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FLOOR DEBATE

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now that the bill is in a bare-bones form, the philosophical aspect of what we're doing can be touched on, as well as the practicalities of legislating. I had said that if this amendment is adopted, I would not stand in the way of the bill being moved to Select File. And I will not. But I don't think the Legislature is equipped to pass any bill on drug courts this session. I believe if the bill is moved to Select File, it ought to sit there, and the Judiciary Committee...I've talked to Senator Brashear...should conduct interim hearings and a study, a quality study. And I'll tell you why I'm saying that. The county attorneys would like to have input, the public defenders would like to have input, some of the judges. And there may be other interested groups. Right now, we cannot, in my opinion, responsibly pass any kind of legislation, because the ramifications and the fallout cannot be determined. If we conduct a study and we have all of the interested parties giving their input, we may conclude that no law should be passed other than one that authorizes the existence of drug courts and lay out some general perimeters within which every drug court must operate, but we will not create one rule that will apply to all. I refer to that, Senator Loudon, as the Procrustes' bed rule. Procrustes was an old giant, and he would invite people who were traveling into his home, and he would be very accommodating as far as feeding them, and then letting them know they had a place to stay. But he had a bed. If you were too short, you would be stretched until you fit the bed. If you were too tall, your legs were lopped off so that you exactly fit the bed. We do not want a Procrustes' bed rule that may impair the operation and functioning of some of these programs that may be very successful. So I will not oppose the bill moving to Select File. But I will oppose any attempt to pass a bill into law this session. When the Supreme Court adopts rules, they don't do it as a state agency, because the Supreme Court is one of the three branches of government. The Supreme Court has its own methodology of adopting rules of court. The chief justice, under the constitution, is made the administrator of the court system. So there are some things we might put in statute, but they could not bind the Supreme Court. We could give to them rule-making responsibility, but we cannot dictate how they will determine those rules. Since this matter has been brought to us by way of a bill, a bill which is not needed to allow the drug