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FLOOR DEBATE

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a brick, and I know that I'm throwing a brick. But what "knowing" means in this situation is that I know what the result of that act is going to be. They have at a carnival a sheet, and on the sheet is a large circle, inside that is a smaller circle, inside that is a smaller one, till we get to the very center, where there is the smallest of circles, called a bull's-eye. And the purpose of me having this projectile is to see how close I can come to that bull's-eye, so my intent is to throw the projectile, it is to hit the bull's-eye, but I don't know that behind that bull's-eye Senator Arnie Stuthman is tied up and his forehead is right where the bull's-eye is. Whereas I knew I was throwing a projectile, I intended to throw it, and I intended to hit the bull's-eye, I didn't know Senator Stuthman was there, and I did not intend to hit Senator Stuthman. So when we put the two words "knowing" and "intentional," you intend the act and you also know the consequences of the act, which will make you culpable. The courts have dealt with this phraseology down through the years, for more years than I have been in the world. I'm not just talking about the 68 that I acknowledge, but the longer period of time, which would put fear and terror into my colleagues, if I really laid it out for them. Now to get to exactly what the amendment would do, since I've explained it. On page 1, in line 17, I would strike the word "willful" and insert in its place "knowing and intentional." As has already been stated, recall is being transformed in its nature by the committee amendment, but I'm not going into all of that. I want it clear that I recognize that. All of my amendments are aimed at putting the language which is being used in this amendment in the form I think it ought to be, to say what it seems that the committee is interested in saying. "Knowing and intentional" are three words which are easier to grasp and for the courts to deal with, than the term "willful." I believe that people on this floor would more easily, even if they kind of stumbled and fumbled with it, could discuss and wind up with some kind of presentation of what "knowing and intentional" means, and they would encounter much more difficulty in defining or explaining what the word "willful" means. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You heard the opening on FA553 to the committee amendments to LB 786. Open