

language there. Some of it is on page 3 and some of the new language is on page 5. So that argument is simply misplaced. Finally, let me simply say that this is an important substantive change. It is going to protect the public. It is going to tighten up the standards for issuing restraining orders by requiring parties to attempt to give notice to the other side. I would strenuously urge that you resist this amendment. Thank you, Mr. Speaker.

SPEAKER NICHOL: Senator Vard Johnson, then Senator Barrett.

SENATOR V. JOHNSON: Mr. Speaker and members of the Legislature, in the name of fairness, I ask you to reject Senator Schmit's amendment. You cannot appreciate until you are in the court system how absolutely unfair current temporary restraining order practice is, and I am going to try to cast it in a light that each of us can easily understand. So many times we will walk into the rotunda and a lobbyist will tell us something about a bill, and we will say to ourselves, based on what we have been told, that seems reasonable and fair, and we will come and we will vote on what we have been told, only to realize some time after that vote that there was another side, that there was another side that we never heard. And we regret what we did because we acted too quickly, we failed to hear the other side. Well, the same thing can occur in the court system today under current Nebraska law. A person today can walk into the court system, can file with a judge some affidavits indicating what the nature of his case is, can state that unless the other side is stopped from doing something that person will be irreparably harmed, and the judge can make a decision without ever having heard the other side, without ever having heard the other side of the story. The judge will simply decide that based on those affidavits and based on the representations made, he should grant a temporary restraining order, and that is simply not fair. It is not fair. What is fair is the federal requirement and the federal requirement says, before a person can walk in and see the judge and get a temporary restraining order, the person has got to call the other side, got to notify the other side that that person is going to do this, that he is going to go in and see the judge to get a temporary restraining order. Then the other side, of course, has a chance to hightail it down to the judge's office and at least present his or her point of view. So before the judge issues that temporary restraining order, the judges have the