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April 13, 2004 LB 391

SENATOR CHAMBERS: Now, if this child, under the common law that you and Senator Brashear, to some extent, touched on this, is responsible in his or her own name, why will a parent be responsible for the act of a child?

SENATOR QUANDAHL: Why would a...well, I think that the way that LB 391 is right now is saying that that minor, if they contract for these necessities of life, that they cannot later disavow them.

SENATOR CHAMBERS: That's what...right, that's what LB 391 says. Well, if under the common law there is no minimum age, what do you need this law for?

SENATOR QUANDAHL: That's...I think what Senator Erdman, Senator Brashear were trying to say was, is that as a part of this there's an additional amendment that Senator Erdman has that talks of judicial emancipation too. I think...

SENATOR CHAMBERS: But that is severely restricted. It has to be where the child is living away from the parents or guardian with their consent or acquiescence and the child has voluntarily moved away. We're not talking about that, where this child is emancipated. This is a child, period, even who has supportive parents. The child would be allowed to contract in his or her own name without being emancipated under LB 391 as it's drafted. Would you agree with that?

SENATOR QUANDAHL: For necessities of life, yes.

SENATOR CHAMBERS: Now, shelter is necessary.

SENATOR QUANDAHL: That's correct.

SENATOR CHAMBERS: But you would say that...now, if we have LB 391, could a court...

SPEAKER BROMM: One minute.

SENATOR CHAMBERS: ...then sue, whatever the age of the child is, in his or her own name with LB 391, where we statutorily say