

By Mark Christensen

Nebraska Senator, Dist. 44

The Legislature has started all-day debate on priority bills. One of the priority bills that may come up for debate again this session, is Legislative Bill 543, introduced by Sen. Chambers. LB543 would repeal the death penalty in Nebraska and replace it with life without parole.

It would be wrong if I did not tell you that from my point of view there seems to be a wind of change blowing in the Legislature regarding the death penalty in Nebraska.

That is why I am asking for your feedback to find out where District 44 stands on the issue.

The District has been strongly in favor of keeping it in the past, but I would like to know if there has been any changes.

Many people are taking a practical approach to the issue, looking at a number of factors: how much it costs to litigate a death penalty case; how long it takes from sentencing to execution; the difficulty for the state to obtain the drugs for our method of lethal injection.

The last time we actually executed someone in Nebraska was in 1994.

This all leads for some to conclude that it's time to repeal the death penalty.

Others say that our system that determines eligibility for the death penalty is broken, along with the disparity between the penalties people receive who commit similar types of murders is so wide that the system no longer delivers true justice.

Of all the arguments, this one to me is the most valid. Justice should be fair, consistent, and swift.

I am not a legal expert by any means, but I do believe we have potential options to improve the system, if we desire.

One of the ideas would be to move away from a system that I believe subjectively "weighs" a list of aggravating circumstances against a list of mitigating circumstances.

Instead, move to a system where any murder of the first degree in which there are two or more witnesses, incontrovertible DNA evidence, or a non-coerced confession, would be eligible for a death sentence.

Even requiring two of those three standards to exist to get the death penalty could provide a more fair and certain application of the law.

The length of time for justice to be given out could also be addressed, along with another method of execution if the drugs used in the method of lethal injection are unavailable.

Appeals are essential to arriving at justice through fair due process.

But, unending appeals that last 20 years or more are not effective or just.

Other methods of execution that states have available to use are the firing squad, gas chamber and hanging. One or more could be used as a back up to lethal injection in Nebraska when the necessary drugs are not available.

The bottom line is, that if those who believe there should be a death penalty for certain crimes in Nebraska do not find ways to fix some of the problems we have in the system, the death penalty may just get repealed.

I would appreciate feedback from anyone in District 44 on some of the ideas for changes or the death penalty as a whole. Let me know your thoughts by contacting my office. Mark R.

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Weekly

Teleconference Update

In his weekly teleconference call Tuesday, Christensen said he was just one of three senators voting against LB 528.

The bill would allow medical providers to provide drugs to treat the partner of a person diagnosed with a sexually-transmitted disease.

The bill advanced to select file on a 31-3 vote. Christensen was joined by Sen. Tom Hansen and Sen. Bill Kintner of Papillion in voting against the bill.

Christensen said the governor thanked him for his opposition, which may signal the governor may veto the bill if it hits his desk.

Sen. Tom Carlson's bill, LB 517, to create a statewide water sustainability task force passed first reading on a 36-0 vote.

Christensen said the bill will likely be passed but he still has some reservations on what members are appointed as well senators having a seat at the table.

As it's written, Carlson would be the only state senator on the task force, Christensen said.

Carlson has requested \$3 million to fund the task force. Christensen said that amount could be cut back as debate continues on the bill.

Medicaid Expansion

Christensen expects interesting debate when LB 577 hits the floor.

The bill would expand Nebraska Medicaid by adding newly eligible adults under the Patient Protection and Affordable Care Act (ObamaCare).

The federal government will pay for the expansion of costs for the first three years. That level would gradually decrease to 90 percent in 2020.

Christensen says he sees enough support in the body to pass it. He said the governor will veto the bill if passed.

Christensen said the state can't rely on the federal government to meet their 90 percent obligation in the future. That would leave the state taxpayers to pick up the tab.

Christensen acknowledges that people who can't afford health care need some type of protection.

However, he said the answer is not emergency room care, which is some of the most expensive care available. The emergency room is often used by low-income people, even though it may not be an emergency.

Until federal rules change to allow hospitals to turn away non-emergency patients, he doubts that trend will change. As it stands today, no hospital can refuse emergency room care.

Park Fees Switched to Vehicles

Christensen said he'd also like input from constituents on LB 362.

This bill would add a \$7 park fee to vehicle license fees and do away with annual park permits for state residents.

There are a number of exemptions but believes the exemptions, such as for farm pickups, may go too far.

Christensen said he's not in support of the change right now because there is no assurances some of that money will come back to western Nebraska.

He said he'd welcome input on the bill.

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