

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 12, 1999

LB 729

SENATOR QUANDAHL: Thank you, Mr. President, members of the body. I brought, and if you'll look on your computers, this particular amendment because I thought it was more in line with present law. When we're dealing with initiative and referendum petitions, when they are turned into the Secretary of State, present law requires that the Secretary of State transmit the petition to the Attorney General, and the Attorney General provides the initiative and referendum with a title, and then also a summary of what's included in that. And so the purpose behind my amendment is really quite simple, it simply changes the person, the executive officer who would determine the legal sufficiency of a petition or a referendum from the Secretary of State to the Attorney General. Again, the Attorney General is, by statute, the attorney that this Legislature must turn to for legal opinions and, as such, the amendment that I have would be appropriate because, if we're going to ask for an opinion as to the legal sufficiency of a petition, it would only be right that that be given by the Attorney General. The amendment simply changes the executive branch officer from the Secretary of State to the Attorney General. And that, in a nutshell, is what the...what the amendment would do. Now, I will say that in the meantime, after I filed this amendment, an Attorney General's Opinion did come down on the...addressing some constitutional issues that I had with LB 729 as a whole. As you may remember, on General File I got up and actually read from my constitution, and tried to address some of the constitutional problems that I have with 729. Afterwards, I was caught by at least a couple of people, who said, Quandahl, what are you doing reading from the constitution on the floor of the Legislature? We just don't do that stuff around here. And so I will refrain from reading from the constitution on the floor. But I will refer you to the Attorney General's Opinion that is in your Journals, starting at page 1863. If you look on that, that's the May 5 Journal. The Attorney General's Opinion, basically, dealt with three issues that I brought up. And the first one was a separation of powers issue. I addressed a concern that LB 729, in giving to the Secretary of State the ability to reject an initiative or referendum, would grant judicial powers to an officer of the executive branch. Well, in the Attorney General's Opinion, the Attorney General said, well, that could be a problem. Number two, I brought up a problem that I thought the Attorney General