

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 26, 2006 LB 529

don't want it; I'm not going to do it. I don't care if the guy is from Omaha and he wants to e-file something in my court. E-filing in this court is, you show up and you hand it to me. Yeah, the Supreme Court should have some way to create a uniform system. But we have an opportunity here to tinker with the way it's done and to make sure and ensure that the Supreme Court has its control, and say to the counties, we're not going to deprive you of your opportunity to pay for the district court clerk. In fact, we'll give the Supreme Court the authority to issue certificates and certify that you are a licensed and able district court clerk; we'll revoke that certificate, just like we would with a sheriff or a judge or any other position, if you're not following the rules. But the county can continue to pay the bill. That, I think, is a compromise, that we walk away with a win because we've got the Supreme Court in a position where they have more control, and the counties still have the ability to pay their own district court clerk and to keep things working on that level. I think this is...it's an odd situation to be in, but if you look at my amendment that will be discussed soon here in AM2019, which is on your computer, it does exactly that. We treat the district court clerk like we would a sheriff or a judge or anything else. We require them to obtain a license or a certificate, and we take that certificate away if they're not following the rules. And that, from my perspective, gives the Supreme Court the authority and control it's looking for, for a unified, uniform system of courts, both county and district, you know, and appellate, in this state. And I would ask you to give that some serious consideration. The amendment doesn't cost anything. It accomplishes part of what I think Senator Beutler is looking to accomplish, and it allows the counties to retain the financial responsibility for an office that they have serious concerns about transferring to the state, at least fiscally, at this time. I think any county commissioner in the state would have a hard time explaining how they have control or the county has control over the district court clerk. The district court clerk has to accept the filings and has to work within the rules of the Supreme Court now. In fact, the district court clerk really has to listen to the district court judge to see how the judge wants things run in that district. We aren't departing from the course too much by adopting AM2019. And I realize it's not up for discussion yet,