

time. They are being called upon to do things in a very efficient manner under this bill and if they do not respond then I think they are in danger of losing their independent position because this state will not be able to afford to allow them to tell the state to go take a hike because we will lose federal money. In addition to that, with regard to the clerks of the district court, some things are even in this bill that are going to provide the mechanism for heightening the pressure. There is a provision in here, for example, that says that any clerk who neglects or refuses to compile or return the necessary information, shall be subject to penalties...to the penalties for nonperformance of duties as provided in Section 42-358.07 and that is removal from office. So right now under this new bill an aggrieved party I would think and in any event the county attorney and in event the Attorney General, the Attorney General if he wanted to monitor this system, could put enormous pressure on these public officials. Even under our current law there is a pro warrant statute that deals with malfeasance in office for all public officers that applies to county attorneys who are also a part of this system, of course, would apply to county clerks which basically says that willful neglect to enforce the law subjects a person to removal and forfeiture from office. So, basically, all we need is either an Attorney General who is interested in enforcing the law or some county attorneys who are interested in enforcing the law or a Legislature that is going to heighten the pressure. All of these things, the ante is being upped in a lot of ways on this whole system.

PRESIDENT: The Chair recognizes Senator Schmit. Senator Vard Johnson is next.

SENATOR SCHMIT: Mr. President and members of the body, I am glad I get to follow Senator Beutler because Senator Beutler has indicated exactly correctly that the present statutes require removal from office of a clerk of the court who does not follow the dictates of the office. Now I would wager that the Attorney General could file an action against every single clerk of the court, every single one. There would be a mass exodus. It is kind of interesting that if...

PRESIDENT: (Gavel.)

SENATOR SCHMIT: Thank you, Mr. President. It is kind of interesting that we have that misfeasance or malfeasance of