

because they don't know, the public generally, of the individual circumstances of a particular case but part of which is justified and I am suggesting to you with my amendment that you cut down the maximum penalties applicable to child abuse where the incidence of child abuse can be so minor under the law so that the discretion that the judge has is not so broad. The difference between a minimum penalty of nothing and a year in prison and the difference between a minimum penalty of nothing and five years in prison is an awful lot. It would be an awful lot to a person convicted under that statute. So I ask your support for the amendment. But in a political sense let me remind you of what I think is one of the failings of our democracy from time to time, and it is a failing both on the liberal side and on the conservative side. We seem to get into movements. We seem to gear up to solve our problem. And one of the real problems of our society and one of the things we are really gearing up to correct is the child abuse problem, but each time we do this it seems to me that more often than not we overreact. We overreact and we do more than is necessary or we do some things that are not necessary or we do some things that might be helpful but which have dire side effects. And I think that what is suggested in 347 is such an overreaction and I suggest to you that if you talk through this statute with your constituents and point out that it covers minor negligent actions that they are certainly going to understand that somebody shouldn't be subjected to five years imprisonment and \$10,000 fine for what may be a minor act of negligence, especially within their own family where traditionally the strong American tradition of family has allowed a greater latitude, and really an almost undefined latitude with regard to the behavior of parents toward children. Thank you.

SENATOR CLARK: The question before the House is the adoption of the Beutler amendment, number 2. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment.

SENATOR CLARK: The amendment is adopted. Senator Lamb, would you like to adjourn us until nine o'clock tomorrow morning after the Clerk reads some things in?

CLERK: Mr. President, some new bills, LB 698 (Read title); LB 699 (Read title); LB 700 (Read title); LB 701 (Read title).

And finally, Mr. President, I have a reference report referring LB 618 through 692.

LR 270

LB 127, 259, 601, 611, 623, 642, 644,
647, 651-2, 659, 678, 696-7, 700,
716, 724, 757, 767-7A, 774-776,
779, 784, 792, 816, 828, 839, 845,
877, 931, 941, 951, 961-2, 705

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Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.