

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

January 25, 2000 LB 120

that comports with decent legislation drafting. And if that cannot even go, then Senator Landis is a greater jousting windmill than I or Don Quixote put together and rolled into one. He thinks that there are people on the other side who are going to listen, who are going to say that for every complaint that somebody has there is not a statutory remedy. One of the first things you learn in law school is that not every problem admits of a remedy that the courts can provide. There are some wrongs that are never going to be righted through the courts or through legislation. And we of all people, in an area as sensitive as this one, should not come in with this pride of authorship. This amendment was not brought by Senator Crosby. This amendment was not a part of her bill. This was done as a boon to Chip Davis. That's why so much consideration was given in the committee. And I made it clear I was going to fight it out here and fight the bill. And I even told Senator Crosby's assistant that if that...if this committee amendment were out of the way, we could focus on what they profess the intent of the bill is. But this amendment changes everything. I think it is impractical to talk about equalizing visitation rights based on the work requirements, and we don't even know what necessary work is. But on something as fluid, ambiguous and defying of definition as that, who in here can say...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...what "necessary work" is? Maybe somebody who is an artist feels that drawing is necessary, and somebody else who thinks art, any art, is a waste of time would say, no, that's not necessary, and a judge might agree and say, well, get you some other work, my friend. We don't even need to create that problem in the statute. Right now if a judge makes a decision which a higher court would consider an abuse of discretion, the higher court can change that decision. We are putting things into the statute that ought not to be in the statute determine...I mean for the purpose of trying to coerce a judge's judgment, to coerce that thing we call judicial discretion. This amendment certainly...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...has not been shown to be harmful. I will