

April 7, 1981

LB 111

of you when we debated this eight days ago. In no way does LB 111 make the judiciary less accountable to us. Now from reading that transcript, accountability really does seem to have been the principle concern, but the judiciary would still be accountable to us just like all agencies of government are accountable and in the same ways all agencies of government are accountable. They are accountable through the appropriations process when the chief judge and the trial judges go to the Appropriations Committee and ask for certain appropriations for their annual functions. It is accountable to us because, frankly, and we all know this, we enact virtually all of the enabling legislation for the judiciary. All of the enabling legislation that affects their continued operations have to come through this body. As far as specific issues raised in the floor debates, if the judicial district boundaries, that is the jurisdiction of each of the state trial courts, is an issue before this body, if that is the concern of some Senators, why we do that already. We set the judicial boundaries and LB 111 won't change that. The same with setting qualifications for applicants under the Merit Selection System, if that's Senator Chambers' concern and Senator Vard Johnson's concern, we are fully free to change the qualifications for applicants under the Merit Selection System. That is legislation before this body. It is statutes of the State of Nebraska that we have enacted upon. We are fully free to do that if we want and LB 111 does not affect our ability to do that. Now my personal view is that it is a mistake for us to view our salary setting function over the judges as a means of coercing the courts into doing what we want, all right, whether it is to hold our acts constitutional, to approve our expenses bill, to coerce them into redistricting, or whatever of their decisions we wish to influence. And I don't think any of us wants that kind of control over the operations of an independent branch of government any more than we want the judiciary or the Governor to control our operations. I think we must respect that independence and we all agree with that. And through this accountability argument we must not convey the impression that we are undermining their constitutional function by forcing them to take orders from us or we will cut their salaries or we won't raise their salaries. That way of thinking is not a benefit to anybody. It is not characteristic of the way we operate here in the Nebraska Unicameral, and taken to its logical conclusion would have disastrous consequences for our form of government. Now, this bill also does not make any less effective the measures we have of dealing with an occasional bad judge that all of us from reviewing the transcript it sounds