

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

March 22, 2006 LB 287

creating a one-sided free speech situation. If a funeral is allowed to be used by the family for free speech purposes, then how can you deny the free speech to the other side? Or does your definition of picketing mean you can't do it, either way?

SENATOR FRIEND: Well, Senator Beutler, that's an interesting one, and I think the answer to that--and I can consult with Jeff, because some of the study that we did on some of the other legislation that people were implementing, we believe had that problem, that...so how I would answer that is that I believe, and you read this, picketing of a funeral means protest activities engaged in by a person or persons located within...and so on and so forth, or other place of worship. I believe that not only do we have a different definition of what a protest...I mean, those particular individuals wouldn't fall under the definition of what a protest is. Now is that a Pandora's box, Senator Beutler? I don't know. I don't believe that it is, and here's why I would think that. We're not...those particular individuals under that hypothetical that you laid out are not, I would say for all intents and purposes, in a protest mode. If that's defined properly in this legislation--and I think, like I said, others might be able to, and you yourself might be able to speak to that better than me--then I think we're drawing a distinction. Now does that cause the problem that you originally laid out? I don't necessarily believe so.

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: Okay, well, just something to think about. Maybe the definition of what a protest means can be further elucidated. Does it mean protesting against whatever may be represented by the deceased? Or does it mean protesting, perhaps, in favor of whatever is represented by the deceased, and against whatever force or whatever influence caused his death, or...I think you understand what I'm saying.

SENATOR FRIEND: Yeah, I do. That would be disturbing to me if that confusion...

SENATOR BEUTLER: Well, it is the foreign situations that make