

January 10, 1990

LB 37, 163A, 828, 829, 1091-1095
LR 237

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 828 is advanced. The final revisor bill of the day, LB 829.

ASSISTANT CLERK: LB 829 was introduced by Senator Labedz. (Read title.)

SPEAKER BARRETT: The Chair recognizes the member from the 21st Legislative District, Senator Peterson.

SENATOR PETERSON: Mr. Speaker, this is the last revisor bill although I have a bill that was introduced, 830, that is right under it. I presume we could take that up, too, Mr. Speaker. Just funning, yeah, mine is a...Mr. Speaker, and members, this bill would repeal a section relating to payments by certain prisoners that is obsolete. The bill also corrects internal references in two sections. I ask for the movement of the bill, Mr. Speaker.

SPEAKER BARRETT: Any discussion? Those in favor of advancement of the bill to E & R please vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 27 ayes, 0 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 829 is advanced. Any new bills, Mr. Clerk?

ASSISTANT CLERK: New bills. (Read for the first time by title: LBs 1091-1095, LB 163A. See pages 259-61 of the Legislative Journal.) A new resolution, LR 237CA by Senators Wesely, Chambers, and Chizek. (Read brief explanation. See pages 261-63 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Moving to item seven, General File, 1989 Speaker priority bills, LB 37. Mr. Clerk.

CLERK: Mr. President, LB 37 was a bill originally introduced by Senator Rod Johnson. (Read title.) The bill was introduced on January 5 of last year. Mr. President, at that time, it was referred to the Agriculture Committee for public hearing. The bill was advanced to General File. I do have committee

comment on those appointments. Let's let a little bit of openness come into what I think has been a far too closed system. Now I understand the grip lock that's been there by the Bar Association, by attorneys, that don't want to give up that authority and power, but I think it's time the people have a little more say-so over one of the branches of government that serves them in state government. And so I very much support the Ashford amendment. I think it's the right thing to do...

SPEAKER BARRETT: Time.

SENATOR WESELY: ...and I would ask your support as well.

SPEAKER BARRETT: Thank you. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker. I'm so tempted to just start launching into the merits of this bill, but I think before I do that, there are some things we better look at. You know this resolution was introduced, what...Senator Ashford, you are the sponsor of this, could I ask you a question, please.

SPEAKER BARRETT: Would you respond, Senator Ashford.

SENATOR ASHFORD: Yes.

SENATOR KRISTENSEN: When did this amendment...it's been placed into a resolution, is that correct?

SENATOR ASHFORD: What?

SENATOR KRISTENSEN: This amendment of yours is embodied in another bill, a resolution that's already been introduced in this session, right?

SENATOR ASHFORD: There is a bill that covers all courts. This...this amendment only covers appellate courts.

SENATOR KRISTENSEN: This is only the appellate court, but the concept is in LR 237, right?

SENATOR ASHFORD: That wasn't my bill but there is another, I don't know the number, but there...Senator Chizek and Senator Chambers have another bill.

SENATOR KRISTENSEN: Okay. And do you know when that was

understand, the bill number on this is LR 237 and I assume it will be going before the Judiciary Committee and I think that at that particular time I will consider supporting this proposal. But I'm not quite sure what the public reaction is, as hearings sometimes are helpful in determining how the public feels, whether they feel this would provide more input or less input. In addition to that, I have a question in regards to...if we're going to model this after the federal legislation, and congressional...having the congressional support of a federal district court nominee or any federal judge nominee and its approval before the Congress, as I understand, the Congress runs under a system of having the...once the appointment is made and the Congress approves, then that individual becomes a judge. And, with this particular proposal, they're put in temporarily and they can be pulled away at a later time and I think probably the best approach would be to wait until the Legislature approves those nominees before we go ahead and actually approve them, or until they can preside before a court. I think it would look better if those individuals were approved by the Legislature first. That's one concern I have about it. But I do find that sometimes a legislative hearing is helpful when you're bringing up a concept like this that is totally new to the system, that has not been debated by the Legislature, to kind of get a feel for what the public feels in regards to these issues. And I think that this particular amendment is one of those types of proposals that would be best first heard through a hearing rather than applied on the floor of the Legislature. So, at this time, I'm going to be rejecting this amendment and moving to advance LR 8, but maybe that particular proposal, LR 237, that will be going before the Judiciary Committee will be something that I will be able to support and we may be able to debate it later this year. Thank you.

SPEAKER BARRETT: Thank you. The member from the 6th District, Senator Ashford.

SENATOR ASHFORD: Thank you, Mr. President, and members, I would like to make this fairly short because we have gone over a lot of these issues. I think you can read it and you can decide for yourselves whether or not you want to have a role in confirming...or giving advice and consent to the Governor on who should be a judge. It's pretty hard for me to believe that anybody here would say, no, they don't want that kind of participation, especially when we have an expanding judiciary, when the Bar Association and the Supreme Court is coming to us