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LB 475

there must be an absolute presumption of innocence which there must be as far as the criminal accusation is concerned. No punitive action of any kind can be taken until guilt on that charge is proved in a court beyond a reasonable doubt and that issue is not finally resolved until it is fought all the way up to the U.S. Supreme Court and even then should a conviction be sustained and the judge be imprisoned, there are people who have gone to jail before on convictions and the conviction subsequently was overturned. So what we will have is a situation where a judge can be sitting in a penitentiary drawing a salary. But let's not put the judge in a penitentiary. Let's just have a judge going on and on through the appeal process for years, getting a salary from the state. If that is what you want, defeat the amendment but if you defeat it I have got another one. So I think you ought to go ahead and accept this one and if the Constitution is supreme and if this amendment is unconstitutional you will still have the language of the Constitution. So what do you have to lose?

SPEAKER MARVEL: Senator Vickers and then Senator Stoney.

SENATOR VICKERS: Mr. Speaker and members, several times it has been mentioned here this morning that the constitutional amendment that was passed by the voters contained a section such as Senator Chambers is attempting to amend but I would remind the members that the voters did not vote on LB 82. The voters voted on the constitutional amendment that was offered to them and the constitutional amendment that was offered to them as written in LB 82 simply said that the constitutional amendment is to change the membership of the commission on judicial qualifications and to provide additional disciplinary measures and an additional ground of discipline applicable to a justice or a judge of the Supreme Court or other judge. That is what the voters voted on. The voters did not vote on Section 30 of LB 82. The members of this body did last year. Senator Chambers and I have both raised questions on LB 82 last year when it was going across. We were the only two at that point in time if I remember correctly that questioned some of the provisions of LB 82. The fact of the matter is we are representing the people. We are the ones that are looking at LB 475. We are the ones that were looking at LB 82 and I understand the concern of the people that say we can not do something that is unconstitutional, that is said in the Constitution, but I think the point needs to be raised and we need to be aware of the fact that the voters voted on some of these sections, not knowing what those sections said. I would like to ask Senator Chambers a question, however, if he would yield.

SENATOR CHAMBERS: Yes.