

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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February 3, 1999 LB 280, 511

SENATOR BRASHEAR: Mr. President, members of the body, thank you. I urge the adoption of the amendment. The amendment makes the bill applicable to the central administration of the Corrections Department, which is of course desirable. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator. The motion before us is the adoption of the committee amendments. Those in favor vote aye, those opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays on adoption of the committee amendments, Mr. President.

PRESIDENT MAURSTAD: The committee amendments are adopted. Discussion on the advancement of LB 511? Senator Chambers, you're recognized to close on LB 511.

SENATOR CHAMBERS: Mr. President, members of the Legislature, there is one thing I need to add. A person in this vulnerable status cannot legally give consent. So even if that person would give assent to the act, it is not acceptable as legal consent in the same way that the assent given to a sexual act by a minor, a vulnerable adult, or somebody whom the state feels needs to be protected cannot give consent, that person charged with one of these offenses could not raise, as a defense to the charge, the notion that the individual assented to the act. The assent of the individual is not legal consent. And I think I need to put that into the record. So I ask that you do advance the bill, and it should be called, not only Senator Chambers' bill, but Director Harold Clarke's also.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. The motion before us is the advancement of LB 511 to E & R Initial. Those in favor vote aye, those opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays on the advancement of 511, Mr. President.

PRESIDENT MAURSTAD: LB 511 is advanced. Mr. Clerk.

CLERK: (LB) 280, Mr. President, a bill by Senator Cudaback.