

March 24, 1981

LB 475

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 475E.

ASSISTANT CLERK: (Read LB 475 on Final Reading.)

SPEAKER MARVEL: Motion on the desk.

ASSISTANT CLERK: Mr. President, Senator Chambers moves to return LB 475 to Select File for a specific amendment. "On page 10 strike 'without loss of salary' in lines 10 and 11."

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature the language that I am concerned about will be found in Section 9 on page 10. I will go ahead and read the section so that the context of my amendment will be clear. "Upon order of the Supreme Court a justice or judge of the Supreme Court of other judge shall be disqualified from acting as a justice or judge of the Supreme Court or other judge without loss of salary while there is pending, (1) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or, (2) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement." I think that if a judge has brought himself or herself into this set of circumstances whereby he or she has been disqualified from serving as a judge because of a pending indictment for a felony or an information or the recommendation that the person be removed or retired, there should not be a subsidization of this individual under those circumstances by the state. So I am saying that if a serious enough set of circumstances has arisen so that the person cannot function and discharge the duties of that office, that person should not be paid during that time, and if you would want to consider the possibility that a finding of not guilty could be brought in or that the person would not be retired or removed, there could be a provision that under these circumstances the salary that had not been granted would then be given to that person. But I don't think that a person who is under an indictment for a felony and cannot discharge the duties of his or her office should be paid by the state while not discharging those duties. The only other alternative would be this, that if they should keep their salary, they should continue to discharge the duties for which the salary is paid. They should continue functioning as a judge even if charged with a felony but my motion says that the person under indictment or under recommendation by the Supreme Court that he or she be removed from office should not receive a salary during that period.