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LB 261

SENATOR WESELY: Is it typical or atypical for a state to have geographic representation on their Supreme Courts?

SENATOR HOAGLAND: I have not specifically researched that, Senator Wesely, so I can't tell you what the practices are in other states.

SENATOR WESELY: Thank you.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I have a question of Senator Hoagland and, Senator Hoagland, I apologize and I wasn't paying attention perhaps as I should have been. Are there provisions in this bill or do you have any plans to make provisions for expansion of the State Supreme Court?

SENATOR HOAGLAND: No, no, there are none, Senator Cullan. The only exigencies that we have provided for here is if Nebraska should be reduced to two Congressional Districts because of population changes over the next century.

SENATOR CULLAN: Would you be amenable to amending the bill to allow the Legislature to enact legislation to set...allow at some point in time in the future to have the Supreme Court at either nine or seven so that you could have two from each Congressional District or something like that. I agree with your concept of equal representation and I like that goal but I think sometime in the near future we are going to have to consider the possibility of expanding the Supreme Court due to increased work load and it might be more convenient to do it in the same constitutional amendment. That is my concern.

SENATOR HOAGLAND: Your suggestion, Senator Cullan, is that we further amend the Constitution to permit the Legislature to add one or two more Justices without going back for a vote of the people on another constitutional amendment.

SENATOR CULLAN: Right. I would like to see...I think it has to be either seven or nine and this may not be the year to expand the Supreme Court but if the Legislature is given that flexibility and the work load of the Supreme Court increases as I am sure it will and as it has in the past, then the Legislature has the authority and we would not have to go back for a vote of the people.