

March 9, 1981

LB 475

is adopted. Any further amendments?

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: The Chair recognizes Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President, and members of the Legislature. In the 1980 Session the Legislature passed LB 82 placing on the General Election ballot a proposed amendment to the Nebraska Constitution dealing with judicial discipline. The electorate overwhelmingly approved constitutional amendment number two. LB 475 would enact the legislative changes necessary to conform statutes to the changes in the judicial machinery enacted by Nebraska citizens in passing the constitutional amendment two. The bill closely follows the changes made in the Constitution. Some of the changes are the composition of the Commission and the new current constitutional provision and proposed statutory law will require ten members instead of eleven as the current statutory law. There will be one district court judge, one county court judge, one judge of any other court inferior to the Supreme Court, three attorneys instead of two, three lay persons instead of two, and the Chief Justice of the Supreme Court. Another change is the chairperson which would be the Chief Justice. And the sanctions for the removal or retirement include reprimand, discipline, censure, suspension without pay for a definite period of time not to exceed six months. The interim measures are disqualification without loss of salary when felony charge is pending or Commission recommends removal or retirement. Right now we have none. The grounds are, also adds conduct to the administration of justice that brings the judicial office in disrepute. And the standing for ordering Commission hearings, the old statutory law was at the discretion of the Commission but the new provision would be to require...that would require probable cause finding. The standard for recommending disciplinary action, the old statutory law was good cause and the new would be finding the charges as supported by clear and convincing evidence. There is also some changes on Commission reprimands, privileged communication and conflict of interest. I urge the members of the Legislature to advance LB 475 from General File to E & R Initial.

PRESIDENT: Any further discussion on the advance of LB 475? Seeing none, Senator Labedz, I guess that is the opening and closing. The question then is the advance of LB 475 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.