

best interest of the child. That is the philosophy which exists throughout our statutes today, especially in the areas of custody. We cannot say that that particular section does not work. Number three, the grandparent must prove that it would not interfere with the parent-child relationship. I think that answers many of the problems which have been developed here this morning. I would certainly urge the body to vote yes on this particular amendment.

SPEAKER NICHOL: That was the closing. The question is...now the situation before you is that it will be included in the amendment that the parents of a minor child have never been married. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 15 ayes, 17 nays, Mr. President, on adoption of the first portion of the Hoagland-Lowell Johnson amendment.

SPEAKER NICHOL: The first portion of the amendment is not adopted. Now we'll take the remainder of the bill at this time, which is the second portion. Senator Hoagland. (Second portion of the Hoagland-L. Johnson amendment appears on page 932 of the Legislative Journal.)

SENATOR HOAGLAND: Let me just say briefly, Mr. Speaker, and I think most of the arguments have been made, and ask you to refer, once again, to the handout because the handout is a skeleton description of what the bill will do if this amendment is adopted. The remainder of the amendment would allow visitation in a situation where one or more of the parents has passed away, and it would allow visitation in a situation where the parents are divorced or there is a divorce pending. Now the Legislature has just now rejected the situation where the parents have never been married. Everything else that was said earlier about the bill applies. The same safeguards are in effect, the three safeguards Senator Johnson mentioned earlier. There has to be a beneficial relationship between the child and the grandparent, has to be in the best interest of the child, and the visitation cannot interfere with the established parent-child relationship. Finally, there has to be a showing that the grandparents and the parents have attempted to work out their differences before the grandparents can come to court. So with that, Mr. Speaker, I would move the adoption of the remainder of the amendment.