

benefit, have the benefit of both sides. Now the judge may still grant the temporary restraining order. Federal law also goes on to say that if the person is not able, literally not able to give notice to the other side because they can't contact them, can't reach them, they have to make that kind of a showing to the court, and the court can then still grant the temporary restraining order. That is all the federal law really is and that is all that my language does. It simply says in the name of fairness, you have at least got to try to get a hold of the other side so that they can come in, too, and give their point of view as to whether or not the temporary restraining order should be granted. Now, the amendment I put on the bill was not designed in any way, shape, or form to alter the current divorce practice. Our divorce statutes are very clear, our divorce statutes very clearly state that the other side does not have to be notified before a temporary restraining order is to be issued. The way the amendment was drafted, it very clearly excepted those kinds of explicit statutory exceptions. However, because Senator Schmit has raised the divorce issue and believes that our language is not absolutely clear on the divorce issue, Senator Hoagland, and Senator Barrett, and Senator Baack are offering an amendment a little later on to make it totally clear that the current divorce standards are not to be altered at all by the language of LB 516. But in the name of fairness, in true fairness to the litigants in our state, Senator Schmit's amendment should be rejected. Our state should follow, as our Bar Association indicates,...

SPEAKER NICHOL: One minute.

SENATOR V. JOHNSON: ... our House of Delegates indicates, and our courts indicate, should follow federal practice on the granting or denial of temporary restraining orders.

SPEAKER NICHOL: Senator Barrett, please.

SENATOR BARRETT: Thank you. Mr. President and members, I rise in opposition as well to the Schmit action suggesting in the process that I believe that Senator Schmit is correct literally when he takes exception to parts of Section 13 as originally drafted but I simply want to parrot what Senator Johnson has just said in that the amendment which will be forthcoming co-authored by Senators Baack, Hoagland and myself will address the concerns of Senator Schmit. In