

March 24, 1981

LB 475

improper for that to be done based on any constitutional considerations. When we get to Section 9 which I am talking about, there has not been a final determination of guilt or innocence on whether the person should be removed or retained. So we are dealing with an instance where a judge does stand accused but it is more than a mere accusation in the popular sense of the term. There has been legal action taken. There has been a probable cause hearing if it is a felony and enough evidence has been produced to show that a crime was committed and that this judge probably, there is probable cause to believe that this judge committed that crime or the judge could waive a preliminary hearing and go straight to trial on the charge brought. So what we are dealing with in Section 9 is a judge whose conduct has caused him or her to become entangled in the criminal justice system by means of formal action by a prosecutor or a grand jury. If it is a violation of state law, then they can just bring the action against the person. If it is a violation of federal law that can only be brought in by means of a grand jury indictment. So all of that aside, the issue that I am dealing with is that if the State Supreme Court has found enough basis to disqualify a judge from functioning as a judge, the salary ought to also be withheld. That is the amendment and I hope you will adopt it.

SPEAKER MARVEL: The motion, first of all, is to return the bill for the specific amendment. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 5 ayes, 28 nays, Mr. President.

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, Senator Chambers moves to return LB 475 to Select File for a specific amendment. "Page 10, lines 7-16, strike all of Section 9."

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is the 'polygraph' amendment and I put polygraph in quotes. I am going to determine if those who purely want a principle in its pure form, I want to find out if that is what they mean or if they are just being herded along to follow and accept this statute because it tracks the language of that constitutional amendment that was adopted as a result of a vote by a misinformed public. As Senator Vickers pointed out, when that bill was trying to move its way across the board I raised issues about a lot of factors in that bill, factors which showed that judges are given favored treatment and it can only be because of their status as a judge, and by the way, members of the Legislature, whoever is the chief introducer of a motion has ten minutes to open, so set your caps