

for the fact that I was off the floor very indiscreetly when LB 516 came up. I should have known my colleagues would have utilized the opportunity to engage in some of the innovation which goes on here occasionally and attach an amendment to a bill which I think does not and should not be attached to LB 516. I urge you to adopt my amendment to LB 516 which would strike the Senator Vard Johnson amendment which was adopted by the Legislature on Select File. For purposes of background, I would like to point out that the amendment which was adopted was originally another bill which was heard by the Judiciary Committee. The same amendment was tried the day before by Senator Hoagland as an amendment to LB 529 and the amendment was withdrawn when I questioned the amendment's germaneness. I have prepared a few remarks which I have distributed to you in an attempt to alert all of you, including Senator Hoagland and Senator Vard Johnson, what my objections are to the amendment. Senator Vard Johnson, in his three-sentence explanation of the amendment, stated, and I quote, "We are simply asking that Nebraska judicial processes coincide with federal judicial processes with respect to temporary restraining orders." Now, for a man of Senator Vard Johnson's eloquence, I think you will have to agree that that is a most limited kind of an explanation of a very extensive amendment. I am not an expert on the process, judicial processes. You all know I am not a lawyer but I did go to a Class I school and I learned very early that you sort of have to sense these things. Like Vickers would say, you look for a sick steer by how he looks out of the eyes, and to look at this amendment, it doesn't look good to me out of the eyes. I want to tell you why. The federal court system, and I know enough about this system, the federal court system does not try matters of family law and my concern with the Johnson amendment, I should say the reconstituted Johnson amendment, formerly the Hoagland amendment, is that the amendment messes up the procedures which are used in divorce litigation in this state on an almost daily basis. I will explain my concern. The purpose of this amendment, as I understand it, is to require notification of the other party when one party to an action requests a temporary restraining order. If the party is not notified, the judge may issue a temporary restraining order only upon a showing of irreparable injury to the party who requests the restraining order. Now I am sure that most of you have never had the occasion to use these but the attorneys use them regularly and understand this procedure.