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March 11, 2002 LB 298, 384, 825, 1073
 LR 308

appeal is taken and it goes to the Supreme Court.

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: The Chief Justice has appointed a person who heard the initial...made the initial rulings. The Chief Justice, if he stayed on the court when the appeal came, would be ruling on a matter decided by somebody he appointed to decide the matter. Does that seem appropriate to you, since judges should avoid even the appearance of impropriety?

SENATOR QUANDAHL: It's...and I understand where you're going with this too but...or I think I do, and I understand your concerns. And I would have to assume in a situation like that, judges are constrained by their own rules of conduct and I would think that they would recuse themselves in a situation such as that.

SENATOR CHAMBERS: But I want to know if that's what would be the case. And since you're not sure and I'm not, I'm not going to hold you to an answer right now, but I can ask you this question. Can we put into statute...

SPEAKER KRISTENSEN: Time.

SENATOR CHAMBERS: ...circumstances when a judge...thank you, Mr. Speaker.

SPEAKER KRISTENSEN: Mr. Clerk, items for the record.

CLERK: Thank you, Mr. President. I have a new resolution from Senator Aguilar that will be laid over and considered at another time (re LR 308); an amendment to be printed to LB 1073, Senator Aguilar; Senator Wickersham, LB 298; Senator Foley to LB 825. (Legislative Journal pages 891-898.)

Mr. President, a priority motion. Senator Schimek would move to recess until 1:30 p.m.

SPEAKER KRISTENSEN: The question before the body is, shall we recess? All in favor say aye. Those opposed say nay. We're in