

SENATOR CAVANAUGH: Mr. President, this amendment by Senator Waldron, we have discussed it and we agreed that if he were not here on the day that it was taken up that I could take it and we were in agreement on the amendment and it is offered in lieu of the committee amendment, what LB711 does is to provide the procedure for disqualification of the judge and the trial of the case upon motion and affidavit by any party to the case.

PRESIDENT: Senator Cavanaugh, wait a moment, if you are going to take it up, fine and dandy, but lets leave or lets read this because the constitution requires that we read the title just a moment.

CLERK: Read LB711. Maybe you ought to move to reject the committee amendment it then adopt it.

SENATOR CAVANAUGH: OK, I so move then.

PRESIDENT: We have a motion by Senator Cavanaugh that we should strike

(end belt #1A)

(start belt #2A)

oh excuse me, that we reject the committee amendments to LB711. Do you want to speak to the motion then Senator Cavanaugh.

SENATOR CAVANAUGH: OK, well the committee amendments was a redraft, it has been drafted several times because it is a little bit of a delicate matter with regards to the judges and the court procedure and how much possible confusion that it could cause and I think that we finally arrived with the Waldron amendment the best possible solution in that the previous bill and amendments would have only required a motion by any party and the part or the judge would be disqualified. The Waldron amendment would provide that the motion be supported by affidavit stating that the cause for which the disqualification is sought. It is the feeling that most of the judges that I have talked to that this should remove some of the objections in that attorneys and parties to an action would not be disqualifying judges if they have to set out an affidavit, the cause for the disqualification. So that is the basic difference between the committee amendment and the bill as was originally drafted and the Waldron amendment, is that it states cause. I would urge the adoption of the amendment.

PRESIDENT: Is there need for further discussion by anyone for the motion to reject the committee amendments? If you are in favor of rejecting the committee amendments, please say aye, those opposed say no. Wait a minute, excuse me, Senator Kelly, did you want to be heard on the committee amendments here?

SENATOR KELLY: Yes, is this supposed to be non-controversial?

PRESIDENT: Yes.

SENATOR KELLY: If we are working on that basis I object.

PRESIDENT: Well, fine. Pass over the bill then, back to you