

February 12, 1980

LB 261

SPEAKER MARVEL: Senator Dworak, do you wish to speak on the Warner amendment?

SENATOR DWORAK: I have a question of Senator Warner. Senator Warner, I haven't read your amendment. Are you effecting any grandfather provision under the original bill in any way with your amendment that would affect the existing membership on the court?

SENATOR WARNER: The language of the amendment is any Supreme Court judge holding office on the effective date of this amendment shall continue to hold such office for the term last approved by the electorate of that district he or she represented and shall continue to hold such office upon approval of the electorate of the entire state.

SENATOR DWORAK: Okay, that is the existing wording in Senator Hoagland's amendment. I think I am going to support Senator Warner's amendment. I think the membership of the court, if we are going to change it from the existing districts, probably these justices should be selected on a statewide basis and regardless of how the chips may fall wherever the most qualified judge is, I think that is who we want on the court. I guess I don't see the court as that representative of a constituency and therefore, I think that even though they may come out of Omaha or they may come out of Lincoln or for all I know they may come out of Hastings, if they are the most qualified that is who should be on the court.

SPEAKER MARVEL: Is there any further discussion on the Warner amendment? Are you ready to vote? Okay the vote is on the adoption of the Warner amendment to LB 261 as found on page 548 of the Journal. All those in favor...I'm sorry. Senator Warner, would you like to close?

SENATOR WARNER: I would only say this, Mr. President, that the using the districts as they are proposed in the bill does not preclude the greater majority of the members coming from Lincoln or Omaha. You could have easily, counting the Chief Justice, you could have five of the seven but that is not the issue with me at all as to where they are from and I would agree that the boundaries that we have currently are not appropriate. I am not sure that any district boundaries for the Supreme Court are appropriate. I am not concerned that attorneys who may live in a large city are not familiar with rural problems. I can think of more than one attorney who lives in one of our two larger cities who work very actively in rural problems and are very knowledgeable. My concern is that we have the best possible individuals that we can have