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LB 331, 729

believe that we should give the Attorney General's Opinion some credence. And, as a result, I cannot support LB 729, as you may have gathered, just as a result that the Attorney General has found, and I think it's my feeling, that it's probable that the courts will hold the bill to be unconstitutional. I will say that the stated goal of LB 729 is admirable, and that's to save money and effort and time so that we don't waste a bunch of time on initiative and referendums that would later be held to be unconstitutional. That's a noble goal, but I must say that LB 729 would trample on the rights of the citizens of the state of Nebraska in the process, and as such I cannot support LB 729. Thank you.

SENATOR CUDABACK: Thank you, Senator Quandahl. We're discussing AM1446 to LB 729. Senator Schimek, you're recognized to speak.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. Once again, we are on a very important issue, at a very late hour in the afternoon, and I hope that we do have a good discussion on this. I am, for one, want to discuss these constitutional issues. And I will do so after we've discussed the Quandahl amendment to some degree. I just would like to note for the record though, early on in the discussion, that the Attorney General says "probable." He never does come outright and say that this bill is unconstitutional, as he did in LB 331. In addition to that, I do believe that this bill is not going to bog down the voters anymore than they are already bogged down by the courts. It simply allows the process to start earlier so that there is more time to work on the issues before issues actually go on the ballot. But more about that later. On General File Senator Quandahl expressed concerns about a separation of powers issue with this bill. The amendment that he has offered does nothing to address this issue. However, I would like to try to address it by referring you to the letter from Mark McGuire, that you have on your desk, it's dated April 22, that speaks to this very question. And in that letter, down in the second paragraph, he notes that "The Nebraska Supreme Court has consistently interpreted Nebraska Constitution, Article II, Section 1, to permit an administrative agency or officers to have duties of a quasi-judicial nature." It goes on to say that "The conferring upon state agencies or