

March 30, 1981

LB 111

salary. I am not opposed to judges being adequately paid. I am talking about the system and the method by which we arrive at the salary they should be given. I hope that you will consider seriously this bill and its implications and vote in favor of the kill motion. Remember this one thing, if you vote to kill this bill, you have not reduced the judges' salary, you have not taken away the right for them to seek additional increases, you have not taken anything from the judges. But if you don't vote to kill, you are taking away a prerogative that the Legislature has which is that of exercising oversight, and I think it is too important a thing for us to give away merely because a good lobbying job has been attempted by the judiciary itself, or certain of its members. I hope you will vote to kill this bill.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I support Senator Chambers' kill motion on this piece of legislation, and I want to reiterate a couple of points. Number one, if LB 111 is killed, not one existing judicial salary has changed. We are not lowering pay. We are not increasing pay. The existing system is left totally unchanged. That is the first point. So LB 111 would change that system. If we kill 111, the existing system is left unchanged. Number two, Nebraska has had for a number of years now the Missouri plan for the selection of judges. Under the Missouri plan, men and women who want judicial positions assert themselves when a vacancy arises before an appointed board of experts, so to speak. The experts consist of lawyers and lay people. The names of at least three persons were sent to the Governor. All persons are deemed to be qualified to be a judge, and the Governor then makes that appointment. Now ostensibly under the Missouri plan, we get the best person for the job. I like the Missouri plan. I think it is a good way of selecting judges. However, the Missouri plan also calls for a judge standing election every six years, and that means simply that every six years a judge has got to go before the public and run on his record. And the question that the public is asked is, should or should not this judge be retained in office? He is not opposed by anybody, or she is not opposed by anybody. It is just a simple yes or no vote. Under that system I think over the last fifteen years that we have had the Missouri plan we have actually not retained two judges, both of which in a sense perform juvenile justice responsibilities. Well the Missouri plan system is good for the appointment process, but it is not so good for the