

SPEAKER BAACK: Mr. Clerk, an amendment to the amendment.

CLERK: Mr. President, Senator Lindsay would move to amend Senator Bernard-Stevens' amendment by striking "seven" and inserting "four". (See page 1589 for the Lindsay amendment.)

SPEAKER BAACK: Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker, members, I don't necessarily support the amendment, I offer it out there for your, I guess, to keep the discussion going on that and offer it as a possibility of choice for those of you primarily from, I guess, the areas outside of Omaha and Lincoln and some of the urban areas. If you feel that the three business days is not enough time, I would suggest an alternative that you adopt the four business days that my amendment would do, rather than seven business days that the Bernard-Stevens amendment would do. And the reason for that, as I mentioned earlier, is that under the Ohio statute that was appealed to the U.S. Supreme Court, it was set at, I believe, at five business days and it was at a point where the court was looking real hard at it. I think seven business days, as under the Bernard-Stevens amendment, would put us over the...into the unconstitutional area. If we're at three or four, maybe even five business days, I think we're okay. But let me also throw out for your consideration something that, I guess, makes it more likely that these are going to take place within the time period and that is that most of the time you talk about...and I think the bulk of Senator Bernard-Stevens' letters are from district judges. Under LB 425, that petition can be filed with a district judge, with a county judge, or with a separate juvenile court judge. That opens up an awful lot of judges, all of the judges in the state except for those seven that are overworked, this can be filed with. So it gives you a vast number of them. I might also add that generally...and I don't know, it just kind of struck me as Senator Rasmussen was talking and asking me a little earlier, a question in the cases of a...if a judge is unavailable or has excused himself. In a lot of cases where a county judge cannot act we allow the clerk magistrate to act. I don't know if that will be the case in this situation, I'm throwing that out as a possibility. I don't know, I haven't looked it up. But I would point out to you that we've got a vast number of judges involved. Most every judge in the state can hear one of these. And when we consider the appeals, the appellate court can also possibly hear them. So I