

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

April 13, 2004      LB 391, 392

SENATOR CUDABACK: Time. Thank you, Senator Chambers. On with discussion. Senator Erdman, Beutler amendment.

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. Allow me to, (laugh) if at all humanly possible, direct our discussion to the reality of this situation. Current law, governed by common law, says that a minor of the state of Nebraska can go before the court, can enter into contracts for necessities. Essentially, that is the similar language that you see in the amendment that was adopted. Now here's the discussions that I'm having. And I want the body to know about this, because I'm afraid that if we go down a path that narrows this, we create more harm than solving a problem, and it's this. Right now, if we set an arbitrary age at 18, or whatever the age this body wants to do today, and it is not in reality or consistent with what is appropriate for the kids of the state of Nebraska that need this help, we have eliminated opportunities for them. And here is, simply, how we have done that. We have no process in which a minor can petition to be emancipated, unless it's under an existing situation, child support, you name it. Simply, there's no formal process that we can have a minor say...in Nebraska say, I need to be emancipated for this reason. That's what LB 392 would have done, that was advanced unanimously by the committee, that was on the agenda earlier this session. That's the second amendment. The amendment before you is based on that amendment. It's based on the age of 15 that was advanced by the committee in the committee amendment, at which a minor can request to be emancipated. If we go down a path where we set the bar, as Senator Beutler would like to, at an age of 18, you have effectively eliminated an existing opportunity for circumstances that warrant a young person to contract for necessities. This isn't credit card debt. This is a house. This is an apartment. This may be transportation. Senator Chambers says that the slick car salesman...it may be that individual, but that may be a necessity that the courts have ruled is appropriate for that minor to enter into. So the thought that I have at this moment--and I'm going to share this with the body--my thought is, if we're not going to solve this problem, let's not create bigger problems by setting an arbitrary age in this policy. Because if we set this in statute, we've effectively eliminated