

May 3, 1995

LB 712

SPEAKER WITHEM: Call-in votes have been authorized. Question is, shall debate cease.

CLERK: Senator Schmitt voting yes. Senator Hartnett voting yes. Senator Coordsen voting yes.

SPEAKER WITHEM: Senator Matzke, could you check in, please. Senator McKenzie, Senator Bohlke, please return to the Chamber, the house is under call. All members ought to be in their desk, the house is under call. Senator Schellpeper, Senator Dierks, Senator Fisher, Senator Warner. Senator Wesely perhaps, or Senator Hillman.

CLERK: Senator Cudaback voting yes.

SPEAKER WITHEM: Record, please.

CLERK: 25 ayes, 2 nays to cease debate, Mr. President.

SPEAKER WITHEM: Senator Beutler, you're recognized to close.

SENATOR BEUTLER: Members of the Legislature, once again this amendment is compromise amendment. It modifies the application of Section 19 so that it applies only to the case of children born out of wedlock and not to the case of children that were born in wedlock, and it retains, with respect to children born in wedlock, the assumption that both the father and mother are the natural guardian, and that in the event that one dies, the guardianship would devolve, in the language of the statute, upon the other. So it seeks to retain that portion of the current law. It's based on the premise that the...the assumptions that we make about natural parents, it's also based on the premise that the noncustodial parent should not lose their status as the natural parent simply by virtue of having been through a divorce proceeding which may or may not have been at their instigation or to their liking or to their approval. In other words, if you did not adopt my amendment you could be saying to a noncustodial parent, you're losing your right as a natural parent simply by having been a part of a divorce proceeding, even if it wasn't your fault. So I hope you can see fit to make this distinction. Thank you.

SPEAKER WITHEM: Thank you, Senator Beutler. You've heard the closing. The question is the adoption of the Beutler amendment.