

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 31, 1999 LB 585

to be treated. When their property is to be taken, when their property is to be handled in a certain way, the state should be careful, through its representatives, to be sure that even constitutional provisions are not ignored and trampled into the ground. There are provisions in the Nebraska Constitution and the U.S. Constitution which talk about property not being taken without due process of law. Well, if the federal government says you'll get money if you do this, then they say to blazes with due process of law, we want the money. But if it happened to a friend of theirs, they would intervene and try to prevent the law from impacting on them in the harshness that is allowed, based on the language in the law. What I do when I look at these bills is to consider what is the worst thing that a cop can do under that language; what is the most oppressive, unfair thing a judge can do under that language; and that becomes the gauge by which I determine if the language is suitable or not for people in a democracy, if that is what this is supposed to be. So I'm not going to just sit here and be quiet and let rights be trampled into the ground and allow my colleagues to talk about fairness, due process of law, and protection of citizens' rights only when they're giving one of those prepared speeches to students or some Rotary group or other situation where they're trying to impress people with how much they care about the citizens and the rights and our responsibility as legislators. I'm not going to let you get away with it. Now you don't have to respond to anything that I say, but it's going to be in the record and I'll have an opportunity to bring it back to haunt you, and I'll do it when the opportunity comes. I am dead serious about what I'm discussing this morning. This bill is not well-written. I don't think that what is being presented to us is the way it had to be presented, even based on federal regulations. We don't have to just put "remove the car" without saying where it's to be removed to just because they put some general statement out there, but you all accept that and you don't care, but I do. So it's my responsibility to take as much time and put forth as much effort, if we have to stay on this bill till doomsday, whatever doomsday means to any of us, or judgment day. Shazam! Boom! And that's what I intend to do. So I'm going to take us step by agonizing step. My intention in offering this language is to give an example of how bad this bill is, how poorly drafted it is, and I'm not going to accept it just because somebody did the best that they could.