

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

April 14, 2003

LB 454

causes the bill to say what he thinks it ought to say. And I'm offering language to make the bill say what it ought to say in the manner that it ought to say it. We don't need the term "of criminal behavior" after "recidivism." Sometimes people might say, he was made soaking wet from water. You might put "from water" because there are other liquids that could make a person soaking wet. But if he or she fell into the swimming pool, you could say, he or she fell into the swimming pool and got soaking wet. You wouldn't have to say he or she fell into the swimming pool and got soaking wet from the water in the swimming pool. You could do it. But even on an essay in English, that language would be stricken as redundant and surplusage. So in a statute, we should not put unneeded language. Even with Senator Beutler's amendment, even if mine is adopted, I still am opposed to the bill. But this amendatory process will show problems that exist with the bill. And now we have moved beyond what I was talking about on the jailing. So looking at Senator Beutler's amendment, which would make these programs subject to governance, overseership, or management by district courts. As he discussed it and became aware that at least in one county a juvenile court handles this, he said not every county has a juvenile court, which is true. So you'd have to craft language to say, in every county having a juvenile court, such county, if it chooses, may allow the juvenile court to administer the program. In counties where there are no juvenile courts, such county may, if it chooses, have the program administered by the county court. Then you put a third proviso, which might cover all of them. But let's keep it along the line of what I was saying. In a county which chooses not to have the program administered by a juvenile court or by the county court, may have the program administered by the district court. That's where you're saying, however a county chooses to have the program administered, the county may choose to do so. Going through that reasoning, without laying it all out in the way that I did, Senator Beutler arrived at the conclusion that maybe Senator Aguilar's use of the word "court" without stating which one may be the easiest way to deal with the situation. But he's not sure. Maybe nobody is sure. And we're dealing with something that was not a part of the bill at the hearing, something that was not anticipated before this discussion. And it is a substantive issue, whichever way it winds up being