

Wickersham, is that when we deal with judges, courts, and judicial interpretation of statutes, we are often dealing with an eel. You might think you have got that rascal in your hands, and you squeeze tight, and he slips away. What I am trying to establish here in the record is that there is nothing in here that will require that chief judge, in any given case, to hold a hearing outside of Lincoln.

SENATOR WICKERSHAM: Not in a specific case, that is correct.

SENATOR CHAMBERS: Why don't you put in language that says if the litigants would have to travel more than a certain distance or something to tie them down. Each decision will be made and each decision can be made to sit in Lincoln and it will not violate this amendment. That is all the questions that I will ask you, but I tried to ask enough so you would understand where I am going, if you want to respond to it. I believe that this is a bad bill. I believe that the public did not realize what it was doing when it voted to adopt the constitutional amendment authorizing the Legislature to set up this, which I call a travesty; this which will trample the rights of the people and take from them constitutional guarantees that they have had from the beginning of this state, as a state. That means that the right to appeal in cases...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...that are very important, that relate to the taking from a person of his or her freedom, those rights will be terminated if the bill, in its present form, is adopted. Even when we are talking about amendments related to the technical makeup and operation of the court, an amendment cannot be drafted that will ensure the result that the drafter intends. Ultimately, the judge makes the decision and the judge can totally disregard the intent of the drafter and not violate the amendment. We can say "shall" all we want to, and the court will say, shall means substantially. Shall means perhaps. Shall means if we vote to say that it means shall. So if what Senator Wickersham is doing is designed to require the court to sit in various locations, I think something more than a recommendation or good advice is going to have to be put in the law. All he is offering here...

SPEAKER BAACK: Time.