

February 11, 1976

CLERK: LB 817 introduced by Senator Cavanaugh and Luedtke. Read title. There are no Committee amendments, Mr. President.

PRESIDENT: The Chair recognizes Senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President, members of the Legislature, I urge the advancement of LB 817. LB 817 will provide a constitutional amendment to authorize...it would be a permissive constitutional amendment which would authorize the Legislature to expand the membership of the Supreme Court from the current seven to nine members when and should the Legislature determine that that need had arisen. It is not mandatory and it would not result in necessarily an expansion although I believe the time has come to expand the court but that decision will be left to a future Legislature. The basic reason for the amendment is that the workload of the court has doubled in the past ten years to the point that the court now is required to divide itself almost twice a year and to bring in members of the district bench to sit and assist in the writing of its opinions and so, in effect, we are operating with a nine man court as far as the workload and the method of operation but the two other justices are temporary assistants which the court usurps from the district bench. Well that simply is not a desirable situation to continue if a legitimate need exists for a nine man court in order to carry the burden that the court must carry. So this amendment would go on the spring ballot to authorize the Legislature should the people approve to expand the court from seven to nine members and I would urge that the bill be advanced.

PRESIDENT: Senator Dworak.

SENATOR DWORAK: Mr. President, I rise in support of this constitutional amendment and again echo that this does not mandate this happen. It only allows the Legislature the opportunity to expand the court from seven to nine justices if the workload continues to increase at the rate it has been. I would strongly urge the support of this amendment, or this bill.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I also support the bill. Because of the nature of the work that Supreme Court judges do, I think the people who do that work should be permanently a part of that court the whole time they are going to serve as judges, and as Senator Cavanaugh pointed out, they should not have to draw judges from any place else to deal with legitimate Supreme Court appellate business. To weaken any opposition that might exist, Senator Cavanaugh and Senator Dworak have pointed out that this does not require, the mere adoption of this amendment will not increase the size of the Supreme Court, but in addition to that, our adopting this this morning merely allows the people to cast the vote on it and the vote that they cast on this amendment might be indicative of