

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

January 25, 2000 LB 120

just enough experience to tell where this is going, but I'm not changing my mind based on "absqucation". This bill doesn't mandate. It doesn't require equalized time. It doesn't specify. It encourages. It talks about goals.

SENATOR CUDABACK: Time.

SENATOR BRASHEAR: And in this area we need a few goals to achieve a better day than we've been experiencing in our courts on this subject matter of late. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Senator Chambers, there are no further lights, so you're recognized to close on your amendment to the committee amendments, if you wish.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'm going to work this bill as I said I was going to. I'm glad that Senator Matzke got involved. I'm especially glad that Senator Landis did, because he was trying to pull some things together and show where maybe the bill should be going. I'm not totally opposed to any and everything that might be done, but I'm opposed to the way this bill is doing it. And one reason I'm changing the "shall" to "may", Senator Brashear will say, well, the courts may do it anyway. I get tired, brothers and sisters, of us legislating in a sloppy, careless manner. Sometimes the words we put into law ought to reflect the reality. And when we say the judges are going to behave in this way anyway, why should we heap dead letters into the law and say they shall, when we don't mean they shall and you can't compel them to anyway? So, somebody might throw the question back at me, if the "shall" is not going to compel the judge to do what the judge is not going to do anyway, why do you object to it? Because I don't want people who are ordinarily honest and circumspect to have to pretend. I don't want the law to be written in such a way that a judge has to pretend to have done something, when we all know it's a fiction. How is putting "may" going to change anything other than the way we write legislation? And I've done this that I'm doing here on other bills. This amendment does not go to gutting the bill, as I hope to try to do. But I wanted to take what I think is an infinitely reasonable amendment that does not hurt the bill,