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FLOOR DEBATE

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by judicial proceedings. All county officers may be charged, tried, and removed from office in the manner hereinafter provided for. One, habitual or willful neglect of duty, extortion, corruption, willful maladministration in office, conviction of a felony, habitual drunkenness, or official misconduct as defined in Section 28-924. And any person may make such charge, and the court shall have...district court shall have exclusive jurisdiction thereof by summons. So in some cases, at least, in certain class cities and counties, there is a judicial proceeding that is involved. There is also, committee counsel pointed out to me, something under the criminal statutes that says a public service...servant commits official misconduct if he knowingly violates any statute or lawfully adopted rule or regulation relating to his official duties. Now, that doesn't say, Senator Chambers, while in office. It uses kind of the same language that we used in this amendment. And official misconduct is a Class II misdemeanor, it goes on to say. So I wanted to bring that to your attention, and then go back and talk with Senator Beutler a bit, if he would be willing.

SENATOR CUDABACK: Senator Beutler.

SENATOR BEUTLER: Yes, Senator.

SENATOR SCHIMEK: Senator Beutler, with reference to your question earlier...and I kind of responded off the top of my head. But committee counsel reminds me that recall right now, recall statutes...as you mentioned, you cannot have an election and then have an election again before 12 months have passed, but what you can do now is have a recall petition taken out, not enough signatures are gathered, and then you could do it the next week or six months from then and take out another petition and try. So I guess if we were to be consistent--and we may not want to be--but if we were to be consistent with that philosophy, we may not want to change anything in this committee amendment. We may not want to say you can't file another petition with the county clerk before 12 months have passed. You might want to allow that, if you want to be consistent with how they are now. If you...