

March 24, 1981

LB 475

SENATOR CLARK: Senator Maresh.

SENATOR MARESH: Mr. Chairman, I guess I knew what was going on because I had several meetings in my district last fall discussing the constitutional amendments and the people questioned this provision and wondered what I thought about it and I said I would vote against the constitutional amendment because of this provision but I don't think this is the place to discuss this. If we are going to change it we will have to have a constitutional amendment to get it back the way Senator Chambers is saying and this was discussed in the bill that put this on the ballot last year. That was the time we should have struck this language and not now when it is already in the Constitution, voted by the people. So to remove that we would have to get it back on the ballot and we can't do that by law now. Thank you.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, all those opposed nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 24 ayes, 11 nays to cease debate, Mr. President.

SENATOR CLARK: Hold the phone. Debate does not cease. Senator Cullan is next.

SENATOR CULLAN: Mr. President, members of the Legislature, I think...I did not want to speak twice on this issue but I do think that I would like to point out some of the language in LB 82 which was a constitutional amendment that was adopted by the voters last year. Section 3 of that bill does state that the proposed amendment if adopted, shall be in force and take effect immediately upon completion of the canvass of the votes at which time it shall be the duty of the Governor to claim it as a part of the Constitution of the State of Nebraska. That language, I think in addition with the language in subsection 3 on page 3 of LB 82 which does make it clear that the judge of the Supreme Court or other judge without loss of salary while there is pending an indictment and so forth. So that language is exactly as it is now. I think it is clear that to that extent it is a self-effectuating constitutional amendment and it is, in my opinion at least, impermissible for the State Legislature to deny that judge compensation