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March 30, 2004 LB 868

SENATOR BRASHEAR: Yes, Mr. President.

SENATOR CHAMBERS: Senator Brashear, you probably...let me change, you may not have had a chance to really analyze this amendment that Senator Raikes is presenting to us, but I don't see anything that establishes a standard against which to judge this person's conduct. So if that is the case, we would have to fall back on general rules of negligence and so forth. Would you agree?

SENATOR BRASHEAR: If that is the case, then it is as you stated. You would have to follow the case law, the common law.

SENATOR CHAMBERS: And now, rather than get into the argument again, or my contention again about negligence, gross negligence, willful or wanton, is it reasonable to require, if we're going to enact a law, that a higher standard of care perhaps should be placed on those who are going to deal with children in a life-threatening situation than, say, a person who is going to put a Band-Aid on a finger that had a splinter in it, which had been removed?

SENATOR BRASHEAR: I think it's entirely reasonable. We have figures of authority in relationship to people in their minority, and we have structures of power in relationship to people who are subject to them. So I think it's entirely appropriate to control the balance.

SENATOR CHAMBERS: Now I'm not intending to be pejorative with any of my questions, but they have to relate to the people who are going to be performing this, which to me is a medical activity. Would it be a wise policy decision to put in the law words that would tell the person who is dealing with that child that, unless your mishandling of the child is wanton or willful, anything short of that you can do and you're immune? Would that be a good policy to put in place, do you think?

SENATOR BRASHEAR: At this moment in time, it seems to me not to be wise.

SENATOR CHAMBERS: And isn't that, in fact, whether anybody