

enforced. It cannot be enforced, and at least one party to the marriage cannot commit adultery under it. But let me mention something else which further complicates the situation. There is what is known as a legal separation in Nebraska and other states. In Section 42-347, subdivision (3), we have these words: Legal separation shall mean a decree of a court of competent jurisdiction providing that two persons who have been legally married shall thereafter live separate and apart and providing for any necessary adjustment of property, support, and custody rights between the parties but not dissolving the marriage. So if two people obtain a legal separation recognized by the court, they are required to live apart. Which of us in here think that there is not going to be some, well, I won't use the term "sexual intercourse" but some hanky-panky. As the song says, somebody is going to make whoopee. Who is the world is going to file a criminal charge against somebody who has a legal separation, which means they could have notified the court that this is a total abandonment in the sense of ever being with that person again. The law is a dead letter. These kind of laws should not be on the books. They offer the possibility for mischief, but even if that is not a use, an improper use made of it, it ought to be removed from the books. But keep in mind the fact that there is the legal separation, and if you will, that other provision of law which I think needs to be repealed which says that no person with a venereal disease can marry in this state. Think about it. A venereal disease is one which is sexually transmitted. Let's say that a person has sexually transmitted AIDS, and there is somebody who cares enough about that person to marry him or her, wants to be with that person, tend to that persons' needs, and provide solace and comfort. If the law were to be applied as it is written, that marriage cannot occur. Let's say somebody has a much less serious venereal disease, chlamydia, gonorrhoea, syphilis, herpes, they cannot marry in Nebraska. Those are provisions which were put in at sometime for some purpose which I cannot find a justification for. If you have any questions on this bill, and my reasons for it, I am prepared to answer them.

PRESIDENT ROBAK: Thank you, Senator. The Chair recognizes Senator Witek.

SENATOR WITEK: Madam Chairman, members of the body, I know everybody is saying they are not going to touch this discussion with Senator Chambers with a ten-foot pole, but I do need to ask a few questions of you, Senator Chambers, on this because I am