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

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people may begin to feel like the judge, and the people can do with the constitution what they please, they can amend the constitution to destroy hunting, trapping, and fishing. Sometimes it's best to let sleeping dogs lie. Nobody has made an assault in this state against hunting, trapping, and fishing. Senator Schrock and his friends are the ones who have made it an issue. But when the issue comes before the Legislature, I will not turn away from it. I'm going to defend this constitution. And to the extent that I can, I will protect it. I handed you all another letter, which I ordinarily wouldn't do. It was given to me by a judge of the Nebraska Supreme Court. And here is the part that I think is significant. And it might encourage my colleagues to use a little more judgment and take a bit more seriously what we do. I have mentioned there are other forums where people with deeper understanding and appreciation of the law and the constitution will do their work. We create problems for them by being so slipshod and foolish in things that are They on occasion have even commented about how poorly bills that became laws were thought out, and how they would do it differently, but it happens to be the law. They might have a view of how it ought to have been written, how the law ought to read. But their job is to take the law as it's presented to by the Legislature and make do with it. them Because Legislatures, by and large, are so incompetent, courts will adopt the principle that when they're construing a piece of legislation, they will do everything they can to find it constitutional. They will start with the presumption that it is constitutional. The one challenging it has the responsibility under the law to convince, in Nebraska, a supermajority of the court that the particular statute violates the constitution. Then, if they come to a provision that can be interpreted in a way that will cause the act to be unconstitutional, or another way that will make it constitutional, they will interpret it the other way, so that they can find it constitutional, no matter how asinine it is. The court is telling the Legislature how little regard the legislators have. Time is not taken to understand the issues or to be concerned about the quality of work we put into impressing that language into the statute. But here is the paragraph that I want to read. It is nice to know someone will listen to a well reasoned argument or position, even if they may not agree with that position. That is what I