

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

February 7, 2006 LB 874

in the details. I did further research, and the expression is that God is found in the details. And the idea, when that statement was first made in a literary setting, was that God is everywhere, not just in the divine constellations, but in the smallest detail of creation. So I'm going to go back to my original proposition that the devil is in the details, meaning that when these grand schemes are laid out, they look good, but others are left to work out the details, to bring it to fruition. Senator Kremer has a bill whose purpose, I think, is worthwhile. But as we begin to address the details, to see how it's going to be carried out, difficulties surface. I do not want to weaken what Senator Kremer is trying to do. But by the same token, I do not want to make a travesty and a mockery of legislation designed to protect the public welfare. We could write the greatest principles into the law, including the greatest protections of human and civil rights, but drafted in such a way that there is no requirement that the state honor these provisions of law. We could say, there should be no warrant issued to allow the search of a person's home,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...papers, and so forth, without probable cause. Then we say, well, that's too strong. We will strike "there shall not be" and say "there may not be," because really, it may be necessary, in somebody's opinion, to do these searches without a warrant. When you do away with the "shall," you've done away with the protection. When we talk about the noble, worthy goal of this legislation, but make it optional as to whether or not it should be carried out, we have not only done nothing; we have misled the public into thinking that we've provided a protection which, in effect, we have not. So it would be better to leave the law the way it is, let it be administered the way it is, and if we decide to build in additional protections, leave this subdivision alone and write another separate one. And that's what we will have the opportunity to discuss. And Mr. President, are there any other lights on at this time?

SENATOR CUDABACK: There are none.