

January 14, 1988

LB 181
LR 259

CLERK: 25 ayes, 1 nay, Mr. President, on the adoption of the resolution.

SPEAKER BARRETT: The resolution is adopted. Just a reminder to the body that under the rules changes which were made at the outset of this session, that resolution could have passed, of course, it could have been adopted by an affirmative vote of a majority of the members present and voting. We are not necessarily limited then to 25 votes on resolutions. It could have been adopted on a three to two vote. Just a general reminder. We are not looking necessarily for 25 votes on resolutions because of the rule change made at the outset of the session. The next item, Mr. Clerk.

CLERK: Mr. President, I am prepared for General File. Mr. President, the first bill on General File this morning is LB 181. LB 181 was offered by Senators Schmit and Moore. (Read title.) The bill was introduced on January 9 of last year, at that time referred to the Judiciary Committee. The bill was advanced to General File, Mr. President, and I have committee amendments pending by the Judiciary Committee.

SPEAKER BARRETT: Senator Chizek, on the committee amendments.

SENATOR CHIZEK: Mr. President and colleagues, Senator Schmit and Senator Moore will have some comments shortly. But LB 181 as it was introduced by Senators Schmit and Moore was intended by them to limit access to obscene materials by minors by requiring the sealing and wrapping of magazines depicting scenes on the cover or inside which would be harmful to minors. The Judiciary Committee amendments seek to accomplish two things. First, the amendment strikes language from the bill that is already present in Section 28-808. Second, the bill as originally drafted would pertain to sealing and wrapping not only Penthouse, Hustler, Playboy, but arguably would pertain to Sports Illustrated, People, Life, Cosmopolitan, and so forth. What we tried to do in this amendment was to attempt to strike a balance so that the hard core obscenity would be covered. However, this problem becomes more complicated by the definitions of nudity and harmful to minors. Since all the above magazines include nudity, it is defined by our statute and nudity by statutory definition may be harmful to minors. Presently, there is a case pending before the United States Supreme Court which will resolve this matter and tell us whether