

PRESIDENT: Okay, the amendment to the amendment is adopted. Now we're back to the Johanns amendment. Senator Johanns. (Senator Johanns' amendment appears on page 387 of the Legislative Journal.)

SENATOR JOHANNS: This is the one that you have just amended and, in fact, have voted for by virtue of your amendment to the amendment. So I would now urge your adoption of the amendment.

PRESIDENT: Thank you. Any further discussion? If not, the question is the adoption of the Johanns amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Johanns' amendment.

PRESIDENT: The Johanns amendment is adopted. Anything further on it, Mr. Clerk?

CLERK: I now have a second Senator Johanns amendment, Mr. President. (Senator Johanns' second amendment appears on page 388 of the Legislative Journal.)

PRESIDENT: Okay, Senator Johanns, please.

SENATOR JOHANNS: Mr. President and members of the Legislature, this amendment is not a technical amendment. This amendment really changes the intent of the bill and I want to make sure you understand that before I go forward. What it does is it strikes the language which would change the second offense on a pornographic misdemeanor back to a misdemeanor instead of to a felony. My concern in this is that I sat here in the Legislature last year and listened to the talk about whether or not the petition violation should or should not be a felony. I have great concern when we change a crime that's currently a misdemeanor into a felony. My concern for this also comes up when I read this LB 117 and see that it says "display for a minor any information which is obscene". This case could be...an example of this case could be if you had sent your kids to a baby-sitter and your baby-sitter had the Playboy Channel and you knowingly had the Playboy Channel and a child viewed that, according to the way I read this, that could be a felony. If you all want to make that a felony, that's certainly your choice, but I know that in the letters that I have received from