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Floor Debate  
February 16, 2010

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[LB139 LB147 LB181 LB183 LB197 LB210 LB216 LB235 LB254 LB258 LB261 LB279  
LB325 LB475 LB522 LB550 LB552 LB682 LB683 LB684 LB687 LB695 LB702 LB727  
LB735 LB792 LB878 LB910 LB914 LB951 LB978 LB987 LB1026 LR278CA LR312  
LR313 LR314 LR315 LR316]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-sixth day of the One Hundred First Legislature, Second Session. Our chaplain for today is Pastor Rod Lyon from the Conestoga Parish, which is made up of the United Methodist Churches of Denton, Pleasant Dale, and Raymond. He is a guest of Senator Campbell. Would you all please rise.

PASTOR LYON: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Pastor Lyon. I call to order the twenty-sixth day of the One Hundred First Legislature, Second Session. Senators, please record your presence. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Enrollment and Review reports LB735 to Select File. Government, Military and Veterans Affairs Committee, chaired by Senator Avery, reports LB951 to General File; LB978, General File; and LR278CA indefinitely postponed. And a communication from the Governor to the Clerk. (Read re LB139, LB147, LB181, LB183, LB197, LB210, LB216, LB235, LB254, LB261, LB279, LB325, LB475, LB522, LB550, LB552, LB682, LB683, and LB684.) That's all that I had, Mr. President. (Legislative Journal pages 535-536.) [LB735 LB951 LB978 LR278CA LB139 LB147 LB181 LB183 LB197 LB210 LB216 LB235 LB254 LB261 LB279 LB325 LB475 LB522 LB550 LB552 LB682 LB683 LB684]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR312, LR313, LR314, LR315, and LR316. Mr. Clerk, we will move to the first item on the agenda under legislative confirmation report. [LR312 LR313 LR314 LR315 LR316]

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CLERK: Mr. President, the Education Committee, chaired by Senator Adams, reports on the appointment of Martin Demuth to the Board of Educational Lands and Funds. (Legislative Journal page 533.)

PRESIDENT SHEEHY: Senator Adams, you're recognized to open on your Education Committee legislative confirmation report.

SENATOR ADAMS: Thank you, Mr. President, members of the body. This is a new appointment to the Board of Educational Lands and Funds, Mr. Martin Demuth. He's from Hastings, Nebraska. He is primarily in the insurance business but also is involved in some ag-related businesses as well, and his confirmation was unanimous by the committee. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Adams. You've heard the opening on the Education Committee confirmation report. Seeing no requests to speak, Senator Adams, you're recognized to close. Senator Adams waives closing. The question before the body is on the adoption of the Education Committee confirmation report. All those in favor vote yea; opposed, nay. Please record. Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 536-537.) 39 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT SHEEHY: Confirmation report is adopted. We will now move to first item under General File, 2010 senator priority bills, Krist division, LB258. [LB258]

CLERK: LB258 by Senator Harms relates to the Nebraska Liquor Control Act. (Read title.) Bill was referred to Judiciary, advanced to General File, discussed on the floor on February 11. Mr. President, there are Judiciary Committee amendments pending. (AM1803, Legislative Journal page 502.) [LB258]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Harms, would you like to give us a report on LB258? [LB258]

SENATOR HARMS: Thank you, Mr. President and colleagues. I'll just give a quick review of what we covered before we had our break. States all across the nation are truly struggling with what to do with underage drinking. A lot of kids feel like this is a badge of honor, it's a cool thing to go through and they brag about it. They look at the penalties and they laugh at the penalties, they laugh at the counseling classes they have to go. Unless we actually make a change that's meaningful sanctions, we're not going to be able to do anything to even deter underage drinking or make a dent in the age of under drinking (sic). Many states have adopted use-lose laws. If you use alcohol, you lose your driver's license for a period of time. And I believe that's the right way to go. I believe it sends the right message to our students. I believe it sends the right

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message to the family that you're going to have to take a responsibility for your children's action. And all the kids do today after they get picked up for underage drinking, they just go pay their fine, then they go back and drink. There's no other penalty. The sad thing about this is, colleagues, that there is a very tragic health and social and economic problem that results from this. We find that it brings forth a host of serious problems that include alcohol poisoning, high-risk sexual behavior, traumatic experiences, homicide, and that list just goes on and on, which I went through before we left. The other thing that underage drinking does is that it costs the citizens of Nebraska \$553 million in 2007. And if you look at that amount of money, for every kid in this great state it's \$2,494 for every child in Nebraska is what it cost us. There is a relationship to underage drinking and adolescent brain development. We know that in underage children and in teenagers there's a lot of brain development that occurs during the teenage years, and what alcohol does is it simply...it simply changes that development. It changes the direction of kids' development. It impairs their development because their brains are not fully prepared to address the issue of alcohol. And so what research reported to us, very simply, is it affects and impairs three areas that you don't usually get back, and that's memory, reasoning, and attention. Those are the three areas that teenagers struggle with that start drinking at an early age. There's some data that I just want to review very quickly for you so that you keep this in your mind as we have this discussion. First of all, alcohol is the number one drug problem for Nebraska youth. Alcohol is the most commonly used substance by teenagers in this great state. It's the gateway to all the other drugs. Now once you start with the alcohol, you go to marijuana, and then you go to cocaine. And what the judges have told me just recently, that when you leave alcohol what the drug dealers are doing today, they are lacing marijuana with cocaine and meth, and that is creating truly an issue. Two out of five high school students drink. We rank high in every category of underage drinking. And, Mr. President, that's as far as I'll go this morning, just recap what we talked briefly about. Be happy to entertain any questions, talk to anyone about this particular bill. So thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Harms. Mr. Clerk, you have an item for the record. [LB258]

ASSISTANT CLERK: Mr. President, I have an announcement. Natural Resources Committee will hold an Executive Session under the south balcony now; that's Natural Resources under the south balcony. [LB258]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Doctor of the day and visitors introduced.) Continuing with discussion on LB258, Senator Ashford, would you like to give a brief review on AM1803? [LB258]

SENATOR ASHFORD: Yes, and very briefly, Mr. President, the amendments lower the age for the application of this change in the law to 18 and under so that what the effect

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of that is, is that if someone is over the age of 19, is charged with MIP, if that charge occurred after their...well, after their 19th birthday, that they would not be eligible for the suspension of driver's license penalty. However, if they are...in the case where someone is charged with MIP and they are a week before their 19th birthday, they still would...the penalty of 30-day or 90-day suspension or even a year suspension on the third offense would apply. So that would be the essence of the committee amendment, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Members requesting to speak on AM1803 to LB258, we have Senator Coash, followed by Senator Wightman, Senator Flood, Senator Hansen, and Senator Price. Senator Coash, you're recognized. [LB258]

SENATOR COASH: Thank you, Mr. President. Good morning, members of the body. I just wanted to hit my light early to speak a little bit about the Judiciary Committee amendment, Senator Ashford touched on this, and wanted the body to understand why we went to 18 years old as a limit on this bill. I was a strong proponent in the committee of limiting this bill to folks 18 and younger because this is a minor in possession. And in our state, if you're over 19 you're not a minor anymore, doesn't mean you're legal to drink. But we wanted to assure a couple things happen. One, when a person, let's say, is 20 years old and he or she gets an MIP, loses their license, if they're in college they might not be able to get to school, might not be able to get to work, and we certainly don't want to affect somebody's education or their employment because of this. And so if this is...and I think Senator Harms has a great concept here and he's addressing this towards children, children who are in their parents' care, and I think that's a good focus of this. I also wanted to speak a little bit from my own experience in what happens in small town Nebraska. MIPs happen. They happen frequently and I can tell you that they're not looked at as a law violation as much as they can be looked at by some young people as badges of honor. Unfortunately, many times alcohol-related convictions, because they're looked at as a badge of honor, it even gets taken further than that. Unfortunately, even when these...when alcohol problems end up as a loss of life, they're looked at as part of business, this is how it works. Sometimes kids drink, sometimes they lose their lives, we live with it. And there are lots of small towns across our state who have experienced the loss of their young people because of this. I, myself, would have two other classmates from high school if it weren't for alcohol. But one of the things I did want to really stress here, and Senator Harms's bill is trying to get at the heart of the issue and put some responsibility back on the teenagers, but really where this is, is it puts some responsibility back on parents. There is a tendency in some communities for very apathetic parents who don't look at this as a serious issue. And in fact, you'll find parents today who will tell their children...we're at second and third generation of parents telling their children, I had this, I had one, you had one, thankfully you didn't hurt anybody. But what Senator Harms's bill does, and I'll let him talk about this if he wants to, is this gets parents involved. Parents now have some skin in the game. They've got a stake in this. When their son or their daughter doesn't have

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their license, guess who's driving them to school. Now we've got a burden on mom and dad, and mom and dad have got to be part of this solution just as much as this Legislature does. And I'm hoping that LB258 starts to steer us in this direction and it starts to put some responsibility on parents, and without some nudging of, well, now you're going to have to start driving your son to practice, I don't know if we'll get mom and dad's attention. And so I'm hoping that LB258 is a wake-up call, not only for the students across the state but also the parents. And so with that, I'll yield my time to Senator Harms, if he'd like to address any of that. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Coash. Senator Harms, you're yielded 1 minute. [LB258]

SENATOR HARMS: Thank you, Mr. President. Thank you, Senator. I appreciate the extra time. I do think that it does begin to focus the issue on parents and I think you need to understand that I think if you're a senior in high school and Mother has to drop you off at school because the simple fact is you were picked up for underage drinking, I would guess that would be pretty embarrassing for the high school student, and I think that's some of the intent. If you look at this legislation carefully, actually if you compare the two bills, the original bill was what I call tough ugly. We made some modifications of this bill. It's still a tough bill and I think it's designed to get to these younger kids who destroy their lives. The kids who go to the parties when they're still in junior high, who start drinking at the age of 9 and 10 have no hope, folks. Their minds, I will guarantee you, will be impaired. They will not function normally in the future. What a tragedy that is. And where are the... [LB258]

PRESIDENT SHEEHY: Time, Senator. Time, Senator. [LB258]

SENATOR HARMS: Thank you very much, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Wightman, you're recognized. [LB258]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I believe that I can support this bill. There are a couple of things that concern me. I applaud Senator Harms for bringing this bill. I think that we do need to take a much stronger stance against teenage drinking and I think this bill is a step in the right direction. That having been said, there are a couple of things about the bill, mostly one, that does give me some concern, and that is the idea of constructive possession. If Senator Harms would yield to a question, I'll ask him a question or two first and then I might... [LB258]

PRESIDENT SHEEHY: Senator Harms, would you yield to Senator Wightman? [LB258]

SENATOR HARMS: Yes, Senator. [LB258]

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SENATOR WIGHTMAN: Senator Harms, are you aware of the concept of constructive possession that sometimes is applied on minor in possession cases? [LB258]

SENATOR HARMS: Yes, I am. Are you referring to the fact that if you haven't been drinking and you're underage, you have to pay the same penalty? [LB258]

SENATOR WIGHTMAN: Right. Perhaps you haven't been drinking and you're at a party where alcohol is being served or maybe you're in a car with somebody who is drinking, that you may be able to be charged even though there's no evidence that you have actually consumed alcohol. [LB258]

SENATOR HARMS: Yes, I am, I'm familiar with that, Senator, and, quite frankly, that's what this bill is about. Those kids are at a place where they shouldn't be. They're there, where their parents told they shouldn't be, and now they're drawn into this whole issue. And I'll tell you what, early intervention is critical in this issue. Early intervention, Senator Wightman, is important to tell these kids at the very point, even though you weren't drinking, I shouldn't have been there and you pay the penalty for it. What happens, when I've talked to teenagers, Senator, and I don't want to take too much of your time here, what the teenagers have told me, that eventually they go to drinking. They may not, but at the time they're around that alcohol, they're seeing what they see as the fun and pretty soon they're there, and that's the point. That's where we want to stop that issue because, you know what, Senator Wightman, it's a heck of a lot better to give up your driver's license for 30 days or 90 days than your life. [LB258]

SENATOR WIGHTMAN: And, Senator Harms, I agree that that is probably the more normal case, but I also think there are some occasionally where someone goes to a party, doesn't realize there will be alcohol there, and then perhaps is charged. And I think the law enforcement tends to cut them some slack in those situations but I do think that that does happen. If Senator Ashford would yield to a question, I might have a question of Senator Ashford as well. Brad. [LB258]

PRESIDENT SHEEHY: Senator Ashford, would you yield to Senator Wightman? [LB258]

SENATOR ASHFORD: Yes. [LB258]

SENATOR WIGHTMAN: Senator Ashford, you're familiar with the constructive possession nature that sometimes is invoked with regard to minor in possession. Is that correct? [LB258]

SENATOR ASHFORD: Yes. [LB258]

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SENATOR WIGHTMAN: And that sometimes occurs when somebody attends a party, there's no evidence they've been drinking but they are, because they were there, they are charged with minor in possession, or the same thing can happen in an automobile. Is that correct? [LB258]

SENATOR ASHFORD: Correct. [LB258]

SENATOR WIGHTMAN: Is there anything here that would keep the law, under either LB258 or AM1803, applying to those individuals? [LB258]

SENATOR ASHFORD: No. I mean in my opinion, Senator Wightman, constructive possession, which is currently the law for minor in possession cases under Supreme Court decisions in Nebraska, that constructive possession being at a party, as you suggest, is...can be and often is sufficient for a successful prosecution of an MIP. I've had cases, and maybe you've had them in your office, where... [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR ASHFORD: ...someone has approached a party and has not actually...is not there yet or has just got there. There are defenses but, yes, constructive possession is...would not be impacted by this change. [LB258]

SENATOR WIGHTMAN: Okay. One other, one other question: Is the impoundment of the license mandatory or is that discretionary under LB258? [LB258]

SENATOR ASHFORD: No, the...I think...the penalty, the 30-day penalty is a...I suppose they could get...can they get probation? I think it's mandatory, Senator Wightman. [LB258]

SENATOR WIGHTMAN: Okay. [LB258]

SENATOR ASHFORD: I had to check real quickly but I believe it is, yeah. [LB258]

SENATOR WIGHTMAN: I'll talk to you off the mike. Thank you, Senator Ashford. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Flood, you're recognized. [LB258]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. I rise to support Senator Harms's bill. How many meetings have we been in, in our districts, where parents and children and students say the number one issue we've got right here is underage drinking? How many times have you sat in a committee where a parent

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comes up and describes to you that her son or daughter or his son or daughter was killed in a car accident where alcohol was involved? We're all against underage drinking. We've always been against underage drinking. However, in the last six years of my service down here, five and a half, we spend a lot of time going after waitresses and waiters working for tips at a bar trying to attach a dram shop. We've been working on, rightfully so, trying to make sure that alcohol is not sold to minors, where some guy behind the desk receives a citation for selling beer to minors and he's working a job at 11:30. At the end of the day, for me, it's about personal responsibility. These young people are given a right and a privilege to drive in this state. We already have a conditional use permit to operate a motor vehicle under 17 years of age. Is it too much to ask that they lay off the booze, that they not consume alcohol or liquor? Is it too much to ask to say don't or is it too much to ask to say follow the law? People say, well, we're taking their license and this isn't connected to a rule of the road. I've got two things to say to that. First of all is if you don't pay your child support you lose your license. We've had better success at collecting child support over the years. And secondly, as it relates to a minor in possession, I sit down at the Madison County Courthouse on arraignment day. One after one after one we have young people walking into that courtroom, they get a \$250 fine, it's considered a right of passage. You've got people high-fiving each other like they're in a locker room outside the courtroom, smiling at each other as they get their minor in possession conviction, and it doesn't get their attention. When I talk to groups of students in Madison County, I ask them, raise your hand if you think minor in possession penalties in this state deter people from consuming alcohol. Rarely do I even get a hand up. You want to know why this bill works? Because people that are that age will tell you it has their full attention. It has their full attention. You take their license, you take their right to drive, you have the opportunity to intervene at a younger age. You sit in a courtroom, any courtroom in the state where you have a lot of young people in that county or in that judicial situation. It's not a big deal. They get one, they get two, they get three. I bet you if you take a look at those same defendants in ten years, they've got one, two, or three DWIs because the minor in possession conviction never got their attention. I'm for this bill. I'm supporting the amendment. I think Senator Harms has done us a great service by bringing this forward. I understand that there are concerns that it is too harsh, but all we're asking people to do is follow the law and if you can't follow the law there's a consequence. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Flood. Senator Hansen, you're recognized. [LB258]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. Would Senator Harms yield to a question? [LB258]

PRESIDENT SHEEHY: Senator Harms, would you yield to Senator Hansen? [LB258]

SENATOR HARMS: Yes, I will. [LB258]

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SENATOR HANSEN: Thank you. Senator Harms, before the session started, we were talking off the mike and you were explaining to me a little bit of the difference between the green copy, your original idea, and the amendment. Would you briefly describe that difference for us? [LB258]

SENATOR HARMS: Sure. I'd be very happy to. In regard to LB258, the first offense was a Class III misdemeanor, 60 to 90 days impoundment and they went to classes. The second offense, again on LB258, was six months, 20 to 40 hours of community service and a class. Third misdemeanor...the second...a third offense was a Class II misdemeanor, one-year impoundment and 60 hours community service. You compare that across to the amendment by the committee, it's a Class III the first time, 30 days impoundment, alcohol class; second time, Class III misdemeanor, 90 days, 20 to 40 hours; and the third time it's a Class III misdemeanor, 12 months, minimum of 60 hours; and thereafter it's the same as number three. So there's a lot of difference between the two bills. [LB258]

SENATOR HANSEN: Thank you, Senator Harms. I think that either bill, either the bill or the amendment, is more than an inconvenience. When I first read LB258, I thought it was pretty harsh. I mean are we separating a class of people, of young people to make an example out of them so they lead a different life? I don't think we can and I don't think we are, mainly because this is an inconvenience. And the committee bill says that anyone over 19 doesn't get their car taken away. It should be an inconvenience. It's got to be an inconvenience of some. The driving portion of this bill is a privilege. A driver's license is a privilege, not a right. The right that we're missing the point on here is the right of parents to have children. Parents have the right to have children, but they also have the rights and the responsibility that goes along with that. I think we have an underlying problem with parental rights and parental behavior to let children go out and do this. If we've gotten to the point where Senator Flood says that it is indeed a right of passage, I think we may be too late with this law. If it's a right of passage now, it will continue to be a right of passage. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Hansen. (Visitors introduced.) Continuing with floor discussion on AM1803 to LB258, members requesting to speak: Senator Christensen, followed by Senator Rogert, Senator Gay, Senator Pirsch, Senator Council, and others. Senator Christensen, you're recognized. [LB258]

SENATOR CHRISTENSEN: Thank you, Mr. President. You know, I feel like both these bills would be a deterrent. You know, my problem comes down in where the parents come down on the issue. This is a little difficult for me to say because, personally, I don't think parents have taken it to heart, their responsibility of knowing where their kids are at, what they're doing, and have grasped the consequences of the drinking. I had a conference call this morning. I talked about this bill and I asked them, does anybody got

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any comments on it? Wasn't one comment. I asked them, does any underage people drink? I got a couple of yeses. I said there's no drinking problems in Imperial or...this phone call was across a vast area, and all of a sudden everybody said, well, I hope they don't get caught. And I said, this is the exact problem we're talking about--parents that aren't paying attention, don't understand the risk of what's going on. I understand that the original bill would be very harsh, but at the same time I don't know if it's not better. I voted for the amendment to reduce it on the age, but it was real impacting to me when we was having the hearing on another related bill and there was a kid come in and testified that had three MIPs. And just as Senator Flood said, it was a joke. It did not matter. Except all of a sudden he come in because he said, you know what, it does matter, I wish there would have been a larger deterrent. He's trying to get into medical school. He's got all the grades, got all the recommendations, and he can't get in because of three MIPs. It's all of a sudden a serious issue to him. He's going, I can't even get into my job field I want to go into; we need doctors and I can't get there, because of the poor choices he made earlier in life. He said, just like Senator Flood did, they laugh at it. They high-five at it. It's a joke. And I don't blame the kids. I blame the parents. And I know as a parent, you can't control everything your kids are doing. I've had kids go through not drinking; I've had kids go drinking. But you can control more than most people want to. You can at least acknowledge there's a problem. And I'll bet when I get on a conference call in the other half of my district on Thursday I get the same response--I hope they don't get caught. My kids know very well if they get caught, don't call me. They're going to sit in jail. [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR CHRISTENSEN: I ain't going after them. That's a DUI or that's MIP, they'll probably get delivered to me because they don't do much. They can sit there. You know, it may sound tough but if we don't understand the consequences, we're never going to understand taking it on. There's a lot of personal responsibility needed and sometimes it takes a little bit of encouragement. And I think people do weigh the risks of what's out there. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Christensen. Senator Rogert, you're recognized. [LB258]

SENATOR ROGERT: Thank you, Mr. President. Good morning, colleagues. I'm pleased to see so many lights on and so many people taking participation into this discussion this morning. It may not seem like a big bill but this is a pretty major policy discussion that we're having today and I want everybody to read the bill, listen to the debate, think about what we're doing today. We are discriminating a little bit amongst a group of citizens when we say we're going to change penalties for those under the age of 21 and, in fact, we're going to have two sets of penalties: some for those that are 18 and over, some for those...excuse me, yes, for 18 and over, and some for those that are 18

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and under. I support what Senator Harms is doing. I do believe that underage drinking is a serious problem, we need to do some things to curb it, and starting early is the place to start. Some folks have asked some questions about why we amended the original bill down with the committee amendment. I think it brings to mind the fact that most kids over the age of 18 are not under their parents' care most of the time. And what do you do to a kid when he's 20 years old, he gets in trouble? Take away his driver's license. He can't go to school, can't go to work, drives under suspension, gets in more trouble, can't pay his bills. We don't want to do that. Senator Harms doesn't have any intents to do that. He doesn't want to put a hardship on folks. He wants to be a deterrent against young folks for drinking when they're not supposed to be, which is all the time. It's been asked if we could provide for a work or school or a hardship permit for the kids under the age of 18. I'm not sure that I agree with that. Part of the reason and the intent of this bill and the amendment, in my opinion, is to make parents accountable for what their children are doing. If a 16-year-old gets in trouble, loses his license and gets a school permit or work permit, ah, I don't think we're really doing that much to them. If their parents have to drive them around now, that gives them some ownership in what has happened and that is a major...that's a policy shift. I do think we need to look at some differences that we've created in this bill. Juveniles are 17 and, you know, under the age of 18. Adults are 18 and over, in terms of the courts. This bill actually puts 18s in with juveniles. That's a discussion we should have and, if that's what we want to do, we can do that. I think there will be judges and some county attorneys, prosecutors and defenders that will question what we're doing. That's okay. We are creating provisions for an MIP of a younger person that is more, possibly, more intense than a DUI of an older person, and that should be questioned, but it's okay if we want to do it. My point in my discussion this morning is that with this legislation we need to listen, we need to talk about it, we need to understand every possible consequence that we will create with this bill. If it's a direction we want to go, I support it, I applaud it, I'm fine. It's a Tuesday. It's the first day of the week. It's a pretty big discussion. It's one of our biggest discussions of the year. I like seeing all the lights on and I encourage everybody to pay attention and take part in the discussion. I applaud Senator Harms for what he wants to do. [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR ROBERT: We've done some changes in the bill to bring it into some sort of parameters that we think is a movable piece of legislation. I look forward to the next, hopefully, couple hours of discussion on it for the first round and as we move forward. Thank you, Senator Harms. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Robert. Senator Gay, you're recognized. [LB258]

SENATOR GAY: Thank you, Mr. President. Right now I'm supportive of the bill. I think

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it's a good bill. The idea that a minor would be a little more penalized is probably a good thing because as you look on in these offenses, DUIs, second, third, fourth offense, they are occurring. But I have a child getting closer to this age where you got to be aware of these things and I do think, you know, not every kid is going to have a parent overlooking and some do condone it, as crazy as that is. I know there's some...there's parents still condone, oh, my kid is out drinking in my home and at least I know where they are. That still goes on. I know it. But there's a certain point here where I know in sports and other activities that these kids are doing, minor in possession is an important...if something happens it's taken very seriously. You're out of sports for awhile. And the kids are talking so if the bill gets passed, kids will...it will get out through the community and they will know, hey, this is one more penalty for doing what I know is wrong anyway. On these issues, I'm somewhat torn, but you're giving parents, I think, an opportunity to have one more quiver in their bow and say, listen, you know, I've been telling you, preaching you could lose your athletic opportunities. Senator Christensen talked about some of the opportunities that were lost by a young man on medical school. So it's a serious issue and I think it's at least taking a step to give parents an opportunity to say not only, you know, are you going to be out of sports, now you could lose your license and all these other things. I think parents, and I could be wrong, and this is General File and usually as these things go through we start hearing from our constituents as these are covered in the media, but I think it's important. There are questions that I had and Senator Rogert touched on this a little bit, and if Senator Ashford is on the floor, I'd like to ask him a question concerning a Class III misdemeanor and how this would be handled with the judges, how...if they've talked to judges, how this would be enforced in their view. So I do think, as I listen to this, I don't have a problem at all with it. I think it's responsible. The penalties, as they increase, I think are gradual. They're stiffer but not overly done. I do have some questions on the alcohol education class, if Senator Harms would yield to a question. [LB258]

PRESIDENT SHEEHY: Senator Harms, would you yield to Senator Gay? [LB258]

SENATOR HARMS: Yes, I will. [LB258]

SENATOR GAY: Thank you, Senator Harms. And as I say, I do support this bill. The one question, though, what do you envision in the alcohol education class if this is...I can imagine if we look at this statewide, you're talking...kids are still going to be picked up for MIP but who would run those classes and how do you envision those? [LB258]

SENATOR HARMS: Thank you. Those are done by a number of different agencies that actually deal with those particular areas. For example, you can get classes that are done by MADD and AAA and the whole aspect. There's just a whole series of classes. It leaves the judge the opportunity to decide which class they'd like them to go to. I originally had those classes, Senator, listed and the committee felt that maybe we shouldn't identify the classes, that we should leave the flexibility to the judge. And so

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that's...they came out of the bill itself, but I did have them identified. If you look in the green copy you'll see exactly the bills (sic) that we have. Now if you go further, and I think on the third or fourth time then you go into an actual evaluation by a professional counselor. That's when we start digging into the issues: This kid really has a problem, what can we do to save their life, how can we get them on course. So it just kind of gradually moves through. I hope that answers your question. [LB258]

SENATOR GAY: Yeah, it did. And thank you, Senator Harms. And I do think the gradual... [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR GAY: ...increase, you know, kids are going to screw up. That's just the way it is. But the gradual increase is what I do think the bill allows for. So the idea, again, a Class III misdemeanor, if I could get some more information on that, I'm interested. But did anyone...and Senator Harms, maybe I'd ask you...well, I will wait. But I guess the idea is in sports, I know, is NSAA or the high school, I think they have penalties in place and I wonder what those are. Because I know kids talk to me about, boy, I don't want to go to that party or this or that. It gives them a reason to not go. But then they know they could be not playing in the games and so some of the sports-minded kids and whether it's that or drama or any activity, they lose out on activities too. So I think we'll do a little research and I'll try to find out what that might be, what they lose on that end, too, because that's important to kids too. Driving and these activities they're doing, that's a big part of their life and I think this will grab their attention. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Gay. Members requesting to speak on AM1803 to LB258, we have Senator Council, followed by Senator McCoy, Senator Carlson, Senator Utter, Senator Howard, and others. Senator Council, you're recognized. [LB258]

SENATOR COUNCIL: Yes, thank you, Mr. President. I first want to comment on Senator Harms and his conviction regarding reducing or eliminating alcohol use by minors and I want to thank him for encouraging input on LB258. Senator Harms came to me last year about LB258 and asked me what I thought about it, what issues or concerns that I had about it, and I did in fact have concerns about LB258 and a number of those concerns were shared by other members of the Judiciary Committee. When you look at the vote on AM1803, you will see that the Judiciary Committee unanimously voted to advance LB258, with the amendment, to the floor, and a lot of that was to allow for this type of policy debate. But I can tell you that the Judiciary Committee put an awful lot of work in to trying to assist Senator Harms in achieving the noble objective but throughout the discussions recognized that there were certain problems inherent in this legislation. I can tell you that the amendment addresses the concerns that were raised

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by several members of the Judiciary Committee as to the penalties that are set forth in the green copy as being too harsh and too punitive. The amendment addresses that. Senator Gay asked about a Class III misdemeanor. That is the current prescribed punishment for a minor in possession, is a Class III misdemeanor. So you see, the amendment that the committee advances makes it consistent throughout whether you're age 15, 16, 19 or 20, it's a Class III misdemeanor. I also had a concern about the issue of minors for purposes of alcohol consumption and minors for all other purposes. And we earlier in this session addressed the issue of granting individuals the age of 18 the ability to enter into contract and leases, recognizing that they should be deemed as being the age of majority for those purposes and trying to reconcile LB258 with the position that this body has taken with regard to 18-year-olds, setting up what now appears to be two separate classes. But the two separate classes that I was most concerned about, one of them has been addressed through the amendment; the other one, quite frankly, hasn't. The one class distinction that has been addressed through the amendment, if you look at the green copy of the bill it just spoke to any person convicted of being a minor in possession. As many of you know, if you're under age 18 you could be adjudicated in the juvenile court, and I did not want to set up two classes of individuals: those who were receiving citations and were being adjudicated in county court where the outcome could lead to a conviction, and those who were fortunate enough to be referred to juvenile court and it wouldn't be considered a conviction, it would be considered an adjudication. And the bill, as it read on its face, would only apply to youngsters who were ticketed and had their cases heard in county court as opposed to... [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR COUNCIL: ...any minor in possession. But my biggest concern, and unfortunately we haven't been able to address it in the amendment, is the concern that Senator Wightman raised, and I raised it throughout the Judiciary Committee's deliberations. Unfortunately and regrettably, there are young people who find themselves in a situation where other young people are consuming alcohol and they are swept up in basically a dragnet and they're all cited for being minors in possessions, when the law says you're only violating the law if you're in possession of consuming, dispensing, or have control over. I don't have to remind you of the many high-profile cases in recent years where youngsters went to parties at the homes of what we believed to be responsible adults, their parents dropped them off, and to their surprise, in many cases, alcohol was being consumed on the premises by minors. [LB258]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Council. Mr. Clerk, do you have an amendment to committee amendment on your desk? [LB258]

CLERK: Mr. President, Senator Karpisek would move to amend the committee amendments with AM1888. (Legislative Journal page 537.) [LB258]

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PRESIDENT SHEEHY: Senator Karpisek, you're recognized to open on your amendment to committee amendment, AM1888. [LB258]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I talked to Senator Harms about dropping this amendment and I don't...he's not in favor of it but I've heard some talk off the mike and I thought that we should talk about it a little bit. I don't want this to be viewed as a hostile amendment or a stalling tactic. I will have another amendment on this bill. But I in no way, shape, or form are trying to hold this bill up. I don't know how I feel about the bill, I'll be truthful, but I am not trying to hold it up. My amendment would strike "shall" and insert "may" on page 2, lines 15, 21, 27, and page 3, lines 10, 17, and 25. So it would take the bill from mandatory, they'll have their license revoked, to the discretion of the judge. Again, I have heard some talk off mike that we would give the judge another tool, it would not be harsh just plain going to happen. I don't know that I will see this amendment all the way through or not. I may or I may not. I guess I told Senator Harms I'd like to hear some discussion on it on the floor, see where it's going. Again, I know that Senator Harms does not care for this amendment. He thinks that...I'll let him say why. But that's what I'm trying to do. Again, not trying to hold it up. Mr. President, may I yield time to Senator Harms? [LB258]

PRESIDENT SHEEHY: Senator Harms, you're yielded a little over 8 minutes. [LB258]

SENATOR HARMS: Thank you very much, Mr. President. I rise in opposition to this particular amendment. This is really a public policy and whatever this body would like to do, I can live with. But I'm rising in opposition to this for the following reasons. Removing the word "shall" to "may" frightens me. And I don't know if you've had any experiences where I live and different parts of rural Nebraska. I think that people who...and I don't mean to offend anyone. I don't want to get our attorneys all fired up here. But sometimes judges lean towards being more lenient and other judges are very, very strong against the issue of underage drinking, and my point here is that I don't think we should give them that option. I think what we do is I think we really give the kid the option to get out of there and go ahead and drink, then he has the option of "may" is the wrong way to go. I think we got to force them to the table, that we have to force the kid to the issue, we got to force the parents to standing up to the issue. So I rise in opposition to this. And as I said, this is a public policy decision and whatever this body would choose to do I could live with, but I think it's a mistake to go this direction because I do believe quite honestly that some judges are influenced by who the kid is, who the parent is and I'm going to give this kid a break. I think at this point in the life of the teenager, we shouldn't give them a break. I think early intervention is so critical and at the very beginning of this we need to deal with the issue. You let the student, the teenager go, they just continue to do these things. As I said earlier, it's a gateway to all the other drugs that we have here. From there, they move to marijuana and from marijuana to meth and to cocaine. And where I live, the judges have told me we have

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an increase in the use of meth and we have an increase in the use of cocaine because the dealers now are smart enough to lace the marijuana with another drug. So here this teenager goes, wants a little bit different high, some of their friends say try this, you'll be better off, and being in that crowd, they want to be with their friends and what happens to them? They get hooked. I mean meth is terrible and cocaine is worse. And so what I'm saying to you, I don't think we should give these students any options at all. I think we ought to tell the judges and make sure that this is the way it is. It's a very clear line here and this is what we should be doing. So far as I'm concerned, I object to this. But again, this is the public policy. You decide what you want. This bill ends up being your bill, not mine. It's your bill. It's what we want to say to the public when we leave here. I've had people tell me already that this is not strong enough. There's a lot of sentiment when you get outside of these glass doors, folks, colleagues. There's a lot of sentiment about this issue. There are people who say it's not even strong enough in your original bill and I thought mine was terribly strong. And then the modification has taken place, which I can live with, which I said I could live with. They're saying that's the wrong thing to do; it needs to be stronger; we want to send a message to these kids; we see what's happening. When you open up the paper where I live, there's a full page usually, a column, of teenagers that were picked up for underage drinking. Mr. President, did you say time? [LB258]

PRESIDENT SHEEHY: No. [LB258]

SENATOR HARMS: Oh, I'm sorry. I guess I'm hearing things today. So that's my concern and I don't think we want to give them any edge at all here. And I know for some of you, they might think that's a little harsh. But you know what, I come back to the same statement I made earlier--I'd rather have that teenager give up their license for 30, 90 or maybe a year rather than go to their funeral. That's pretty sobering for me. And you know what, colleagues. I've seen the end results of what happens to these kids. In my previous profession, I dealt with a lot of kids who were 18 years old, who were in a residence hall, who came there as an alcoholic and eventually had to talk to the parent. To sit across the table from a parent and tell them, your son or daughter is, I'm afraid, an alcoholic and there are other drugs involved and we recommend that you take her out of school and get her, get her or him, into treatment. I can't tell you how many times I've had that conversation. I can't tell you how many broken hearts of mothers and fathers in my office, I watched them cry and sob, to think that their child, who they thought they knew, who said they were not involved in those aspects of their life, were. And that's why when I look back at it, that's why I think we should take the hard line on this thing. And to me, leaving "shall" is where it needs to be. Mr. President, thank you. Thank you, colleagues. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Karpisek, you have just over 2 minutes on your time. [LB258]

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SENATOR KARPISEK: Thank you, Mr. President. Thank you, Senator Harms. I've had a lot of good discussion off mike and maybe thinking that this is a better amendment than I thought, if everyone that I've talked to said, well, maybe. And I know that Senator Harms doesn't like it and I do apologize for that, but I think we'll talk about it for awhile and see where this goes. I do have a concern about the kid that is at a party that wasn't drinking, there's tickets handed out and they're caught up in the same thing. They shouldn't have been there. These things happen. I don't know, I worry about taking it away, that a kid that otherwise could get to football practice, basketball practice, whatever happens now they can't make it. mom and dad can't get them there. They should have thought about it sooner--Senator Harms's argument. I don't know. I think it could affect some kids negatively. Another senator said what if we... [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR KARPISEK: Thank you, Mr. President. Another senator said what if we leave it up to the judge on the first one, maybe even the second, but then repeat offenders, there is no "may," it will be "shall." I don't know. I don't care. I don't think the judge would keep not doing it if it was "may." But again, it's why I introduced the bill (sic), to have a little conversation on it, not to stall it. But I would like to hear some other points on it and we'll see where this goes. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Members requesting to speak on AM1888 to AM1803: Senator McCoy, followed by Senator Carlson, Senator Utter, Senator Howard, Senator Louden, and others. Senator McCoy, you're recognized. [LB258]

SENATOR McCOY: Thank you, Mr. President and members of the body. I rise this morning in support of the underlying amendment, AM1803, and the underlying bill, LB258; in opposition to AM1888. I really have some questions over...and I believe it's very admirable what Senator Karpisek is trying to accomplish here. I guess I would have some different reservations and questions about it from a different light, possibly, in light of some disadvantaged kids that could possibly fall under this situation, and I wondered if Senator Ashford would yield to a question. [LB258]

PRESIDENT SHEEHY: Senator Ashford, would you yield to Senator McCoy? [LB258]

SENATOR ASHFORD: Yes. [LB258]

SENATOR McCOY: Thank you, Senator Ashford. In conversation we had a few minutes ago, would you mind I guess talking about what we did, of what some of your concerns might be with this? [LB258]

SENATOR ASHFORD: Well, I support Senator Harms's bill with the committee

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amendments without AM1888. I think we have to look at what we have before us and when we make decisions in here we ought to make them based on what we know to be what actually happens in the real world. Senator Council makes a good point that there may be disparate enforcement or...and that it ought to be discretionary, and I understand that argument. But I'm convinced that Senator Harms is right, that the problem with underage drinking is beyond significant, it's at the point of crisis, beyond crisis, and that if we're going to be effective in this, and I also appreciate Senator Karpisek's arguments, but if we're going...this is a serious, serious, serious issue. If we're going to be effective, if we're going to make a mark here, I strongly believe that Senator Harms is right. He has met his burden. He has provided us with the evidence that, yes, it is too bad if a young person loses their license for 30 days or 90 days or even a year and that it be a requirement. But we heard evidence in the committee about young people who didn't take the MIP issue seriously because it was a perfunctory kind of a penalty. And as the case with juvenile court, oftentimes there never is even a trial, they simply...or very rarely if ever is there a trial. They simply...young people come in, and sometimes with their parents but oftentimes not; they plead and then they get a fine and off they go. It hasn't made an impact on them. I'm concerned that if we leave it to the discretion of the court that individuals with higher...well, with the ability to hire an attorney, for example, will come in and make a deal and somehow this penalty will go away. This is too serious. We've already pared the bill down to 18-year-olds. Senator McCoy, I'm sorry to take so much of your time but I just...I think we should go with what Senator Harms is proposing with the committee amendments. Thank you. [LB258]

SENATOR McCOY: Thank you, Senator Ashford. And I would yield the remainder of my time to Senator Harms, if he would so wish. [LB258]

PRESIDENT SHEEHY: Senator Harms, you're yielded 1 minute 40 seconds. [LB258]

SENATOR HARMS: Well, thank you, Mr. President. As I said earlier, I object to this and I agree with Senator Ashford. This is the place we need to be. I don't think we should give our judges or our kids any options here. I think we need to say they will be responsible for this and they shall have to take these particular penalties. I think that's important for us. It sends a message. If we go out with this, as Senator has suggested, Senator Karpisek has suggested, it opens the door for the teenager as they see that, well, you know, I'll take that gamble because I may not have to do this. [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR HARMS: The way that it is now, they would be forced to go through this. They would be forced to lose their license for 30 days or maybe 90 days or maybe a year. So that's why I object to this. So thank you, Mr. President and colleagues. [LB258]

PRESIDENT SHEEHY: Thank you, Senator McCoy. Thank you. Senator Carlson,

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you're recognized. [LB258]

SENATOR CARLSON: Mr. President and members of the Legislature, I, too, rise in support of LB258 and AM1803, and I think that I'm opposed to...not in favor of AM1888. I would like to address a question to Senator Harms, if he would yield. [LB258]

PRESIDENT SHEEHY: Senator Harms, would you yield to Senator Carlson? [LB258]

SENATOR HARMS: Yes, I will, Mr. President. [LB258]

SENATOR CARLSON: Thank you, Senator Harms. In the...on the first page of the bill, and it's in line 10 and it reads, "Any person violating." Now I think one of the things that we can easily lose sight of in this whole discussion is even in that statement, "Any person violating," because that involves a whole process, doesn't it, Senator Harms, to get to that point. [LB258]

SENATOR HARMS: Yes, it does. [LB258]

SENATOR CARLSON: And I don't know if you know because I don't really understand the whole judicial system, but people can plea bargain, they can use this and use that, and in fact have several violations before they ever get to the point that we would say they have violated. Would you agree with that? [LB258]

SENATOR HARMS: I would agree with that. [LB258]

SENATOR CARLSON: And I think that that ought to be considered when we talk about first, second, and third offense because a lot of times it may be the fifth, sixth, seventh offense or more. Would you agree with that? [LB258]

SENATOR HARMS: Yes. [LB258]

SENATOR CARLSON: Okay. Thank you, Senator Harms. Now in the penalty here we've got attending class, and probably several of you have had the same experience that I have. I got a ticket, speeding, 65 miles an hour in a 55-mile-an-hour zone, and I don't know if that's a serious sin or it's a misdemeanor, but I had to go, I had the choice of going to eight hours of class to try and get that off my record, so I did. I dreaded the day, but actually the experience was not a bad experience. I learned a lot in those eight hours. One of the things that I learned was that when I'm driving on a road that's got a 65-mile-an-hour speed limit and I'm following somebody that's driving 63, I shouldn't be irritated and I shouldn't think that I have to get around them, and that's made a difference on the way that I drive. Because if I'm going 65 and they're going 63 and I'm irritated, I can drive a whole hour and I've only lost two minutes. It's not worth getting upset about. And so it has affected the way that I attempt to drive. Now another thing

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that is I think significant in this whole approach with penalties and so forth, Senator Christensen talked about parent responsibility. Well, there is parent responsibility, and some parents are serious about their responsibility and others aren't. Some parents try very hard to teach their kids how to grow up, how to obey the law, and some ignore the problem. But when it comes to enforcing the law, it's pretty hard to take those things into consideration. And I thought about some different possibilities that happen with alcohol-related accidents. If your child is driving and has consumed alcohol and has an accident and is killed, and somebody else may be killed as well, there's tremendous, tremendous heartache for not only your family... [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR CARLSON: ...but many others. If someone else's child drives and your child is a passenger, and maybe your child has consumed some alcohol but so has the driver, there's an accident, they're killed--tremendous, tremendous heartache. It may be someone else driving and your child is not a passenger, is in another vehicle and has not consumed alcohol, there's an accident and your child is killed--tremendous, tremendous heartache. And to hear the argument that, well, kids will be kids and that's the way it is, this is an opportunity to I think take a step in the right direction. And I'm interested in the balance of the discussion but it's an important issue and it deserves all the discussion that we can give it. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Utter, you're recognized. [LB258]

SENATOR UTTER: Thank you very much, Mr. President and colleagues. Just returning back to Lincoln from a long weekend at home and we had a coffee with the senator session in Hastings and this issue was discussed during that meeting, and I was pleased with the conversation that we had there. By and large, I think that everyone that attended that session, and there was about 35 people there, by no means a majority of the people that live in Hastings but they were people that were interested in the legislation, felt that if anything maybe the penalty provisions of this bill might be a little too light. And so I think it had unanimous support and I felt good about that because I support what Senator Harms is trying to do here. And with that in mind, Senator Harms, I would yield to you the balance of my time. Thank you. [LB258]

PRESIDENT SHEEHY: Senator Harms, you're yielded 3 minutes 45 seconds. [LB258]

SENATOR HARMS: Thank you, Mr. President. I'd like to share, if I can, just one of the reasons why I've introduced this bill, about where I live and what the issues are in what we call the Panhandle. Let me just give you some data that was given to me, and to me it was almost shocking when I looked at it. And this deals with current alcohol use among Nebraska youth. We start in the Panhandle at the age of 6; 3.1 percent of our

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kids in the Panhandle at the age of 6 has been drinking. The average in Nebraska is 2.1 percent. Eighth grade in the Panhandle is 11.9 percent; in the state of Nebraska it's 10.9 percent. In the tenth grade it's 35.7 percent of the kids have been drinking alcohol and 27.1 percent in the great state of Nebraska, for the rest of the state, has been drinking. At the twelfth grade it's 45 percent of the teenagers in the Panhandle drink and drink on a fairly regular basis, compared to 41.8 percent. That's where I live. That's the problem that I see taking place in my own community, in my own region. And for me, I just get excited about that issue because I know, after doing the research for three years and talking to law enforcement and talking to counselors and talking to judges, that this has got to stop. And when you talk to the teenagers and you ask them about these issues, they will tell you very clearly, you know what, it's a badge of honor; I'm proud of what I've gotten and what I've done. And in the long run, a lot of these kids struggle for the rest of their lives. When you look at the impairment of the brain, if you take the time to read the research about brain development, it's alarming to me. It's shocking that we can allow this to occur just by slapping their hand and pay \$100 or \$200, the parents pay, and go on and do your drinking. It's wrong, colleagues. It's not appropriate. We need to take a stand today. This is an opportunity for us in this great state to make a major change in a public policy that I really think belong...needs to be changed, and what we have in this bill and what we have in this amendment is appropriate. Even though I believe that it's too light, I can live with this. I said I could live with it. We talked about it. The committee was very gracious and kind about saying, Senator Harms, these are the things and the problems we have. I agreed with this. I wanted it out on the floor so we could have this discussion. And I've said before whatever this body chooses to do is a public policy change and I can... [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR HARMS: ...thank you...I can live with that. Did you say that time is up? [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR HARMS: Thank you very much. For some reason, Mr. President, you and I, I'm hearing things and maybe it's just a day that I'm kind of excited about. But the point here is that we have the opportunity to make a change in the public policy and I think it's critical to send the message. I think it's also going to send a message to the parents saying, you know what, I may have to drive my kid to school; I live out 10 miles, I live out 15 miles from school; I may have to drive my son or daughter to school. And I guess my reply to that criticism that I've heard from people who are not really excited about this bill is, you know, who the heck is the parent here? The parent needs to take responsibilities for their children's action. And I tell you what, if I had to pay the amount of \$500 for my kid drinking and I had to drive him to school for 30 days, I tell you what, he probably wouldn't see daylight for the next 30 days. [LB258]

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PRESIDENT SHEEHY: Time, Senator. [LB258]

SENATOR HARMS: Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator. Senator Howard, you're recognized. [LB258]

SENATOR HOWARD: Thank you. Thank you, Mr. President. I stand in support of Senator Harms's bill, and I'm sorry, Senator Karpisek, I'm unable to support your amendment. Senator Ashford did a great job of summing up the concerns that I have regarding these youth in juvenile court and I share his concern that this could easily develop into at least a two-tier system. Those families that can afford representation will do so, and they'll argue that these consequences shouldn't be this severe and this youth will have learned from this action. I've seen the kids that were in these situations walk out of court and their attitude is, well, that wasn't so bad; I could handle that. I think we need to be serious about this. It's a serious issue. It has serious consequences. The realities of underage drinking can't be minimized. We can't simply say, well, it's a passage; it's something that kids do. Or maybe you want to say, my kid would never do that. There really is no upside to this behavior. When I worked with the juvenile court judges, I could see the frustration they had when they could only give an underage individual basically a slap on the wrist. The only thing that got their attention, the only real deterrent to this behavior was to really address them at the level that it made a difference, and a driver's license is very significant. I'm sure everybody in this room can remember when you got your driver's license; probably now remember when you got your learner's permit. Having a driver's license is a privilege. If a youth needs to be able to drive to school, he better have the level of judgment to know not to drink. We're not the parents of all the underage youth. Most of these individuals have parents and all of these individuals should understand the responsibility that goes with the right to have a license to drive a car. I offer the remainder of my time to Senator Harms so that he can finish what he had been saying earlier. Thank you. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Howard. Members requesting to speak on AM1888 to AM1803, we have Senator Louden, followed by Senator Sullivan, Senator Christensen, Senator Dubas, Senator Stuthman, Senator Pirsch, and others. Senator Louden, you're recognized. [LB258]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. At the present time, I can't rise in support of this bill. There's still some more questions that I have to ask on how it's going to be implemented and how it would affect people in some of these rural areas. One of the problems I have, the discussion so far today has been about driving and drinking and in a car and that sort of thing, but when you look at where we're working on the statutes, it's 53-180 and that's strictly minors and

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incompetents that are...have liquor, and minors in possession is what we're talking about. And when you look that all over, as you go on through those statutes, you'll find that when you get to...I think it's into the 53-180.02, and actually in order to find someone as a minor...be convicted of minor in possession is circumstantial evidence is all you have to have. So here we are talking about taking away people's right to drive with circumstantial evidence when actually they would just be in possession of some alcohol. In other words, if five kids stand around with one can of beer amongst them, that's circumstantial evidence and they could be all fined with minors in possession and they could all lose their driver's license, if they had them, and if they didn't have them there would be other ways that they would not be allowed to drive, if they have school permits or whatever. So I'm kind of concerned the way we're going about this. I think it's quite harsh. And I understand what Senator Harms is trying to do and I have no problem with that. I think it's no doubt something has to be done. But we do have laws of minors in possession now. I think if those laws were strengthened rather than to go into the driving part or their driver's license, because those are kind of important issues with different people, and the fact that they can lose that license with circumstantial evidence. Because as a minor, I don't think you can give them a blood test, an alcohol blood test and take their driver's license away as you can as someone that's charged with driving under the influence, as they are now with the Rules of the Road statutes part. So I have some concern about this. I'll listen to the debate as we go, but I think perhaps Senator Karpisek's amendment would probably alleviate some of these problems a little bit. But I tell you what, if you push in legislation that's too severe, all you're going to do is make it so a bunch of lawyers can do a lot more legal work. Because if somebody is going to be fined \$500 and their kid is going to lose their driver's license, they're probably going to go look up some legal counsel right away and see what they can do about it. So we have to be very careful where we're going with some of these things, and you make the penalties too severe and you can have some backlash on that. I think at the present time we have some minors in possession laws that are probably quite well. If they were strengthened somewhat, it would probably help. But I don't know if this is the right way to do away with drinking. I'm sure this binge drinking and some that should be regulations and laws on that. So at the present time, I support Senator Karpisek's amendment but I would like to see something else done on this bill to bring it forwards to make it more, what would you say, compatible with the people we have and not to be so severe on some of our youngsters that get caught in these situations. Not all of them are drinking and driving, we have out there, and there are some that could be in circumstances where they were in minors' possession and didn't have anything to do with it. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Loudon. Senator Sullivan, you're recognized. [LB258]

SENATOR SULLIVAN: Thank you, Mr. President and good morning, colleagues. This has really been a helpful discussion and I think it shows us all that it's really not easy

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crafting appropriate public policy, so let the discussion continue. With respect to AM1888, interestingly enough, as I was reading the bill I thought of "shall" to "may" because I was dealing with that in my LB914. But I think this is a little different case. We were talking in LB914 about a variation of circumstances. Here the question is, were you drinking or not? So I'd have to say at this point I'm probably opposed to Senator Karpisek's amendment and still leaning toward being in full support of LB258. We're talking about personal responsibility here, having choices, both among young people and their parents, and the consequences for those choices. And in this case, we're making those consequences more stringent. The fact remains that Nebraska does have a high incidence of underage drinking. But also, I want to caution us all in this whole process that perhaps we are treating the symptom and not the underlying problem; that we have a problem with drinking in this state and we give a lot of attention to it and part of it comes about through peer pressure. I can remember a number of years ago where I taught a CCD class of junior high students and I talked to them about peer pressure and I said, you know, the peer pressure just doesn't come for you young people, it comes for your parents as well. We have, quite frankly, an aura of acceptability when it comes to drinking, and in that process we gray the lines between adults and young people and try to basically give a little fudge in some areas. So I think that's where we sometimes in this discussion are a little fearful of making harsher consequences, but perhaps the message does need to be sent that there are consequences for our actions and perhaps LB258 does this. But again, as I said, it's very complicated when we're crafting appropriate public policy. I appreciate the discussion we have. I'll look forward to listening to more of it. And with that in mind, I'd like to yield the rest of my time to Senator Conrad. [LB258 LB914]

PRESIDENT SHEEHY: Senator Conrad, you're yielded 2 minutes 25 seconds. [LB258]

SENATOR CONRAD: Thank you, Mr. President. And thank you, Senator Sullivan, for the time this morning. Colleagues, I have my light on so I'll continue these comments later. But number one, I rise to commend Senator Harms for his ongoing commitment to support the most vulnerable in our society including children. And I think no one, no one can question his sincerity in the underlying public policy that he brings forward with this legislation. I do, however, rise in support to Senator Karpisek's amendment. And that's for a variety of different public policy reasons. But let me start with two points I want to make clear. Senator Ashford, with all due respect in regards to some of the comments he noted earlier in the debate in regard to the origins and purpose of the juvenile court system, could not be more wrong. (Laugh) The juvenile court system specifically, specifically, colleagues, emerged and has been implemented for nonpunitive reasons. The key sole focus of the juvenile court (laugh) system is rehabilitation. And I've heard it said time after time after time on this underlying legislation that this is punitive in nature. That is at odds with the juvenile court system. That's something we have to keep in mind here. And I can go into that in later detail and have additional information on that, if people are interested, off mike. [LB258]

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PRESIDENT SHEEHY: One minute. [LB258]

SENATOR CONRAD: The other point being there are so many inconsistencies that are coming forward in terms of striking the appropriate balance here with this public policy. Study after study, issue after issue shows us that by simply increasing the penalty you do not address the underlying social issue that you're trying to address. The idea of curbing youth drinking and alcohol use is something every member of this floor, every member of this body stands in support of, stands united in. But we know from other areas of the law that increased penalties is not the best way to do that. A focus on prevention, a focus on education, a focus on treatment for those who have developed problems, that's the most appropriate way to get after these kinds of issues, or at the very least to strike an appropriate balance with Senator Karpisek's amendment that provides, protects and supports the integrity of judicial discretion that is necessary... [LB258]

PRESIDENT SHEEHY: Time, Senator. [LB258]

SENATOR CONRAD: ...whether in juvenile court or in the broader context. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Conrad. Senator Christensen, you're recognized. Senator Christensen. Senator Stuthman, you're recognized. [LB258]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I've been listening to the debate this morning. And I really never got involved in it. One of the bigger concerns that I have is the fact that, you know, youth when they attend a party, and a lot of the youth they like to attend parties and stuff like that because that's an activity for the kids. The biggest concern that I have is the fact that, you know, if a youth has been taught by the parents, you know, to be responsible and not to drink alcohol when they attend this party where there is consumption of alcohol but the individual is not partaking of it or is not in possession of it that they're in the same problem as the ones that are doing that. And I think a lot of parents do teach their children the responsibility of not to drink. But they're caught up in the situation where they are fined as if an individual, you know, is in possession. I think we need to address that portion of it. But now I want to talk a little bit about AM1888. AM1888, you know, does change it from "shall" to "may." But I have a concern about that, and that is the fact that I think here in the legislative body what I've seen, you know, in the past of when we make legislation, in my opinion, we should make legislation that should state "shall." If we're going to put into legislation "may," we maybe don't even need the legislation. I think it is our responsibility to call a spade a spade, not a spade could be a spade or it may also be a face card. I mean, that's what I feel. Because if we're going to go to the trouble of enacting legislation and trying to improve the situations, I really think, you know, it

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should be straightforward and that it should say "shall." If we're going to make everything with the fact that it "may" be a violation or it "may" do something, it can be interpreted so many different ways that it...really the intent of the legislation, to me, is almost immaterial. But there are certain circumstances when "may" is an appropriate word for it. I will agree with Senator Council, the comments that she made also about the fact that, you know, people that are at a social gathering and are not participating and are not in possession and do not have alcohol in their system and they're straightforward, they have not "partaked" whatsoever, I don't think they should be qualified in the same category as the ones that are in possession of minor...of alcohol. That is a problem that I've had with it for many, many years. But I think the debate is good this morning. I don't know, you know, what I'm going to do. But I will not support the amendment of Senator Karpisek's. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator Dubas, you're recognized. Senator Dubas. There has been a call for the question. Do I see five hands? I do. The question before the body is, shall debate cease on AM1888? All those in favor vote yea; opposed, nay. Senator Ashford, for what purpose do you rise? [LB258]

SENATOR ASHFORD: I'd like a call of the house, if I could, Mr. President, with a roll call vote in regular order. [LB258]

PRESIDENT SHEEHY: There has been a request for the call of the house. The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB258]

CLERK: 31 ayes, 0 nays to place the house under call. [LB258]

PRESIDENT SHEEHY: The house is placed under call. All unauthorized personnel please step from the floor. All unexcused senators please report to the Chamber. The house is under call. Senator Conrad, for what do you rise? [LB258]

SENATOR CONRAD: Thank you, Mr. President. And I may need some assistance from the Clerk in terms of the procedural nature, but I would like to request a ruling from the Chair as to whether or not full and fair debate has been held on the substantive nature of AM1888. [LB258]

PRESIDENT SHEEHY: The Chair will rule that there has been full debate. Also the question should have been posed prior to the board being open for voting. Senator Pankonin. Senator Dubas, all members are present and accounted for. There has been a request for a roll call...Senator Ashford. [LB258]

SENATOR ASHFORD: (Recorder malfunction)...order, Mr. President. [LB258]

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PRESIDENT SHEEHY: Roll call in regular order. Members, the question before the body is, shall debate cease on AM1888? Mr. Clerk. [LB258]

CLERK: (Roll call vote taken, Legislative Journal pages 537-538.) 19 ayes, 28 nays, Mr. President, to cease debate. [LB258]

PRESIDENT SHEEHY: Senator Harms, for what do you rise? [LB258]

SENATOR HARMS: It's too late now, I misjudged that. My vote was to be no and I said yes, so that's okay. [LB258]

PRESIDENT SHEEHY: The motion to cease debate on AM1888 is not successful. The call is raised. We will return to floor discussion on AM1888. Members requesting to speak are Senator Pirsch, followed by Senator Gay and Senator Karpisek. Senator Pirsch, you're recognized. [LB258]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I appreciate the conversation that's been going on the floor here today. And as a prosecutor in Douglas County, over the years I've probably prosecuted thousands of MIPs. The current state of the penalty is such that it is punishable by a Class III misdemeanor up to 90 days in jail and up to a \$500 fine. What typically happens, however, is that for the first offense these minors come in the courthouse, are fined, just a fine waiting for them, \$50, \$75, \$100 not unheard of. And I think what happens then is that lulls them into a kind of a false sense that it's no big deal and that there aren't tough penalties waiting for them. And so typically what does happen the second time they come around, you know, not much other than the fine is given to them this first time around, and they leave and, you know, going out with their friends again and think it's no big deal. What happens then the second time around, at least in Douglas County is at least most of the judges will give them jail time. And again, this is in adult court, which will be on their record forever. And so I appreciate Senator Harms coming forward with LB258 which, I guess, in a sense, is kind of a wake-up call. I would view it as a wake-up call to putting a meaningful nonjail penalty that would attach even on the first offense so that it wasn't viewed as no big deal. And so that by the time they came around for the second time, if they did, and unfortunately I saw many minors coming around the second time, you know, they knew that it was a serious thing. And so I think this will end up cutting down on the numbers of minors who do engage, at least to some extent. There are just some, you know, obviously there's going to be some minors who are just going to keep on breaking the law and, you know, that's their choice. But I just wanted to answer Senator Wightman, next move on to Senator Wightman's, I guess, concern about...with respect to constructive possession. And that does exist and that is...can form the basis of a conviction for minor in possession, actually does quite a bit. And really, though I think the assuring thing that has to be mentioned is that that does require an element of

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knowledge that the prosecutor has to show beyond a reasonable doubt, the highest level of proof. It's not mere ability to control the object, that is one element. And constructive possession is not enough. It also has to involve the establishment that the minor had knowledge or was conscious of the existence of the object, in this case alcohol, so. And that is existing law and has been, I think, probably, you know, courts have adopted constructive possession since the 1920's. And so I don't think that's anything new. Most of these settings take place, you know, in my...it's not unusual at least in my experience that these take place within the context of a house party or an outing. [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR PIRSCH: And so I think just in concluding that this is a good way to kind of get the attention of the minor before they come around for a second time, to give a meaningful sanction that doesn't include jail time so that we don't have to put the second time around convictions involving jail on minor's records. And it does affect their future. So I think it is a positive step and does help minors. Thank you. [LB258]

PRESIDENT SHEEHY: Thank you, Senator. Senator Gay, you're recognized. [LB258]

SENATOR GAY: Thank you, Mr. President. I'd like to thank Senator Karpisek for bringing the amendment. I support this amendment. I think we need to give some discretion to judges when they're on the bench. That's what I hear many times from judges, is you guys do something, we're not experts. Many of these cases, I agree, there are some cases where probably kids are coming in not once, twice, three times maybe more. We don't know though. But we're saying allow parents to do something. And then if it's one time and a parent wants to discipline their child, they will get it at one time, believe me. Then you allow the judges some discretion on the second time or the third time. These judges get it. They will do the right thing, I think. Now we can't, and I don't think we should as a Legislature, and I know that's just differences of opinions here and we will vote on this. But "may" gives them more latitude and more discretion to get things done, which I think is very important. On an issue like this, which is very controversial, where it deals with any alcohol bill is a controversial bill. If we go too far, it will never come back. So once we go there and say this is the law, I doubt there will be any senator from any district coming to lower the threshold because that's not too politically popular, first of all, so it will not be done. Can we...I think we start here. If we need a reason down the road and the Legislature sees an opportunity or that they should move it to...and we know exactly that making this stricter will be the answer, then you can pass that another day. If we go and do this today, I don't think you can ever go backwards. So I'd rather proceed with caution. The idea that we give some discretion to the judges, to me, is a good thing. Now, however, that being said, I still like the bill. I would vote for the bill, I think this makes it a better bill. And that's what we're here to do. Senator Harms with his best knowledge comes in and they send it to a committee and

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they ask for our approval or disapproval or how we can make it better. I think this amendment makes the bill better. We can come back later, if you have to, and say, you know what? These judges haven't taken this seriously enough. We need to make it that they "shall." You can come back and do that. But if we go, you won't be coming backwards, I guarantee you that. It just probably won't be done. Senator Pirsch talked about, I think, and if I'm wrong here, a Class III misdemeanor is already...is it 90 days in jail and a \$500 fine I think I've heard. So if a lawyer wants to help me out with that, they can chime in. But I think that's what a Class III misdemeanor can already do. That's pretty stiff right there. The kids that aren't going to learn their lesson, aren't going to learn their lesson, that's it. Parents are either going to be involved or they aren't. Those that their parents aren't involved or want to dismiss it, the judge then has discretion to do something a little firmer. And when I, like I say, my dealings with judges have been they're good people, they make wise decisions most of the time. Sometimes they, of course, will make decisions we don't agree with. But I'd rather see us get into this. And I know Senator Harms said there are others who would like this much more strict. I didn't see one opponent to this bill on the statement. So, of course, there's people that want it more strict. We need to use our common sense. And Senator Council talked about somebody who's just at a party and happened to be at a party. That happens too. Kids are going to screw up. Allow these judges to hear the cases out and make a good decision. So I'm supportive of this amendment. I appreciate it being brought. I think we did the right thing to continue to discuss this and get a feel for what all this bill entails because it is an important bill. And what we do lasts. And like I say, my main worry about this is, you won't go back. Because once we put it there no one is going to come back and say, you know what, I think we were wrong on that... [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR GAY: ...on that MIP bill, we should have maybe not made it so strict. I don't know of any of you that want to probably introduce that bill next year or down the road. But if we see the need, and Senator Harms has said if we see a need where it needs to be stronger, he can come back then and make it stronger. I think this amendment makes a good bill better. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Karpisek, followed by Senator Wallman. Senator Karpisek, you're recognized. [LB258]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I think we have a very good discussion going today. Would like to thank Senator Conrad for trying to help me out on a point of order. I think she was right and I think the vote showed that. I should have been up and asked for it myself a little sooner. I have a few problems, like I said at the beginning, with this bill that just worry me a little. Again, I haven't decided one way or another on this bill. I think it's a great idea and I do really thank Senator Harms for bringing it because it does need to be talked about. The badge of honor part,

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I don't know, I guess it is awhile since I was a kid. I did not have an MIP, which may be hard for some of you to believe, but I did not. It wouldn't have been a badge of honor. I'm a little concerned how much this is going to put more push on the court cases. I think with impoundment, defendants will not plead guilty as easily. Now, I know that's part of Senator Harms's argument that it is too easy for them to plead and pay some money and go on. But I worry if we're going to overload the courts. Will the courts appoint more counsel to defend a juvenile if they can't have representation? How would it affect the county's budget? Who will be responsible for the impoundment of licenses? Will the Clerk's Office be responsible for determining or receiving certification of treatment or education? Will the Clerk's Office be responsible for keeping track of community service hours? I'm worried that...the courts are already overworked, we hear that all the time, and we're asking them to do more. Now, that is no reason to say we're not going to do anything. Just questions that I have and concerns. I do worry, too, about the education course. What if it's a long way away? Again, probably playing right into Senator Harms's argument here. Mom and dad have to take them, part of the punishment for mom and dad not being vigilant and making sure their kids aren't at a party. I don't know that I can always argue with that one. But the one that I do have the most problem with is what about the kids that are just there, not drinking? So where everybody else is, probably not a good argument either but you're just there. You went to go play cards. You thought that it was just a card party. All of a sudden other kids show up, they've got beer. Maybe you don't even know that, maybe you're in another part of the house, one or two kids show up, they have beer. All of a sudden the whole place gets busted and all of a sudden you're in this situation. I do argue that that could take a good kid and really make it tough for them to keep getting to school, keep getting to practice, to dance class, to piano lessons, whatever they do. We don't want to make it harder for them. Parents work, things are a little difference now and I think that's why we see some of these problems. Parents work, they don't work 8 to 5 either, they're gone. The kids have to take care of themselves, maybe make some mistakes. Senator Carlson said he didn't agree with the kids will be kids. I agree. Kids will be kids but they do have to suffer consequences when they mess up. I agree with that. And I think that that helps us all... [LB258]

PRESIDENT SHEEHY: One minute. [LB258]

SENATOR KARPISEK: ...to learn. Thank you, Mr. President. It helps us all to learn. If we don't have some punishment it's hard to learn anything. So I do agree with that. I just wonder if this is going too far. I also have a little problem with taking away a driver's license for a nonmoving violation. We do have to get their attention, Senator Harms, you are correct, I agree. I don't know if this is the way to do it. I don't have a better idea, though. So I do think that it is a way to get their attention, to talk about it, maybe dream up another way. The amendment would leave it with the discretion of the judges. Again, we've talked about maybe "shall" moving into the second or third offense. I'm open to that. Senator Council and I have talked. I do want to reiterate that this is not a stalling

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tactic. If for some reason we would be getting to the point of cloture... [LB258]

PRESIDENT SHEEHY: Time, Senator. [LB258]

SENATOR KARPISEK: ...I would withdraw my amendments. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Did you request AM1888 to be withdrawn? No. Thank you, Senator Karpisek. Speaker Flood, you're recognized for an announcement. [LB258]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. Just a quick note. We will be starting at 9:00 a.m. tomorrow morning and most likely the rest of the week we will start at 9:00 a.m. Again, the start time tomorrow will be 9:00 a.m. Thank you.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Senator Wallman, you're recognized. [LB258]

SENATOR WALLMAN: Good morning, Mr. President, members of the body. I, too, appreciate Senator Karpisek's amendment. Discretion is the better part of valor and I appreciate Senator Harms bringing this bill and some of the comments of Senator Christensen, and Senator Carlson about the STOP classes if I get caught for speeding and things like this. I think education, and this is a reactionary thing, you know, MIP is reactionary to what kids are doing, where they make a mistake. Are we punishing the kids for something that maybe the adults are the fault of this problem? Is it a problem in Nebraska? Sure, it is. Probably a problem in most of the states. But is this a way to go about it? It's pretty punitive thing to do to young kids that drive to school, drive trucks for their dad and mom. But I listened to the radio, on talk radio in Iowa public radio, and I was listening to what they had to say about drinking, driving, texting. More people get killed texting than drunk driving. That was on the radio in Iowa, that was in the state of Iowa. So are we too hard on the kids? Education, education is the key, not punishment. Punishment, it will still, may be a badge of honor, I don't know. I never had an MIP like Senator Karpisek and myself. You probably find that hard to believe but we...I never did. I had relation that did. Was it a badge of honor for them? No, dad was really upset. So it's parents, children. I'm definitely for Senator Karpisek's amendment. Thank you, Mr. President. [LB258]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Mr. Clerk, do you have items for the record? [LB258]

CLERK: I do, Mr. President. Retirement Systems gives notice of hearing, signed by Senator Pankonin as Chair. Committee reports: Revenue, chaired by Senator Cornett, LB878 to General File with amendments; Health and Human Services, chaired by

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Senator Gay, LB702 to General File with amendments; Judiciary, chaired by Senator Ashford, LB687, LB727, LB792, General File with amendments, and LB695, General File with amendments; Agriculture, Senator Carlson reports LB910 to General File with amendments; Judiciary, LB1026 to General File with amendments; confirmation report from Natural Resources Committee signed by Senator Langemeier. Senator Heidemann, an amendment to be printed to LB987. I have a motion from Senator Campbell to be printed in the Journal. (Legislative Journal pages 538-542.) [LB878 LB702 LB687 LB727 LB792 LB695 LB910 LB1026 LB987]

And a priority motion. Senator Flood would move to adjourn the body until Wednesday morning, February 17, at 9:00 a.m.

PRESIDENT SHEEHY: You've heard the motion to adjourn until Wednesday, February 17, 2010, at 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.