thank Senator Howard, Senator Kuehn, and members of the body for being engaged in this important issue. And so I encourage the rest of the body to support the underlying amendment and the bill. Thank you, Mr. President. [LB931 LB933]

SPEAKER SCHEER: Thank you, Senator Lindstrom. Senator Ebke, you are recognized. [LB931]

SENATOR EBKE: Thank you, Mr. President. I rise in opposition to the bracket motion, but I do think that it's important to get a few things on the record given the debate on licensing reform last week. I wonder if Senator Kuehn would yield to a question. [LB931]

SPEAKER SCHEER: Senator Kuehn, would you please yield? [LB931]

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SENATOR KUEHN: Absolutely. [LB931]

SENATOR EBKE: Thank you, Senator Kuehn. You are a veterinarian, correct? [LB931]

SENATOR KUEHN: That is correct. [LB931]

SENATOR EBKE: And does your license and legal scope of practice as a veterinarian authorize you to dispense medication to human patients? [LB931]

SENATOR KUEHN: No, it does not. [LB931]

SENATOR EBKE: Have you ever worked in a job relating to healthcare for human beings or dispensed drugs to human patients? [LB931]

SENATOR KUEHN: No, I have not. [LB931]

SENATOR EBKE: Do you believe that your education, your life experience, and the research you and your staff have conducted into this issue give you a solid basis to recommend the provisions of your LB934 be enacted as law even though you have no formal expertise in the subject matter? [LB931 LB934]

SENATOR KUEHN: Yes. [LB931]

SENATOR EBKE: And you believe your proposed legislation should become law, even over the objections of Doctors Massey and Truemper and the doctors they represent at the Nebraska Medical Association and the objections of Dr. Lassen with the AARP and the licensed pharmacists at the Nebraska Pharmacist Association? [LB931]

SENATOR KUEHN: I do because the amended language addresses a number of their concerns regarding how the use of ID in a healthcare facility, as well as there are a few of their objections which I disagree with on premise. [LB931]

SENATOR EBKE: Thank you, Senator Kuehn. Senator Lindstrom, would you yield to a few questions? [LB931]

SPEAKER SCHEER: Senator Lindstrom, will you please yield? [LB931]

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SENATOR LINDSTROM: Yes, I will. [LB931]

SENATOR EBKE: Senator Lindstrom are you a pharmacist? [LB931]

SENATOR LINDSTROM: No, I am not. [LB931]

SENATOR EBKE: Are you a medical doctor? [LB931]

SENATOR LINDSTROM: No, I am not. [LB931]

SENATOR EBKE: Have you ever worked in a healthcare-related job? [LB931]

SENATOR LINDSTROM: No. [LB931]

SENATOR EBKE: Do you believe that your education, your life experiences, and the research that you and your staff have conducted into this issue give you a solid basis to recommend the provisions of your LB933 be enacted into law even though you have no formal expertise in the subject matter? [LB931 LB933]

SENATOR LINDSTROM: That is true, and life experience helps as well. [LB931]

SENATOR EBKE: And you believe your proposed legislation should become law, even over the objections of Dr. Massey and the licensed doctors he represents at the Nebraska Medical Association? [LB931]

SENATOR LINDSTROM: I do. [LB931]

SENATOR EBKE: Thank you, Senator Lindstrom. Senator Howard, would you yield to a question, please? [LB931]

SPEAKER SCHEER: Senator Howard, would you please yield? [LB931]

SENATOR HOWARD: I would be happy to. [LB931]

SENATOR EBKE: Thank you, Senator Howard. Are you a pharmacist? [LB931]

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SENATOR HOWARD: No. [LB931]

SENATOR EBKE: Are you a medical doctor? [LB931]

SENATOR HOWARD: No. [LB931]

SENATOR EBKE: Have you ever been a licensed healthcare professional of any kind? [LB931]

SENATOR HOWARD: No. [LB931]

SENATOR EBKE: Do you believe that your education, your heart-breaking family experiences, and the research that you and your staff have conducted into this issue give you a solid basis to recommend the provisions of your LB931 be enacted as law even though you have no formal expertise in the subject matter? [LB931]

SENATOR HOWARD: Yes, I do. [LB931]

SENATOR EBKE: And you believe your proposed legislation should become law even over the objections of Dr. Massey and the licensed experts he represents at the Nebraska Medical Association? [LB931]

SENATOR HOWARD: Yes, and we did address all of their concerns in the amendment. [LB931]

SENATOR EBKE: Thank you, Senator Howard. Colleagues, we are sent here to represent our constituents. They don't expect us to be experts on every single topic that is discussed in this body. But they expect us to thoughtfully consider the problems we see in our state and to use the resources at our disposal to develop solutions to those problems. Nebraska voters know that we are not all knowing, but they expect us not to be gullible. They expect us to be able to listen to experts and separate the facts from the rhetoric. They expect us to do the right thing. This Legislature created professional licenses and the Legislature has proper oversight authority over those licensing programs and how they are administered. These bills demonstrate that their introducers know that to be true. I encourage the adoption of the committee amendment and the advancement of this bill. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Ebke, Kuehn, Lindstrom, and Howard. Senator Blood, you are recognized. [LB931]

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SENATOR BLOOD: Thank you, Mr. Speaker. I stand today against the bracket motion made by Senator Chambers but in favor of the committee amendment and Senator Howard's amazing bill. As freshman senator, we were allowed to pick where we'd like to sit. And I purposely picked the seat next to Senator Chambers. Sitting next to Senator Chambers has allowed me the opportunity to learn how to do my job better, how to learn how the process works, and he continues to tell me to speak my truth, even though sometimes when I stand to speak my truth, it is unfortunately against what Senator Chambers is doing, and I say that with great respect. I agree with Senator Chambers on what happened, his version of what happened on Friday. I was one of those people who asked that we stay so we could continue the debate. I feel we frequently rush out of here when we have much work to be finished, especially in a short session. But today is an important bill, a bill that does touch Senator Chambers' demographic as the fastest growing demographic in opioid abuse is now black Americans. It increased in 2016, I believe, by 41 percent. We have a lot of bills that come through, some mean life or death, and some do not. This one is about life or death. Senator Howard, Senator Kuehn, Senator Lindstrom, all worked very hard and did a very good job and worked diligently and I am very proud to call them my friends. I rise today not only in support of the bills, but to ask Senator Chambers as one of the white people on the floor, that he respect the content of some of these bills and know the importance of moving them forward, while also taking the liberty, which is his right, on each and every bill to bracket and to bring important information forward, but I think there can be a balance maintained. And although this may fall on deaf ears, if I didn't stand and speak my truth today, I would regret it. And so again, Senator Chambers, I stand against your bracket motion, but in favor of the amendment and Senator Howard's awesome bill. And I ask that everything be in balance while you also speak your truth, but remember others need to do the same. Thank you. [LB931]

SPEAKER SCHEER: Thank you, Senator Blood. Senator Chambers, you are recognized. [LB931]

SENATOR CHAMBERS: Mr. President, members of the Legislature; a mentor, a parent, a teacher cannot help but feel a swelling of pride when one of his or her mentees, students, or whatever, will stand and speak what he or she believes to be true no matter who may be on the other side of the issue. And Senator Blood correctly reflected things that I have said to her on more than one occasion. You are here to do a job. You have your mind. You have your understanding. You don't have to do what I say. You don't have to agree with me. But we all are going to move by the drummer that we hear, and I obviously hear a different drummer from that every one of you will hear. Look at my complexion. I have an article I'm going to read to you all that was in this morning's paper about how upset some people who self-identified themselves as white and found out they have a tiny bit of African blood, it virtually destroyed them. They hate this. I love it. I cannot be prideful as though I had something to do with it. But I can be proud of what I am; and that I am. And I will stand and do what I think I need to do regardless of what anybody else says. Words mean something, but if you all listen to me, which usually people here

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don't, except at a time like this. I said there's no bill on here that I'm interested in killing; that I'm going to take my time, not on any single bill, but that I will take a good percentage of the time this morning. I support this bill. I support the amendment. But here's the difference between me and a lot of people. The sun also rises. Today is just one day out of maybe close to 30 days that remain in the session. If I would try to prevent a vote from being taken on any one of these bills, and if I were successful, that wouldn't mean the bill is dead, it just means a delay. There is a difference between delay and dead. You all don't care about this institution like I do. I have worked hard down through the years to maintain its integrity. And I need to start giving you all some articles to show the things that I have done to strengthen you white people's Legislature, protect your rights as a member of the Legislature. And because it relates to your pocketbook, I got the expenses that you can get when we're in session. I didn't need those. I don't live far enough away for it to make any difference for me. But I pointed out that maybe some different kind of people could come here from the rural areas and far away, if they could get some expenses because it's too much to ask of somebody to spend more than what the salary equates to. So I always think beyond myself. You think I believe that doing what I am doing is going to make me popular with you all? But if it did, what difference would that make? There are others who pull strings on you and would erase all that. I've watched you. I know you. I know you better than you know yourself. You cannot even stand for what you believe. If people are angry or they frown at you or the Governor is going to say something, you fold. To show the lack of respect the Governor has for this place, he went out someplace where these "Repelicans" were meeting or some conservative group and talked about how he put that Title X in a budget... [LB931]

SPEAKER SCHEER: One minute. [LB931]

SENATOR CHAMBERS: ...bill, because Nebraska is a pro-life state and that's what he does to show it. He's corrupting your system. And because you all are ideologues, I didn't say idiots, you act in a way that is idiotic often, because you are ideologues you go along with what the Governor does in corrupting your system. He says I will take what those fools in the Legislature do. I will turn it around, I'll turn it on its head and I'll get people trained in the law, people who have some intelligence to go along with what I want as the Governor because I know what they are. I know what's in them and I know what makes them tick. Speaking of ticking, he will say-- they are watches, but I am the watchmaker. Some of them make a little more noise so they're clocks. I am the clock maker, but most important, I am the time keeper with one exception. [LB931]

SPEAKER SCHEER: Time, Senator. Thank you, Senator Chambers. Senator Krist, you are recognized. [LB931]

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SENATOR KRIST: Thank you, Mr. President; good morning colleagues; good morning Nebraska. I want to comment just a bit on what happened on Friday from a personal perspective and that I also want to comment on what's before us. For the ten years that I have been here, six and a half of those I have been privileged enough to preside over the Legislature and sit in that seat. And I've told you when I was up there it is a unique perspective because you see a lot of things...besides this seat...that seat is probably the best view in the house. I saw what went on on Friday afternoon, and I have to tell you there's been at least four times in the time that I have presided when I have stopped and said, we're going to do a voice vote...I'm sorry, we're going to do a board vote to adjourn or to recess because I was unclear about what I heard. Maybe we should have done that. But the man who is sitting in that chair is also the person who holds the scheduling strings, and you elected him. You elected him to do the job that he is doing. You may not always agree with his decisions, but that is his job. So there's a conflict in terms of moving forward, the schedule that is proposed, but at the very least, we should have all had the opportunity to vote, board vote, and stay here or not. Now the last thing I will say about that issue is adjournment and recess in the last few years has become a joke. Yes, I said it...a joke. Because all those in favor aye. Aye. All those in favor nay, and there's a few of you that will scream nay. For what purpose? Because you want to be condescending? Or do you really want to stay here? Just like confirmation votes are important to me, I believe that when the nominations come from the corner office, we need to look at those confirmation votes and not just pencil with them. And I also think that you need to take very seriously when there is a voice vote on the recess or an adjournment. And if it were me sitting in that chair and the Speaker, from now on the rest of the session, we'd have a board vote on every recess and every adjournment to see if you're serious about sitting here through your lunch hour and carrying on the business of the people. Think about that for a second. And don't make it a joke. Because staying here until midnight used to be...I'm sorry, 11:59, used to be a standard. It used to be a standard. The last few years, not so much. Let me digress now and talk about the matter at hand. I don't support the bracket motion. It's not, I don't think something we should consider. I believe that Senator Howard, Senator Lindstrom, and Senator Kuehn, and that is in alphabetical order, you notice, to be politically correct, have done a lot of work on what's gone on here. A lot of work and have a lot of passion in terms of what is happening in our society today. The opioid epidemic may not be as violent or as oppressive as it is on the east coast, but just like other things, like fashions and others, it's moving this direction. It's here. And we need to take the necessary steps to stop. I understand why Chair Ebke made it very clear that none of these folks... [LB931]

SPEAKER SCHEER: One minute. [LB931]

SENATOR KRIST: ...that have proposed these bills...thank you, Mr. President...that none of these folks that have proposed this bill are healthcare professionals, and we heard from healthcare professionals that they didn't want to do that. That probably, as a member of the this committee, was the most surprising testimony of this year, to admit that your profession, your

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profession has a problem with the prescribing process, but asking us--please don't tell us how to do our job. That was surprising and it was disappointing at the same time. You've got some tough decisions to make in the next few years about budgets, about these kind of issues, and you are a very intelligent, talented group of people. Take the time to educate yourself and do what these three have done over the past few years. The culmination of LB931 is a good thing. [LB931]

SPEAKER SCHEER: Time, Senator. [LB931]

SENATOR KRIST: Thank you, Mr... [LB931]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Kuehn, you are recognized. [LB931]

SENATOR KUEHN: Thank you, Mr. President. Just a couple of quick items for the record. Senator Krist, I think "K" comes before "L", so I'll (inaudible) there. The other, just quick to clarify the record, Senator Ebke asked if I had ever been licensed regarding human treatment, and I had to stop for a second, and, yes, I have been. So from 1995-2000, I was a licensed emergency medical technician in the state of Nebraska. When I received my veterinarian degree and veterinarian license, I realized that pulling up to an accident scene with the volunteer crew and my vet truck didn't inspire a lot of confidence in the people who were involved in the accident, so I felt that it was an appropriate career choice to let that particular license lapse and pursue forward with my veterinary career. That said, a moment of levity to what is a very serious discussion, I would also like to echo, and I won't repeat what Senator Krist said, but I do want to just address some of the questions that Senator Ebke had brought up and knowing that the amendment addressed some of the opposition to these bills. I think it is important that we take a minute and really understand at what point what some of the opposition was, and to me, also, was a little bit disappointing. You don't catch an opioid addiction because an addict didn't wash their hands. You don't just suddenly be born and exposed with opioids everywhere like alcohol or tobacco and pick up a habit when you are in your early year and it suddenly manifests itself as an addiction. Opioid addiction, for the most part, begins with a prescription pad, a pen, and a healthcare provider. And combating the crisis that is emerged means that we can nibble around the edges and talk about drug companies, marketing, we can talk about PDMPs, but if we're really going to get to the root cause of why people are becoming addicted to prescription painkillers and dying, we have to, at some point, talk about what's happening in the exam room when pen hits prescription pad, and what happens beyond. And that's really what all three of these bills are getting at is what happens in that interaction between a provider and a patient, and how can we as a state provide greater clarity, greater facts, and really address the issues that are leading to that type of addiction which has crippled so many families, and in some cases crippled communities. So while I have a great amount of respect for the licenses and the knowledge and the expertise that came in to that room, it does frustrate me, and those members of the Judiciary

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Committee know that I kind of went off script and my staff went--oh no, and all of that at the end of my closing on that one, but we have to be able to understand what is happening in that relationship. I have a friend who got a crown put on and was sent home with a script for 20 Oxycontin for a crown. I have a close family member who kept getting scripts filled for...or written for pain medication post orthopedic procedure when he wasn't even filling the scripts and completing the ones that he already had. I myself have received prescriptions for controlled substances, and my physicians, great people though they are, never once said a word to me about the risk of addiction; never once asked me if I was taking any other opioid pain medications, or even if I had any sensitivities. If you know somebody who has a sensitivity to some of the opioids, they can be pretty crippling. [LB931]

SPEAKER SCHEER: One minute. [LB931]

SENATOR KUEHN: So the issues raised in all three of these bills, while they may uncover some unpleasant and uncomfortable truths about what has led to the opioid addiction, it's confronting those uncomfortable truths with civil candor and a reasonable solution forward, which is represented in this bill. The Judiciary Committee did their due diligence. They addressed the concerns, and they brought forward to you AM1849 which is a comprehensive amendment, which took all of the concerns for the three bills brought by opposition into consideration and they made a policy decision and they advanced that policy decision unanimously for this body to consider. And I encourage you to follow their lead and unanimously approve AM1849 and advance forward LB931. Thank you, colleagues, for your time and attention on this very important issue. [LB931]

SPEAKER SCHEER: Thank you, Senator Kuehn. Senator Pansing Brooks, you are recognized. [LB931]

SENATOR PANSING BROOKS: Thank you, Mr. Speaker. I'm rising to, number one, oppose the bracket motion by Senator Chambers, and to support the underlying amendment, AM1849, and LB931 from Senator Howard. I also am rising to just make a couple of comments about Friday and how that was a sort of painful thing for the Legislature to go through. I truly believe that there is no malicious intent on either side. I do think that, as Senator Krist said, there's almost an ongoing game as we adjourn to play the "let's adjourn, let's not adjourn" game. And so I had pressed my button to say from here on I think we better have a machine vote on adjournment and that way we don't have to have it be determined by the loudness of the voices, or whether or not it really happened. And that being said, I would like to just add a couple more things. I ask that we understand each other from this perspectives that we each carry and represent. The perspectives are real. Senator Howard brings into this body the devastation of opioid addictions. Senator Chambers brings into this body the ugly grasp of racism on our communities. Many of

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you bring in the issues regarding farming and property taxes. So I ask that we take a breath and listen better to one another. Senator Kuehn just talked about uncomfortable truths. And I think that's true. Some of the truths that we speak are uncomfortable. And again, if you respond with contempt, we will never be able to address the humanity of what we are doing every day in this body. I want to add that the agenda has been set for at least a week. And I know that because my bill, I have had to have people coming in from Omaha every day in case we got to my bill on right to counsel. So just because it was mentioned, I want to clarify for the record that there were no shenanigans in this instance on the setting of the agenda. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Senator Chambers, you are recognized. [LB931]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, because people lose perspective in here, I would have spoken three times in favor of this bill. I'm just using my time for another purpose. To say things that need to be said that nobody else will say. Maybe nobody else thinks about it. But I want Senator Krist to remember that when I said stay here until midnight, I would be here. Right this session, I've been on this floor more than any other senator. You all have these nonsensical, bonehead bills, and I stay here on this floor. I stand on this floor when you all are gone. I'm the one who on your bill will point out how empty the Chamber is. Where are the rest of them? I am the watchman. But I do it because it's the standard that I set for myself. If I determined that I didn't need to be here, nobody could make me come here. You couldn't shame me into coming. You couldn't force me to come. Although when I play by the rules, if you had a call of the house, I would come like everybody else, but being 80 years old, I learn some things from children. I know how to walk slow enough so that by the time I get here in response, whatever you wanted me for is done. You cannot treat an old lion like you would a cub. Now, a cub might be on your level, but you're dealing with somebody different when you're dealing with me. I have not taken more time on this bill than I would have anyway. I know it's going to move. It ought to move. I was pleased with the way Senator Kuehn testified before the committee. He did, as they say, go off script. But wanting to be one who can pour oil on troubled waters, young men, old men for counsel, young men for war, says the "Bible". Two youngsters had a friendly disagreement, Senator Krist and Senator Kuehn, about which letter comes first in the alphabet, K or L, but either one of them could be right, either one of them could be wrong. The question to be answered is which end of the alphabet are you moving from? If you're moving from A...A,B,C,D,E,F,G,H,I,J,K then L. But somebody who is perverse, not perverted, perverse Z,Y,X,W,V,U,T,S,R,Q,P,O,N,M,L,K. Why, bless Peter, both of them are right. So then instead of throwing coffee cups at each other, they fill each cup with coffee, they toast to wisdom prevailing; friendships being left intact. That's a small example of how things could be handled on this floor if you all were not so hard-headed and you listen. But you can't because I'm black. If I were white and did what I do right now, I'd be the greatest thing in this Legislature, and you know it. Match somebody against me in his or her field. And I'm not saying

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that to be boasting, but I've watched you, I've studied you; you don't study me because you can always get enough to go against me. But when you vote against me, you win, I lose. I'm accustomed to losing. That's what being a black man around white people means, you lose according to how they recon winning and losing. But when you're on the underside of the garment, you're always forced to lift a heavy end of the log, you're always outnumbered and outgunned. Your losing occurs at a different level. If you do everything within your power to make things come out the way they should, and every step you take is frustrated, you did not lose. [LB931]

SPEAKER SCHEER: One minute. [LB931]

SENATOR CHAMBERS: You may not have won a game, but games can be replayed. And you've got a whole session in front of you and you're going to have me to contend with and I'm going to show you today that if I want to wreck the session, I can do it, I don't care what bills are there. But that's not my intend today. Mr. President, I withdraw that pending motion. [LB931]

SPEAKER SCHEER: Without objection, so ordered. Thank you, Senator Chambers. Moving to discussion on AM1849, Senator Hilkemann. [LB931]

SENATOR HILKEMANN: Thank you very much, Mr. Speaker. I was just over talking with Senator Howard. I was wondering if she would take a couple questions from me. [LB931]

SPEAKER SCHEER: Senator Howard, would you please yield? [LB931]

SENATOR HILKEMANN: Number one, this is a very important issue and I thank you for bringing it forward. I guess I practiced in the years before this became the huge issue that it has today. And I'm...I, fortunately, I don't think I had anyone that got addicted to these opiates from my practice. But on...in this amendment, and I was showing you on line 2, it says: the practitioner shall include a note in the patient's medical record that the patient or patient's parent or guardian and so forth, that you've told them about the possibility of this controlled substance and the addictiveness. If a busy practitioner doesn't hit the right note on his...on the new electronic medical records, or when he's dictating, or she's dictating, does not include this in the record, could this construe to be malpractice? [LB931]

SENATOR HOWARD: I don't believe it's considered malpractice because it's still within the scope of the their license to not document it. But it would be outside of the scope of the statute. So there... [LB931]

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SENATOR HILKEMANN: So would...what is the possible...what could happen to the practitioner if someone ends up going on to be addicted, they go back and they look at their records and they say you wrote this prescription and you didn't put in your note that you talked with this person? What could happen to that practitioner? [LB931]

SENATOR HOWARD: That's a good question. So we actually haven't included any penalties in regards to this. When we originally drafted this, we thought it would go into the licensure regulations, and it ended up in the uniform drug code; which was unexpected. But it's also an appropriate place when we're dealing with opiates and their...and how they're sent back out into the community. But at this point there wouldn't be a penalty for that provider. [LB931]

SENATOR HILKEMANN: So they would not have to face a possible lawsuit because they didn't have this in their record. [LB931]

SENATOR HOWARD: Well, outside of...by not abiding by the statute, I'm certain that a patient could bring a lawsuit. And if you would like to entertain stricter penalties, I'm certain that's something I would be happy to consider. But at this point, we don't have penalties as part of the statute. [LB931]

SENATOR HILKEMANN: Well, I'm not sure that penalties are necessary. I don't think that's...what I'm asking is is that does this open up a window to...for a practitioner who inadvertently just doesn't add that in their medical record coming back and saying you didn't tell these people this, and therefore there's...I'm...again, I like your bill, I also am aware that sometimes things don't get put in medical records that you'd like to have in medical records. And you generally find it out when you get a request for the records and you go back and say, doggone it, I never mentioned that...or I could have mentioned that or something of the sort, and those are the sorts of things that get tripped up. And so they'll say--you were supposed...you don't have in here that you told the patient that they could be addicted to this drug. [LB931]

SPEAKER SCHEER: One minute. [LB931]

SENATOR HILKEMANN: And you did not put in there what the options were for it. Do you understand where I'm coming from on that one? [LB931]

SENATOR HOWARD: Absolutely, Senator Hilkemann. And unfortunately the only way for us to know that this discussion occurred is to make sure that it's included in the medical record. If there is no notation in the medical record, it's hard for us to know that even inadvertently that a discussion was held with the patient about the dangers of opioids. [LB931]

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SENATOR HILKEMANN: Well, of course, you know in law, if it isn't in the record, it didn't happen. And so a doctor will say oh, yeah, I do that all the time, or I've done that. And if you don't have it in the record, it did not happen. And I'm just concerned about a practitioner doing a...and with the electronic medical records that they have today, if you don't click the right icon and say that you sent that, what does that do to that practitioner? I just think that there's a... [LB931]

SPEAKER SCHEER: Time, Senator. [LB931]

SENATOR HILKEMANN: ...that we're opening up a...a little window here... [LB931]

SPEAKER SCHEER: Time, Senator. [LB931]

SENATOR HILKEMANN: ...for some liability...that it...did I mention... [LB931]

SPEAKER SCHEER: Senator Hilkemann... [LB931]

SENATOR HILKEMANN: ...that doctors would really appreciate having. [LB931]

SPEAKER SCHEER: Senator Hilkemann, time, please. [LB931]

SENATOR HILKEMANN: Thank you. [LB931]

SPEAKER SCHEER: Thank you, Senator Hilkemann and Senator Howard. Senator Krist, you're recognized. [LB931]

SENATOR KRIST: First, I'm sorry about my lack of prowess with the alphabet this morning. But you can either take it as not knowing the alphabet or not being politically correct, it's up to you. But I wanted to comment for one second on Senator Hilkemann's...caution. I did ask our resident pharmacist about what that might mean. And it...and I think we need to pursue that between General and Select. I know many of you who, if you're obtaining medications the way most of us do, there is a litany of cautions and warnings on the package that you pick up from your local pharmacy that give you that same caution. And I think we should look into it. Senator Howard, I'm sure, will look into it between now and then. And it is both a hazard and the strength of the present-day medical data system in terms of, indeed, not hitting the right icon. But I do think that that can be worked out now between General and Select in coverage. It's amazing to me that there are so many cautions and warnings and suggestions on the information

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that we get with the prescriptions from the actual pharmacy. Potentially this is something that the doctors, in terms of the medical records, would have to include on the pharmacy...or on the prescription that's sent out. I would like to mention just one other thing, because I ran out of time on my last time on the mike, and this will be the last time I speak on General File about this one. This is truly...and I don't want to...I don't want to get blithering about this thing or overbearing or even emotional, but this is truly an example of three different senators and three different walks of life with three very different experiences coming together. And it's also an example of how an omnibus bill, if you will, or a Christmas tree bill, can be fashioned and can be understood. And I want to compliment Chair Ebke and the legal counsels and the Judiciary Committee for bringing it together in the way that it has come together. That's all I have. Thanks for listening, colleagues. [LB931]

SPEAKER SCHEER: Thank you, Senator Krist. Seeing no others in the queue, Senator Ebke, you're welcome to close on your amendment, AM1849. Senator Ebke waives closing. The question before us is adoption of AM1849 to LB931. All those in favor please vote aye; all those opposed vote nay. Have you all voted that wish to? Please record, Mr. Clerk. [LB931]

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of committee amendment. [LB931]

SPEAKER SCHEER: AM1849 is adopted. Going back to the queue. Senator Larson, you're recognized. [LB931]

SENATOR LARSON: Thank you, Mr. President. Would Senator Morfeld yield to a question? [LB931]

SPEAKER SCHEER: Senator Morfeld, would you please yield? [LB931]

SENATOR MORFELD: Yes. [LB931]

SENATOR LARSON: Thank you, Senator Morfeld. Just a second. Thank you, Senator Morfeld. I've heard you on this mike before. Do you believe healthcare is fundamental right? [LB931]

SENATOR MORFELD: I do. [LB931]

SENATOR LARSON: Okay. And you're talking about that fundamental right, I've heard that it's one of those things that everybody should have access to, whether that is the healthcare or the prescription or anything of that nature, specifically, I've heard you talk about Medicaid expansion and that...that aspect, correct? [LB931]

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SENATOR MORFELD: I believe healthcare should be a right. It's not currently right now. [LB931]

SENATOR LARSON: But you believe it's a fundamental right. [LB931]

SENATOR MORFELD: I believe it should be a fundamental right. I don't think that's currently the legal status or state of it. [LB931]

SENATOR LARSON: Okay. Would Senator Howard yield to a question? [LB931]

SPEAKER SCHEER: Senator Howard, would you please yield? [LB931]

SENATOR HOWARD: Yes, I will. [LB931]

SENATOR LARSON: Thanks, Senator Howard. And along the same lines as Senator Morfeld, do you believe healthcare should be...access to it should be a fundamental right? [LB931]

SENATOR HOWARD: Yes. [LB931]

SENATOR LARSON: All right, thank you. Well, colleagues, with what we just did in AM1839 (sic)...or 49...excuse me if I have the committee amendment numbers wrong, was we required an ID to be shown to access a prescription. So I will be offering AM2115 that will read: In order to have access to the fundamental right that is healthcare, an individual who does not have a valid driver's license or operator's license or state identification card, and needs access to a state identification card for the purposes of this section, in order to have identification available at the appropriate time, any individual who does not have a valid driver's license or operator's license or a state identification card may apply to the Department of Motor Vehicles for a state identification at the time and for the...and any purpose which shall be issued at no cost. Colleagues, if you're going to require an ID to be shown to receive what you perceive as a fundamental right, shouldn't any individual that gets that...that needs that ID be given that ID at no cost? Because essentially if they do not have an ID or they cannot afford an ID, they will be denied the ability to get a prescription. There are no provisions in the committee amendment that I saw...and we do have provisions in voting law, they can vote provisionally to check an address...you aren't turned away at the polls when you don't have an ID. And any voter ID amendment that we have offered, they still wouldn't be turned down at the polls. But under the current committee amendment that was adopted to LB931 if you don't have an ID, you won't be able to get a prescription. Will Senator Morfeld yield to a question? [LB931]

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SPEAKER SCHEER: Senator Morfeld, would you please yield again? [LB931]

SENATOR MORFELD: Yes. [LB931]

SENATOR LARSON: Thank you, Senator Morfeld. Do you believe that it is right that somebody that has been prescribed an opiate by a doctor but does not have access or cannot afford an ID should be denied medical assistance because they cannot afford that ID? [LB931]

SENATOR MORFELD: Actually, Senator, if you look at the language a little bit more closely, it says anyone with an ID can receive this, and so I believe that it's broad enough. And in addition, I think that comparing voting rights to... [LB931]

SENATOR LARSON: No, I was asking do...and I'll double-check the language. I believe it talked about...it....really detailed out the IDs that were going to be accepted, I'll double-check that. And maybe Senator Howard is looking at that as well. But my question is, is do we need to detail out what IDs are acceptable... [LB931]

SPEAKER SCHEER: One minute. [LB931]

SENATOR LARSON: ...whether it's a driver's license, a state identification card, or are we just going allow, you know, campus ID cards. I do think that there's issues, because if we're going to require, as I said, some sort of ID to have access to the fundamental right that I continue to hear, we, as a body, should ensure that every individual has...that either those IDs are defined in statute, or we're providing an identification card for all individuals. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Larson and Senator Morfeld and Senator Howard, I believe. Is that correct? Mr. Clerk. [LB931]

CLERK: Mr. President, Senator Larson would move to amend the bill with AM2115. (Legislative Journal page 760.) [LB931]

SPEAKER SCHEER: Senator Larson, you're welcome to open on AM2115. [LB931]

SENATOR LARSON: Thank you, Mr. President. As I said, and I'll pull...I don't have my i-Pad with me or else I'd pull up the committee amendment, but I'm sure a number of people are in the queue to get ready to talk now and I'll have a chance to look at how encompassing the Judiciary

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Committee amendment was that nearly everybody in this body voted for, to show an ID, to ensure that those that don't have an ID have the ability to get access to healthcare when they need it. Will a pharmacy accept a student ID? Will a pharmacy accept just a Social Security card with no picture on it? I don't know. And will Senator Kuehn yield to a question, he was talking about the Sudafed, I'll ask him. [LB931]

SPEAKER SCHEER: Senator Kuehn, would you please yield? [LB931]

SENATOR LARSON: Senator Kuehn, when somebody goes to buy the Sudafed behind the counter, what type of ID do most pharmacists require, do they accept anything? I don't know, that's why I'm asking. It's not trying to get you. [LB931]

SENATOR KUEHN: Well, I do. So I will pull up the Sudafed statute and I will read it from the Nebraska statute, it says: and the customer shall display a valid driver's license or operator's license, a Nebraska state identification card, a military identification card, an alien registration card, or a passport as proof of identification which is the exact same language contained in the amendment we just adopted. [LB931]

SENATOR LARSON: Okay, thank you. So it doesn't appear that...in...actually I'll ask you another question. Out of all those identifications, I guess I don't know about the government one, I'd have to ask Senator Krist if it costs money to get a government ID...or a military ID because I don't know. But of all the other ones, would it cost an individual to obtain one of those identifications? [LB931]

SENATOR KUEHN: Well, I would assume so. But, Senator Larson, you're, quite frankly... [LB931]

SENATOR LARSON: Thank you, Senator Kuehn. [LB931]

SENATOR KUEHN: ...so far off base on this comparison... [LB931]

SENATOR LARSON: I appreciate...I appreciate that answer, Senator Kuehn, in terms of every one of the IDs other...like I said, I don't know about the military identification, I don't know if that costs, I didn't serve in our military and I'm sure others that have will inform me whether or not that military ID costs money. But I think the point comes back is we continue to hear from individuals like Senator Morfeld on this floor that one of the main reasons to go against voter ID is the cost of access to people displaying their fundamental right of voting. Now, I understand Senator Morfeld said that healthcare isn't a fundamental right in the constitution, and he may

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have caught my meaning as he was as he going off in that line of questioning. But in the end, under currently written, there is the ability that people will be denied prescribed medicines because they do not have a valid ID, as we prescribed in statute. It's as simple as that. Whether it...and I think there's a difference because when...maybe when we did the Sudafed statutes I believe I was here, it might have been my very first year, when we did those, Sudafed, I don't think it's a prescribed medication, but in the end, these are prescribed medications. I understand the necessary reasons to have an ID, I understand what they're trying to get at. But in the end, they will be denying people access to medical care if they require an ID and that individual cannot afford an ID. So if it fits on one foot that essentially when you go to the polls and we require an ID, that individual will still get a vote, they'll still have a provisional ballot, they'll check their...they'll go back, they'll check their residence, and their vote can count. But in this, it's my understanding, as written, and maybe I'll be corrected and we can go through it and anybody that doesn't have an ID will be able to get it, but that's not my understanding of the amendment that if you can't afford one, you will be denied. And that pharmacy, if you want to say whether it's the Shopko pharmacy in O'Neill, or the, I think, the Walgreen's pharmacy in Lincoln, that pharmacy technician I doubt they're going to risk whether it's their license or anything else to get access...or to just give these medications to someone that doesn't have an ID. So we continue to hear in voter ID over and over again that we have to provide a free ID to ensure everybody has access. That's what AM2115 does. Anybody that requests an ID will get one at no cost to ensure that every Nebraskan, every single Nebraskan has access to the critical healthcare that many have stated on this floor is a fundamental right. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Larson and Senator Morfeld. Senator Krist, you're recognized. [LB931]

SENATOR KRIST: I yield my time to Senator Morfeld. [LB931]

SPEAKER SCHEER: Senator Morfeld, 4:55. [LB931]

SENATOR MORFELD: Thank you, Mr. President; thank you, Senator Krist. I have to congratulate Senator Larson on some Grade A trolling this morning. That being said, there's a few things that need to be corrected for the record. First, I have never said healthcare is a fundamental right. I've said that it should be a fundamental right. And if people like Senator Larson who are hypocrites that get up on the floor and talk about actually caring about that would actually do something about it, then it might be a fundamental right and his arguments may hold some kind of legal weight. Second, there has to be a compelling state interest to impede upon any fundamental right. And I would say thousands of people dying from opioid overdoses, many of which are family members in this body, is a compelling state interest. So

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even if it was a fundamental right, despite my best efforts and despite people like Senator Larson not caring about affordable healthcare for people in Nebraska, then there would be a compelling state interest to actually put some restrictions on this, unlike voter ID, when people simply aren't being impersonated at the polling location, which means there that isn't a compelling state interest. What a bunch of nonsense. And what a bunch of nonsense for Senator Larson to get up on this floor and bring up this issue which is like comparing apples to oranges both from a legal and a logical point of view when we're talking about Nebraskans that are dying every single day from opiate overdoses, many of which go unreported. Now, if Senator Larson wants to make the requirements for the identification to be a little bit more broader and to provide free IDs in order to make it easier to get it, then that sounds great; I'll probably support that amendment. But this is comparing apples to oranges, colleagues. And it's nice that Senator Larson showed up this morning to come up here and talk about that and to use this, out of all examples, as the example he could make about his desire to make it so that it's harder for people to vote. Disgraceful. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Morfeld and Senator Krist. Senator Howard, you're recognized. [LB931]

SENATOR HOWARD: Thank you, Mr. President. I, unfortunately, rise in opposition to AM2115, but want to maybe throw in a few clarifying points based on AM1849 from the Judiciary Committee. The first one is that the list of IDs in Senator Kuehn's bill is a driver's license, a state ID, a military ID, an alien ID, or a passport. But it also doesn't apply to individuals who are living in facilities. So if you're low income or you're geriatric and you're in an assisted living or a nursing facility, this ID requirement wouldn't apply to you. The other piece is that I alluded to some changes that we'll be working on with the pharmacy association on Select. And one of those issues is that pharmacists would like to have an exception if they know a patient, which is actually very common when we're considering statutes such as this. There are about 24 other states that have implemented ID requirements when you're picking up opioids. And so, in Florida it says if the person to whom medication is dispensed has no picture ID, the pharmacist should confirm their identity and document on the back of the prescription. Hawaii is very similar. And so that's something that we wanted to work out with the pharmacy association on Select. So while I appreciate Senator Larson bringing this issue to the floor, and I hope he appreciates that we are, as a team, working on this issue in terms of how do we make sure that if a pharmacist has a regular relationship and a dispensing relationship with an individual, that they wouldn't necessarily need an ID. That being said, I know there were some questions about cost. And there's no cost for a military ID or an alien registration card. And in Nebraska, I think we've all discussed this before, the cost is between \$7.50 and \$16.50 for a driver's license. An ID card is \$24 and it lasts for five years. But I do think that the institutional exception, the facility exception, as well as the language that we're working on with the pharmacy association in regards to prior and ongoing dispensing relationship should address Senator Larson's concerns.

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And so at this point, I would rise in opposition to AM2115 and I appreciate the body's attention to this issue. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Howard. Senator Kuehn, you're recognized. [LB931]

SENATOR KUEHN: Thank you, Mr. President, colleagues. I rise in opposition to AM2115. Senator Howard is much more diplomatic and polite than I am. I'm going to apologize to the people of Nebraska watching us, if you have any question as to why people hate politicians, it's stunts like this that devalue the work that we're trying to do each and every day. And this is all it is is a stunt and I'm going to call it for what it is because it is disturbing and counter productive in every way. So I want to point out a couple of issues regarding the language, and I appreciate Senator Morfeld saying this is comparing apples to oranges. It's more like comparing apples to honey bees, we're talking about completely different organisms here when we're comparing the idea of registration with looking at a photo identification for taking receipt. So logically and fundamentally I want to make sure everyone knows that nothing in the bill that we just amended would prevent an individual who was prescribed opioids in the context of a valid client-patient, doctor-patient relationship from having access to those opioids simply because they themselves do not have one of the identifications. Because it is the individual taking receipt of the medications, it is not the patient. So let us look at a scenario. You are an individual who does not drive, does not have one of the IDs that have been described, you still can take receipt of legally prescribed controlled substances, because if you can't drive, you're probably not driving to the pharmacy, so the individual who is going to the pharmacy and is taking receipt has access. So unlike the comparison that Senator Larson is trying to pound into this round hole he's trying to create here, we have a number of options that ensure...and it was a discussion Senator Pansing Brooks brought it up in the hearing and others about making sure that individuals who are caregivers and care providers could access the prescription on behalf of someone with whom they were taking care. And if Senator Larson had bothered to maybe read the committee transcript or understand what happened in the committee before he decided to come up here and create a situation that does not exist, he would have known that we had discussed and addressed that issue in the public hearing while doing the business that we're supposed to do here as elected members of the Nebraska Legislature. So while I certainly want to be clear on the record and to the people of Nebraska, there is no intention or really no ability in this bill to restrict individuals in need of pain medication from obtaining that pain medication in a legal fashion. I do vigorously oppose this attempt to wedge another controversial and unnecessary issue into what is really good legislation that has been cooperatively worked on by members across this body and through a committee. So with that I encourage your opposition to AM2115, and again your enthusiastic support for the underlying bill, LB931 as amended. Thank you, colleagues. [LB931]

SPEAKER SCHEER: Thank you, Senator Kuehn. Senator Chambers, you're recognized.  
[LB931]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Kuehn said Senator Howard was courteous. Senator Kuehn was kind. This is sheer stupidity. This man is seldom on the floor of the Legislature, he's often not at committee hearings, from what I hear. He eats at committee hearings. He has his staff member presents his bill when he's sitting up there like a knot on a log; has his staff member present his bill to a committee. People don't even know that he belongs to the Legislature. And all Senator Murante has to do is blow that dog whistle and the one who hears his master's voice comes running up here. Now, this is what makes a sham out of the Legislature. He can't do it himself, so he sends somebody who...look at him standing over there, when is he ever over here standing? I have to look around to see if he's even in the Chamber. Now he's proud. He sent him to do this. And on a bill like this. See, I didn't try to make a mockery of the bill. I took my times to speak. He is attacking the bill because in his sheer stupidity he cannot see the difference between somebody exercising the right to vote and somebody trying to procure a controlled substance. That is sheer stupidity. I say it, I say it to his face. He's usually not here. And there's something else I could tell him if he wants to hear it. Anybody who lives in a basement...lives in a basement and abases people, ridicules the system...you all should have let him carry it himself. He offered the amendment, let him talk all of his time. Everybody here knows what's happening. Nobody going to vote for that stupidity. Show it the contempt that it merits. I hope he stands up and says, well, he's just trying to be like me. Look at him. When do you see him up here? Only when his master calls him up here to try to put a dead cat on the line. You all know...you know that there are times I've tried to ask him a question and I have to look and he's not there. There are times I've seen him up there and by the time I want to ask the question he has evaporated, he's gone. The only reason he wouldn't leave now he's got sense enough to be embarrassed. And Senator Murante is not that much better because he's taken advantage of somebody who is not capable of thinking clearly. And I'm on this floor now. But there's a point when we're going to adjourn. And if somebody wants to meet me and we carry on the discussion somewhere else, just tell me. I'm 80 years old. But I'll tell you what, I lived a life that none of these people lived. And when I was on the street, I didn't know that people were bigger than me, because everybody was bigger than me so I was accustomed to elevating my eyes, but I thought everybody was my size. Nobody based on size could intimidate me. Nobody. And when the bullies were attacking other people, they didn't attack me. I was rescuing other people from the bullies. No bigger than a minute myself, but I tell you what, if you go put the grabs on somebody, you better know what you're grabbing, hear? Don't let it be like a tiger where you can't hold on, but you better not let go. And if I sound like I'm upset, I am. This bill is serious. There are family issues that were discussed by those who support this bill. I think it was beyond stupidity, it was insulting, it was demeaning, it was giving... [LB931]

SPEAKER SCHEER: One minute. [LB931]

SENATOR CHAMBERS: ...short shrift to those issues of a family nature that people brought. We shouldn't require people to come here and show us their wounds to make us support a bill,

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but sometimes people will try to tell you what happened in their families so you know that they understand what they're talking about. That it has slouched into their home and they knew. Don't let him come over to you and tell you he's sorry. He knew what he was doing and he did it on purpose. Don't let him slip out from under what he did. And let's see how many days he's here the rest of the session. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Larson, you're recognized. [LB931]

SENATOR LARSON: Thank you, Mr. President. I'm glad to hear Senator Howard is willing to work on this between General File and Select File. One of the things that, you know, I heard Senator Kuehn discuss the concept that it's more about taking receipt of. Now, again, as I said, Senator Howard said she's willing to work on it, so I hope something comes out between General and Select that if a pharmacist does know the individual, because, again, I've heard from many members of this body, it might not be another individual driving them, they might be taking one bus or two buses. I know Senator Hansen talks a lot about food deserts and how people have to take one or two buses to find a grocery store. Some people might not have the means and might not have somebody to take receipt of these medications. And what we just did, regardless of Senator Morfeld wants to call me a hypocrite because I voted against Medicaid expansion, in the end, as written, the committee amendment, which everyone voted for, does or has the potential to restrict access to healthcare, regardless of what you say. And that is what I would say, if you want to say this isn't apples to oranges, in the end you are, as written, restricting access. Maybe there will be a fix. But also I think the bigger question is...and you want to say it's a ploy to talk about voter ID or...which is my priority bill this year, so it is obviously something that I care about, and I believe I might have prioritized it two or three years ago and I brought a bill on voter ID, so this is something that I do have a long tradition of working toward and truly believe in. If we are going to require it to receive a prescription and not have the state pay to ensure that everybody has that access and has the potential to have individuals denied healthcare, how many of you were willing to vote for that? It seems many. I guess if Senator Morfeld wants to call me a hypocrite, there's plenty of hypocrisy to go around on this floor. Colleagues, the discussion is broader. Regardless of the bill, there are always issues that we continue to work toward. Now, I sure hope, as I said, Senator Howard...and she said she would...work between General and Select to ensure that if a pharmacist knows them, the medical patient, they won't have to show an ID, I'm okay with that, and a number of other aspects, I'll look forward to reading those amendments and talking to her and I am sure she'll discuss it. And with that I'll pull AM2115. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Without objection, so ordered. Mr. Clerk. [LB931]

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CLERK: I have nothing further on the bill, Mr. President, at this time. [LB931]

SPEAKER SCHEER: Senator Chambers, you're recognized. [LB931]

SENATOR CHAMBERS: Mr. President, this is all I'm going to say on this bill. First of all, if this man who spoke back there knew anything about the overprescribing of opioids, he would not have equated this with fundamental healthcare. There are people who doctor shop, which he probably...maybe he does know something about that, based on other things about him. These are people who go from doctor to doctor to try to get what they can't get from one doctor, and that is not basic fundamental healthcare. When those of us on this floor who are seriously talking about fundamental healthcare, we don't come up with scatter-brain nonsense like Senator Larson did. All he did was come up here because Senator...who's talking to him now...Murante sent him to do Murante's dirty work and carry his water. See, Senator Murante doesn't want to have the insane notion hooked around his neck that he's going to try to tie voter ID to people dealing with the opioid epidemic...basic fundamental healthcare. I know something about people who cannot procure healthcare, then have some idiot on this floor mock it, play with it, and vote against it, then act like he's so concerned that he says people may not have the kind of identification necessary to get an opioid. Many times an opioid is not the only pain killer that is available. Does he know that? No. Does he care about healthcare? No. He didn't introduce the bill that he...I'd like to ask Senator Larson a question, because I don't want to accuse him of something he didn't do. [LB931]

SPEAKER SCHEER: Senator Larson, would you please yield? [LB931]

SENATOR LARSON: Yes. [LB931]

SENATOR CHAMBERS: Senator Larson, did you introduce the bill that you prioritized? [LB931]

SENATOR LARSON: LR1CA, no. [LB931]

SENATOR CHAMBERS: Who introduced it? [LB931]

SENATOR LARSON: Senator Murante. [LB931]

SENATOR CHAMBERS: Thank you. His master's voice...why didn't Murante...why didn't he prioritize it? Now, Senator Larson can stand up here and make a mockery of a serious bill, and we knew what was going to happen that last day because the buzz was out, Murante has got

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Larson lined up to do this. Murante is out of here; he's trying to get a higher office, so everything goes now. Integrity? I say about him what he said some...Thomas Paine about George Washington. I don't know if he's a man who lost all integrity or whether he ever had any. Yeah, I'm talking. And I'm saying what's on my mind. And if somebody wants to use words, we'll use words. And as Abraham Lincoln said, if you want a duel, choose your weapons; actually Lincoln didn't say that. But many people do. There are serious issues that the rest of us are going to have to continue dealing with. Senator Larson can go back to his basement. Talk...you know, he talks about the right to vote. There were election commissioners who would send cards to where he said he lived and the cards would come back. They couldn't even find him. So then they'd send letters...here, there, and everywhere. Then he's got the nerve to stand up here and pontificate. You all know what I'm talking about. You know more than what I'm saying now because I had documentation sent to me which I never made use of. And he knows. And he knows if I say I know something, I bet he won't challenge me to produce and lay out on this floor in one of my "Ernie grams" everything I've got. That's how you called the hand off somebody on the street. [LB931]

SPEAKER SCHEER: One minute. [LB931]

SENATOR CHAMBERS: You don't walk up to me on the street and woof at me if you're not prepared to back it up. And if you've got something to show, well, you show it. And if you don't mean it, don't say it. And you learn who to mess with. You learn who you can bluff and bully. And the other people you leave alone. But if you're too dumb and you don't leave them alone, you deserve whatever you get. And as we used to say, it's a good get you got. So you all come from a different milieu, you're not accustomed to people standing up to other people and saying what's on their mind and making them come clean or stay away dirty. You try to be nice. You try to be respectful. You try to be courteous. And you see what it gets you; very important matters are ridiculed, made light of. [LB931]

SPEAKER SCHEER: Time, Senator. [LB931]

SENATOR CHAMBERS: Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Howard, you're welcome to close. [LB931]

SENATOR HOWARD: Thank you, Mr. President; and thank you, colleagues, for the robust debate today on LB931. In regards to the pharmacy issue, I am working with the pharmacy association to draft some language when there is a dispensing relationship, and we should have that for you all on Select File. I also want to...I actually want to thank all of you because last

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week when I knew this bill was coming up on the floor, I actually went around and tried to talk to as many of you as I can...as I could one on one about why this was important to me. And a lot of you took the time to share your own experiences with me on this issue. So a particular thanks to Senator Hughes, Senator Kolterman, Senator Groene, especially Senator Brewer, Senator Geist, and Senator Albrecht who really did take the time to say this is important to me, too, and these are some experiences that I've had as well. To Senator Ebke, well played and well handled. To Senator Lindstrom and Kuehn, it has been a privilege and a pleasure to work with both of you. And for my mom who's paying attention and told me that I looked really great today...thank you...but also, we wouldn't be having this conversation or talking about this at all without her and without Carrie. So I appreciate all of your time. I appreciate the discussion. And with that I would like to ask for a call of the house so that I know exactly who to address my thank you notes to for this bill. Thank you, Mr. President. [LB931]

SPEAKER SCHEER: Thank you, Senator Howard. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor please vote aye; all those opposed please vote nay. Please record. [LB931]

CLERK: 28 ayes, 1 nay to place the house under call. [LB931]

SPEAKER SCHEER: 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. Senators Riepe, Erdman, Harr; Senator Linehan, would you please check in; Senator Groene please return to the floor. The house is under call. Senator Harr and Senator Groene, would you please return to the floor, the house is under call. We are all accounted for. Senator Howard, did you want a machine vote? [LB931]

SENATOR HOWARD: Roll call regular order. [LB931]

SPEAKER SCHEER: There's been a request for roll call in regular order. Mr. Clerk. [LB931]

CLERK: (Roll call vote taken, Legislative Journal page 760.) 47 ayes, 0 nays on the advancement of LB931. [LB931]

SPEAKER SCHEER: LB931 is advanced to E&R Initial. Mr. Clerk, you have some items to read across? I raise the call. [LB931]

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CLERK: Thank you, Mr. President. Judiciary Committee, chaired by Senator Ebke, reports LB695 to General File; LB1132 to General File with amendments. Urban Affairs Committee reports LB986 to General File with amendment, that's signed by Senator Wayne. I have a new resolution--LR326 by Senator Stinner, that will be laid over. Two confirmation reports from Health and Human Services. And, Mr. President, a series of amendments: Senator McDonnell to LB1084; and Senator Wayne to LB874. That's all that I have, Mr. President. Thank you. (Legislative Journal pages 761-767.) [LB695 LB1132 LB986 LB1084 LB874 LR326]

SPEAKER SCHEER: Thank you, Mr. Clerk. The next item on the agenda.

CLERK: Mr. President, LB1078, a bill by Senator Crawford. (Read title.) Introduced on January 17 of this year, at that time referred to the Executive Board for public hearing. The bill was placed on General File, Mr. President. [LB1078]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Crawford, you are welcome to open on LB1078. [LB1078]

SENATOR CRAWFORD: Thank you, Mr. President. And good morning, colleagues. First of all, I would like to thank the Executive Committee for the unanimous vote of all those that were present at the Executive Session when we voted on LB1078. I would also like to thank the Chair, Senator Watermeier, and the Executive Committee for the Executive Committee priority. Now, you may be wondering why a child welfare bill went to the Executive Committee. And the reason is because we as a body have created the Office of the Inspector General of Nebraska Child Welfare. We created that as a body because we decided we needed additional help in monitoring child welfare cases. And since it is an entity that we as a body created, the Executive Committee is the appropriate committee to determine our relationship with this Inspector General. And since this bill adds an additional reporting duty of our agencies to the Inspector General on our behalf, that's the reason it went to the Executive Board. And I am very pleased that they agreed that this is an important next step to take in monitoring the status of our children, the children who are under our care. And I'm grateful that our Inspector General, Julie Rogers, is willing to take this next step. And I'm grateful that the Department of Health and Human Services is willing to cooperate and collaborate in taking this next step. And I hope that you will help us take this next step by voting green on LB1078. In 2017, the Nebraska Inspector General of Child Welfare issued the Child Sexual Abuse report. And colleagues, you can find this report and other reports by our Inspector General on the Unicameral web page under reports. And other Nebraskans can see them there as well, so if you're watching or listening today, you can go to our web page and find these reports, including the Child Sexual Abuse report. Sadly, during this investigation, the OIG identified 50 children who are victims of sexual abuse that had been substantiated by DHHS or the courts between 2013 and 2016. Of these 50 victims

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identified, 27 were in state care at the time of their sexual abuse and 23 were sexually abused in an adoptive or guardian home in which the state had placed them. In light of these tragic findings, the OIG's office made 18 recommendations to the Department of Health and Human Services. These recommendations were based off of systemic shortcomings that were identified while investigating these cases of child sexual abuse. The first recommendation made by the OIG was that the DHHS create a system to collect and review information about allegations of sexual abuse of children and youth served in the state welfare and juvenile justice programs. And colleagues, one of the things that I really appreciate about the Inspector General's report is that she also keeps track of her recommendations and which ones have been accepted, which ones have been rejected, and the status on those that were accepted. So this is a very powerful tool for us as we're deciding what statutes we might need to pass or what oversight we might need to engage in, because her report tells us and keeps track of these recommendations and keeps track of what's happened over time with these recommendations. So a very important part of that report, as you go to read it and keep track of what's going on with the child welfare system, is to see what's happening in the status of past recommendations. And again, this bill comes out of one of the rejected recommendations. And we felt that it was still an important step to take, despite the fact that the department had rejected it. So we determined it was something that we should have a bill to go ahead and push for this recommendation to happen. Although the department rejected this recommendation on the premise that they already have an intake system that collects information on all types of allegations, when the OIG requested information on sexual abuse allegations on system-involved kids, DHHS was not able to provide that information. While investigating the 50 cases outlined in their report, the OIG's office found that in some cases of sexual abuse it was clearly documented on the hotline intake report that the alleged abuse happened while the child was in the state's care. Unfortunately, in other cases there was no indication on the hotline intake report that the alleged victim was being served by the state child welfare and juvenile justice programs. That being said, there's no protocol that requires hotline intake reporting to clearly indicate when allegation of abuse involves a child in state custody. Currently, whether or not this detail is documented depends on the individual completing this intake. So while there's many instances, finding those few cases that are our kids is not something that we can identify and track and pull. Further, in the critical incident report forms that the department sends to the OIG's office when something major happens to a child in state care, sexual abuse is not listed as a type of critical incident that a staff can select. This results in cases where a critical incident report is not completed and sent over to the OIG for allegations of sexual abuse involving these children. On the other hand, probation is already sending the OIG's office critical incident reports for all incidents of alleged sexual abuse involving juvenile probationers, a reporting process that is also codified by LB1078. And I want to say again that the Department of Health and Human Services did accept some of the recommendations, and I appreciate their work on those recommendations that they have accepted. Frankly, sexual abuse allegations involving children in state custody is not a clear data point that's being collected. That means there's no quick and efficient way to pull information on

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the number of sexual abuse allegations made in a certain time period involving children in the state's care. So it also means that we can't tell if this number is increasing and we need to be alarmed, or decreasing, perhaps because of new measures and new improvements, quality improvements that have been put in place by the department. LB1078 will require the department to create a documentation process that clearly indicates when a victim of sexual abuse allegations is a state ward or in state care. It is critical that the department and OIG's office have access to timely and accurate information about the frequency of these allegations. This data can then be monitored to identify patterns and implement necessary interventions if a systemic problem is identified. Or again, identify if we're moving in a very positive direction, so we know which steps that we're taking are working. LB1078 also ensures that the number of sexual abuse allegations that occurred for children being served by the division of children and family services or placed at a residential childcaring agency be shared with the Health and Human Services Committee of the Legislature in the department's annual report. This includes allegations made in residential facilities licensed by public health. It is important that this data be shared on an annual basis to allow the Committee for Health and Human Services to conduct our annual accountability and oversight functions. In conversations with the department about this bill, they acknowledged they're already tracking this data, but would need to modify their existing internal processes to get the data in a centralized format that could be easily analyzed and shared. LB1078 simply requires that the information be shared, and allows DHHS the flexibility to determine what internal process is best to collect and distribute this information using existing resources. LB1078 will allow the department and the Office of Inspector General's office to analyze in real time the number of sexual abuse allegations being reported that involve children in the state's care. When vulnerable children are being abused on our watch, we as a state must respond to the systemic shortcomings that allow these tragic incidents to occur, and put safeguards in place to ensure children are better protected moving forward. Access to critical information about sexual abuse allegations reported to the DHHS will ensure that the Legislature is able to appropriately respond with meaningful policy and budget changes that strengthen Nebraska's child welfare system. LB1078 was voted out by the Exec Board on a 6-0 vote, and there was no opposition. And again, I thank the Executive Board for the priority. With that, colleagues, I encourage you to vote green on LB1078. Thank you, Mr. President. [LB1078]

SPEAKER SCHEER: Thank you, Senator Crawford. Mr. Clerk. [LB1078]

CLERK: Mr. President, Senator Chambers would move to bracket the bill until April 18 of 2018. [LB1078]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your bracket. [LB1078]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, as I said when I started this morning, the promise I made to the Speaker was that I would put a motion on every bill. I didn't say I would take up and argue every motion, I didn't say I wanted to kill any bill. In fact, I stated the contrary. Also, circumstances alter cases. What happened this morning on that other bill was very upsetting to me, but I think that it might serve a worthwhile purpose because some people were exposed for what they really are. This is a bill which should not be entangled in any of the side issues that may be here. But there is an article that I'm going to read into the record because for a black person, it's extremely important. And since I'm the only one currently on the floor, I have an obligation to read it. And then I'll withdraw my motion. It was in this morning's World-Herald. There is an expression: one drop of black blood will make somebody who is otherwise white black. We are viewed as a contamination. And we used to say in the old days, the thing that will hurt a white person more than anything else is to find out that he or she is black. See, black in this society, doesn't refer to color. It's an ideological, it's a sociological, it's a psychological, it's a cultural designation and it is a term of art that means nothing, because there is no way my mother could have been deemed black based on her color. She could sit up there with those pages and, except that she's older, she'd blend right in with them. Her hair was red, though, and her eyes were hazel. But I insist that she was not white. The headline...well, first, above it, "DNA TESTING: A clash of science and racial identity." This is from The Washington Post reprinted in the World-Herald today: "As more Americans take advantage of genetic testing to pinpoint the makeup of their DNA, the technology is coming head-to-head with the country's deep-rooted obsession with race and racial myths. This is perhaps no more true than for the growing number of self-identified European Americans who learn they are actually part African. For those who are surprised by their genetic heritage, the new information can often set into motion a complicated recalibration of how they view their identity. Nicole Persley, "P-e-r-s-l-e-y" who grew up in Nokesville, Virginia, was stunned to learn that she is part African. She was, as she recalls, 'basically raised a Southern white girl.' But as a student at the University of Michigan:" a quote from her, "'My roommate was black. My friends were black. I was dating a black man.' And they saw something different in her facial features and hair. 'I was constantly being asked, what are you? What's your ethnic background?' While African-Americans generally assume that they may carry non-African DNA dating back to sexual relations between masters and slaves, many white..." including white presidents, who, if they did it today would go to prison as they should, or have something worse done to them. And don't tell me presidents wouldn't do it, you see all these strong and powerful white men doing what they're doing now in what you call modern times. "...sexual relations between masters and slaves,..." there were sexual relations, by the way, between mistresses and slaves also. "...many white Americans like Persley grew up believing that their ancestry is fully European. It has become increasingly easy to receive an assessment of one's genetic makeup. Companies such as 23andMe and Ancestry.com provide a list of countries or regions where the predominant genetic traits match those of one's forebears." In parenthesis, "There is no DNA category for race, because a genetic marker for it does not exist." closed parenthesis. "In recent years, multiracial

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Americans have increasingly entered the national consciousness." So "From 2010 to 2016, those who identified as being of two or more races grew by 24 percent, a jump that could have had as much to do with the changing way in which Americans identify themselves as an actual increase in the racially mixed population. But when the mixing happened several generations back, it can take people by surprise. A 2014 study by 23andMe customers found that roughly 3.5 percent of 148,789 self-identified European-Americans had 1 percent or more of African ancestry." More than that the proverbial one drop. So you know what they were. "That means they had a probable black ancestor going back about six generations or fewer. The discovery elicits a range of emotions. At the DNA Discussion Project, an initiative that surveys people about their perceptions of their genetic makeup before and after DNA tests, 80 percent of the 3,000-odd people they have so far surveyed self-identify as white. Of those, two-thirds see themselves as of only one race, and they are more likely to be unhappy with their test results than those who identify as mixed or other races. But for some, white identity trumps DNA. If the test result is too disruptive to their sense of self, they may rationalize it away. One white supremacist who discovered he had African DNA claimed on the white nationalist Web site [Stormfront.com](http://Stormfront.com) that the testing company was part of a Jewish conspiracy to 'defame, confuse and de-racinate young whites on a mass level.'" It defames a white person to know that he's got in him what I got in me? Nothing should make him prouder. Continuing: "Members of the white nationalist groups have advised those who discover non-Aryan heritage to rely more on genealogy or the 'mirror test' as quoted in a sociological study of Stormfront members discussing ancestry test results. 'When you look in the mirror, do you see a Jew? If not, you're good,' one commentator wrote. 'For me, the number one takeaway is how easily people reject science,' said Anita Foeman, F-o-e-m-a-n, who co-directs the DNA Discussion Project. 'Many whites would get a new story and say, I'm still going to call myself white, or I'm still going to call myself Italian.'" Hmm, I wonder if the Italian I been talking about found out something about his DNA and that's why he's so defensive around here. I'm going to stop talking about "Brother" Murante like I've been talking about him. He's my brother. We share DNA. So in Hannibal, those Africans were in Italy. Hannibal's people met some of Murante's people. And I accept mine. He can not accept it. But he and I are going to have a conversation now. Not only over pizza, but maybe over, say, pork chops. Continuing: [LB1078]

SPEAKER SCHEER: One minute. [LB1078]

SENATOR CHAMBERS: "They started less to see race as genetic and more a question of culture and physical appearance." Since I'm running out of time, they were the ones who said that race is a matter of genetics. That it's in our genes as black people, and therefore, we're inferior. But now that they've got the same "inferior genes" it's not genetic anymore. It's what you see in the mirror. Thank you, Mr. President. [LB1078]

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SPEAKER SCHEER: Thank you, Senator Chambers. Senator Wishart, you're recognized.  
[LB1078]

SENATOR WISHART: Thank you, Mr. President. And thank you, Senator Crawford, for bringing this important timely legislation. I rise in strong support of LB1078. I did want to take a moment, Senator Crawford spoke about the Inspector General's report and the recommendation she had made. And we have a package of legislation that has been brought supporting some of those recommendations that the Inspector General made. And so I did want to take a brief moment to speak about a piece of legislation that I introduced this year, and that fell within the Health and Human Services Committee, and that I'm working hard to get passed out of committee and hopefully passed this year. I introduced LB1041 in response to the 2017 report of investigation by the Office of the Inspector General of Nebraska Child Welfare that found that 50 children who were state wards placed in licensed facilities or placed in adoptive and guardian homes were sexually abused between July 2013 and October 2016. And I would encourage the committee to read the full report if you have not already. As tough as it is to get through, it is an important guideline to help us as policymakers determine how we can improve our child welfare system and the safety of the most vulnerable people in its care. So through the Julie Rogers investigation they used, in the cases that they used, they started to identify systemic issues that hindered DHHS and the child welfare system in their ability to appropriately prevent and respond to cases of child sexual abuse. And so the OIG made 18 recommendations to the department for system improvements. The department accepted 11 of those recommendations, and I want to thank them for their effort to move forward on some of these recommendations. However, I feel that some of the recommendations that were not accepted by the department are still needed. LB1041 addresses recommendation 15 from the OIG's report that was rejected by the department. LB1041 requires the department to include a specific component of child sexual abuse prevention in foster and kinship training. And I do want to take just a brief moment to read that recommendation. So to obtain a foster care license, a licensee is required to complete 21 hours of training prior to licensure, and 12 hours annually to renew this license. The department may waive the licensing-required training for relatives seeking approval to become foster parents. For most prospective foster parents, the training is contained in a curriculum called "Trauma-Informed Parenting for Safety and Permanence" and "Deciding Together." And for relative and kinship placements, training is not required. I just want to emphasize that. For relative and kinship placements, no training is required. However, the Nebraska Foster and Adoptive Parent Association has prepared a voluntary training curriculum called the "Kinship Connection." Both programs that foster parents go through when they're training to become licensed, they do address the additional needs of children that have been sexually abused prior to placement. Both training curricula contain guidance for foster parents and what to do when foster children make false sexual abuse allegations against them. I know this because I went through the training to become a foster parent three years ago. But having been through it, I do realize that the training is lacking in terms of supporting foster parents and addressing much

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more in terms of sexual abuse prevention. The training contains little to no information on the dynamics of child sexual abuse, appropriate boundaries, the elevated risk of sexual abuse for youth in our foster care system, reporting sexual abuse, how to identify and respond to worrisome behavior that may indicate sexual abuse has occurred, and other important topics to preventing sexual abuse... [LB1078 LB1041]

SPEAKER SCHEER: One minute. [LB1078]

SENATOR WISHART: ...of children in care. In 14 of 37 of the child sexual abuse cases that the OIG reviewed in foster and adoptive homes, caregivers dismissed sexual abuse allegations that children made as false, or failed to report them to authorities. And I just want to emphasize that with the remaining time I have. In 14 of the 37 child sexual abuse cases that the OIG reviewed in foster and adoptive homes, caregivers dismissed sexual abuse allegations that children made as false, or failed to report them to authorities. I would say that is a breakdown in our system. And so I hope we will...this body will support this important legislation and I hope I'll be back with LB1041. Thank you. [LB1078]

SPEAKER SCHEER: Thank you, Senator Wishart. Senator Krist, you're recognized. [LB1078]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I'll be very, very, very brief. If you look at the committee summary for LB1078, you will see that we are not just concerned with those children that are in the Department of Health and Human Services. We are concerned with those children who are in the system in general, those who have lost their freedoms or they have been assigned to foster care situations, they're in probation, across the board. One of the things that this body dealt with years ago was a disparity in the way we treated a child that may or may not have been in the deep end of the system, the shallow end of the system, the foster care system. And now we need to pay attention to a child no matter where they are within the system. I applaud LB1078 for the content, Senator Crawford, and I would ask you to support LB1078. I know between now and Select, there is some discussion about further subject matter to be defined, and I look forward to that discussion as well. Thank you. [LB1078]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Chambers, you're recognized. [LB1078]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I can finish this article in the time that I have. And then, as I said, I'll withdraw that pending motion. Oh, and I'm strongly in favor of the bill. But if such is possible, I'm more concerned about my people because we have children also and they're even worse treated than children in general.

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Continuing with the World-Herald article. "The project found certain groups, younger people and families, for example, to be more open to the news. 'Women just tend to be more flexible in terms of racial identification,' Foeman said. DNA test results can present an intriguing puzzle. When a significant amount of African DNA shows up in a presumably white person, 'there's usually a story--either a parent moved away or a grandparent died young,' said Angela Trammel, T-r-a-m-m-e-l, an investigative genealogist. 'Usually a story of mystery, disappearance--something.' For Persley, 46, the link turned out to be her grandfather who had moved away from his native Georgia and started a new life passing as white in Michigan." For white people who don't know, when you pass...you're a black person and you pass into the white race and they don't even know what you are, and they say a lot of things to you not knowing that you're really black, because again, black is not color, that's how we find out so much about how little white people respect us, what they really think about us, because the one sitting next to you may be passing. But what has happened on occasion, it sounds like a joke, but it's not, two people sitting next to each other will be talking and one will say, well you know, we call what you're doing "passing." And the other one say, yeah, we recognized each other, don't we, because you passing too. And both of them were, "passing." Shows how idiotic white people are. You don't even know who you're talking to. Some of you all in here may be passing, and I hope I won't spill the beans on you, and I won't. Maybe. I'm going to start that paragraph again. "For Persley, 46, the link turned out to be her grandfather, who had moved away from his native Georgia and started a new life passing as white in Michigan. He married a white woman, who bore Persley's father. But in researching her genealogy, Persley discovered that her grandfather's brother continued to identify as African-American back in Macon and became a celebrated architect. A recent genetic test confirmed that Persley's DNA is about 8 percent African. 'That was a bombshell revelation for me and my family,' said Persley. She doubts that her father knew..." Oh, he knew. I put that in. "I don't think he would have been pleased...I'm absolutely proud of my genealogy and my heritage, but I think my father would have thought I was dishonoring his father, because it was a secret and I dug it up.' Her mother was flabbergasted. 'Her jaw dropped,' Persley said, and she said, 'Oh, my gosh, I was married to a black man, and I didn't even know it.'" But thank God for the happenstance. I just added that little bit for lightening of the mood. She did say by this, "I was married to a black man, and I didn't even know it." How can you be married to somebody and you don't even know? White society is based on insanity. Continuing. "Persley now recalls hints in her father that remind her of black friends and make her sad about connections that were lost. 'To me, that's the real tragedy of it,' she said. 'His father had to completely reinvent himself and cut everyone in his family off, and that's so tragic.'" America is a land of tragedy. America cannot face reality. [LB1078]

SPEAKER SCHEER: One minute. [LB1078]

SENATOR CHAMBERS: I told you about "Brother" Murante. Like the "Bibble" would say, that which was lost has now been found. That which was estranged has now been reconnected. So

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when I refer to "Brother" Murante as "Brother" Murante, we're brothers under the skin and down to our very DNA. And he might acknowledge it. Thank you, Mr. President. And I do support this bill and I withdraw that motion. [LB1078]

SPEAKER SCHEER: Thank you, Senator Chambers. Without objection, so noted. Seeing no one else in the queue, Senator Crawford, you're welcome to close. [LB1078]

SENATOR CRAWFORD: Thank you, Mr. President. Colleagues, those children who are in our care in the child welfare system and the juvenile justice system are our responsibility. And it's come to our attention through the work of the Inspector General of Nebraska Child Welfare that we need to be even more vigilant and attentive to sexual abuse that's happening in our system to those kids that are in our care. And as...if it is the case with this reporting, as with most sexual abuse reporting, it is undoubtedly under-reported. And so there's undoubtedly even more abuse going on that we need to prevent. And I'm so thankful to the Executive Board for their attention to this matter and their willingness to advance the bill and to grant it a priority. And I'm grateful also, again, to our Inspector General of Nebraska Child Welfare for her hard work and hard work of her office to pull this report together. And again, I encourage you to check the reports tab on our Web site and see the reports of the Inspector General to see what is in the report and what...and to see the other reports that she has done, and how we're tracking what's happening, and what we need to continue to work on. Again, this bill comes out of one of the rejected recommendations. And I also echo Senator Wishart in thanking Director Wallen and the department for the 11 recommendations that they did accept and that they're working forward on. And I'm grateful they did not oppose this bill to move forward on this recommendation as well. And colleagues, I appreciate the work of several other colleagues on this floor, who have also read that report thoroughly and are looking at other possibilities to advance and continue to improve our child welfare system and make sure we're keeping these kids in our child welfare system and our juvenile justice system safe. And I urge your green vote on LB1078. Thank you, Mr. President. [LB1078]

SPEAKER SCHEER: Thank you, Senator Crawford. You heard the closing on LB1078. The question before us is the advancement of LB1078 to E&R initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB1078]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB1078. [LB1078]

SPEAKER SCHEER: LB1078 is advanced to E&R initial. Mr. Clerk for items. [LB1078]

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CLERK: Mr. President, thank you. Health and Human Services Committee chaired by Senator Riepe reports LB1040 to General File with amendments. And I have a new A bill, LB439A by Senator Wishart. (Read title.) That's all that I have, Mr. President. [LB1040 LB439A]

SPEAKER SCHEER: Next item, Mr. Clerk. Next bill, please.

CLERK: Excuse me, Mr. President. Thank you. LB158, Mr. President, is a bill introduced by Senator Pansing Brooks. (Read title.) The bill was introduced on January 9 of last year. At that time it was referred to the Judiciary Committee. The bill was reported to General File. And there are committee amendments pending, Mr. President. (AM145, Legislative Journal page 426, First Session, 2017.) [LB158]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Pansing Brooks, you're welcome to open on LB158. [LB158]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, good morning, colleagues. I am really happy to be back presenting this bill. I want to thank the 34 of you who agreed to cloture if we really need to go that far. I want to start just reminding you a little bit, we have discussed right to counsel quite a bit for juveniles. And there have been some comments that, oh, well, it was already given to Lancaster, Douglas, and Sarpy, and that I wasn't going to bring it back. I never said that. I said that I...I might have said that I would not bring it back without a funding mechanism. So here I am for you with a funding mechanism. So I wanted to start and say there are two things I learned from my constitutional law professor. Number one, I learned, and this is good advice for all of us, don't be in the wrong place at the wrong time. Clearly it's pretty difficult to determine which is the wrong place and which is the wrong time. But I would like to say that children are specifically predisposed to be in the wrong place at the wrong time. And but for the grace of God, many of us would be not here today and finding...because we would have found ourselves in the wrong place at the wrong time. The second thing that I learned from my constitutional law professor was that the lawyer who represents himself has a fool as a client. I have taken that adage to heart. The lawyer who represents himself has a fool for a client. And how much more so a child. We're expecting a child to wander the abyss of the juvenile justice system, understand procedural matters, strategic matters, legal matters all on their own? Well, they can't have the judge or the county attorney wearing two hats, which is not constitutionally legal. But again, a child who represents himself has a fool for a client. But unfortunately, they generally aren't learned enough to know that. So I'm sending out five handouts to you. Senator Morfeld said I'm killing a lot of trees today, but I wanted you to see two letters by judges showing that the counties have saved money by right to counsel. And part of it is they don't have to have the child in front of them and say, do you want counsel, and the child says, yes, I want counsel. Then everyone has to leave and they have to have another hearing.

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That's avoided. Two hearings is avoided. I also have included the report on access to counsel, that was paid for by our Legislature in 2009, that says excessive waiver of counsel is our single largest issue in our juvenile justice system. And I also have handouts from Voices for Children and a letter. You can see we have justice by geography on a constitutional right, a constitutional right. The Sixth Amendment allows the right to counsel if there is any chance that someone will be taken out of their home or put into detention. Because of the specific nature of a juvenile justice system, juvenile courts have specific powers where they can put somebody, a child, into detention for any crime. Now, we've heard all the arguments. Oh, what about MIP? That wouldn't really happen. Well guess what, it has. A child has been charged with MIP, they then run away from home, they then skip school for a week. So the judge determines they're out of control and puts them into detention with no counsel. That would not happen in adult court, my friends. So I have worked, meanwhile, with NACO on a funding mechanism. We have AM1809 that's coming up. I hope you'll pass it. You all received a letter from NACO that said with an amendment that's a funding mechanism that they would support this bill. It's a funding mechanism that adds a dollar to court costs. We have the single lowest court costs in the country, thanks to Senator Chambers. So we have never had...we have an adult indigent defense fund. We do not have a juvenile indigent defense fund. So further, we have put into the bill that parents will pay for it if they can. So we've made sure that the counties are covered. I hope Senator Halloran will stand up at some point and talk about the fact that they had a case in their county where they were required to provide counsel and it cost \$30,000 to that county. Well, that's exactly something I'm trying to avoid, and to help save dollars for the counties, because that county could apply to this juvenile defense fund and get reimbursement for that cost. So this is a mechanism that will not only help children have their constitutional rights, but also be able to make sure that counties can get their costs covered. These issues are real consequences for kids. I would say to you, my friends, that if a county attorney believes that the case is serious enough to warrant being in juvenile court, where anything, including detention, can happen to the child, then it's serious enough for a child to have a lawyer. Otherwise, the child could just be sent to diversion by the county attorney and there is no need for a case to go to court and no need for an attorney. Let me repeat that. I heard from somebody on the floor today saying, oh, well, they even need to have a lawyer for diversion. No. Under statutes they do not need to do so. They can send the child to diversion and no attorney is necessary. So there is all sorts of mistruths (sic) and untruths and incorrect statements being bandied about here. Judges, prosecutors, defense attorneys--there are three people, three parties in our system, all serve different and distinct purposes. All are central to our justice system. Is it easier not to have a defense counsel? You bet. I know why the county attorneys may be complaining at times. I hope that each of you who has talked to a county attorney has also talked to a public defender. It's a lot easier for the prosecutors if there is not an attorney on the other side. This is the right thing to do. I have heard you. I have provided the funding mechanism. The counties do not have an argument against it. And I have the court administrator system in the lobby and Larry Dix with NACO. If you have a question, go talk to them. They have all pulled their objection, and so I ask that you help us to

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move on with this. Again, there is no cost to local taxpayers. Our statutes say the court shall not accept a waiver unless it's intelligently, voluntarily, and understandingly made. They have to look at the age, the intelligence, the education, the emotional stability, the complexity of the proceedings. Those are all parts of our statute now. So tell me that it's not necessary. How do you ascertain that the waiver has been given intelligently? And again, somebody will stand up and say, oh, well, they don't have the right to waive because they have the attorney before they have the right to waive. The attorney is there to explain to the child what in the world is going on, then there can be waiver. Again, NACO was the only opposition, and with this amendment that's coming on, they removed their opposition and you've received a letter to that. I hope, my friends, that we don't need to keep discussing this. I think we can vote and move on. If you want to spend the six hours, you may spend the six hours. But I have enough for cloture. And if any of you forgot whether or not... [LB158]

SPEAKER SCHEER: One minute. [LB158]

SENATOR PANSING BROOKS: ...you gave me cloture on this, you're welcome to come see my list, which has been handed to the Speaker. And so I don't intend to talk further unless there are continuous efforts to incorrectly create a record. Thank you, Mr. President. [LB158]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. As the Clerk stated, there are amendments from the Judiciary Committee. Senator Ebke, you're welcome to open on your committee amendment. [LB158]

SENATOR EBKE: Thank you, Mr. Speaker. AM145 to LB158 makes two changes to the bill. First, it addresses concerns about the appointment of counsel for juveniles who participate in a pretrial diversion program by clarifying that under such circumstances counsel need not be appointed. And second, it adds a requirement that a judge inform a juvenile of his or her right to rescind the previously given waiver of the right to counsel at all hearings following such waiver. LB158 as amended by AM145 advanced from the Judiciary Committee on a vote of 7-0 with 1 abstaining or not present. On behalf of the committee, I ask for your green vote on AM145 to LB158. [LB158]

SPEAKER SCHEER: Thank you, Senator Ebke. Mr. Clerk. [LB158]

CLERK: Well, Mr. President, just if I might clean up some carryover provisions or issues from last year. Senator Hughes, I had a motion from you, Senator, to bracket the bill until June 2 of 2017. Obviously, that's to go away, thank you. Senator Chambers, I have a motion from you to bracket the bill until April 18 of 2018. He wants to withdraw. Mr. President, I have an additional priority motion, but if I might, Senator Pansing Brooks, I understand you wish to withdraw

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AM996, that was the amendment from last year. Thank you. Senator Pansing Brooks, I also understand you wish to withdraw AM1772. Thank you, Senator. Senator Pansing Brooks does have an amendment to the committee amendments, Mr. President, but I do have a priority bill. Senator Groene would move to bracket the bill until April 18 of 2018. [LB158]

SPEAKER SCHEER: Senator Groene, you're welcome to open on your bracket motion. [LB158]

SENATOR GROENE: Thank you, Mr. Speaker. I stand again, as I have twice before, against LB158. It is not needed. It is not wanted in rural Nebraska. No one has ever come forward to me and said...no child...no, let me rephrase that, no juvenile between the ages of 14 and 18 has told me they were not treated well in the courts. Senator Pansing Brooks continues to say children. Children. Let me read to you the statutes that are already in place. I'll skip the counties with populations of 150 or more: In counties with a population of 150,000, any minor 13 years of age or younger charged in a juvenile court with a law violation of statute offense is automatically given a lawyer. See Nebraska Revenue Statute (sic) 43...Revised Statute, not revenue, 43-3102, 2017. B, any minor placed in detention is automatically given an attorney. See Nebraska Revised Statute 43-3102, 2017, and 43-250, 2017. I don't remember voting on those. Any minor where an out-of-home replacement is sought they are given an attorney. See Nebraska Revised Statute 43-3102, 2017. Seems like a lot of this was in that one bill we already passed. D, any minor where a request is made to transfer the matter from the juvenile court to adult court. See Nebraska Revised 43-3102, 2017...is given a lawyer. When a probation violation is filed seeking out-of-home placement or detention...I believe I just said that. When a minor requests an attorney, 43-272, 2017. When a parent or guardian requests an attorney, Nebraska Statute 43-272. When a parent or guardian cannot be located, Nebraska Statute 43-272. Attorney fees are paid by the county upon approval of the court. We're talking about 14-year-olds to 18, the last day they're 17. That's who we are talking about here, we're not talking about small children. Everybody else under the age 14 gets an attorney. Waiver of counsel, it's a fundamental right. You have no right unless you can reject that right. You have no right to vote if you also don't have the ability not to vote. You do not have the right to bear arms unless you also have the ability to not bear arms. That is exactly the same with the right to counsel. The courts have said all rights can be accepted or denied to be a right. Otherwise, it's a mandate. Waiver of counsels, see Nebraska Revised Statute 43-3102, 2017. You can waive your counsel, request of a juvenile is at least 14 and under 18 at the time of the offense, approval of parent. Without of the offense, with approval of parent, can deny themselves counsel. In writing and in open court the juvenile can say he doesn't want a lawyer. Parent, guardian, or custodian cannot waiver an attorney for the juvenile. The juvenile must do it. Open and written waiver must be approved by the court pursuant to the requirements in Nebraska Revenue (sic) Statute 43-3102. The waiver must be knowingly, voluntarily, and intelligently made. The court must consider the age, intelligence, and education of the juvenile, along with the emotional stability of the juvenile, and the complexity of the proceedings. Court can overrule request to waiver counsel. If the juvenile has an attorney,

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the juvenile may waiver an attorney, but must consult with that attorney. Folks, this is unnecessary. Do we have freedom anymore? Do families have rights anymore? What this bill does is says if a parent and a juvenile sitting at a table and deciding what to do, they are forced to have the injection of the opinion of an attorney in that decision. Are forced to do so. I hopefully, folks, you revisited and thought about this if you told Senator Pansing Brooks you would give a cloture on this vote. You in urban Nebraska, why would you dictate to rural Nebraska what we must do? I was given the example of a rural county in North Platte, our juvenile court handles the lesser-populated counties courts in Lincoln County. Our judges go to Arthur County, they go to the Stapleton and Logan County and they hold court there. In one of those rural counties with a population of 400 individuals or so, there was a beer party in a pasture--34 kids were arrested. About half of them were under the age of 18. About half of them would have had...the county would have had to pay for their attorney. Now, we're talking mileage. There is no attorneys in Arthur County. From North Platte we're talking mileage and the fee. That case alone would have broke their budget for the...I can't think of the name of it, but for the free counsel for the poor. It would have broke their budget. Guess what? All of those kids went on with their lives, got diversion, never asked for an attorney. But we're saying you have to have it--14 to 18. So let's quit using the word child. They already get an attorney. Let's be honest. If we're going to pass legislation in this body, let's tell the people honestly of the facts. We're only talking 14-year-olds to 17 years old and 364 days. This is absolutely unnecessary. This is feel-good. This is a lawyer's employment bill. That's what this is. We in Lincoln County had, and this is the region...in 2015, juvenile...we had 370 juvenile cases in '15-16. No juvenile was denied counsel if counsel was requested or required. Out of 370 juveniles requesting an attorney, 261 cases, 237 of those were cases the juvenile received a court appointed counsel. In 24 of those cases, a juvenile hired an attorney. In 109 cases, the juvenile exercised their constitutional right to not be represented by counsel. No juvenile who waived their right to an attorney with approval of the parent was removed from their placement at home. Court procedure in juvenile court. This is in a civilized county like Lincoln, maybe is isn't done in Douglas and Lancaster. The first appearance in an arraignment where minor and parent or guardian are advised of the allegation charges right and disposition in open court, the court on the record gives an advisement to the minor, parent concerning the minor's right to an attorney of their choice. And if they cannot afford an attorney, then one will be appointed by the court to represent the minor. This is done without exception. What we're going to do here, at that arraignment, a lawyer is going to be standing there. Has to be paid. Then after that arraignment, the juvenile...after the lawyer has given this sales pitch to the parents and scares them and the kids, after that they can decide to tell that attorney to go away. But the bill comes to their front door or the taxpayers' front door. That's what happens. That's what will happen. [LB158]

SPEAKER SCHEER: One minute. [LB158]

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SENATOR GROENE: There will be confusion. There will be confusion. A lot of times it is settled right there. There will be at least two court hearings now, one with the lawyer, one afterwards for every one of those cases, where the kid could go about his way with a diversion or a fine for MIP, for shoplifting. Let's continue to use the word juvenile in this debate. Not children. Thank you. [LB158]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Crawford, you're welcome. You're recognized. [LB158]

SENATOR CRAWFORD: Thank you, Mr. President. Good morning, colleagues. Yes, let's talk about the record, let's talk about the facts. Colleagues, a 14-year-old is a juvenile, 14-year-old is a child. Colleagues, in 1967, the Supreme Court said that...laid out due process parameters for juvenile court, delinquency proceedings, including the right to legal counsel for every juvenile, because of the possibility of the deprivation of his or her liberty through confinement and commitment. The bill, LB158, does not take away the right of a juvenile to waive their right to counsel. However, colleagues, it says that a juvenile may need some help in making that decision. A juvenile, a 14-year-old, could make a decision after a party in a field where people got caught minor in possession and that decision could mean they could never apply for federal student loans. There are consequences of these decisions that a juvenile needs to know. And a 14-year-old is not going to know the law. A 14-year-old is still a child, 14-year-old is still a juvenile. And LB158 allows them the right to waive counsel, but it says they and they or their parents, if their parents are involved, need some additional assistance in order to help make that choice wisely. And we want to make sure that legal assistance is available and they are not just pressured into waiving counsel by someone who is just trying to speed up the process or not spend taxpayer money on legal counsel to help our juveniles, to help our children making wise choices in the court system. Now, Senator Groene also mentioned several statutes where we require counsel. And I just want to read a paragraph from a letter that was sent, that was a part of this record. And from the Separate Juvenile Court of Douglas County. "If, in its wisdom, our Legislature has honored the right to legal counsel for juveniles throughout the entirety of abuse, neglect, and dependency proceedings, why would we not recognize the same right to the immediate appointment of legal counsel for our juveniles involved in law violations (delinquency) proceedings in juvenile court? Indeed, as compared to those proceedings brought under Statute Section 43-247(3)(a), delinquency proceedings pose a much greater risk for a juvenile to lose his or her liberty as a result of confinement or commitment to a treatment facility or other institutions. In Gault, the U.S. Supreme Court found that the fact that delinquency proceedings are technically 'civil' in nature, really does not lessen the impact upon the juvenile's loss of liberty." Yes, we have other statutes that require that juveniles have assistance of counsel. Colleagues, it's critical that when they're in these settings they also have that assistance of counsel, even if only to choose to waive further assistance of counsel. I urge your support of LB158 and the committee amendments AM145. Thank you, Mr. President. [LB158]

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SPEAKER SCHEER: Thank you, Senator Crawford. Senator Chambers, you're recognized.  
[LB158]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Groene is just mean. And sometimes he gets mean spirited. And because of the way he attacks children, dismisses them, I have to go after him. He's as old as dirt, just like I am. He's got legal counsel for his committee. You know why he would say he needs legal counsel? Because he doesn't know everything that comes under the jurisdiction of that committee. All he is is a committee chair, not qualified to be there because he doesn't know everything required. So he's got committee counsel. He will not give up that counsel. But he's saying a child knows enough to waive legal counsel. Children do not know these things and he doesn't even know that. He's so old, he's forgotten what it means to be a child. Well, for the record, I am older than he is. But I never forget what it means to be a child, because I remember the things that I experienced as a child. Unlike Senator Groene, I don't say, boy, I'm sure glad I'm not a child anymore and I don't have to put up with that. I will never forget the cruel things that grown people will do. What I would like him to say is that he's going to give up his legal counsel at the committee. But you know he's not going to do that. Every time something comes up that requires compassion, Senator Groene is on the other side. He did not listen to what Senator Pansing Brooks pointed out about the counties taking away their opposition. So he's going to say he knows more than anybody else. And really, he knows less because he cares less. When you don't care, you don't inform yourself. You come up with the cliches, the slogans, and the stuff he needs to say if he wants to get reelected. But I will tell you this, Senator Pansing Brooks is right when she points out, and judges have acknowledged it, Nebraska has the lowest court costs in the country because of me. I don't allow court costs to be raised. How can I stop it? They know I can stop it. Judges know it. Everybody knows. In the same way that I finally came around to the conclusion that despite the gripe I have, the grievance against a very unqualified juvenile judge in Douglas County, and I stopped them for years from getting another juvenile judge, when I looked at the facts, the children who were delayed in hearings, some of them had to stay in detention. What happened to these children was more important than my strong opposition to a particular judge. And not only did I remove my opposition, I engineered getting two judges, but Douglas County could not accommodate them. But they got the judge. This \$1 court cost increase I favor. It's the best expenditure of a dollar when we're raising court costs of any that I have seen. All we're doing is saying that our children...they're not my biological children, but in the same way that Senator Groene is not my biological brother, Senator Groene is my brother in a deeper sense. Everybody who is male is my brother. Everybody who is female is my sister. I would never ask God, if there was a God, am I my brother's keeper? It would be the other way around. God would come to me and say Chambers, I know you're your brother's keeper, but this is what I got to do. Then I would say, do it to me first. God would say, you remind me of my son. And I wouldn't do this bad thing to my son because he stood between me and the one I wanted to punish. If you, a mere man, are willing to jeopardize yourself for this child, I will not punish the child. Senator

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Groene could never say that. He's mean. He's mean spirited. Listen to the tone of his voice.  
[LB158]

SPEAKER SCHEER: One minute. [LB158]

SENATOR CHAMBERS: Listen to how irritated and agitated he becomes when we're talking about children or prisoners or anybody who is a member of a class which is already trounced. His feeling is that if he's down, Senator Groene should kick him. I hope there is not a lot of debate on this, because Senator Groene cannot discuss a bill for six hours. He can't do it. Let him run out and see how he does it. And I think the votes are here because there are enough intelligent people here who understand the problems of our children and would never say perhaps, well maybe we'll be lucky and somebody would come in a school and kill a lot of them. Then there are fewer of us to worry about, the children. I would never say it. I don't think...I hope Groene wouldn't...Senator Groene wouldn't say it. But we need to look out for our children. I support this bill and let Senator Groene ramble on as much as he wants to, because he has the right to do that. Then we cast the vote in the way that we should. Thank you, Mr. President.  
[LB158]

SPEAKER SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Going back to discussion. Senator Hansen, you're recognized. [LB158]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise in support of the Judiciary Committee amendments and in support of LB158 and in opposition to the bracket until...in opposition to the bracket motion. I'm not going to belabor the point. One point I wanted to make up is, you can read it, it's in the committee amendment, the right it waive counsel. The right to waive counsel is still reserved for these juveniles, these children. The point I wanted to make up, a point come up is Senator Groene in his remarks commented that he'd never heard anybody who had been disappointed with the juvenile court system. I would just invite anybody who feels that that's the case, that the juvenile court is all sunshine and rainbows and everybody comes in with, you know, a stern lecture and goes out learning their lesson, come listen to the Judiciary hearings. We hear, probably on a weekly basis, if not nearly daily, heart-breaking stories of people whose lives were turned upside down starting in juvenile court. Starting in juvenile court, they get sucked into the criminal justice reasons, unfortunately, oftentimes justifiably, for their actions. But and then we go from there. I can remember distinctly we heard from a young woman now who spent her 16th birthday in solitary confinement in a juvenile facility, and her underlying crime was possession of marijuana, which for an adult is an infraction. You cannot be sentenced to jail for that. But for a juvenile, once you get in the system, once it becomes in the best interest of rehabilitation, you can ultimately end up at a facility and ultimately end up in solitary confinement. Those are some of the stakes in juvenile court. It's not all sunshine and

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rainbows, it's not just a stern lecture and you learn your lesson. Real consequences happen to real people, and they travel them throughout their lives. I understand some of these other instances will come up. But I just wanted to make sure that was clear and that was on the record. Thank you, Mr. President. [LB158]

SPEAKER SCHEER: Thank you, Senator Hansen. Mr. Clerk. [LB158]

CLERK: Mr. President, some items. Amendments to be printed to LB295 by Senator Harr. Name adds: Senators Bostelman and Hilkemann to LB1069; Senator Groene to LB477 (sic-withdrawn). An announcement that the Natural Resources Committee will have an Executive Session tomorrow at 10:00 underneath the north balcony. (Legislative Journal pages 769-770.) [LB295 LB1069 LB477]

Mr. President, a priority motion: Senator Morfeld would move to adjourn the body until Tuesday, February 27, at 9:00 a.m.

SPEAKER SCHEER: Colleagues, I was going to make a comment that upon adjournment motions, I will take an elongated time between the motion and to see if those would like to have a machine vote. It would be my hope that we're adults, that we would not have to do this on a daily basis. So if there is a request for a machine vote, we will gladly do that. Is there a request today for a machine vote? Do you want one, Senator? There has been a request for a machine vote. All those in favor to adjourn, please vote aye; all those opposed vote nay. Please record.

CLERK: 31 ayes, 3 nays to adjourn, Mr. President.

SPEAKER SCHEER: We are adjourned.